ADJOURNMENT UNTIL 8 A.M. MONDAY, MAY 20, 1974

Mr. ROBERT C. BYRD. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 8 a.m. on Monday next.

The motion was agreed to; and at 7:20 p.m., the Senate adjourned until Monday, May 20, 1974, at 8 a.m.

WITHDRAWAL

Executive nomination withdrawn from the Senate May 16, 1974:

IN THE ARMY

The nomination of Col. Dana G. Meade, xxx-xx-xxxx U.S. Army, for appointment to the position of permanent professor at the U.S. Military Academy under the provisions of title 10, United States Code, section 4333, which was sent to the Senate on May 13, 1974.

NOMINATION

Executive nomination received by the Senate May 16, 1974:

IN THE ARMY

Col. Dana G. Mead XXXX U.S. Army, for appointment to the position of permanent professor at the U.S. Military Academy under the provisions of title 10, United States Code, section 4333.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 16, 1974:

BOARD FOR INTERNATIONAL BROADCASTING

Foy D. Kohler, of Florida, to be a member of the Board for International Broadcasting for a term of 3 years.

DEPARTMENT OF JUSTICE

James L. Browning, Jr., of California, to be U.S. attorney for the northern district of California for the term of 4 years.

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

THE JUDICIARY

D. Dortch Warriner, of Virginia, to be U.S. district judge for the eastern district of Virginia.

IN THE DEPARTMENT OF STATE

Diplomatic and Foreign Service nominations beginning Helen J. Terranova, to be a Foreign Service officer of class 3, a consular officer, and a secretary in the Diplomatic Service of the United States of America, and ending John E. Witt, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 1974.

EXTENSIONS OF REMARKS

ARABS MAKE WAR ON CHILDREN

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. RONCALLO of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I must express my shock, dismay, and utter revulsion at yesterday's killing of 18 Israeli schoolchildren and 12 others at the hands of Arab terrorists. The incident at Maalot will go down in history as one of the most barbaric and cowardly that the world has known.

I question whether the Arab fanatics ever had any intention of releasing their hostages unharmed. As I piece together news reports, the Israelis had agreed to accede to demands of the terrorist organization and negotiate with the guerrillas through the French and then the Romanian ambassadors as requested. The password which would have set the negotiations into motion was never transmitted, and the bloodbath ensued. I can only surmise that the parent organization intended from the start to throw their own operatives and the innocent children to the wolves.

The terrorists had set a deadline of 6 p.m. after which they would blow up the schoolhouse in which they barricaded. When only a few minutes remained, the decision was made to attempt to rescue the children. The brutality of the Arabs is revealed by eyewitness reports that the terrorists began shooting their captives even before the Israeli army charged. There appears to be no doubt that the original guerrilla threat was genuine, as an explosion occurred within the building during the battle.

Tragically, the United States must bear at least part of the shame for the deaths of these children. There is no doubt in my mind that the terrorists were emboldened by our recent vote in the United Nations to condemn Israel for retaliatory raids into areas of Lebanon containing guerrilla sanctuaries without likewise condemning the Arab terrorist attacks which prompted the Israel actions. I have today joined a majority of my colleagues in the House in cosponsoring a resolution urging the President to instruct our Ambassador to the U.N. to introduce a Security Council resolution condemning the Arab terrorism at Maalot. The incident further points out the need for Secretary of State Kissinger to bring the full weight of U.S. pressure to bear for the swift completion of a settlement in the Middle East.

As Prime Minister Golda Meir declared:

You don't conduct wars on the backs of children.

CAMPAIGN REFORM AND "BIG LABOR"

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. DENNIS. Mr. Speaker, campaign reform is in the air. I am for it. A little noticed need in this regard is the need for some attention to and control of contributions in kind by big labor especially. Let us have even-handed reform. I refer my colleagues to a recent letter to the Washington Post:

CAMPAIGN REFORM AND "BIG LABOR"

The campaign "reform" bill recently enacted by the Senate supposedly is designed to eliminate the corrupting influence of special interests during and after election campaigns. Unfortunately, the bill in its present form would leave untouched, the partisan political activities of one of our biggest spending special interest groups—Big Labor.

The fact is that both the plan adopted by the Senate and the plan now being considered in the House, would give union officials even more political clout than they enjoy today—and that, according to the vast majority of Americans, is already too much. It would do this by tipping the political balance in favor of candidates who can attract cash-equivalent support from the special interests who supply "in kind" support. In short, Big Labor and its political favorites. Washington Post columnist David Broder is one of the few serious political analysts to recognize this point. "If access to large sums (of cash) is eliminated as a potential advantage for one candidate or party by the provision of equal public subsidies for all," he wrote, "then the election outcome will likely be determined by the ability to mobilize other forces. The most important of these factors are probably manpower and publicity. Legislation that eliminates the dollar influence on politics automatically enhances the influence of those who can provide manpower or publicity for the campaign."

Paid "volunteer" manpower, telephone banks, printing, paid advertisements, propaganda, these are all specialties of top union officials. And they're all paid for with union funds which are taken from American citizens as a condition of employment under compulsory "union shop" and "agency shop" arrangements.

We're not surprised that few people have questioned Common Cause's objectivity in insisting on the Senate plan, since few people know that the chief staff executive of the self-proclaimed "People's Lobby" is Jack Conway, long-time top aide to the late Walter Reuther. We are astounded, however, that with very few exceptions, nobody is asking why top AFL–CIO officials, including George Meany and lobbyist Andrew Beimiller, are feverishly lobbying for the Senate's so-called "public financing" bill.

It is still not too late for meaningful campaign reform legislation. But this means Congress will have to face up to the fact that elections often are bought, not with direct cash donations to a candidate, but with cash-equivalent services provided by union officials and paid for, unwillingly, by forced members.

We urge all Americans who share our belief that money forced from workers as a condition of employment should not be used for political purposes to ask their congressmen to support an amendment to the campaign "reform" bill to end this abuse.

REED LARSON,
Executive Vice President, National Right to Work Committee.
WASHINGTON.

THE ENERGY CRISIS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. STARK. Mr. Speaker, as the summer months are now upon us, I would like to take this opportunity to include in the RECORD some thoughts about the energy crisis.

The lifting of the Arab oil embargo, as many of us know, did not by any means signal the end of our difficulties. In fact, the embargo was really only a symptom of much more serious problems. Perhaps a backhanded resulting benefit, however, was the attention that was forced to be focused on these problems. For this reason, I hope we will not forget the debate stimulated by the embargo. If attention wanders from the problems, they will become that much more critical.

The dilemma we face is twofold: We are confronted by dwindling supply of petroleum, which is the fossil fuel producing most of our energy. At the same time, demand for energy is increasing at an unprecedented rate. To adequately solve the long-term problem, we are, therefore, forced to work on these two distinct levels.

The first level, the matter of supply, must be solved technologically. We in Congress, and scientists and researchers throughout the country, will be called on to develop a feasible program of energy production. But the second level—the question of increasing consumption levels—must be dealt with by everyone. Conservation will be the key.

Many months ago, one of our most eminent authorities in the energy field delivered an address on energy consumption levels. Dr. Paul E. Gray, chancellor of MIT, made these remarks nearly a year ago, but they hold true today. For the interest of my colleagues, I would like to paraphrase his remarks, as they reflect my own views.

Present energy consumption in this Nation is prodigious. Energy sales constitute approximately 10 percent of the GNP. The per capita rate of consumption is 10 kilowatts or 13 horsepower hourly. In other terms, each U.S. resident uses for personal needs in light, heat, and transportation and in the provisions of services we depend on, energy totaling 80 times the average daily caloric input. This is markedly more than consumption in any other country. The United States, with 6 percent of the world population, consumes 35 percent of the energy used throughout the world.

This rate of consumption is not merely a reflection of our level of industrialization in all sectors of our economy. In addition, it is the most conclusive indication of the American habit of luxury items. We drive larger cars that consume more gas than any other people; we are accustomed to central heating and air conditioning; and we have a national love for TV, dishwashers, and washing machines. Every home that can afford such appliances possesses them.

In the last century the use of energy in the United States has doubled, on the average, every 22 years. The rate of energy use today grows at 4.3 percent annually, or, it doubles in 16 years. When further broken down, it appears that electricity consumption is growing nearly twice as fast—at a rate of 10 percent per year, or a doubling time of 7 years.

Certain "ecological" standards, such as those for automotive emissions, tend to increase the rate growth of consumption. For example, the cost of removal of lead from gasoline equals a 12 percent increase in gasoline use for the same power output. Reduction of carbon monoxide and other exhaust to meet the 1975 standards will also be accompanied by a 20- to 30-percent increase in gas consumption. The day of the 6-mile-per-gallon automobile is no longer in the distant future.

Similar growth rates can be cited for the use of air conditioning in private homes, in industry, and in transportation.

It must be noted that energy consumption and growth of the economy are closely related factors. A book entitled "Energy in the World Economy," by Darmstadter, Teitelbaum and Polach, documents the interdependence. This universal relationship, found in countries as diverse as the United States and Thailand, leads to the conclusion that economic growth is inevitably dependent on energy supply.

However, data leads us to the inescapable conclusion that our reserves are dwindling. If the demand for energy continues to grow at its historic rate we will exhaust our fossil fuel reserves, proven and anticipated, in less than a century, and possibly in 50 years. Such an accomplishment will mean that we will have used up in less than 200 years a resource that was made over hundreds of millions of years.

We do have several alternatives. The first choice, and perhaps the least wise, will be to turn increasingly to foreign sources of energy—Mideast oil or Russian liquified gas. There are large reserves in these areas but such dependence would be a blow to our diplomatic integrity. And the strain on our balance of payments would have serious ramifications to the world economy.

A second course of action is the development of alternative non-fossil-fuel energy sources. Solar energy, geothermal energy, and nuclear energy are some possibilities.

Solar energy is in abundant supply but the capital costs associated with conversion to a more useful form are prohibitive. The matter of energy storage also presents many problems.

Similar objections are raised about geothermal energy—that energy associated with the hot, radioactive core of the earth. We are still many years away from an accurate assessment of costs and impacts of its use on a large scale.

Nuclear energy is, of course, our primary non-fossil-fuel energy; resources for the relatively inexpensive isotope of uranium as a fuel, can provide unlimited supply of energy. However, there are still problems associated with nuclear powerplants. For example, such plants emit small amounts of ionizing radiation into the environment. The risk associated with this emission is still undetermined. The possibility of an accident cannot be dismissed and memories of Hiroshima and Nagasaki still linger. And nuclear fission generates poisonous radioactive waste that is long-lived and potent. We have not yet adequately prepared for the management of this waste.

These problems can undoubtedly be solved, but it is difficult to predict how far in the future such resolution is. Thus, fusion power, while still a feasible long-range alternative, will not be a factor in meeting our energy appetite this century.

Clearly the most viable course of action involves reducing the rate of growth of energy demand. It would reduce future demand for energy and would buy us valuable time to develop non-fossil-fuel alternatives. This is not an impossible proposition. Full insulation of homes, and proper siting, could reduce home heating and air-conditioning energy demand by 30 percent. Smaller automobiles and efficient mass transit systems would result in tremendous gasoline savings. Home appliances could be manufactured with energy utilization as a prime consideration. Many industrial processes could be redesigned. For example, Alcoa has a new process for smelting aluminum that requires 40 percent less energy. Adoption of this process by the aluminum refining industry could have a significant effect in reducing energy consumption. Finally, office building designs could be altered so that the dependence on energy for comfortable air is not so great. Tremendous economies are feasible in all areas of our society.

POULTRY INDEMNITY PAYMENTS ACT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. FRENZEL. Mr. Speaker, I oppose the bill, S. 3231, the Poultry Indemnity Payments Act, which would provide $10 million to Mississippi poultry companies. The bill was taken off the schedule today and I hope it is never brought back. One objection to this legislation is the manner in which until today it had been rammed down the Congress' throat before we know what the facts are. The supporters of the bill claim that immediate relief is required for poultry growers who suffered losses due to a Federal ban on the drug, Dieldrin. I can understand the Members' concern over the economic situation in Mississippi, but since this event occurred only a few weeks ago. I do not think the Congress is in any position yet to be judging whether it should bear the costs involved. The FDA has barely begun its investigation of this entire matter, but, through quick maneuvering in the Senate, we already have a bill authorizing $10 million before us on the brink of a vote. No hearings were held in the Senate, and only 1 day of hearings was held here in the House. That is rather skimpy consideration, in my judgment.

Another objection to this legislation is the precedent it sets for Federal indemnification of any such incident. The legislation shows good political judgment on the part of its sponsors, but poor fiscal judgments. I do not think the Congress should be in such a hurry to spend funds when the facts of the situation are not even available. Nor should it be willing to extend the principle of Federal blank-check assistance without more careful study of the incident.

Two years ago, I voted against the legislation to provide payments to firms which had suffered losses due to the Federal ban on cyclamates. Companies using cyclamates had a better claim than the poultry companies. However, I felt then, as I do now, that it is bad policy for Congress to be making such payments, and even worse policy to make them without careful study. If the bill ever comes up, I intend to vote against it, and I would urge my colleagues to do likewise.

STATEMENT OF REPRESENTATIVE JOEL T. BROYHILL OF VIRGINIA ON A BILL TO GRANT THE CONSENT OF CONGRESS FOR THE STATE OF MARYLAND, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA TO AMEND THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT TO PERMIT THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY TO ELIMINATE ANY REQUIREMENT OF ADDITIONAL AUTHENTICATION OR MANUAL SIGNATURE OF BONDS GUARANTEED BY THE UNITED STATES, AND FOR OTHER PURPOSES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BROYHILL of Virginia. Mr. Speaker, I am today introducing legislation to permit the Washington Metropolitan Transit Authority to eliminate any requirement of additional authentication or manual signature of bonds guaranteed by the United States of America, and to enact said amendment of behalf of the District of Columbia.

The bill will enable the authority to effect economies both directly and indirectly into the operation surrounding the issuance and re-issuance of authority bonds. The change, made at the request of the Federal Reserve Bank of New York, the fiscal agency of the authority, will eliminate the expense associated with the additional manual signature of each bond. This function is currently handled by a separate contractor in New York. There will also be an indirect cost saving to the authority resulting from efficiencies at the Federal Reserve Bank of New York.

A secondary benefit, according to the Federal Reserve Bank of New York, will be improved security associated with the handling and delivery of the bonds between the signature company and the Federal Reserve Bank of New York.

THE UNIVERSITY AT BAY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. SYMMS. Mr. Speaker, I should like to take this opportunity to call to the attention of our colleagues a most timely, and I believe, important book on the problem of higher education in our Nation today: "Continuity in Crisis: The University at Bay." This worthwhile collection of essays on education is edited by Prof. Charles Moser of the George Washington University and includes a foreword by my distinguished friend and colleague, Representative PHILIP M. CRANE of Illinois. Dr. CRANE is himself a former professor of American history and I believe his comments on the current state of the American university to be of value to us all.

I should like to submit Representative CRANE's foreword for inclusion in the RECORD at this time:

FOREWORD BY CONGRESSMAN PHILIP M. CRANE

In recent years the American university has been under serious attack from those who disparage its traditional role and function.

The criticism which has come from the New Left is not essentially the same as that of the academician, who sees increasing bureaucratization and "training" rather than "education" and who fears that we may, in fact, be presiding over the end of liberal education in America.

In his important volume about the American university, former Columbia University Dean and Provost Jacques Barzun says this:

"The American University has upheaved itself to 'catch up' and 'modernize,' words that mean: has ceased to be a sheltered spot for study only; has come into the market place and answered the cries for help uttered by government, industry, and the general public; has busily pursued the enthusiasm of our utopian leaders of thought, both patrons and big foundations; has served the country by carrying on research for national goals; has finally recognized social needs by undertaking to teach the quite young, the middle-aged, the disabled, the deprived, the misdirected, and the maladjusted."

Dr. Barzun notes that every new field cultivated within the academy creates a new claim by the community. Thus the school of social work aids the poor, the school of architecture aids the slums, the school of business advises the small tradesman, the school of dentistry runs a free clinic, the school of law gives legal aid, and the undergraduate college supplies volunteers to hospitals, recreation centers, and remedial schools.

Thus occupied with social service, the university has often slighted its primary functions of teaching, research, and thinking. Woodrow Wilson's concept of the university—now seventy-six years in the past—seems to have disappeared:

A little world; but not perplexed, living with a singleness of purpose not found without; the home of sagacious men, debaters of the world's questions every day . . . and yet a place removed—calm science seated there, recluse, ascetic like a nun; not knowing that the world passes, not caring, if the truth come in answer to her prayer.

Truth, however, has now often been replaced by an active involvement in the affairs of the day. Many young people believe that the university is responsible for everything, and capable of all things. They expect the university to end war, eliminate racism, and decontaminate the cities. As Professor Henry Steele Commager has said, they want "the university to be contemporary—to deal with every issue as it arises, plunge into every controversy, offer courses in every problem, be involved in everything."

Dr. Commager contrasts the activists' attitude with the more traditional idea of the academic community: "They are unable to understand—and many presidents and professors are unable to understand—that the university is the one institution whose conspicuous duty is not to be involved in everything, and above all not to be so involved in contemporary problems that it cannot deal with, problems that are not merely contemporary. The solution of contemporary problems is the business of politics and government. The business of the university is to preserve the heritage of the past, to anticipate the problems of the future, and to train students able to solve the problems of the present."

During the past decade, as we have witnessed student strikes, university closings, the bombing of buildings, and the virtual elimination of free speech on many campuses, we have been forced to confront the challenge of those who have, in effect, called for a university diametrically opposed to our traditional ideas of what higher education is meant to accomplish.

The United States and the entire English speaking world have seen the campus as a sanctuary where ideas are studied, debated, analyzed and readied for future action. The activists want a political university. According to Fred Hechinger of *The New York Times* "The American scheme views faculty and administration as the permanent arbiters of goals and ground rules, with the students cast in the role of transient participants. The other scheme involves students in alliance with compatible faculty members, in command of political and ideological goals."

At the present time, freedom of speech is under serious attack at our leading colleges and universities. Those engaged in this attack do so on the basis of a philosophical hostility to free speech. In his volume *A Critique Of Pure Tolerance*, Professor Herbert Marcuse, one of the major influences upon both student and faculty activists, states that people who are confused about politics really do not know how to use freedom of speech correctly. They turn it into "an instrument for absolving servitude," so that "that which is radically evil now appears as good." Having established this premise, Marcuse recommends "the withdrawal of toleration of speech and assembly from groups which promote aggressive policies, armament, chauvinism, racial and religious discrimination or which oppose the extension of public services." For him, the correct political attitude is one of "intolerance against movements from the right and toleration of movements from the left."

The result of this, as we observed through the nineteen sixties, was Secretary of Defense McNamara entering a police wagon to avoid crowds at Harvard, General Lewis Hershey being forced from the stage at Howard University, students charging the podium at Brown University as General Earle Wheeler spoke, a professor pinioned and clubbed across the face at Cornell.

In discussing these events Professor Charles Susskind of the University of California remarked: "I don't know why they think of themselves as the New Left. Their methods look to me much more like those of the Nazi students I saw in the 1930's harassing deans, hounding professors, and their families, making public disturbances and interfering with lectures, until only professors sympathetic with the Nazi cause remained."

Professors not sympathetic with the New Left have been forced to leave many universities. Dr. Lewis S. Feuer, who after nine years of teaching philosophy and social science at Berkeley left for the University of Toronto, stated that "freedom of discussion presupposes that the chief sides in any national debate will be presented. In Berkeley, the supporters of President Johnson's foreign policy are, in effect, denied a forum on the Berkeley campus. The New Left has made it nearly impossible for the national administration's standpoint to be presented to Berkeley students."

In recent days we have heard it said that the campuses are now quiet, that student activism has given way to a return to serious studies, and that the politicization of the university is no longer a serious threat. Unfortunately, this does not seem to be the case. An event at Harvard University in October of 1973 indicates that free speech is in as much danger today as at the height of student protests several years ago.

At that time, pressure from the Harvard Black Law Students Association resulted in the cancellation of a scheduled debate between Roy Innis, national director of the Congress on Racial Equality, and Dr. William Shockley, the Nobel Laureate who has espoused the controversial genetic theory that intelligence is linked with race.

Howard Brownstein, president of the Harvard Law School Forum, cited "expressions of displeasure within segments of the Harvard community" and a fear of disruptions as reasons for the cancellation. He added that the Forum "regrets that conditions are such at Harvard that a free and open debate cannot be held on any subject, no matter how irrational and pernicious that subject appears to some members of the community."

It was not only student militants who opposed the Harvard debate. Discussing the circumstances under which the debate was cancelled, Professor Martin Kilson, a leading black academician at Harvard, noted that "a disturbing feature of the cancellation . . . was that besides the emotional opposition of militant Negro law students—a form of intellectual infantilism not uncommon in the past six years among both black and white militants—faculty members and the Law School Administration also discouraged the debate."

Professor Kilson reported that Derrick Bell, a black professor of law, argued that the "Harvard Law School shouldn't be open to any view," because "it isn't open to every view anyway." Dean Albert Sacks informed the officers of the Forum that the Shockley-Innis debate "would in all likelihood be a circus" and counseled the Forum's officers to "give careful consideration to the question whether it wished to proceed with the planned program." He even provided an incentive for cancellation, offering to reimburse the Forum for any financial deficit incurred from the cancellation.

These actions by faculty members, states Dr. Kilson, "suggest the unfortunate spread of insensitivity toward unfettered discussion at a great institution of higher learning like Harvard. We can now expect more actions of this sort around a number of emotionally charged issues. . . . The most distressing feature of this whole dreadful affair are the few signs within the Harvard community of the kind of outrage that is necessary to reverse the spread of insensitivity toward free speech and public life."

The *New York Times* editorially lamented the decline of free speech at Harvard. It referred to this incident as "a sad commentary on the state of intellectual tolerance in the academic community." Professor Kilson concluded that "something very awful is happening to American intellectual life."

What has happened to American intellectual life, in large measure, is its politicization. This thesis was set forth at a conference held in Vienna in October 1973 on "The Crisis Of The University." At that time Professor Alexander Bickel of the Yale Law School warned educators against active political commitments.

Pluralism disappeared from universities, Professor Bickel said, when they put their resources to work to attack practical problems of society rather than engaging in the objective pursuit of knowledge. A consequence of this, he contended, was the death not only of diversity but even of free inquiry alogether.

Throughout this period—when the attacks upon academic freedom were mounting—University Professors For Academic Order has been a beacon light, continuing to fight for a free and open university, and continuing to believe that the function of the university was something other than political partisanship and sloganeering.

It has been my great privilege to participate in this organization and to witness the impact it has had upon the academic scene. It has resisted the attacks not only of the New Left, but also of government agencies which, in the name of "nondiscrimination," have sought to impose upon universities a racial and sexual quota system of faculty hiring. Each assault upon academic freedom and the integrity of the university has been met with a vigorous response by University Professors for Academic Order.

This anthology of articles which has been gathered together from *Universitas*, the journal of UPAO, represents the best thinking of some of the nation's leading academicians on the current questions being faced in the whole field of higher education.

With men and women such as these joining together in defense of the traditional university, there is every reason to believe that the current assaults upon it will be defeated. At a later time the entire academic community will acknowledge the debt which it owes to the members of UPAO. Men may never be prophets in their own time and place, but those who have fought the lonely fight for the integrity of intellectual pursuits know that they fight not only for themselves and for today, but for the generations which follow. It is because of those who have had the courage to make this fight that there is a real hope for the future.

THE UNSPEAKABLE MURDER OF INNOCENT CHILDREN

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. FULTON. Mr. Speaker, there are no adequate words to describe the wanton, heinous, mad-dog murder by Palestinian terrorists yesterday of those Israeli children. Every decent human being on Earth is sickened and saddened by this act.

If this act had been committed 50 years ago we would have quickly seen the formation of an expeditionary force to root out and eliminate permanently those responsible. Hopefully we have left this type of reprisal to the pages of history.

Nonetheless, though the terriorists committed this unspeakable act, the responsibility and guilt for it must also be born by those nations which provide these fanatics with comfort and sanctuary.

Therefore, I welcome the opportunity to join in cosponsorship of the resolution of condemnation being offered today and to urge our President to seek not only similar actions be taken by other nations but that efforts be undertaken to move any nation to rid themselves of these groups and individuals from within their borders by whatever humanitarian means is appropriate and available.

Mr. Speaker, passage of this resolution is little enough to do in the face of this terrible crime but whatever little is available to us to do we simply must do.

FATE OF TWO UKRAINIAN INTELLECTUALS

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ANDREWS of North Dakota. Mr. Speaker, a constituent of mine, Dr. Anthony Zukowsky, president of the Ukrainian Congress Committee of America, Inc., has called my attention to the plight of two young Ukrainian intellectuals. At this time I ask for unanimous consent to include these two cases in the RECORD for your interest:

THE CASE OF LEONID PLYUSHCH

On February 18, 1974, Dr. Andrei O. Sakharov, noted Russian human rights advocate, made a telephone appeal to John Carey, past Chairman of the International League for the Rights of Man in New York, asking for all possible steps to be taken to save the life of Leonid Plyushch, now in a mental hospital in Dnipropetrovsk, Ukraine.

Dr. Sakharov also sent an "Appeal to the West," signed by himself, his wife, Dr. Elena Bonner, Tetyana Velikanova (mathematician), Sergei Kovalev (biologist), Andrei Tverdokhlebov (physicist), and Tetyana Khodorovich (linguist).

Leonid Plyushch was a member of the Initiative Group for the Defense of Human Rights in the USSR. Up to 1968 he was a research officer at the Institute of Cybernetics of the Ukrainian Academy of Sciences in Kiev; in that year he was dismissed from his position and arrested for dissident activities. In January, 1972, by a decision of the Supreme Court of the Ukrainian Republic he was sent to the Dnipropetrovsk psychiatric hospital-prison for an indefinite period.

Dr. Sakharov's appeal reads as follows:

"He is being held in a ward where there are more than 25 persons confined with him in appalling conditions of humiliations, persecution and physical suffering. The unregulated and senseless administration of large doses of haloperiodol has caused a sharp deterioration in his health, extreme exhaustion and continuous shivering, weakness, swellings, spasms, and loss of appetite. Plyushch can no longer read, write letters or take advantage of the one-hour exercise period allowed to the prisoners.

"Every request by his wife to be informed

of her husband's diagnosis and of his condition and treatment has been rejected by the hospital administration. His wife saw him last on January 4. Since then no letters have been received from him. We fear that his condition is now even worse.

"Leonid Plyushch is near death. We appeal to you to campaign: a) for an international inspection of the Dnipropetrovsk special psychiatric hospital and also of other hospitals of the same type; b) for an international commission of psychiatrists to examine the health of Leonid Plyushch, and c) for his transfer to a hospital abroad, where his broken health could be restored.

THE CASE OF VALENTYN MOROZ

Valentyn Moroz was born on April 15, 1936 in the Volhynia oblast of the Ukrainian SSR; he attended the University of Lviv, from which he graduated in 1958 and was instructor of history and geography in Lutsk and Ivano-Frankivsk. In August, 1965, he was arrested and charged with "anti-Soviet propaganda and agitation" and in January, 1966, he was sentenced to four years at hard labor. He served his sentence in Camps No. 1 and No. 11 in Yavas in the Mordovian ASSR.

While in the penal camp, Moroz was tried by a camp court, and committed to solitary confinement. In the camp he wrote "A Report From the Beria Preserve" exposing the brutal system of concentration camps. Released on September 1, 1969, he could not find a job; even his wife dismissed from her job because of her husband's "criminal record." In that he wrote "A Chronicle of Resistance in Ukraine, Amidst the Snows" and "Moses" and "Dathan."

On June 1, 1970, Moroz was again arrested by the KGB, evoking large-scale protests in his defense throughout Ukraine. Despite these protests, Moroz was sentenced on November 17, 1970 to nine years imprisonment and five years of exile from Ukraine.

In November, 1972, Amnesty International, in its Newsletter (Vol. II, No. 11, London), reported that Moroz was severely beaten by some criminal inmates in Vladimir Prison, whereafter he was transferred to a prison hospital in Kiev, Ukraine. When his health improved, he was again transferred to Vladimir Prison, one of the most notorious in the whole of the USSR. According to reliable reports, in January, 1974, Moroz was again cruelly beaten by common criminals, apparently with the full knowledge, if not, instigation, of the prison authorities. Instead of being sent to a hospital, he was placed in solitary confinement.

A RESOLUTION OF OUTRAGE AND CONDEMNATION OF MAALOT MASSACRE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. WALDIE. Mr. Speaker, I am introducing a resolution expressing the horror, outrage, and sorrow of the House of Representatives for the tragic murder of schoolchildren at Maalot Moshav.

The pain and anguish of this senseless act must be indescribable for those who survive. Anger and sympathy are shared equally by the rest of the world.

How many more such outrages will there be? How can we contend with mad men bent on disruption of diplomacy and seemingly motivated by the sight of children's blood?

I for one am tired of it all.

Mr. Speaker, though I put this resolution before the House of Representatives today, I cannot put on paper the sorrow I feel for those in Maalot, in Israel, and wherever the effects of this ugly atrocity are felt.

One further thing, Mr. Speaker, I deeply hope our own State Department and our representatives in the United Nations lead the way to the adoption of the strongest possible resolution of condemnation in the U.N.

I am weary of the U.N.'s seemingly one-way street of condemnation of Israel and not the brutal slayers of children.

Mr. Speaker, the leadership of the Arab nations have taken more conciliatory stances of late with regard to oil and to peace. Let us pray they will take immediate action to police the terrorists and rid the world of these awful crimes and criminals.

The resolution follows:

CONCURRENT RESOLUTION

Expressing the condemnation of the Congress with respect to the killings of Israeli children by Palestinian guerrillas on May 15 in Maalot, Israel

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly condemns and deplores the killings of Israeli children by Palestinian guerrillas in Maalot, Israel, on May 15, 1974.

1974 LEGISLATIVE QUESTIONNAIRE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. PATTEN. Mr. Speaker, each year I mail a legislative questionnaire on domestic and foreign matters to every postal stop in the congressional district I represent.

I do this because being familiar with the legislative views of constituents is important to me. The response has always been good and I am looking forward to another shortly after I mail the present questionnaire during the week of May 20, 1974.

The six questions follow:

CONGRESSMAN EDWARD J. PATTEN WOULD APPRECIATE YOUR VIEWS ON:

Impeachment: The House Judiciary Committee is investigating the possible impeachment of President Nixon. Please check only *one* of the following which may reflect your opinion: (a) The President has not committed treason, bribery, or other high crimes and misdemeanors; (b) Need more information to decide; (c) Favor the President's resignation; and (d) Impeach the President.

Campaign Reform: Should Federal election campaigns (Presidential, senatorial and congressional) be financed by U.S. tax dollars in order to minimize the chances of contributors exercising political influence? Yes; No; Undecided.

Abortion: How do you feel about abortion? (Check only *one*). (a) Let the U.S. Supreme Court decision stand (Allow an abortion within 90 days after conception); (b) Disagree with court decision and favor a Constitutional Amendment that would forbid all abortions; (c) Disagree with court decision and favor prohibiting abortions except under special medical circumstances (danger to the mother's life, victims of rape, etc.); (d) Let each state decide the matter itself.

Inflation: Direct controls over prices and wages ended on April 30th. Because of the serious problem of inflation, would you like to see such controls reinstated? Yes; No; Undecided.

World Food Plan: Legislation has been introduced in Congress for a world food action program "to lead the world back from the precipice of famine, with the U.S. participating. Do you favor such a plan? Yes; No; Undecided.

Fishing Rights: Do you support legislation that would increase the present 12-mile limit for foreign fishing fleets to prevent the depletion of U.S. commercial fish stock? Yes; No; Undecided.

SMALL BUSINESS: MAINSPRING OF AMERICAN LIFE AND SOCIETY

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ROUSH. Mr. Speaker, there are several items of interest concerning small businesses which the Congress is working on at this time that merit our attention.

I have personally received a number of letters from individuals supporting the Bolling committee's recommendation—House Resolution 988—for replacing the present nonlegislative Select Committee on Small Business with a new standing legislative Committee on Small Business which would combine the present small business jurisdiction of the Banking and Currency Committee with the select committee's oversight responsibilities.

In making their report on House Resolution 988 the Select Committee on Committees explained that the reason for creating this standing, legislative committee for small business interests "reflects a concern that small businesses have what they can perceive as an entity in the House which will focus on their problems." The committee went on to explain that while the present Select Committee on Small Business was performing a useful function, it had "no legislative jurisdiction" and the "addition of legislative power will render some force to the committee's oversight investigation." The creation of this new Small Business Committee, then, is of major importance.

The Bolling proposal has been temporarily sidetracked by a vote taken by secret ballot in Democratic caucus to order the Democratic Committee on Organization, Study, and Review to give the plan further study. I opposed the secret ballot method of voting and I opposed further study of a proposal that had been carefully constructed after almost a year of intensive work by a select committee established for this purpose. I am hopeful and optimistic that many of the recommendations will survive, particularly that of elevating the status of the Select Committee on Small Business. I certainly will support every effort to see that this proposal does survive.

There is another matter that has been of some interest to the small businesses in my district, namely the Small Business Tax Reform Act. I have been a supporter and a cosponsor of this joint effort by Senator BIBLE and Representative EVINS to bring some equity into taxes for small businesses. The tax laws of 1969 and 1971 may have been a reform in some cases, but they simply increased the advantages of large businesses over small businesses. I know that the Ways and Means Committee is once again considering tax reform and that among the 26 items on the agenda is the small business tax reform proposal. I hope that their final bill will rectify this situation whereby small businesses, like middle-income individuals, bear the heaviest burden of taxation.

I have said before and I would repeat, that this country cannot afford to lose small business enterprise. Small business has been a mainspring of American life and society. It is the small business owner who is an integral part of the community; who knows the people there; who shares their interests and hardships; who is committed to the community where he works and is a neighbor; who is responsible for and accepts responsibility for the products he sells to people he knows, who is self-reliant, hard-working and industrious. I think this country dare not lose these people and this way of life.

MR. LEONARD H. CARTER

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mrs. BURKE of California. Mr. Speaker, with the kind indulgence of other Members of the House, I would like to say a few words about Mr. Leonard H. Carter, regional director, west coast, National Association for the Advancement of Colored People, who died in San Mateo, Calif., on April 12, 1974.

Mr. Carter had been with the NAACP since January 1, 1960, the last 9 years of which were in San Francisco as West coast regional director. In that capacity he supervised the activities of the NAACP in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington.

Mr. Carter gave distinguished service to the civil rights movement, and he was credited with being a leading strategist in successful campaigns for FEPC, fair housing, and antidiscrimination status in the Midwest. He was known for his fair but firm approach in gaining equal rights for minority workers. His life was dedicated to the betterment of mankind and the elevation of minorities to participation in the mainstream of American life.

In his work with the NAACP he guided lawsuits and subsequent negotiations which resulted in affirmative action policies in the San Francisco police and fire departments and in the nine largest banks and savings and loan associations in California.

Just before his death he was involved with hiring practices regarding women and ethnic minorities by the University of California.

Mr. Carter was born in Minneapolis in 1926 and attended schools in that city. His pursuit of higher learning began at the University of Minnesota and continued at UCLA before returning to Minneapolis.

Early in his career he became involved in politics and the labor movement. He served as secretary-treasurer of the Dining Car Employees Union, Local 516, St. Paul, Minn., and as president of the St. Paul branch, NAACP.

He became field director of the NAACP in 1960 and was appointed regional director in 1964, with headquarters in Kansas City, Mo. In 1965, he moved to his position in San Francisco.

Mr. Carter was a member of numerous San Francisco Bay Area organizations and was a trustee of the St. James AME Zion Church, San Mateo.

Mr. Carter received the John Brown Image Award from the Hollywood branch of the NAACP for his work in civil rights. In January 1974, just a few months ago, he was cited for his outstanding leadership by the national NAACP.

He was a devoted husband and father to his wife Virginia and their five children.

I had the pleasure of knowing Mr. Carter during his life time. I always found him a warm and sympathetic person, a man with a genuine love for people, and a depth of understanding of human probems. He earned the respect of those with whom he worked by his patience, persistence, and sincerity. I believe that the cause of civil rights suffered a great loss with Mr. Carter's passing.

Mr. Carter never gave up in his struggle, even in his last days when he suffered considerable pain. His life should be an example for all of us.

INSTABILITY IN AFRICA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ASHBROOK. Mr. Speaker, instability in governments seems to be the order of the day. The recent coup in Portugal will be felt throughout the continent of Africa. The exact impact is yet unknown but several things are known.

Both Communist China and the Soviet Union have done their best to fan the flames of discontent in that continent. Arms, ammunition, and training have been provided to a large number of guerrillas. In the words of a recent San Diego Union editorial:

Russia and China have little to export to Africa except guns and communism. Neither can do the people of Africa any good. It is tragic that new African nations with so much ground to cover in economic progress are expending so much energy and treasure in power struggles and racist warfare which only plays into the hands of the true imperialists who threaten them—the Communist powers.

Our diplomats—with a few exceptions—seem loath to admit that the Communists—be they of the Soviet or Chinese variety—are still bent on flaming racial strife and creating disorders which are causing great loss of life in Africa. It has been the United States which has given bountiful foreign aid to numerous African states. It has been the Soviet Union and Communist China who seem to be making the inroads.

At this point I include in the RECORD the text of the editorial "Trouble Astir in Africa" from the San Diego Union of May 6, 1974:

TROUBLE ASTIR IN AFRICA

The coup in Lisbon may bring some measure of independence to the Portuguese territories in Africa. Ordinarily, any move toward self-government for people emerging from colonialism could be hailed as progress. In Africa today, however, it is hard to tell whether the retreat of European influence has paved the way for orderly political change—or created arenas for strife and revolution which the Soviet Union and Communist China are willing and able to exploit.

Russian and Chinese weapons have been the mainstay of guerrillla warfare in the Portuguese territories and elsewhere. Moscow and Peking frequently compete with aid programs for native governments, with the usual accompaniment of "technicians." Their professed concern for helping the African people does not conceal the fact they are rivals seeking to marshal Third World support for their contrasting brands of Marxism. They thrive on discontent, whether it springs from racial conflict, struggles between native groups or the specter of hunger which haunts much of Africa.

Instability has been moving like a tide through Africa in recent months. The government of Upper Volta changed hands in a military coup in February. The armed forces of Niger seized their government last month in an attempt to prevent a "catastrophe" from famine and drought. Russian and Czech weapons, passed along by Syria, are feeding a separatist movement in the Ethiopian province of Eritrea while Emperor Haile Selassie tries to reorganize his government. The dictatorial Idi Amin of Uganda is ruling by a reign of terror.

The government of Rhodesia, its legitimacy not recognized by many nations, is putting more men under arms to deal with a guerrilla movement supported by neighboring countries. The recent election in South Africa promises a continuation of the "apartheid" policies of racial separation which are anathema to black Africans elsewhere.

The United States of America has minimal influence with the course of events in Africa. Political pressures in our own country cloud our relations with African governments which deny full political participation by black citizens. Most of the black-governed states line up consistently in the United Nations to denounce U.S. foreign policy as "imperialist." Yet we have been sending economic aid to Africa at the rate of about $350 million a year, and millions of Africans are turning to international food agencies—supported largely by U.S. money and grain—to stay alive.

Russia and China have little to export to Africa except guns and communism. Neither can do the people of Africa any good. It is

tragic that new African nations with so much ground to cover in economic progress are expending so much energy and treasure in power struggles and racist warfare which only plays into the hands of the true imperialists who threaten them—the Communist powers.

THE SERIOUS ENERGY SHORTAGE

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. SYMMS. Mr. Speaker, now that this country is in the throes of a serious energy shortage, it is becoming painfully apparent that Congress has shirked its responsibility to the American people by failing to keep closer tabs on the Federal bureaucracy. The Environmental Protection Agency should certainly be included among these superagencies whose actions beg closer scrutiny and more constraint by this body. A recent constituent letter I received brought this to light very well by offering some timely observations regarding EPA's ill-advised air quality standards of 1973. Those remarks and their implications deserve the thoughtful attention of my colleagues. The letter follows:

GEM FUEL CO.,
Nampa, Idaho, April 29, 1974.

Hon. STEVEN D. SYMMS,
House of Representatives,
Washington, D.C.

DEAR STEVE: I am writing you regarding the Environmental Protection Agency's air quality standards, which were issued in January 1973. I wish to point out several factors that would be injurious to health and safety and to the present energy situation as well as those businesses involved.

1. First of all these regulations were issued in January 1973 because EPA believed the catalytic muffler was the only way to meet the proposed air quality standards. Since that time better methods have been available such as the stratified charge engine. Detroit concedes that these devices may replace the converters in two years, and they won't need no-lead gasoline. Therefore, small business gasoline marketers must make huge investments with no hope of recovering their money.

2. EPA's tests show that the catalytic muffler produces sulfates—pollutants perhaps as serious as those the catalyst eliminates. The most current medical and scientific data, even within EPA, clearly indicates serious potential health hazards will result from the use of catalytic converters as compared with the use of existing control systems. In fact we are informed that the sulfates could be fatal to asthmatics and heart patients.

3. *No* lead gasoline is only required to protect the catalytic muffler. Any alleged lead emission problem can be resolved with lead traps.

4. Although most 1975 cars will have a fill pipe which only accepts no lead gasoline, only some of these cars will actually have catalysts that require that gasoline.

5. Refining no lead gasoline requires more crude oil per gallon than the production of leaded gasoline. In the face of our critical continuing energy shortage this will place an additional burden on the industry and will require more product to be tied up in distribution, storage, and marketing.

6. Small businesmen cannot monitor the lead levels accurately but are liable for exorbitant fines if levels are too high.

I am enclosing the recent resolution passed by the National Oil Jobbers Council spelling out our stand on the air quality standards, and strongly urge that the Congress or the Environmental Protection Agency delay for two years the enforcement of this act and allow sufficient time to develop existing technology which will meet standards without this burden.

Sincerely,

A. H. SCHADE,
Idaho State Chairman, Intermountain Oil Marketers Association.

GASOLINE AND MOTOR FUELS RESOLUTION
No. 2

Whereas NOJC is committed to the protection and enhancement of the environment and the preservation of our natural resources, and,

Whereas, the Environmental Protection Agency regulations require the availability of unleaded gasoline by July 1, 1974, solely for use in cars equipped with catalytic converters, and

Whereas, the most current medical and scientific data, even within EPA, clearly indicates serious potential health hazards will result from the use of catalytic converters as compared with the use of other existing control systems, and

Whereas the National Academy of Sciences urges a delay in the emission standards and advises a comprehensive review of the standards themselves and urges that an alternate technology be explored as a means of getting cleaner air without catalytic converters, and

Whereas our nation faces a critical continuing energy shortage which will be greatly aggravated by this requirement for lead free gasoline because much more crude oil will be used in production, and more product will be tied up in distribution, storage and marketing, and

Whereas this requirement will impose a tremendous financial burden on the small independent marketers of this nation to provide the equipment necessary to supply unleaded gasoline when most current information from the automobile manufacturers indicates that this catalytic converter may well not be in use for more than two years,

Be it therefore resolved that Congress or the Environmental Protection Agency must immediately postpone for two years the air quality standards which require the availability of no lead gasoline so that the nation can develop existing technology which will meet standards without this burden, and

Be it further resolved that NOJC shall pursue this two year delay by:

(1) arranging a jobber meeting with EPA officials to explain the requirements problems,

(2) seeking an immediate Congressional investigation of the dangers to public health, the long range need for the availability of no lead gasoline, and the disastrous economic impact of these regulations on small business gasoline marketers.

(3) seeking immediate introduction of corrective legislation,

(4) organizing jobber, consumer, industry and Congressional pressure to be coordinated by the Government Affairs Committee, and

(5) undertaking all other appropriate actions including those legal actions recommended by counsel.

LATE INCOME TAX FILING ACKNOWLEDGED BY MR. FRENZEL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. FRENZEL. Mr. Speaker, 3 weeks ago I announced that I had filed my 1972 State and Federal income tax reports about 1 year late. Due to earlier payments of withholding and estimates, my taxes for that year had been overpaid, and I was owed refunds by the governments.

Insofar as I am aware, I was under no legal obligation to make this announcement. The privacy statutes would, I think, prevent disclosure. I did so voluntarily, because I think it important, especially this year, for the constituency to know. I acknowledge the error and have tried neither to whitewash it nor exaggerate it.

Since then, I have been editorially asked for a more complete disclosure. Therefore, today I present herewith the taxes paid for the last 3 years. Page 1 of the 1972 State and Federal returns will also be made available to my local press on May 17.

I have always done my own tax work. Because this has become a public matter, I have now engaged the services of a CPA firm. I think these figures are reasonably correct, but they are subject to audit. I did discuss the 1972 and 1973 reports with State and Federal authorities prior to filing the 1972 forms. My 1971 Federal report was audited in November of 1972, and a small refund was paid to me.

	1971	1972	1973
Adjusted gross income	[1] $40,830	[2] $38,837	[3] $47,100
Federal tax	6,092	4,928	10,148
State tax	1,981	1,665	3,819
Total tax	8,073	6,593	13,967

[1] Line 18.
[2] Line 17.
[3] Line 15.

On April 22, I published a listing of my assets and liabilities in the CONGRESSIONAL RECORD. Since, I find I should add three assets: A tax refund due, contributions to the State retirement fund, and contributions to the Federal retirement fund.

I made those asset disclosures with reluctance. I believe any Representative owes his constituency information which relates to potential conflict, but I also believe the principle of personal privacy should apply to every person.

I make today's disclosures with equal reluctance, but feel that the late filing requires them. Under normal circumstances, I would not reveal this information, and I would not expect to make further financial disclosures. Nor would I request anyone else to do so.

It is hard to find much in the financial unveiling of political candidates that makes them better candidates than their opponents. Most people would prefer to judge candidates on capability, performance, and issue positions than on skill or good fortune in acquiring assets.

During my congressional service, I have tried to set rules of conduct for myself and my staff that would be beyond reasonable suspicions. Nobody's perfect, but I think those rules are more stringent than most Members of Congress set. These are some of them:

First. I resigned my business affiliation on election day of 1970 and maintain none today;

Second. I resigned outside directorships on election day including the board of a bank;

Third. I sold equity holdings on election day in regulated companies, including banks;

Fourth. I restricted my personal investments to unregulated companies whose business is not affected by any of my committees;

Fifth. I have not invested since the election in local Minnesota companies which might come to me for assistance, but I have retained ownership in some Minnesota firms—and have revealed that owership—acquired prior to my election to Congress;

Sixth. I do not travel on corporate aircraft. I did once in 1971, along with a Democrat Congressman, to make a presentation to a corporate meeting where no regular air service was available;

Seventh. I accept no honorariums, but instead invite those who wish to pay them to contribute to local charities, educational or other do-gooder institutions. I did accept and make public an honorarium in 1971, but have not since;

Eighth. I get no income from services of any kind except the congressional salary; and

Ninth. Before each election, I terminate my newsletter, which goes to everybody who wants it, on the date I file for reelection. Last election there was neither law nor rule. This year the law says 28 days before any election. I shall mail the last issue about 60 days before that.

A BILL FAVORING THE PEOPLE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ERLENBORN. Mr. Speaker, in the name of reforming the financing of political campaigns, the Senate has approved legislation which will pass all or most of the cost of Federal election campaigns along to the Treasury of the United States. The short name is public financing; and it has the support of several groups which are usually identified with the cause of reform and good government.

Those who favor some form of public financing make lofty-sounding statements, extolling its virtuous intent. I do not question that intent, but I believe such a measure would be more fraught with danger than with benefits. It would be expensive, discourage the involvement of people, and fracture basic principles of taxation.

There is a better way to achieve the goal of election reform. The bill the gentleman from New York (Mr. CONABLE) and I are introducing today would get at the roots of abuse by permitting contributions to political candidates only by individuals and regularly organized political party committees. Donations by special interest groups, whether they be big labor, business associations, or lobbying organizations, would be prohibited.

Many such associations have been formed in recent years with one primary objective: to influence our National Legislature by contributing to the campaigns of individual candidates. I believe it is a major factor in the soaring costs of electioneering.

If we no longer allow these kinds of contributions, and if we set a limit on the amount anyone can contribute, and if we set stiff penalties for violations of these existing limits and prohibitions, then we can get rid of most of the abuses. As a side benefit, we will effectively limit campaign spending, but without giving an advantage to incumbents.

I emphasize that this bill would give us the campaign reform we want without using our tax dollars. In one way or another, most of the 14th district people who communicate with me complain about unnecessary Government spending and their mounting tax bills. I expect the majority of the people of this Nation feel the same way.

I doubt that they will want their tax money spent for perennial candidates, such as we in Illinois have enjoyed in the person of Lar (America First) Daly. For 30 years, he has been a candidate in every election—for President, for Senator, for mayor, for Governor. He must hold some kind of a record for unsuccessful candidates.

He campaigns in a red, white, and blue Uncle Sam suit, complete with a stovepipe hat. He has not appeared as a serious candidate, but his investments in outfits alone must have put a sizeable dent in his campaign expense account.

One Lar Daly, self-financed, is a good thing for democracy. Five—or 25—Lar Dalys, running at your expense and mine because they enjoy the personal publicity, would be obnoxious, and wasteful of tax money.

Additionally, I doubt the constitutionality of public financing. Just as we Americans should not be taxed to support a religious belief to which we do not subscribe, so also we should not be taxed to support an alien political belief.

Besides stopping business associations and special interest groups from funneling large sums into the campaigns of friendly candidates, our proposal includes the following reform:

Limits on the size of individual contributions—$2,500 to a Presidential candidate, $1,000 to a senatorial candidate, $1,000 to a congressional candidate;

A prohibition against a company's or a union's political action committee paying anyone to work in a political campaign;

Improved monitoring of campaign financing by creation of a Federal Elections Commission. The Commission would assume the election campaign responsibilities now assigned to the Comptroller General, the Secretary of the Senate, and the Clerk of the House;

A limit of one campaign committee per candidate;

A ban on cash contributions in excess of $100; and

Stiff penalties for violations of these reforms and increased penalties for violations of prohibitions and limitations already law.

We can cure the ills of the present campaign system, but we need not sever the lifeline of that system: People. Public financing will eliminate that necessary ingredient; one bill depends upon it.

MORE MURDERED JEWISH CHILDREN

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BRASCO. Mr. Speaker, the other day some Arab terrorists sneaked across Israel's borders from one of their protected sanctuaries and seized a school building with a large number of children in it. They came not to fight Israeli troops in open combat, but to murder, extort, and terrorize. Once in the building and with the children under their control, they made a series of demands upon the Israeli Government, seeking release of a number of incarcerated terrorists, among them the Japanese national who participated in the slaughter at Lodi Airport.

Israel is not prone to yielding to butchers like this, but with the lives of her children at stake, negotiations were considered. Not materializing, however, Israel ordered troops to storm the building, which was done. In the process a number of the children were killed. Israel will mourn and bury her dead, and then will inevitably retaliate against the country which gave sanctuary to the terrorists who perpetrated the atrocity.

The United Nations will look the other way while the children and other victims of the guerilla attack are laid to rest, and then its Security Council will condemn Israel for retaliating by blowing up some buildings across the border. That will be the scenario. That was the scenario last time.

We can wring our hands and deplore all this, and it will change nothing. Actions speak louder than words and senseless U.N. resolutions.

Will anyone in the world, save for an isolated handful, stand up and speak out against these unspeakable atrocities, committed consistently against this tiny state? Has anyone a scintilla of compassion and love of justice remaining that will motivate them to stand up for the Israelis?

Will the United Nations, in such international disrepute, for once grasp the nettle and speak out on behalf of this embattled people? Or will we view the spectacle of international hypocrisy in action once again?

The human tragedy is of course sickening and grievous. The murder of any human being is to be deplored. But the butchery of more than 15 children is to me a special kind of human disaster that speaks volumes about the bankruptcy of morality in today's world.

Worst of all, it is obvious that these people have been hounded, persecuted, and killed because they are Jews. After 2,000 years, the world is still killing Jews because of the accident of their birth, and that is probably the greatest tragedy of all. For if we have not learned that lesson, then we cannot progress ahead in any other area.

If this country cut off more of its financial support to the U.N., I believe the overwhelming majority of our people would applaud. Certainly I would support such a move.

WASTEFUL, ENERGY-CONSUMING HABITS ARE RETURNING

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. YOUNG of Illinois. Mr. Speaker, I have become quite concerned over recent reports that Americans are returning to their wasteful, energy-consuming habits. A recent nationwide survey has revealed that automobile traffic in most areas of the country is approaching pre-energy crisis levels. The survey also shows that toll road receipts are increasing, mass transit use is slipping, and the rate of electricity conservation is falling.

We cannot allow ourselves to revert to our preenergy crisis way of thinking and living. The end of the Arab oil embargo on March 18 did not signal the end of our energy problems. The problems may be less severe, but they still exist. Federal Energy Administrator, John Sawhill, has repeatedly warned that we must continue to conserve energy or we will face spot shortages this summer.

Americans should continue to use those energy conservation measures that we imposed upon ourselves at the height of the energy crisis. Car pools must be utilized, the 55 miles per hour speed limit must be respected, and people must try to use existing mass transit facilities. This summer, air conditioning should be used selectively.

The United States is seeking to free itself from any dependency on other countries for its energy needs. In an effort to make that goal a reality, the House recently voted a $2.26 billion appropriation for energy research and development. I think it is of critical importance for all Americans to remember that it will do no good to spend billions of dollars to help increase our energy supply if, at the same time, we are simply wasting what is produced.

RESEARCH ON DYSAUTONOMIA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. KOCH. Mr. Speaker, last year I introduced in the House Interstate and Foreign Commerce Committee a bill to establish an institute for research on dysautonomia. The disease, a disfunction of the autonomic nervous system, is found primarily among Jews of Eastern European ancestry.

Dysautonomia is carried by a recessive gene. A child inherits it only if both parents are carriers, and even then the chances are only one in four. Less than 1,000 cases are known to exist, but many probably go unreported. Because of the rarity of the disease and the variety of its symptoms, doctors often fail to recognize it.

Victims of dysautonomia suffer from impaired sensory perception and automatic functions involving such vital body processes as heart and lung action, digestion, blood pressure, and body temperature. Dysautonomic children cannot distinguish between hot and cold, have no taste buds, and their reflexes such as tearing, perspiration, and salivating are affected. Insensitive to pain, the child may not draw back from a hot stove or scalding water.

For children both with the disease, deleterious effects result from the lack of an enzyme necessary for the proper functioning of the nervous system. Research must be undertaken to discover replacement substances ordinarily produced by the missing enzyme. Another goal is to enable the detection of the disease in a fetus. The sponsorship and financial support of the Federal Government for such research offers not only the possibility of curing dysautonomia. Discovering the mechanisms by which it functions could bring answers for more widespread diseases such as multiple sclerosis, Parkinson's disease and emphysema.

Mr. Speaker, the House Interstate and Foreign Commerce Committee has not yet taken action on this bill for research on dysautonomia. I urge our colleagues concerned about this disease to let Representative PAUL G. ROGERS, chairman of the Subcommittee on Public Health and Environment, know that they support its passage and encourage him to take action on the measure.

MORE AND BETTER CHOICES FOR THE USE OF AMERICA'S LAND

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 13, 1974

Mr. UDALL. Mr. Speaker, on February 13, the Land Use Planning Act of 1974, H.R. 10294, was reported out of the Interior and Insular Affairs Committee. This week the Rules Committee granted an open rule for this bill, and it is expected to be on the floor for debate within the next 2 weeks.

It should be stressed that this bill is not a hastily prepared product but is instead the result of 3 years of careful development. It is a measure that has received the full benefit of our committee process.

In the past 3 years, there have been 17 days of hearings on this bill and other similar proposals involving close to 300 witnesses and statements. There were 19 markup sessions in this session alone.

More importantly, this bill has consistently received broad bipartisan support in the committee. As introduced, it had 15 sponsors and it was reported out by more than a 2-to-1 margin. A similar measure passed the Senate nearly a year ago by a vote of 63 to 20.

Throughout the development of this legislation there have been important contributions and support from Secretary of Interior Rogers Morton and other administration officials. As an example of this, I include here for the Members' attention a recent address in Chicago on land use planning by the Honorable Russell E. Train, Administrator of the Environmental Protection Agency:

LAND USE: MORE AND BETTER CHOICES FOR AMERICA

(By Hon. Russell E. Train)

Four years ago, in the first Presidential Message on the Environment ever sent to a United States Congress, President Nixon said that: "The time has come when we must accept the idea that none of us has the right to abuse the land, and that on the contrary society as a whole has a legitimate interest in proper land use." The President went on to underscore the need for "comprehensive approaches which take into account the widest range of social, economic, and ecological concerns," and for the "development of a National Land Use Policy to be carried out by an effective partnership of Federal, State and local governments together, and, where appropriate, with new regional institutional arrangements."

That same year, 1970, Senator Henry Jackson introduced legislation calling for comprehensive land use planning on the part of the states. The next year, the President proposed a national land use policy bill which would encourage and assist the states in regulating areas of critical environmental concern. Senator Jackson's bill was based largely on recommendations of the Public Land Review Commission; the President's proposal drew principally upon the model land use legislation developed by the American Law Institute.

Over the past four years, the Administration has worked closely with Senator Jackson and other members of Congress to help fashion a bill that is both acceptable and effective.

Twice, the United States Senate has passed such a bill—most recently by a 3 to 1 vote. Twice, the House Interior Committee has approved such a bill—most recently by a margin of more than 2 to 1. Yet, several weeks ago, on February 26, the House Rules Committee voted to send the bill back to the House Interior Committee.

There is, in my judgment, no more important legislation before the Congress than that land use bill. Its importance does not lie in the fact that it would have any immediate or earthshaking impact upon land use patterns or practices in this country. The bill reported by the House Interior Committee is a thoroughly modest measure whose importance lies in the fact that it would give new force and focus to efforts already underway in a number of states and communities to give the citizens of this country a real say in determining the course and quality of our physical growth. It is a bill that would help us build upon these efforts and that, by making it harder for isolated groups and individuals to make so many of the critical decisions that shape our human environment, would go a long way toward restoring the rule of democracy in this land.

There are those—I am sure you have heard them—who would tell you this bill would give federal and state governments the power to take private property without compensation; who would tell you that it would put the Federal government into the business of zoning the country; who would tell you that the bill is just another device to enable "ecologists" to stop all development and growth; who would tell you that the bill

would take away local zoning and other land use powers.

The bill would, of course, do none of these things.

It would not, and cannot, do anything to erode the rights of property owners under the federal or state constitutions.

It would not involve federal zoning or deprive local governments of the power to make purely local land use decisions. The American Law Institute has estimated that at least 90 percent of local decisions are of local significance only, and these would remain entirely within local hands. The bill, moreover, encourages the states to develop their programs by reasserting the range of local land use authority and providing guidelines for the exercise of that authority.

It would not stop growth. On the contrary, by encouraging the right kind of growth in the right places, it would offer a way out of the present maze of proliferating court cases and community-by-community efforts to stop growth.

No bill that did any of these things could continue to retain—as this bill does—the strong support of the National Governor's Conference, the National Association of Counties, the League of Cities/Conference of Mayors and the National Legislative Conference. One week after the Rules Committee prevented the House of Representatives from voting on this measure, representatives from these organizations—whose membership includes the nation's governors, mayors, county officials and state legislators—came together to urge the Rules Committee to immediately reconsider its vote and to reaffirm their support for early enactment of this legislation by Congress.

In my view, there is hardly a social, economic, environmental issue before this country that is not somehow deeply and directly bound up with questions of land use—with questions of how and where we organize our activities in space. And we cannot hope to really come to grips with these other issues—of housing, of transportation, of air and water pollution, of equality of opportunity as well as quality of life—until we begin to devise effective and democratic ways of dealing with our patterns of growth and development.

To develop that point with any adequacy would require that I talk at greater length than this occasion will allow.

But I do, in the brief time I have, want to underscore several points concerning the importance of land use to some of the more urgent and insistent issues before us.

First, there is no question about whether or not we will have land use planning. The question is: what kind, and who will make the decisions. We already have land use planning of an ad hoc, accidental sort that, while it has made some people rich, has made most of us far poorer in terms of the kinds of choices we have and the quality of life we are offered. For far too many Americans, the choice of a place to live comes down to a choice between the lesser of evils—the choice, for example, of living in a suburb, not so much because it offers the kind of life we really want, but rather because it offers us an escape from the bad schools, the crime and the ugliness that have come to characterize so much of city life.

Second, whether we are trying to stimulate growth or stop it, we simply cannot expect to resolve the problems associated with growth on a case-by-case, community-by-community basis. The patterns of development that result from this approach must inevitably be both socially unfair and environmentally unsound. There is, to begin with, simply no such thing in any American metropolis as a contained, self-supporting community in terms of the overall relationship among the elements of daily life—housing, jobs, schools, transportation, stores and other services, recreation, open space, medical facilities. With very few exceptions, we all cross metropolitan jurisdictional boundaries to fulfill some of our basic needs, frequently if not every day. Yet these relationships and interdependencies are governed and guided by a process that is thoroughly random and chaotic. The convenience and quality of life in metropolitan America is increasingly determined by area-wide forces and relationships that nobody—especially the people who live in that metropolis—has a handle on. We cannot seek to save the metropolis through the same fragmented approach that is largely responsible for its problems in the first place.

Courts across the country have stressed the fact that no community has the right to make, by itself, decisions that adversely affect other communities. There is no more basic tenet of the democratic faith than the principle that those who are deeply and directly affected by a decision should have a say in that decision. As the Supreme Court of Pennsylvania put it, in a footnote to one of its meetings: "Perhaps in an ideal world, planning and zoning would be done on a regional basis, so that a given community would have apartments, while an adjoining community would not. But as long as we allow zoning to be done community-by-community, it is intolerable to allow one municipality (or many municipalities) to close its doors at the expense of surrounding communities and the central city."

It has been estimated that there are in the United States some 10,000 local governments with independent, autonomous authority over land use decisions. Over half of these are in metropolitan areas. In the New York metropolitan area, more than 500 separate jurisdictions control the use of land. According to the latest figures I have seen, Chicago's Cook County has almost 130 separate zoning authorities. Under these circumstances, it is not surprising that we have been unable to grow and develop in ways that are both socially equitable and environmentally sound.

I want, at this point, to express my dismay over the fact that environment and ecological values have at times been invoked as excuses for blocking the construction of low and moderate income housing. Communities who have never displayed much concern for sewage capacity or open space needs—as long as the "right" kind of development for the "right" kind of people was involved—have suddenly "got religion" when somebody proposed to build within their boundaries some low or moderate income housing. I can think of few greater tragedies than to allow "environment" and "ecology" to become code words for economic and racial exclusion—for efforts that in intention or in effect, deny or diminish housing opportunities to Americans of modest means.

There is, in fact, no inherent conflict between the goals of full opportunity and environmental quality. The apparent conflicts that do arise under current conditions could be resolved far more readily under a land use approach that can comprehend both the needs of localities and the needs of a region as a whole, that is concerned with the advancement of social goals as well as with the protection and preservation of natural resources, with the reduction of poverty as well as pollution, with the provision of equal housing opportunities as well as open space, with the creation of a fully open and attractive human environment as well as the conservation of critical environmental areas—in other words, a land use approach that embraces the broad range of social, economic and ecological concerns within an entire area or region.

Third, there can be no question about "stopping" growth and development. Even at the so-called "zero-population birth rate" that we have recently achieved, there will be some 50 million more Americans by the end of this century. Most of those Americans will live in our urban regions. Moreover, unless we change past patterns of development and settlement these Americans will occupy increasing amounts of land. Despite all the talk about our metropolitan areas being congested and overcrowded, the fact is that density in this country—the number of people per given area of land—has been steadily declining since early in this century. In our urbanized areas, population per square mile has declined from 6,580 in 1920 to 4,230—and is expected to decline to 3,732 by the end of the century. It has been estimated that, in the year 2000, urban regions in this country will occupy *one and a half times* as much land as they did in 1960.

Fourth, if this prospect alone is not enough to convince us that we need to grow in far more compact and conservative ways, then our energy and environmental concerns must increasingly move us in this direction. Those concerns have combined with gathering force to make us understand that we do not have unlimited room or resources, and that our energy and environmental ills stem, essentially, from the same source: from patterns of growth and development that waste our energy resources just as liberally as they lay waste our natural environment.

The Council on Environmental Quality has commissioned a study, scheduled for release around the end of this month, of the various costs of urban sprawl—the costs in terms of energy, environment, money, and so on. Preliminary findings show that, compared to a typical low density, sprawling suburban community, a planned high density community entails 44 percent less in total capital costs, 43 percent less in land costs, 43 percent less in energy consumption, 50 percent less in auto emissions, 35 percent less in water consumption, and so on. This study is confined to essentially residential communities and neighborhoods, and does not consider the relative costs imposed—mostly, but not entirely, upon our central cities—by the relatively vast distances we put between our homes and our jobs. If it did, I have no doubt that the cost differentials between the two kinds of development would be even greater

I do not, by any means, suggest that planned high density development is the answer to all our ills, or the only kind of development we can and should have. But I do suggest that we need to do a far better job of shaping the metropolitan areas that three-fourths of the American people live in—and that an estimated 85 percent of the American people will live in by the end of the century.

Fifth, let me repeat here what I said earlier this year to the American Farm Bureau Federation: nobody has a greater stake than rural America in efforts to develop more compact and conservative patterns of growth in our urban areas, and to build attractive and effective mass transit systems to serve them. When we urgently need energy for such basic activities as the production of food and fiber, we can hardly afford to waste such huge quantities of it on the urban automobile. Nobody has a greater stake than rural America in protecting one of our most economically, environmentally and socially essential resources—our arable land and our rural landscape and way of life—from being rapidly swallowed up by urban sprawl.

It was the distinguished Senator from Vermont, George Aiken, who during Senate debate on the land use bill declared that: "the time has come for land use planners and conservationists to add farmland—arable land, that is—to the list of scarce natural resources that should be protected as a matter of policy in the United States." This, he went on to add, is an effort that "might actually unite the farmers and the city people"—and that "more of our States should think in terms of statewide zoning and land use plans with the dual objective of containing urban sprawl and conserving farmland." This objective, he

emphasized, "cannot be served by individual cities and counties acting on their own."

In this connection, I notice that, of the seven leading soybean producing states in the country, four of them—Illinois, Iowa, Indiana, and Ohio—are represented at this Conference. From a great many points of view—energy, environment, our world trade position—the increasing production and use of soybeans as a meat substitute might make a great deal of sense for the United States. To the degree that it does, then I should think the preservation of arable land for such production should be a matter of high priority.

I have said, on several occasions, that the energy crisis may be the best thing that ever happened to us if it makes us realize that our energy and environmental goals are essentially the same. It should, in the process, make us aware of something else as well: that we can't go it alone. The environmentalists can't. The people can't. The suburbanites can't. The farmers can't. Nobody can.

That's basically what I come to say and what the land use effort is all about: we need each other—the farmers, the environmentalists, the developers, the suburbanites, the city dwellers, all of us. We need to get together to take far better care of all the things we share in common—our earth, our air and water; our cities and our towns; our urban and our rural landscapes. And we need to develop far more open, democratic and effective ways of resolving the sometimes very different, but still deeply interdependent, needs and desires that we may not share.

I was asked recently what kind of country I wanted to see America become by the year 2000.

I said that I wanted to see a healthy environment in which the human body and the human spirit could live and thrive. But I also wanted to see a diverse environment that would offer Americans far more and better choices. Some people want to live in the city. Some people want to live in a small town. Some people want to live out in remote and isolated areas.

If we can begin to come to grips with the problems of land use, then I think that we can build by the year 2000 an America in which far more people have these choices open to them, and in which these choices are really worth making.

MASSACRE AT MAALOT

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. EILBERG. Mr. Speaker, the massacre at Maalot, in Israel, is a crime which can only be compared to the worst atrocities committed by the Nazis and it is vital that the United States react properly.

There can be no recognition of these people as the legitimate representatives of any group other than a gang of murderers. Their actions represent nothing but killing for the sake of killing and their only objective can be to cause more death.

The United States must take every possible action to force the governments *which* provide havens for these criminals to change their policies. This must include the use of economic sanctions if nothing else works.

Finally, it is clear that the United Nations resolution of April 24 which condemned only Israel without even mentioning the murders at Qiryat Shmona was taken as a sign of weakness on the part of the United States by the terrorists. I am supporting the resolution introduced by the majority leader and the minority leader which calls upon the President to have our ambassador to the United Nations introduce a Security Council resolution condemning the massacre in Maalot. But, Ambassador Scali's instructions must also include an order to veto any resolution concerning this situation which does not indict the terrorists for their acts.

The United States must never again even appear to be in the position of supporting the actions of the Arab terrorists.

CONGRESSMAN McCLORY URGES ACTION ON METRIC CONVERSION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ANDERSON of Illinois. Mr. Speaker, our colleague from Illinois, Congressman BOB MCCLORY, has long been a proponent of programs designed to convert our system of weights and measures to the international metric system. Recently, Mr. MCCLORY participated as the luncheon speaker at a metric seminar in New York City sponsored and chaired by my constituent, Kenyon Y. Taylor, president of the Regal-Beloit Corp. of South Beloit, Ill.—which is also in my 16th Illinois Congressional District.

Mr. Speaker, American industry is converting rapidly to the metric system, and our Nation alone among the industrial nations of the world has yet to establish an official program of comprehensive and coordinated conversion to a system of metric measurements.

Congressman BOB MCCLORY, who took an active part in the recent debates on the floor of this Chamber, in which the House unfortunately refused to suspend the rules and pass the Metric Conversion Act of 1973, summarized the legislative situation at the recent metric seminar in New York City.

Mr. Speaker, some 200 business and financial representatives were in attendance at the metric seminar held last Friday, May 10, at the Downtown Athletic Club in New York City.

I am anxious for our colleagues to have the benefit of Congressman BOB MCCLORY's timely and pertinent remarks which follow:

REMARKS BY CONGRESSMAN ROBERT MCCLORY REGARDING CURRENT METRIC LEGISLATION

In coming to you today to report on the status of metric conversion legislation, I probably don't have much better news than is being received in the White House these days regarding the status of Congressional action affecting the President. It is entirely possible that we have underestimated the general opposition to metric legislation. On the other hand, it may be that we—in the Congress of the U.S.—have failed to serve the interests of the people of the Nation by neglecting to provide a practical and workable program for a comprehensive and essentially voluntary conversion of most segments of our society to the metric system of weights and measures. I am sure you are all aware of the three-year study conducted by the National Bureau of Standards, under legislation passed by the Congress in 1968. It is quite inaccurate to suggest that this study was slanted or in any way deficient in its analysis of the current situation in the world and in our nation regarding the impact of the metric system on our economy and our society. The report suggests the urgent need for adopting some reasonable means for a changeover to the International Metric System. Indeed, the first recommendation was the simple and straightforward statement that "the U.S. change to the International Metric System deliberately and carefully."

Now, along with other recommendations, the report recommended that any changeover costs shall "lie where they fall." Indeed, it was stated flatly that this would encourage efficiency and minimize the overall cost to society. The report called for a coordinated national program.

As many of you know, I have endeavored to carry out these recommendations consistent with the conversion to metric measurements, which is occurring in this country—steadily and rapidly, even—without any legislative mechanism whatever.

The great volume of literature on the issue takes account of the rapid movement toward the metric system in our schools, in our industry, and in our daily lives. When street signs report automobile speeds and distances in terms of kilometers, when skis, cameras, film, eyeglasses, pharmaceuticals, sporting events, and contents of packages on grocery store shelves are labeled in terms of metric weights and measures, we are well on the road toward a comprehensive changeover to metric measurements. What is truly astounding is that voices that purport to speak in behalf of millions of Americans in business and labor have made grossly exaggerated estimates of costs and have asserted their special interests in seeking to defeat legislation intended to aid all Americans.

It has never been my view that the Federal government should compel conversion to the metric system. On the other hand, it would seem to be one of the most appropriate functions of the Federal government to provide either the mechanism or the vehicle by which the private and public sectors of our nation might voluntarily—and in an orderly and coordinated and deliberate way—proceed with a comprehensive metric conversion program.

My individual position and that of some 25 or so of my colleagues as embodied in H.R. 10720, would have established a metric conversion board small in number with rather broad authority to work with advisory groups and private trade associations and others to help coordinate their individual conversion programs. But from the outset—and particularly in some parts of the 1972 legislative proposal—there were provisions for large-scale Federal subsidies, grants and loans and other provisions quite inconsistent with a voluntary program in which the costs are supposed to "lie where they fall."

It may be that a certain amount of the momentum, which developed after the metric study report was issued in July, 1971, was lost during the period—between then and now. During the intervening period, organized labor interests—and private interests involving some industry—have developed their own ideas in connection with the *form* and scope of Federal Government involvement in the changeover to metric standards.

The size of the proposed metric conversion board has been expanded, delays involving development of some kind of comprehensive plan have been embraced by a great many proponents of this legislation, and provisions have been added to require future legislative, as well as executive action in order to implement any program whatever.

It would be very easy today to lay the entire blame on organized labor for the dis-

astrous result which occurred on Tuesday, May 7, 1974, when the House of Representatives, by a vote of 153 ayes to 240 nays rejected a modest measure which would do little more than provide a Federal mechanism for voluntary conversion to the metric system. First of all, let me explain the vote, because I do not believe it reflects with any degree of accuracy the attitude in the House of Representatives on the issue of metric conversion legislation. The measure was brought to the House of Representatives on the suspension calendar. This means that the bill was subject to debate for a total of only 40 minutes—with the further proviso that no amendments to the measure would be in order. Let me explain further the purpose of this strategy. It was simply this. The rule adopted by the House Rules Committee authorizing debate on the Metric Conversion Bill made it in order for non-germane amendments to be offered. It would, in effect, permit a violation of the rules of the House of Representatives. The amendments would have authorized a new subsidy or grant program in favor of every man and woman in the country who works with tools so that the Federal government would reimburse any and all such workers to the extent of 90 percent of the first $500 which was spent for metric tools, and would pay 80 percent of all amounts over $500. In addition, the amendments would provide for a special loan program to be administered by the Small Business Administration to help finance businesses engaged in retooling and other steps in connection with converting their operations to the metric system.

Clearly, these amendments go far beyond the purpose of the simple bill to establish a Federal mechanism to assist in voluntary conversion. The amendments, indeed, would impinge on the jurisdiction of other Committees of the House of Representatives; particularly the Banking and Currency Committee and the Select Committee on Small Business. The cost of these two amendments, if included in the measure, would total hundreds of millions of dollars—and would cast a measure that involved relatively no Federal expense into a huge Federal boondoggle, and call for the establishment of a massive new Federal bureaucracy.

Under the rules of the House of Representatives, it would be entirely out of order for us to consider these amendments as a part of our debate on the Metric Conversion Bill. The only manner in which this could be accomplished would be through the device of a special rule such as that which Congressman Matsunaga developed in behalf of the representatives of organized labor—compelling the waiving of House rules for the purpose of considering these so-called non-germane amendments.

The influence of organized Labor in the House of Representatives is substantial, and the effect of placing the Metric Conversion Bill on the suspension calendar was to bar these so-called organized Labor amendments from consideration by the House. Accordingly, the desire to secure passage of metric conversion legislation was directly coupled with a confrontation with the organized Labor interests—as well as the smaller group which is opposed to any and all metric conversion legislation—with the disastrous results of which I have already made reference.

I stood at the entrance to the House of Representatives on the Democratic side during part of the time the vote was being taken, and time after time, I heard the Members repeat "Labor is against it—vote 'no.'" For many Members of the House—primarily Democrats—a direction from the leaders of organized labor is sufficient to determine the manner in which the Member will vote. Such was clearly the case in a great majority of instances on May 7, 1974, and the labor union lobybists can plant another scrubby inch-long feather in their cap, as metric conversion legislation fades into the background, for at least a matter of several months.

What makes the organized labor amendments so unreal and so outrageous is that automobile repairmen throughout the country, who have by far the largest investment in individually-owned tools, have already provided themselves—at their own expense—with all of the tools necessary to repair the automobiles and equipment being manufactured according to metric measurements.

Some published labor estimates of a carpenter's tool costs have indicated sums from $500 to $5,000. In contrast to these seemingly exaggerated figures, it appears clear that hammers and chisels, screw drivers, and other tools of carpenters would be useable regardless of the system of weights and measures employed. Squares, tapes, and other measuring devices would probably be needed over a period of 10 or 12 years, but this would hardly seem to be the basis for a massive Federal grant and subsidy program. Such "measurement sensitive" tools would cost something like $50.00—I'm told.

Despite the massive and perhaps overwhelming opposition of the organized labor lobby, it should not be concluded that there are not other forces working to prevent the kind of Federal legislative program, which is essential if the Nation is to avoid an uncoordinated and disorganized drift to Metric. Testimony in behalf of the International Fasteners Institute expressed opposition to the original metric study legislation. Subsequently, when the conversion legislation was advanced in 1973, this same organization urged postponement and delays for further studies—another way of effectively blocking a legislative program.

Large segments of our society today are undertaking their own private metric conversion programs. In addition, many of the same objections that have been expressed since the very founding of our nation are being repeated today. If you are unaware of this, then I call your attention to the report of proceedings as set forth in the Congressional Record on Tuesday, May 7, 1974.

Ultimately, let me say that not nearly enough of the Members of the House of Representatives have heard from their constituents back home regarding the urgent need for a federally constituted mechanism for helping to coordinate a private and voluntary conversion to the metric system of weights and measures over a 10-year or 12-year period. Public and business interests, educators, scientists, technicians and others, all of whom recognize the rapid changeover taking place, have been too silent in commending to us in the Congress the need for coordinating their private actions. It is entirely possible that until these individual interests are aroused sufficiently to communicate their views and support, a measure to effect a comprehensive program may be delayed. In the final analysis, I guess what I am saying is that the problem remains with you and with me and all who recognize the need for an expeditious and coordinated program of conversion to the metric system to exert our influence among our friends and associates, and with the governmental leaders in the executive and legislative branches of our government in Washington. To say that I am discouraged is to put it mildly, but to concede that I am disheartened or defeated would be most incorrect. The challenge is perhaps far greater today than at any earlier time in our Nation's history. But I am confident—at least hopeful, that we can meet this challenge, too.

I congratulate Ken Taylor on his leadership in the Metric Conversion program.

LET'S GET MORE FOR OUR TRANSIT DOLLAR

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. McFALL. Mr. Speaker, as chairman of the Appropriations Committee's Subcommittee on Transportation, I am very much interested in developing Federal mass transit legislation which builds on minimum national objectives.

Our colleague WILLIAM MOORHEAD, in his capacity as chairman of the Joint Economic Committee's Subcommittee on Urban Affairs, which has been conducting hearings on mass transit expenditures, yesterday delivered a thought provoking speech at the Washington Journalism Center's Transportation Conference.

In his remarks, the gentleman from Pennsylvania argues not only for minimum Federal mass transit objectives but suggests a unique funds distribution formula based not only on the number of riders carried, but on the percentage of total transit trips carried by a mass transit system.

I urge every Member in the House, and those in the other body, concerned over the need for effective mass transit legislation to read WILLIAM MOORHEAD's remarks.

LET'S GET MORE FOR OUR TRANSIT DOLLAR

(Remarks of Representative WILLIAM S. MOORHEAD)

I would like to thank The Washington Journalism Center for giving me an opportunity to speak here today. As a long time transit advocate I am particularly pleased at the tremendous interest in public transportation that now exists in the press, in the Congress and certainly in each of the cities that you represent. Two years ago, discussion of the topics we are considering today might have succeeded in putting all of you to sleep. While I may do that today too, I at least have the opportunity to begin speaking to open eyes.

I am a transit advocate for a mixture of both selfish and unselfish reasons.

I like to breathe unpolluted air—good transit will limit pollution.

I dislike traffic jams—good transit will limit congestion.

I believe we should conserve energy, and good transit means fuel savings.

Further, as a taxpayer, I object to paying for urban highways that are many times the cost of good mass transit and I deplore the price we must pay in lives displaced and distorted when multi-lane highways uproot families.

I believe that society has an obligation to provide transportation for those too young, too old, too poor, or too handicapped to transport themselves.

Finally, as a city man, representing a city area in the Congress, I am deeply concerned about improving the quality of urban life.

Good mass transit can realize all of these and I think the American public is beginning to recognize this fact.

Over the past five years we have slowly come to realize that our transportation programs have been tremendously unbalanced, strengthening our highway systems while our public transportation services have suffered (until 1970 mass transit accounted for less than 2 percent of Federal surface transportation outlays each year).

The energy shortage last fall accelerated

this realization to the point where the need for increased aid to mass transportation is acknowledged now by a number of my colleagues who opposed such aid in the past. Few can deny the need to initiate efforts of considerable size to meet both capital and operating needs of mass transit.

However, at the same time that we need expanded programs, we must evaluate program performance more carefully, so that we are assured of getting the most for our Federal transit dollars. For example, since 1965 the Federal government has spent almost $3 billion on programs of assistance to urban transportation. State and local governments have also made considerable contributions in recent years for both operating and capital assistance. Unfortunately, during this same period, the total number of annual revenue passengers riding urban public transportation has declined by 1.5 billion riders, or 22 percent. While it is certainly ridiculous to suggest that the Federal government has paid $2 to chase each of these riders away from public transportation, the figures do give you some idea of the lack of success of our programs in the past and the magnitude of the problem that we face in the future. Of course if we had not acted at all, the situation would undoubtedly be worse.

As Chairman of the Urban Affairs Subcommittee of the Joint Economic Committee, I am in the process of conducting a series of hearings designed to examine ways in which we might improve the effectiveness of our urban transportation expenditures. Today, I will discuss some preliminary hypotheses which developed from these hearings and attempt to present their implications for national transportation legislation.

The first thing that has become abundantly clear at our hearings is that it is going to be very difficult to induce individuals to leave their private automobiles for public transportation systems. The door-to-door convenience and privacy and comfort of the automobile is most difficult to match. A rail rapid transit system carries people much faster from one station to another, but total travel time due to problems of gaining access to the fixed system, is often quite similar to bus or automobile transportation. Bus systems usually provide service which is closer to door-to-door, but they are often delayed by traffic congestion problems. Exclusive bus lanes can deal with this problem on expressways, but traffic signals and traffic are still encountered in the central city where the congestion problems are the worst. Finally, dial-a-bus, which provides a level of service comparable to a shared taxi, is prohibitively expensive for the job of moving millions of poeple around a city during the day.

There is also considerable debate over the impact of changes in transit service on attracting new riders to public transportation. Some cities claim great success resulting from fare reductions while others will point to various improvements in service as being far more effective. It is most difficult to separate the impact of service improvements and fare reductions. In Atlanta, for instance, the fare reduction is often given credit for the ridership increase, when, in fact, the Metropolitan Atlanta Regional Transit Authority also improved the transportation services considerably during the same period.

Finally, testimony before the Subcommittee has suggested that each city's transportation problems, and thus potential solutions, are unique. Certainly no one can argue with the conclusion that New York's transportation needs are quite distinct from those of St. Louis, Los Angeles or New Orleans.

However, these arguments have been used by some to conclude that urban transportation problems are too complex to formulate a national transportation policy. In my opinion, this thinking is erroneous and has contributed to ineffective transportation expenditures. We can adopt the concept of New Federalist for mass transit expenditures without abdicating the responsibility for establishing specific federal transportation standards.

It must be recognized that, while each city may have different needs and require different transportation services, they all are trying to accomplish similar objectives. All are trying to shift more people to public transportation, reduce energy consumption, lessen environmental damage, and reduce the human and financial toll resulting from total reliance on automobiles and highways. They also want to provide quality transportation services to their low income, elderly and handicapped residents.

What I am suggesting is that the Congress establish specific quantifiable targets in our national transportation legislation which reflect these common objectives. These standards would operate in much the same way as the pollution standards in the Clean Air Act. By establishing these minimum objectives, Congress would substitute measurable standards for the well meaning platitudes that were the essence of past transit legislation. Only if we begin to identify specifically the objectives we hope to achieve with our transportation legislation will we begin to be able to measure the effectiveness of our expenditures.

Once the national targets are established each city would construct its own substantive plan, with the assistance of the Department of Transportation, stating how that city would implement the national targets. The Department of Transportation would not replace local decision-making, but would insure that each region was making progress toward achieving the stated national objectives. In this way we can achieve both local discretion in administration and national formulation of specific goals and priorities.

The adoption of specific national objectives would also provide impetus for more effective program evaluation. Since national targets would be specifically identified, each action by a city would be evaluated on its ability to accomplish these objectives. Actions which proved to be most effective could be recommended to other cities by the Department of Transportation. This would increase the positive participation of the Department in implementing national objectives. Federal transportation programs would be evaluated on the basis of their contribution to achieving national objectives rather than on the number of buses bought. It is important that we not lose sight of what our programs are actually attempting to accomplish.

Under the scheme I am suggesting, each metropolitan area would receive a percentage of the funds required to achieve the national objectives. If the per capita costs of achieving these objectives vary by region, the distribution formula should reflect these differences. The total level of funding would be determined by the amount needed to meet the national targets.

While I feel very strongly that the format I am proposing should be adopted for our national transportation legislation, the data and information presently available is insufficient for immediate development and incorporation of specific objectives. In the interim it is necessary that we provide a significant federal effort, distributed in a manner which will reward those cities most successful in attracting riders to their systems. In my opinion, population and ridership formulas are not the most effective method to achieve this objective.

What I propose as a substitute is a simple formula which would provide sufficient aid to existing cities and yet provide incentives for attracting more riders to public transportation services. The formula would have as its key the market share of total weekday passenger trips carried by public transit. That is, the percentage of total trips carried by the public transportation system on a normal weekday. This figure is, of course, highest in New York City (32 percent) yet transit carries as much as 25 percent of total trips in cities like New Orleans, Chicago and Philadelphia.

If a second factor is added, percentage change in the market share, the cities which now carry a small percentage of the market would be greatly rewarded for increases in the percentage of the market attracted to transit. For instance, if New York attracted three more percentage points of the market it would represent only a 10 percent change in its market share. However, if Atlanta (now attracting about 10 percent of the market) were to gain these percentage points, it would be a thirty percent gain in the market share. Thus the formula would reward cities that increase their share of the market as well as those already serving a large percentage of the market. The percentage change factor would not be dominated by sheer numerical size, thus rewarding change in the market share and providing funds to cities who presently have small market shares but are working hard to attract new riders.

While it might be argued that such a percentage change factor could also be used on a ridership formula, I feel the market share idea has one major advantage over ridership formula, and this advantage is essential. By rewarding market share there is an incentive to attract trips from the automobile, whereas the ridership formula just provides incentives to increase transit body counts. Let me illustrate this point. Under a ridership formula which rewards numbers of bodies only, a city which had one million total trips and 100 thousand transit trips a year would receive the same amount of funding as a city with two million total trips and 100 thousand transit trips. Thus a city which had worked hard to attract ten percent of the trips in its region would receive the same amount of money as a city which only attracted 5 percent of the total trips. However, under a ridership formula, auto trips could soar indicating a relative decline in transit effectiveness without a city suffering from providing poorer service. Under the market share concept, the city that aggressively sought to maintain its position in the market and attract new riders would be rewarded. Since our major objective is not just to increase transit ridership, but to divert people from the automobile, the market share idea is far superior. In my opinion, a market share formula would be a most effective first step toward incorporating national objectives and positive incentives into transportation legislation.

I started out on a rather negative note concerning our lack of success in attracting people to public transportation in the past, but I feel very strongly that the future of urban mass transit holds many success stories. If I'm correct, we can all look forward to the day when our air will be cleaner, our energy resources will be used more efficiently, our neighborhoods and communities will be improved not destroyed, and everyone will be able to move around the city without regard to income or disability. Effective mass transit can contribute greatly to the accomplishment of all of these most important objectives. I hope that we in the Congress will be able to make our contribution by producing the best piece of transit legislation that this country has ever produced.

OUR COUNTRY'S 200TH ANNIVERSARY

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. YOUNG of Illinois. Mr. Speaker, in less than 2 years, this country will mark its 200th anniversary. While I am hopeful that our bicentennial celebra-

tion will be fitting and worthy of our great Nation, it is doubtful that we have spent sufficient time and effort to have this truly momentous anniversary properly observed and celebrated. Therefore, it becomes necessary for many individuals and organizations to take the initiative and to begin to organize and plan programs to assist in bringing about a renewed dedication to the principles for which our country stands.

As part of the effort to stimulate interest in our country's 200th anniversary, I am sponsoring a "Spirit of 1976" essay contest for all high school students in each high school in the 10th Congressional District of Illinois. Student contestants are asked to write a 500- to 750-word essay on goals which they feel the United States should pursue between now and the end of the 20th century.

Each high school will select the best two essays for final judging. A Spirit of 1976 Essay Contest Committee composed of 10th Congressional District educators and community leaders will then elect a grand finalist and runner up from among the individual high school winners. The grand finalist and runnerup will receive an all-expense paid trip to Washington, D.C. In order to historically preserve the winning essays, they will be submitted to the National Committee on Critical Choices and they will be reprinted in the CONGRESSIONAL RECORD.

I believe this essay contest will stimulate student interest in our rich national heritage and at the same time spur some serious thinking about the critical choices which the United States must make in the crucial years ahead. I urge my colleagues to consider the use of a similar essay contest on the Spirit of 1976. I think it is a unique and particularly appropriate way to enable high school students to understand and appreciate their heritage and to broaden their horizens.

STATEMENT OF REPRESENTATIVE JOEL T. BROYHILL OF VIRGINIA ON A BILL TO GRANT THE CONSENT OF CONGRESS FOR THE STATE OF MARYLAND, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA TO AMEND THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT TO AUTHORIZE THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY TO ESTABLISH AND MAINTAIN A METRO TRANSIT POLICE FORCE, TO AUTHORIZE THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY TO ENTER INTO MUTUAL AID AGREEMENTS WITH THE VARIOUS JURISDICTIONS WITHIN THE TRANSIT ZONE, AND FOR OTHER PURPOSES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BROYHILL of Virginia. Mr. Speaker, I am today introducing legislation to establish and maintain a Metropolitan Transit Police Force and to authorize the Washington Metropolitan Area Transit Authority to enter into mutual-aid agreements with the various jurisdictions within the transit zone. Metro security has been a subject of great interest and some discussion in the Washington metropolitan area for the past 3 years. It was universally felt that Metro must be a safe and secure environment for the citizens of the region. The discussion centered around how best to accomplish that purpose.

An exhaustive study of Metro's security needs by the Arthur Young Co. of Washington, D.C., was completed in December of 1972. The basic conclusion of the study was that there was a need for an interjurisdictional Metro police force to work in cooperation with local police, to protect Metro's passengers, employees, and property. In addition, it was recommended that the Washington Metropolitan Area Transit Authority be vested with limited authority to adopt rules and regulations related to transit facilities and operations.

Briefly stated, the joint policing policy calls for both Metro and local police to have full police powers on all Metro transit facilities. In addition, Metro police will have primary law enforcement responsibility in the trains and tunnels, while the local police organizations will have primary responsibility in the stations and parking lots. Both Metro and local police will lend support to each other as needed.

This legislation will empower the Washington Metropolitan Area Transit Authority to implement the Metro security program. Other features of the Metro system will help in the implementation as well. Architecturally, the system has been designed to have spacious, well-lighted stations with attendants to assist the passengers. The attendants will have closed circuit television at their disposal to monitor all station areas. There will also be an attendant on each train, who will have direct telephone contact with all cars under his control. In addition, the Metro system will be equipped with a highly efficient communications and intrusion detection system.

The program and legislation to implement it have been endorsed by the Washington Metropolitan Area Transit Authority's Board of Directors, the Metropolitan Washington Council of Government, the individual prosecutors and police chiefs of the region, and the governing bodies of all eight local jurisdictions in the Washington Metropolitan Area Transit zone. Additionally, the legislation has been enacted by the State of Virginia and has been passed by the Maryland General Assembly. The Maryland bill is awaiting Governor Mandel's signature which in all likelihood will be forthcoming before the end of May.

Mr. Speaker, it is necessary that the bill be passed by Congress on behalf of the District of Columbia and approved by Congress as soon as possible so that the compact will be amended and Metro may begin its program of organization, recruitment, and training to assure the availability of an adequate and competent security force in time for the beginning of rail operation in July 1975.

NEVER AGAIN

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. GUNTER. Mr. Speaker, no words are adequate to express the full measure of revulsion and sorrow the world experiences in the aftermath of the sunrise slaughter at Maalot in western Galilee of 16 innocent young teenagers, just at the threshold of life and at the beginning of their promise, and the chance to fulfill their highest hopes for the future.

We cannot know fully what the individual hopes and dreams might have been for each of these 16 young people. But surely they included the dream of a different world, and of a future where the past butcheries and slaughters of human beings simply because of their acceptance of a faith, and devotion to a creed of religious conduct is sharing this planet with others, might mercifully fade into forgotten nightmares from a horrible but buried past.

Surely they dreamed of an end to wandering, an end to all forms of persecution of the human body and spiritual belief. And surely they believed in the day when love reigns and all live as neighbors.

I do not know that from this act which brings such feeling of revulsion that the world today can say with any honesty or assurance that their young hopes are any closer to realization today than in the darkest persecutions of the past. I hope they are. But I also know that the world keeps turning through the centuries and that yet in the year 1974, 16 innocent young people were butchered and slaughtered for the simple reason, in the end, that they belonged to a certain group and worshipped peacefully in a hopeful faith.

They, and we, perhaps have sought too much comfort in the wishful notion that the monstrous inhumanities to which they have been victim over the centuries died with monsters loose in the world three decades ago.

On a scale of horror, there is perhaps hope that this assumption with time will be proved correct. But the atrocity yesterday at Maalot, Mr. Speaker, reminds us painfully that in the world at this hour in the year of 1974 there are still ovens of the mind and men so poisoned with hatred and devoted to the destruction of the human heart and decency itself that only God knows what unimagined spark might yet again enflame the worst passions of others and engulf other young people like those 16 innocent young in the fires and ovens of even greater and darker slaughter once again.

Mr. Speaker, I cannot say that I understand or fully comprehend what U.S. policy in the Middle East may be at this time. In the midst of all of our preoccupations and worries at home, still another casualty appears to be the absence of scrutiny we might ordinarily exercise with respect to the nature, purpose, and

implementation of U.S. foreign policy in the Middle East and elsewhere abroad.

If our policy now, whatever else it may be, is insufficient to respond to the atrocity that so shocks and confounds us at this moment, surely we at least can do no less than to avoid the baser sin committed by the peoples of the civilized world of the past when they pretended either that atrocities were not their concern or that there was nothing to be done. We perhaps can do little at this moment.

The sense of futility I feel, as a Member of the Congress of the United States, the monstrous inadequacy of simply adding one's name to yet another resolution, well intentioned as it was and to which I added my name yesterday, is symbolic of the larger futility that engulfs us all as we witness the shocked aftermath of the terror. Perhaps, in truth, we can do little at the moment. But we can, and must, in response to this act of total revulsion, at least not ourselves look away.

Perhaps there is some rational purpose for the United States served, Mr. Speaker, in some way I do not comprehend, by this country's furnishing in such abundance small arms, for example, to all the mutually antagonistic nations of the Middle East, both to Israel and to its surrounding neighbors so steeped in enmity and so unwilling or unable to control the darker, more extreme elements of their own people.

Perhaps there is even some humanitarian purpose sought in pursuing such an ambivalent and ambiguous American foreign policy in the Middle East. Perhaps it is thought that by maintaining some sort of mutual small-arms or large-arms balance of terror that the hope for ultimate peace can best be served.

But that Middle East balance of terror tipped yesterday morning at sunrise, Mr. Speaker, against 16 innocent young teenagers in a school in western Galilee.

And the least we must do is not look away.

At this point, Mr. Speaker, I would like to submit the following statement issued by the Embassy of Israel:

MURDERERS NOT LIBERATORS

Today's attack by the Popular Front for the Liberation of Palestine (PFLP)—General Command—in Maalot is an additional link in a virtual chain of murder and carnage carried out recently both in Israel and abroad.

This most recent act of barbarism proves once again that the terrorists are not brave soldiers fighting against enemy troops, nor are they guerilla commandos engaged in harassing enemy military units. They are merely gangs of murderers, whose victims are defenseless civilians and children.

The activities of these gangs would be impossible without the material and moral support of various Arab governments, who are financing the terrorist organizations and providing training and operational facilities on their territories.

Outwardly this support by Arab states is camouflaged by the ambiguous slogan expressing support for "fulfilling the rights of the Palestinian people," but among themselves the Arab leaders hardly bother to conceal their support for the terrorist organizations and for these organizations' self-proclaimed aim of destroying an independent Israel and her people.

On March 5, 1974, Lebanon's Prime Minister Taki-Adin el-Sulh declared, "Lebanon is firmly committed to continue cooperation with the guerrilla command". Indeed, it is now clear to everyone exactly what are the results of this cooperation and this tight bond between the Lebanese leadership and these murderers.

On February 14, Lebanese Minister Nasri al-Maaluf said that "the Lebanese army will not engage in a policy of force to prevent some fedayeen groups from carrying out actions from Lebanese territory".

The government of Syria is providing financial military and intelligence support to the terrorists—especially to As-Saiqa and to the PFLP—General Command, which claimed credit for the killings at Kiryat Shmone as well as the attack at Maalot. PFLP—General Command leader Ahmed Jabril was in Damascus during the Kiryat Shmone attack and met with President Assad soon after.

The statements and reactions of Arab spokesmen concerning the murders in Kiryat Shmone praised "the heroic and daring action" and "the heroes that carried out the Kiryat Shmone exploit". (Official Syrian radio commentator, April 12, 1974).

A commentator for the Palestinian radio program in Cairo declared that in Kiryat Shmone the terrorists carried out one of their most glorious and daring actions:

"The operation in Kiryat Shmone emphasized the Palestinians' attachment to the land of Palestine" and "has moved the struggle of the Palestinians to a new stage characterized by revolutionary violence against Zionist barbarism."—Cairo Radio, April 12, 1974.

Syria's active support of the PFLP—General Command and Lebanon's responsibility for permitting the existence of terrorist bases and the launching of terrorist attacks from its territory receive encouragement from the international community, as evidenced in the U.N. Security Council resolution following the Kiryat Shmone attack. Instead of condemning such horrible crimes, the U.N. Security Council passed a resolution condemning Israel for her reprisal without even mentioning the mass murder which necessitated it.

The silence of the international community, as well as the surrender to previous terrorist demands by various Western governments and the failure of the U.N. to adopt sanctions against those nations which harbor and support terrorists, has only encouraged Arab governments and terrorist organizations to continue their murderous actions.

FORMER OLYMPIC CHAMPION, PAUL ANDERSON, SETS NEW RECORDS

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. MATHIS of Georgia. Mr. Speaker, a Georgian won worldwide fame 18 years ago by winning the world and Olympic weightlifting titles. Paul Anderson has done other great things and continues to be very much in demand for public appearances throughout the country.

He is the undisputed "World's Strongest Man," having lifted more weight in one single attempt than anyone in the history of the world, 6,270 pounds in the backlift. In public appearances, Anderson demonstrates several feats of strength—driving a nail through a 2-inch board with his bare hands and lifting a table on which six or eight big men are seated.

Paul Anderson's travel and appearances are aimed toward the realization of his lifelong goal of helping unfortunate young people, and for sustaining the Paul Anderson Youth Homes, Inc., of Vidalia, Ga. and Dallas, Tex.

Paul and his wife, Glenda, and daughter Paula, reside in Vidalia—devoting their inspiration and energies toward developing good citizens through spiritual guidance, education, and physical fitness.

Paul Anderson is a constituent of Georgia's Congressman Bo GINN, but I count him as a close friend and I am following his activities with a great deal of interest and pride.

He recently launched a new program, called SAFE and I wish to submit for review of his friends throughout the country, an article which describes this new endeavor:

PAUL ANDERSON HEADS SAFE, FORMED TO BOOST FREE ENTERPRIZE

Paul Anderson, unchallenged for the title of "World's Strongest Man", is also one of the country's biggest boosters of the free enterprise system. Anderson, who gained worldwide fame following his record breaking weight-lifting in the 1956 Olympics, has never been one to rest on his laurels—he has established two Anderson Youth Homes for boys and he travels the country constantly speaking to youngsters about patriotism, physical fitness and the free enterprise system.

Recently, he and several other concerned citizens who believe the free enterprise system is in great danger decided to do something about it. They have formed S.A.F.E. Inc., Save American Free Enterprise, a non-profit organization dedicated to reversing the present downward trend of belief in the free enterprise system. S.A.F.E. is not trying to alarm people, but the group is seeking to inform the American people of the facts.

According to Anderson, some of these facts are startling. He says polls have recently shown that over 40 percent of high school students polled do not believe in business making a profit. A Harvard survey found that 50 percent of children over 10 who were questioned said that they do not believe that men who run large companies are honest. A National Review report cited a poll showing that 76 percent of 39,705 college students questioned were anti-free market. Harris polls also show that in the past 5 years the public's confidence in the integrity of business leadership has dropped from 57 percent to nearly 22 percent.

Paul Anderson believes that concerned citizens must stand up and speak out for the free enterprise system or will it die from a lack of understanding. To overcome the many reasons for the low national image of free enterprise, S.A.F.E. was created—dedicated to educating our future citizens and leaders in the challenges and fascinations of the free enterprise system.

The non-profit group, headquartered in Dallas, Texas, along with one of the Anderson Youth Homes, plans to send speakers to talk to schools and to the general public. They will also provide tapes and reading material to inform people of the nature of a free economy. "For if everyone understands what our proven method of doing business really means to us," says Anderson, "no one can tear it down. . . ."

CRIME: A COMMUNITY PROBLEM THAT REQUIRES COMMUNITY SOLUTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. RANGEL. Mr. Speaker, representing a district that considers crime in the street its most pressing problem, I am keenly interested in effective measures that could alleviate this menace in our communities. Over the years I have strongly advocated community involvement as a viable approach to this community issue. Therefore I am pleased to share with you and my colleagues this article from the Westsider which describes the success we are having in the upper West Side of Manhattan in our fight against crime. Community awareness and involvement were significant contributors to this success. I believe that these results can be duplicated throughout the country when we begin to emphasize community support and cooperation in our crime programs, as opposed to community suppression.

CRIME IS DOWN BUT STILL POSES PROBLEMS

(By Betsy Haggerty and Tom Rosenthal)

No doubt about it. The West Side is safer than it was two years ago. Reported crime in 1973 dropped roughly 20 percent from the 1972 figures in the three West Side precincts. The drop has continued into 1974, but it has levelled somewhat. And people are asking is the trend about to reverse.

The residents of 70th Street weren't thinking much about statistics last month. They were scared. One of their neighbors, Park Wing Lem, had been robbed and murdered on their street.

20TH PRECINCT

				January, February, and March		
	1972	1973	Percent change	1973	1974	Percent change
Murder	26	22	−15.4	4	5	+25.0
Rape	55	55	----------	7	14	+100.0
Robbery	1,640	1,203	−26.6	279	264	−6.0
Assault	319	293	−8.2	62	57	−8.0
Burglary	2,971	2,252	−24.2	547	586	+7.0
Grand larceny	1,101	1,011	−8.2	246	244	−.8
Auto theft	657	639	−2.7	154	120	−22.0

Source: Statistics furnished by 20th precinct.

A special meeting of the block association was called to discuss security. According to chairwoman Diane Booth, 60 people came, one of the largest turnouts ever. "They came out of horror, shock, disbelief and fear," Ms. Booth said, "and they left with a stronger awareness of what they could do for themselves and a feeling of unity."

One observer called the response to Lem's murder a vigilante reaction. Ms. Booth disagreed. She saw the response as positive and practical, as block members agreed to start a whistle campaign to alert one another when help is needed.

It is clear that good statistics don't mean a lot when one is a victim or even the neighbor of a victim. Crime remains an issue.

Over the next several weeks, The Westsider will take an indepth look at safety on the West Side. This week we will chart the crime picture—what it looks like, and how it is changing.

Next week we will focus on crime prevention—what the community has done and can do. In subsequent articles, we will spend time with the police—uniform, anti-crime and the strategists. We will also highlight West Side trouble spots and talk to some experts in the field of criminal justice.

METHOD

In compiling statistics for the 20th (59th to 86th Streets, Central Park West to the Hudson River) and 24th (86th to 110th Streets, park to river) Precincts, we used figures supplied by the Police Department in seven categories—murder, forcible rape, robbery, assault, burglary, grand larceny and auto theft.

For Morningside Heights, a different method was used. Since the Heights represents only a small portion of the 26th precinct, figures for the entire precinct would be misleading. Therefore we have used figures compiled by Morningside Heights, Inc., a service organization funded by the religious and educational institutions of the area.

The figures were taken from daily police reports of reported crime from 17 selected posts in the Morningside area—from Morningside Drive to the River, Cathedral Parkway to Tiemann Place. They have been verified by the 26th Precinct.

The Morningside report lists crimes of "fear and outrage" and differs slightly from the FBI required listing furnished by the other precincts. Listed crimes are: murder, rape and sodomy, robbery, auto theft, larceny from an automobile, burglary, possession of dangerous drugs, and purse snatch.

THE PICTURE

Two crimes: robbery—theft involving confrontation and violence—and burglary—theft through forced entry into a home or place of business—represent the crimes Westsiders are most concerned about. They pose the threat of violence and personal loss.

SELECTED CRIMES IN MORNINGSIDE HEIGHTS

	1972	1973	Percent change
Murder	6	6	−16.6
Rape, sodomy	17	31	+82.3
Robbery	543	418	−23.0
Auto theft	265	235	−11.3
Larceny from an auto	403	310	−23.0
Burglary	605	500	−17.3
Possession of dangerous drugs	41	21	−48.7
Purse snatch	194	73	−62.3

Source: Figures compiled by Morningside Heights, Inc. No statistics available for 1974.

They are the most numerous crimes reported on the West Side and the crimes that have dropped most significantly over the last year.

During 1973, there was a substantial drop in the number of reported robberies and burglaries in all areas of the West Side.

In the 20th Precinct, the number of robberies dropped from 1,640 in 1972 to 1,203 in 1973, a drop of 26.6 percent. While the 24th precinct had more reported crime in each year, the percentage drop was even greater. Robberies declined 27.8 percent from 2,259 in 1972 to 1,630 in 1973. In the smaller Morningside Heights community, robbery went from 543 in 1972 to 418 in 1973, a decline of 23 percent.

Burglary, the fearsome crime that occurs most often on the West Side, also dropped in 1973. In the 20th Precinct, the drop was 24.2 percent as the number of reported burglaries went from 2,971 to 2,252. In the 24th, the figures went from 3,548 to 2,501, a decline of 29.5 percent. And in Morningside reported burglaries went from 605 in 1972 to 500 in 1973, a drop of 17.3 percent.

The trend is not as bright for the first three months of 1974. While figures are not available for the Morningside area, both the 20th and the 24th precincts have experienced a slight but worrisome increase in crime.

24TH PRECINCT

				January, February, and March		
	1972	1973	Percent change	1973	1974	Percent change
Murder	44	23	−47.7	6	7	+16.7
Rape	78	76	−2.6	10	18	+80.0
Robbery	2,259	1,630	−27.8	385	394	+2.3
Assault	429	532	+24	121	115	−5.0
Burglary	3,548	2,501	−29.5	673	545	−19.0
Grand larceny	1,033	1,055	+2.1	219	253	+15.5
Auto theft	693	720	+3.9	147	124	−15.6

Source: Statistics furnished by 24th Precinct.

In the 20th Precinct the problem is burglaries, which show a rise of seven percent over January, February and March of the previous year. According to Deputy Inspector Pluchino, commanding officer of the 20th, the precinct has "held its own" in terms of robberies by maintaining a decline of six percent during this period.

But Pluchino is obviously concerned about the burglary figure. "Burglary is one of the most difficult crimes to make arrests in," he said. "Usually there is no confrontation and the perpetrator cannot be identified. But we watch every pattern. We hold conferences and find out everything we can about the crimes—where, when and who was likely to have done it. Then we try to figure out, when, where and how it will happen again. And we send our anti-crime and uniformed personnel to that area."

Such analysis was responsible for helping to break up a burglary team that Pluchino believes was responsible for making over 100 window burglaries in the precinct.

For example, Pluchino said, the number of burglaries during January and February of this year had actually increased by approximately 23 percent. Then several key arrests were made and the March figures showed a decline of 24 percent in burglary over the previous March.

The 24th Precinct has had great success in keeping burglary totals down during January, February and March. Captain Peter Prezioso reports a decrease of 19 per cent over the same months in 1973 but Prezioso is worried about robberies.

"In the first three months of 74, there has been a leveling off on robberies," he said. Robberies in the precinct increased to 394 from 385 during the previous year, a change of 2.3 percent—minimal but nonetheless a cause for concern.

Prezioso is at a loss to explain the reversal, but says that the precinct was in a state of internal flux during this quarter due to change in assignments—a cut back in the anti-crime unit and a change in Neighborhood Police Teams which caused a certain disillusionment among his officers. "So," he said, "it is difficult to look at that period and say what happened. We'll have to look at what happens now that the precinct is back to normal."

The captain said that April has been a fantastic month for robbery arrests and he said he expects that this will show up as a decrease in the number of robberies in the month of May.

Police point to a number of reasons for the initial decrease in crime. The precise weight of each cannot be determined, but they point to a new awareness on the part of the public of safety techniques, numerous crime prevention efforts, more effective police work through anticrime units and concentrated planning, and some lessening of drug-related problems.

All three precincts have more manpower than they did a year ago and they are putting their additional personnel in "visible" positions, where they will work as deterrents. It will be difficult to measure the real effect of visibility patrols, but the police are certain they will be of some help, and Lt. Peter Mulreany of the 26th Precinct pointed out that more uniforms on the street will make the community feel more secure and, he said, "That is important."

Can the decrease continue? The police admit they don't know.

Captain Prezioso shied away from speculation and Deputy Inspector Pluchino said, "It is difficult to keep up with last year's decrease of over 20 percent."

"My crystal ball is going to crack on that question," said Captain Robert Harris of the 26th Precinct, where Morningside Heights is located. "I would like to say it would continue to go down, but there are so many variables. Have we reached the point of diminishing returns? I don't know."

CUYAHOGA VALLEY: A PARK FOR PEOPLE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. SEIBERLING. Mr. Speaker, although the idea of conserving open space had its roots in the Middle Ages, the concept of creating a "national park" for the use and enjoyment of the public is new. It began in the United States just a little over 100 years ago with the creation of Yellowstone National Park.

The early parks of our country were born during an era when the country's resources were being rampantly exploited. These parks were created by a handful of idealists who fought many battles, both in and out of Congress, to find support for their cause. It was not an easy task. That they eventually won is something of a miracle.

In establishing the first parks, Congress never contemplated an organized system of national parks. In the beginning there was little coordination of policy and no continuity of personnel. Yellowstone, for example, was controlled for 30 years by the U.S. Army.

It was not until 1916 that Congress created the National Park Service to manage its Federal parks. Today the service manages 298 acres, including national parks and monuments, national historical sites and battlefields, and national recreation areas.

What most people do not realize is that only a small fraction of these areas are usable for recreation. Almost half of them are in the historical category and generally are not available for recreation.

Furthermore, most of the national parks are far removed from the cities where 75 percent of our Nation's people live. The main function of these national parks is not recreation but conservation of natural resources. Public use is limited to such activities as hiking, camping, and backpacking. Because of the outdoor nature of these activities, and the long distances of the parks from cities, most people visit these parks only during their summer vacations.

The National Park Service has only 15 officially designated national recreation areas—17 other areas, such as national seashores, are managed for recreation. Only two national recreation areas, the new Gateway Parks in New York and San Francisco, are mainly urban in nature.

These recreation areas, particularly the two gateways, offer an important alternative for American people. Places where people can enjoy an outdoor experience that is close to home and readily accessible to them. Large areas where people can enjoy the outdoors without feeling overcrowded and without damaging the resources. Open areas where city people can learn about country life and how to appreciate an outdoor experience.

The proposed Cuyahoga Valley Natoinal Historical Park and Recreation Area, between Akron and Cleveland, Ohio, would be this kind of park. Like Yellowstone, the Cuyahoga Valley Park would be created out of urgent necessity. Like Yellowstone the valley is being threatened by development that would exploit its resources. Like Yellowstone, the Cuyahoga Valley Park will become a reality only by the zealous efforts of those who recognize its potential. And like Yellowstone, the Cuyahoga Valley Park would be landmark legislation that could lead the way to a new Federal commitment to parks for people—for people who live in the cities.

The Cuyahoga Valley is not being preserved solely for its beauty or its natural or historical resources, although these are important and significant in themselves. It is being preserved because it is one of the last hopes to create significant recreation space for the people of northeast Ohio—the last large expanse of green space between Akron and Cleveland. It would be within easy access of over 4 million people. It would offer them a place where they can refresh their spirits away from the concrete sidewalks of the city and the jangling pressures of urban life.

Support for the Cuyahoga Valley Park numbers in the thousands and is growing rapidly among people and organizations throughout our country. The Cuyahoga Valley Park proposal has become a symbol of the kind of Federal commitment that is vital if we are to save precious open space in and around our Nation's cities.

I am not suggesting that every urban area have a Federal recreation area such as the proposed Cuyahoga Valley Park. Not every city has such a unique and well-preserved large open space available for that purpose. And the Federal Government cannot afford to make itself the sole custodian of all our natural resources or to become the manager of small neighborhood parks and playgrounds. But the Federal Government also cannot afford to ignore the recreation needs of people who live in and around our major urban centers where the need is greatest, and where the land is still available.

Some people have compared the Cuyahoga Valley Park proposal to the new Gateway National Recreational Areas in New York City and San Francisco. I can understand the comparison, as the Cuyahoga Valley would also serve a large metropolitan area. Yet the Cuyahoga Valley is significantly different from the two gateways, and represents a landmark of another kind. Unlike the two gateways, the Cuyahoga Valley does not consist of fractured parcels of land. It is a large, relatively undeveloped, contiguous open space. Strategically located in the heart of our country, it could ultimately serve many people in the East and Midwest who may never be able to visit our great coastal cities.

Furthermore, the Cuyahoga Valley Park proposal would not require complete Federal ownership of all land within its Federal boundaries. The bill provides for some of the land to be controlled under scenic easements, thus allowing continued production of rich farmlands while maintaining the scenic integrity of the area and protecting the local tax base. Cooperative programs could be developed with neighboring public, quasi-public and private park lands, which would enhance the Federal park and significantly increase its historical, cultural, and recreational base.

Mr. Speaker, I would like to insert in the RECORD at this time an article by Mr. James Jackson that appeared in the March issue of the Sierra Club bulletin. Mr. Jackson points out some of the outstanding features of the Cuyahoga Valley, and why action is urgently needed now on the bill to establish the Cuyahoga Valley National Historical Park and Recreation Area. The article follows:

THE CUYAHOGA RIVER: JEWEL OF THE WESTERN RESERVE

(By James Jackson)

No one would claim that the Cuyahoga River Valley in northern Ohio has the grandeur of Yosemite, the splendor of Yellowstone or the mystic allure of the Great Smoky Mountains. Yet here in a 20-mile stretch between the edges of Cleveland and Akron is open space with forest-covered hillsides, meadows on the floodplain, and a winding river that was a thoroughfare for the Indians long before the white man came.

Congress is being asked to make it a national historical and recreation park, a designation for non-wilderness areas of special historical and recreational value. Hearings before the parks subcommittee of the House Interior Committee are expected to be held in February. Representatives Seiberling, Vanik, and Regula of Ohio, with 45 cosponsors, have introduced H.R. 7077, which would authorize establishment of the park. A companion measure has been introduced in the Senate by Senators Saxbe and Taft of Ohio. The proposal's backers, including the Sierra Club, say that this is a perfect opportunity to have a national park closely accessible to people. The Cuyahoga Valley is within only an hour's drive of four million persons. Even more significant in these days of gasoline shortages, at least half that number could cycle to it and home again on a Sunday afternoon.

The concept of a national park in the valley is relatively new, but appreciation of the natural attractiveness of the area goes back a long, long way. "The land I live on is as good as any man can wish for," wrote Jonathan Hale in 1810 toward the end of his first year as a settler in the Connecticut Western Reserve. Today, the fine brick home he erected in 1827 is a living museum, surrounded by a growing replica of a

Western Reserve village. School children from throughout northern Ohio come to the 160-acre farm to see what life was like during the 1800's. The farm is but one of several of the public and quasi-public facilities already available in the 20,000-acre valley area. The Cleveland Metropolitan Park District's famous Emerald Necklace encompasses several miles of the valley just to the south of the city. It has been said that a national park stretching on southward could be the jeweled pendant hanging from the necklace. In addition, Akron Metropolitan Park District has five separate parks, totaling more than 3,000 acres, in or immediately adjacent to the valley. Nestled in a woodland on the eastern rim is the Blossom Music Center, summer home of the famous Cleveland Orchestra. Boy Scouts and Girl Scouts each have several hundred acres of woodland for year-round camps and hiking trails. There are three smaller summer camps.

Despite proximity to two major metropolitan areas, the valley retains much of the flora and fauna of centuries past. It has been described as a crossroads for plant life of the East, West, North, and South. One botanist wrote of the region: "Northeast Ohio is one of the richest, if not the richest, natural history areas on the North American continent." Flora characteristic of Canada, and representatives of the post-glacial plant successions thrive here, alongside plants more common to the South. The steep hillsides support a thick growth of timber. Beech and sugar maples dominate, but there are also stands of oak, hickory and ash. On the flood plain are sycamores, cottonwoods, box elder, and black walnut. Ohio buckeye is native in the valley, but is close to its northern and eastern limits of distribution.

Accessible only by footpath is Stumpy Basin, with an amazing array of botanical specimens in a 30-acre swamp owned by Kent State University. Once, it was a turning basin on the old Ohio and Erie Canal. Nearby is Lonesome Lock, overgrown with poison ivy. One of the hopes of park backers is to restore a few miles of the old canal, opened in 1827 and washed out by a great flood in 1913. It would be exciting to have a replica of an old canal boat drawn by mules in tandem so that visitors could experience an earlier form of transportation. Several miles of the old towpath are now traversed frequently by hikers on the lake-to-river Buckeye Trail.

The historic village of Peninsula (pop. 682), once a bustling canal town, lies midway in the proposed park area. Otherwise, houses are scattered. A few farmers raise sweet corn and cattle. Suburban dwellers are moving in. Because of steep hillsides and water-supply deficiencies, development has fortunately been slower than on the plateaus at either side, where there is an almost continuous urban sprawl from Celeveland to Akron. But developers now have their eyes on the valley. One tract for 60 homes was bulldozed out of the forest a year ago. Its promoter wants to go further. On the western rim looms the steel frame of the Midwest Sports Coliseum, which will greatly increase local traffic, not to mention the probable mushrooming of motels, taverns, and gasoline stations. If the remaining valley acres are to be saved as a precious suburban green belt, action must come soon. Only the federal government has the resources.

The two metropolitan park systems have been acquiring land in the valley for almost 50 years, but only a nibble at a time is permitted by limited budgets. The state of Ohio has recently become interested and, with 50–50 matching funds from the Bureau of Outdoor Recreation, now has $8 million available for land purchases. That's a good beginning, but not enough because prices are rising fast. The best guess now is that $40 to $50 million will be needed if the park is to become a reality within the next few years. Beyond that, it would cost more to get less because developers would have made irreversible inroads.

While the Cuyahoga Valley park would no doubt be used mostly by Ohioans, it could also be a welcome haven of rest and relaxation for transcontinental travelers. It is crossed by the twin bridges of the Ohio Turnpike (I-80) and also by I-271, a northeast-southwest thoroughfare which links central New York state and northwest Pennsylvania with southern Ohio.

Seirra Club members who staged a canoe trip last year through the surprisingly wild Pinery Narrows found the river water a little too smelly for pleasant boating. But with federal and state EPAs insisting on a cleaner effluent from the many sewage plants which dump into the river and its tributaries, it is even possible that the river itself may offer recreational possibilities before 1980. Meanwhile, this is a great open space worth saving for its historic and esthetic values.

REPUBLICANS BLAST DEMOCRATS FOR SECRETLY KILLING BOLLING REPORT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. FRENZEL. Mr. Speaker, today 22 Republican Members participated in the following statement to the people of this country:

WASHINGTON.—22 Republican Congressmen today issued the following statement calling on their Democratic colleagues to abandon their secretive, obstructive tactics and to allow open debate on the reforms proposed by the Select Committee on Committees (the Bolling Committee).

Sponsors of the statement are: Mark Andrews (N.D.), Alphonzo Bell (Calif.), Edward Biester (Pa.), Silvio Conte (Mass.), Lawrence Coughlin (Pa.), John Dellenback (Oreg.), Pierre duPont (Del.), Marvin Esch (Mich.), Hamilton Fish (N.Y.), William Frenzel (Minn.), H. John Heinz (Pa.), Frank Horton (N.Y.), Jim Johnson (Colo.), Paul McCloskey (Calif.), Joseph McDade (Pa.), Stewart McKinney (Conn.), Richard Mallary (Vt.), Joel Pritchard (Wash.), Howard Robison (N.Y.), Philip Ruppe (Mich.), Garner Shriver (Kansas), J. William Stanton (Ohio).

STATEMENT

Hiding behind the secrecy of the closed doors of the Democratic Caucus and the anonymity of the secret ballot, House Democrats last week threw away the most significant Congressional reform effort in 30 years. Ironically, the very nature of the vote demonstrated why the reform measure is necessary and why many Democrats are so opposed to it.

The Select Committee on Committees under the able and truly bipartisan leadership of Congressmen Bolling (D-Missouri) and Martin (R-Neb.) developed a reform proposal which would make Congress more effective by:

Eliminating proxy voting.
Creating a single track committee system.
Modernizing committee jurisdiction.
Guaranteeing minority staffing.
Early organization of the Congress.

Despite some expressions of discomfort with the report's impact on them as individuals, the Republican Policy Committee voted to support the Bolling Committee and urged open debate of its provisions on the House floor.

Meanwhile Democrats wrangled for weeks over whether they would even permit consideration of the Bolling report. Belatedly, the Democratic leadership appealed for support of the measure by asking opponents to stay away from the vote. In the end, those that were present behind those closed doors acceded to advice by some of their members to kill the measure.

At a time when Democrats are sanctimoniously asking for more openness in government, they have directed the reform measure to another closed door committee from which it is unlikely ever to emerge.

The only way for reform to succeed will be by the mobilization of public pressure on the Democrats to abandon the stultifying unit rule and accept progressive proposals for the reform of House procedures.

INDEPENDENCE FOR PORTUGAL'S AFRICAN "TERRITORIES"

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. DIGGS. Mr. Speaker, I would like to insert for the thoughtful attention of my colleagues the following statement and attachment regarding the impact of the recent coup in Portugal:

STATEMENT BY CONGRESSMAN CHARLES C. DIGGS, JR., URGING INDEPENDENCE FOR PORTUGAL'S AFRICAN "TERRITORIES"

In my capacity as Chairman of the House Subcommittee on Africa, I have long been concerned with Portuguese colonialism in Africa. In view of the recent coup in Portugal, it is vital that the United States carefully reexamine its foreign policy toward Portugal and Africa.

It is particularly important that the United States should, at least, refrain from any actions that would hamper the attainment of "real" independence for Portugal's so-called African territories, and, optimally, urge Portugal to take immediate steps which would lead to full independence. In the interests of world peace, it is imperative that the United States also attempt to assure that South Africa and Rhodesia maintain a "hands-off" position regarding Angola, Mozambique, Cape Verde, and Guinea-Bissau.

Although Portugal's internal liberalization policies are noteworthy—as are increased freedoms for any peoples throughout the world—it is, at the same time hoped that the junta will take concrete steps towards full independence for Angola, Mozambique, and Cape Verde and towards recognition of Guinea-Bissau's independence. It is essential that Portugal's offers to negotiate with the liberation movements include specific reference to independence as a goal, while assuring that hopes for a Lisbon-controlled federation have been abandoned.

The United States Government has an opportunity to play a major part in this process—thereby indicating to independent, majority-ruled Africa that it does not intend to stand for the continuation of colonialism in Africa. In failing to support complete independence and majority-rule for Portugal's African territories, and in supporting a military solution in Africa, the United States would find itself in a highly untenable position supporting the last vestiges of colonialism in Africa, while ignoring the inevitability of popularly-based, independent gov-

ernments in Angola, Mozambique, Cape Verde and Guinea-Bissau.

In this connection, on May 9, 1974, the Chairmen of the United Nations Decolonization Committee, Apartheid Committee, and Council for Namibia, jointly issued a statement in which they asserted:

"We believe that the evolving situation in Portugal provides the opportunity for the new regime to abandon wholly and completely the misguided policy of its predecessors. They must not only recognize the legitimate right of the peoples of Angola, Mozambique and Cape Verde to self-determination and independence, but must forthwith take decisive and concrete measures toward the realization of that right."

In addition, it is essential that Portugal indicate its willingness to negotiate a timetable leading to *independence* with the liberation movements recognized by the OAU (Organization of African Unit) noting that such a timetable could be negotiated within a period of one to three years. However, it is important that it be based on the unique circumstances in each of the so-called territories.

Of further interest is the particular type solution offered by Portugal. Would Portugal offer to work cooperatively with the African majority or would it simply pull out of the territories, taking with it such assets as it may now control?

INTERNATIONAL IMPLICATIONS

It is unthinkable that the current situation in Angola, Mozambique, Cape Verde, and Guinea-Bissau be viewed in a vacuum. On the contrary, the future of these areas has wide-reaching consequences, not only for the rest of southern Africa, but for the world.

In southern Africa, the geopolitics of South Africa and Rhodesia are major considerations. What would be the consequences if South Africa attempts to protect what it perceives to be its own security interests in Mozambique and Angola? Mozambique's southern boundary borders on South Africa, as does Angola's southern bounadry on Namibia—the international territory which is illegally occupied by the South African Government.

Rhodesia, governed by a minority of white settlers which unilaterally declared its independence from Great Britain in 1965, has only one access to the sea through Beira in Mozambique.

Any attempts by South Africa or Rhodesia to protect these interests, either through military assistance or through support for white settler regimes in the Portuguese territories, surely cannot be condoned by the United States—or by the international community. The possible threat to international peace posed by such actions is clear—in light of the forthright commitment to complete independence made by the popularly-supported liberation movements in the territories and in Guinea-Bissau.

Any nation which has extensive relations with and interests in South Africa and Rhodesia would be detrimentally affected by any outbreak of war in southern Africa. In particular, Great Britain, West Germany, France, Japan, and Israel would be adversely affected. It is time for all these countries to speak out in support of full independence and majority-rule in the Portuguese territories.

Surely, Brazil as the principal Portuguese-speaking country in the world, cannot afford to permit the situation in Africa to deteriorate, while knowing Portugal's colonial policy to be wrong. Brazil also must exert its tremendous influence in support of immediate steps towards full independence.

It is time for the United States and the international community to speak out. Waiting could postpone, if not thwart, a constructive resolution of the situation in Angola, Mozambique, Cape Verde, and Guinea-Bissau.

How long can Portugal continue to maintain its colonial wars—in light of the disillusionment with these wars in metropolitan Portugal and in Africa? How long will Portugal's conscripts continue to fight in Africa, particularly in view of General Antonio de Spinola's own interpretations that a military solution in Africa is not possible? How long can Portugal continue to hold on to territories in Africa, even as part of a federation, in view of the liberation movement's determination to fight for complete independence? Surely, full independence in the territories is more than ever inevitable now.

Have Gulf Oil and other U.S. corporations which are exploring for oil in Angola and Mozambique begun to reassess the implications of their involvement? Failure to recognize these realities is a shortsighted error, which neither Portugal nor the United States nor the myriad of countries and corporations with extensive interests in southern Africa can safely ignore.

BACKGROUND

On Thursday, April 25, 1974, Portuguese Premier Marcello Caetano yielded power to a junta headed by General Antonio de Spinola, former commander-in-chief of Portuguese forces in Guinea-Bissau. Spinola, in his recent book, *Portugal and the Future*, criticized Portugal's participation in its African wars as being too costly for the country and unwinnable, and advocated the establishment of a federation, consisting of Angola, Mozambique, Guinea-Bissau, and Portugal under the leadership of one central government in Lisbon.

Internal disillusionment with Portugal's 13-year colonial wars in Angola, Mozambique and Guinea-Bissau was inevitable. That country, one of the poorest in Europe, has been faced with a multitude of economic problems. In 1973, Portugal had the second lower per capita income ($539) of all NATO countries. Emigration is high, as workers emigrate to other countries, contributing significantly to a population decrease from 10 million to 3.5 million in the last decade. This emigration, coupled with the annual conscription of approximately 150,000 men into the military, has caused a labor shortage that is quite damaging to an already weak economy. Reminiscent of Vietnam, Portuguese troops in Africa, about 40 percent of whom are African, are reported to have been fighting an increasingly defensive war for some time now, rarely, if ever actually seeking out the enemy and usually fighting only when attacked. Nearly 100,000 draft resisters have taken refuge abroad to escape the draft, and the country's military academy has less than 25 percent of its positions for officer candidates filled.

At the same time that a military solution becomes difficult for Portugal, liberation forces in Guinea-Bissau, Mozambique, and Angola have indicated that they intend to continue to wage a military war as long as these territories are not fully independent—federation is not an acceptable alternative.

U.S. RELATIONS WITH PORTUGAL

As a result of the current situation in Portugal, Chairman Diggs, on April 26, 1974, sent a telegram to Secretary of State Henry Kissinger urging an extensive reevaluation of U.S. foreign policy with respect to Portugal and Africa. More specifically, the telegram urged a reassessment with respect to:

(1) the current renegotiations of the Azores agreement;

(2) U.S. NATO relations with Portugal;

(3) independence of Portugal's African territories;

(4) the implications for U.S. policy and Brazilian interests re: Portugal, its African colonies, and Africa, generally.

First of all, it is vital that the current Azores renegotiations be held in abeyance while the situation with regard to Portugal is still in a state of flux. It is important that the United States Government realize that any reciprocity for the Azores base furthers the capacity of Portugal to maintain control over its so-called African territories.

U.S. support for Portugal was substantially enhanced by the conclusion of the Azores agreement in December 1971. This agreement allowed the use of the Azores base by the United States in return for an unprecedented quid pro quo to Portugal which included: $400 million in grants and loans from the U.S. Export-Import Bank, $15 million per year in P.L. 480 grain shipments, $5 million worth of drawing rights from U.S. Government lists of surplus "non-military" equipment, the loan of a hydrographic survey vessel, $1 million in educational assistance from the Pentagon budget, and the waiver of Portuguese support payment for the U.S. military advisory assistance group (MAAG) in Lisbon.

It was this deplorable announcement of a U.S. political alliance with Portugal and its enormous economic commitment which compelled Chairman Diggs to take the unprecedented step of submitting to the President his resignation from the U.S. Delegation to the 26th Session of the General Assembly.

Ths U.S. stand with Portgual is both flagrant and unnecessary—unneccessary in terms of the substantial impact of the Azores base on the local economy. This was borne out by Chairman Diggs' April 1974 visit to Lajes Base, Azores which revealed extensive base-sponsored agricultural, medical and humanitarian projects, including deep-water drilling, and poultry and animal breeding programs. In addition, the U.S. presence in the Azores vitally affects the Azorean economy through local housing rentals and off-base purchases by Americans, as well as the training and employment of Portuguese nationals by the United States with its highly competitive salaries and benefits.

Secondly, it is essential that any other U.S. assistance to Portugal (either bilateral or multilateral) which could be used directly or indirectly for military purposes be reconsidered. In this light, U.S. military assistance to Portugal through their joint membership in NATO is particularly noteworthy. It is also vital that the U.S. Government make known all assistance (indirectly or directly useful for military purposes) which it authorizes for use by Portugal. Furthermore, any participation by the U.S. Government in "secret contingency plans" for the defense of southern Africa should be revealed. The May 2, 1974 article by Tad Szulc in the Washington Post indicates that the full extent of such U.S.-NATO support for Portugal is only beginning to be realized, since much of this assistance is actually a result of "secret contingency plans":

"As long as a year ago, when it became obvious that the rebels were gaining in strength in Mozambique, the U.S. and NATO began to draw up secret contingency plans for air and naval defense of South Africa. In June 1973, NATO's Defense Planning Committee (DPC) instructed SACLANT (Supreme Allied Commander, Atlantic) headquarters in Norfolk, Va., to draw up plans for an allied air-naval task force to stand ready to assist South Africa, should the need arise.

"Following a December 1969 National Security Council Decision to preserve a "balance" in southern Africa, the U.S. has been quietly selling Portugal "non-lethal" military end items such as jeeps, radio systems and spotter planes as well as defoliants. It has trained Portuguese officers in counter-insurgency at the jungle warfare army in Ft. Gulick in the Panama Canal Zone and helped in training Portuguese pilots at bases in Western Germany."

The reporting of secret contingency plans for the defense of southern Africa is particularly worrisome in view of the recent visit

of Admiral Hugo Biermann, head of South Africa's defense forces to the United States. Although Admiral Biermann, prior to his visit, assured the State Department that he would have no official contacts of any kind, he is known to have visited Acting Secretary of the Navy, J. William Middendorft, as well as Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff.

This past January, Connie Mulder, the South African Interior and Information Minister also visited the United States and saw a number of high-level government officials including Vice Admiral Ray Peet, Deputy Assistant Secretary of Defense for International Affairs.

In light of these visits, coincidentally concurrent with the changing situation in Portugal, serious questions can be raised, despite Defense Department denials, regarding U.S. consideration of (and even participation in) any secret contingency planning for the defense of southern Africa.

Thirdly, and most significantly, is the issue of U.S. foreign policy with regard to the independence of Portugal's African territories. It is important that the United States fully support complete independence and majority rule for the colonies, and that it recognize the independence of Guinea-Bissau. Real independence, it should be noted, does *not* mean participation in a Lisbon-governed federation. Real independence does *not* mean control by white settler regime in Africa. Real independence does *not* mean governance by regimes controlled by Lisbon.

Since the early 1960's, Portugal has stubbornly failed to heed its international legal obligations under the U.N. Charter to recognize the right of the peoples of Angola, Mozambique, Guinea-Bissau and Cape Verde to real self-determination. Of course, Portugal's definition of allowable self-determination consists solely of option to become part of a greater Portugal—a federated Portuguese community. The United Nations, joined by the United States, has maintained that (1) Portugal is legally obligated to grant self-determination to its African territories; (2) that self-determination must include the choice of being an independent state and (3) that Portugal's definition of self-determination is not acceptable to the United States, to African nations, or to the international community.

It is clear from recent statements by General Spinola that his view of self-determination and unification of African territories and Portugal into a commonwealth with a Lisbon-based government also does not mean independence. In fact, Spinola is quoted as recently stating that "self-determination should not be confused with independence. It is essential then that the U.S. Government be aware of 'ficticious independence.'" As Chairman Diggs stated in his opening statement before his Subcommittee on Africa's March 14 hearing entitled "The Complex of U.S.-Portuguese Relations":

"We are . . . concerned that the United States not support any movement that would lead to a white colonial, i.e., white settler, regime there (in Portugal's African territories) and, thus, towards developments as in Rhodesia, where a white settler group is trying to maintain controls."

Further caution should be exercised that Lisbon-controlled governments are not imposed in the territories under the guise of independence and majority-rule.

Finally, the United States should certainly reassess the implications for American foreign policy of Brazil's relations with Portugal. If even such a close friend of Portugal's as Brazil comes to the conclusion that Portugal cannot continue to hold its African, what does this imply for continued U.S. support for Portugal?

LAND-USE BILL

HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. KAZEN. Mr. Speaker, when the Rules Committee yesterday granted a rule for floor consideration on H.R. 10294, on land use planning, I had hoped to testify against the rule. The committee had control of the bill, having voted to postpone indefinitely the granting of a rule in February, and yesterday it acted after a few questions to the principal sponsor, Mr. UDALL. Because the argument which I had hoped to make is pertinent to consideration of the measure when Members vote on it, I offer the statement which I had hoped to make to the Rules Committee. I said that we face a basic question of whether the Federal Government should be involved in land use planning for private property, and it was my contention that this is exactly the sort of decisionmaking that should be left to the States and communities. I return from a primary campaign in my district more convinced that ever that this bill should not be granted a rule.

I have taken this matter to the people in my district. It is an issue of great concern in a south Texas area that has no public lands, but instead has a host of farmers and ranchers who love their land, recognize its essential importance to them and their country, and are actually insulted that the Congress should consider them unwilling to protect it.

The distinguished Governor of Texas, Hon. Dolph Briscoe, has written me and I quote:

I can recall few measures before the Congress which have been greeted with such alarm and opposition.

Governor Briscoe, who incidentally has also just won approval of our voters in a primary election, went on to say that and again I quote:

It is my very sincere opinion that land use legislation must not be approved by the Congress until the concepts are explained to and perhaps altered by the public.

Governor Briscoe went on to say:

One of my major goals as Governor of Texas has been to aid in strengthening the role of the states in the state-federal partnership, and the potential threat posed by one of the major authors of land use legislation—that sanctions would be brought against states that did not conform to Federal guidelines on planning—is one of the clearest threats to strong state government that I can recall during my term as Governor.

The same message comes from large organizations that are national in character, from local citizen groups such as soil conservation districts, and from many individual constituents. I have had scores of letters which I could offer here today. They share a common view that should concern this committee: They resent and reject dictatorship from Washington.

They are not accepting the argument that under the terms of this bill, States are merely offered financial help to develop their own land use plans. The proposal is transparent. It is sugar-coating for government by blackmail. It would say to the States that if you play ball our way we will help, but if you do not, Uncle Sam will take over the ball park.

We in the Congress should not think that we have all the wisdom needed to solve land use planning. In opposing this bill, I certainly am not against planning, but I want any planning to be the best we can get. The experience and wisdom exists in this country, as our production of food and fiber demonstrates. I urge this committee to see the wisdom of leaving such planning to our States, counties, and communities. Let us trust the people.

It was here, to this House, that Alexander Hamilton once brought a foreign visitor and told him our function when he said "Here the people govern." The saying is old, but the truth stands. I submit that when we face a major decision, we should not shrink from hearing the views of the people—and I have had many requests that this proposed legislation not be considered until field hearings across the Nation give the people a chance to be heard.

As I said in my previous appearance here, I have high regard for the principal author of this bill, but I am concerned over his statement that he would propose strengthening amendments on the floor. Those amendments, which I see as sanctions against those States which do not conform to the author's proposals, could haunt this House. If there are amendments, I firmly believe they should be known here, weighed by the Rules Committee, and given the thorough consideration of this committee. The bill has not been changed since this committee considered it in February. Therefore, I urge that the committee decision remain unchanged until the whole proposal is not only considered in field hearings but detailed to this committee.

I respectfully urge that this bill not be granted a rule. I repeat that this is a statement that I had hoped to make to the Rules Committee, but its argument is just as valid when we consider this bill on the floor.

FURTHER NEED FOR SAFE SCHOOL LEGISLATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BINGHAM. Mr. Speaker, the March 31 edition of the New York Sunday News carried an article on the problem of school security which is dramatic evidence of the need to take immediate corrective action. While in some respects the article is overly sensational, there is no doubt that incidents of assault, vandalism, and robbery plague the New York City school system and create an atmosphere of fear and violence which in many cases hamper the educational process.

Such problems are not confined to New York City, or even to large metropolitan

school systems. Cries for help to stop the erosion of our public educational institutions caused by unchecked and often unadmitted crime and violence have reached me from more than a dozen States and from numerous cities in those States. Educators and administrators from such varied areas as Clearwater, Fla.; Flint, Mich.; Bellevue, Wash.; Pittsburgh, San Diego, and Baltimore have all voiced urgent appeals for help in addressing the devastating problem of crime in their schools. The Memphis Board of Education has indicated that in the last 4 years vandalism has cost it almost $2.4 million. It is estimated that $500 million a year in equipment, supplies, and facilities are lost by the Nation's schools from vandalism alone.

School officials in New York have undertaken a wide variety of programs designed to curb crime and violence in the schools. Some of these programs are preventive, some protective, while others are aimed at increasing the effectiveness of law enforcement in dealing with school crime. As the News article points out, these programs are of varying effectiveness, although every school and security program seems to be equally hampered by a shortage of funds. It is also clear that there is no systematic school security program which has been carefully designed and evaluated; thus, each school is forced to improvise. This underlines the importance of provisions in the Elementary and Secondary Education Act which Representative BELL and I introduced to initiate a nationwide study of school security problems and programs. This study will enable the Office of Education to recommend model school security programs for dealing with crime and violence in the Nation's schools. The goal is achievable, as the News article points out:

In schools where students, faculty and guards work together to sort out tensions and where security is tight to flush out intruders, the atmosphere of fear and violence does not hang heavy.

I am hopeful that the Senate will also adopt the House-passed safe schools study proposal, which can give schools across the country invaluable guidance in making our schools places where "the atmosphere of fear and violence does not hang heavy" and the learning process can go on unimpeded.

The News article follows:

THE EASIEST RIPOFF IN TOWN

(By Joanna Mermey)

In the old days, teachers were given information to help them teach their classes. Now they are handed self-defense handbooks, and told to use Bic pens to protect themselves against possible assailants. "A Bic pen can open a beer can or a kidney or an eye," says Ed Muir, chairman of the Chancellor's School Stability Team as he talks about the teachers' union's school survival booklet which instructs teachers how to fight off attackers.

Police department statistics show why teachers are buying Bic pens. During 1973, there were almost 10,000 reported crimes committed in schools or on school property in New York City, including three murders and 26 forcible rapes.

The schools have become the easiest places in town to rip off. "In any high crime area, the local grocery store has some heat (a gun) or an attack dog," says Muir. "Liquor stores have sophisticated burglar alarms and some of them enclose their clerks with bulletproof glass. But the junkies know where to get the bread for their next fix. The school is like a box of candy, easy to open with a lot of goodies inside."

"We see every type of crime in and around the schools," says Patrolman Irwin Lautenberg who walks the halls of South Shore High School in Brooklyn, "murder, rape, assaults with weapons and a great deal of extortion."

"In fact, extortion in the public schools is one of the best recruiting arguments for private schools," says one parent whose child attends Intermediate School 70 in Manhattan. "My son came home from school and said a kid threatened to beat hell out of him if he didn't give him 50 cents. I figured it was cheaper than private school, so I gave him the money. The next day the kid demanded a dollar, so I gave my son a dollar. The following day, it went up to two dollars. On the fourth day, when he asked for 10 dollars, I decided private school was cheaper."

The problem of violence in the schools is divided into three categories: assaults by intruders; assaults by students (both on teachers and other students); vandalism of school property. Last year, broken windows alone cost the city nearly $2 million. And the Bureau of Plant Operations discovered that teenagers were emptying out school storerooms and refrigerators by the carload and selling the food to unscrupulous grocers, leaving the school children without lunch.

Not all the intruders are addicts, hungry for a fix. Some are kids playing hooky. The Bureau of Attendance reports that from 60,000 to 80,000 of the school system's one million children are unlawfully absent from school every day. Many of them roam the streets, looking for trouble. "We pick them up with guns, knives, razors and chuka sticks, which are two long sticks connected by a chain and used for strangling," Acting Chief Attendance Officer Arthur Fast says. Some hang around subway stations and department stores threatening and robbing people. Others loiter around schoolyards or sneak into the school hallways to beat up or steal from teachers and students. Last year, the bureau apprehended 11,000 youngsters during school hours.

Crime reports show that kids are as adept at crime as their elders. In 1972, over 145,000 young people were in trouble with the law in New York City. For youngsters under 16, there were 70,965 youth division reports and 21,553 arrests. Nationwide, more crime is being committed by children under 15 than by adults over 25.

Overcrowding contributes to the violence. A recent study showed that 200,000 pupils are affected by overcrowding in schools which are on multiple sessions and 40,000 have makeshift classroom accommodations. With so many students coming and going on split sessions, it is often difficult to recognize a criminal intruder if he marches in with a group of students. In hallways jammed with kids, pushing and shoving can easily break into a large-scale fight. Because there are a limited number of alternative facilities for the disruptive student, a troublemaker never gets the necessary guidance, and merely gets shuffled from one school to another.

Racial tensions are adding to the crime problem. Attempts at integration have not been too successful. Since white middle-class parents in Greenwich Village, Chelsea and the West Side of Manhattan refuse to send their kids to Charles Evans Hughes High School, the school remains 90% black and Puerto Rican. Some white students who attend the school say they are afraid to eat in the school cafeteria.

Black students, who commute from all of the boroughs to attend predominantly white New Utrecht High School in Brooklyn, have been brutally attacked by neighborhood whites who don't want them in their community. "It may be their neighborhood," said Yolanda Wooley, a black student at New Utrecht, "but it's my school. My parents pay taxes, too." Tension is also growing between black American students and West Indian blacks who are forming gangs to settle their difference.

Chancellor Irving Anker, head of the New York City schools, attributes the higher incidence of violence to the higher percentage of weapons. "I was born and brought up in a fairly poor section of Brooklyn," he says. "I saw violence and was abused by kids from other ethnic groups, but we used our fists. You rarely saw anybody wielding a knife."

Things have changed since the chancellor was a schoolboy. Last year, parents and teachers terrorized in the schools came from all over the city to testify at City Council hearings. Queens Councilman Matthew Troy assured them that no one was immune. His 15-year-old daughter Maureen was attacked by three girls at Martin Van Buren High School.

"She was so frightened she refused to go back to school for nine days," Troy said. "She also wouldn't tell me who hurt her, because she was scared that they would start up with her again."

In August 1972, the Board of Education set up the Office of School Security which oversees the guards in the city's high schools and collects reports on incidents of violence in all of the city's schools. A sampling of incidents reported during the week of Jan. 11 in the office of School Security's confidential log included:

Midwood High School—Two male students were involved in a fight with each other. One student was cut with a knife. Injured student was taken to Kings County Hospital where he received 30 stitches. Student perpetrator was suspended and arrested.

Charles Evans Hughes High School—While trying to break up a fight between male students, teacher Lance Geschwind was assaulted by a student bystander. Teacher was taken to hospital. Student perpetrator was suspended and arrested.

JHS 43 Brooklyn—Male student on suspension, entered the building without permission, went to room 223, approached a male student, pushed him onto teacher's desk and proceeded to hit student with his fist. A chain was wrapped around his fist. Student perpetrator then left the building.

Franklin K. Lane High School—Male student was found in possession of air gun hidden under his shirt. Student arrested.

South Shore High School—Male student was in possession of a zip gun. The weapon was found to be loaded with a .22-caliber bullet. Student arrested.

A controversy surrounds the issue of school violence. While some school administrators think crime in the schools is not much of a problem, others charge that the violence is reaching epidemic proportions. Although the latest statistics compiled by the Office of School Security report that assaults against students are up 36.4% and against teachers 13.1%, Chief Eldridge Waithe of the Office of School Security contends that the majority of incidents are isolated and involve a minor assault or stolen bus pass.

Many parents charge that Waithe's statistics are not accurate. One Greenwich Village parent remarked: "If a known killer is lurking in the schoolyard, it is classified as a minor disruption. We reported an attempted kidnaping of a youngster to the Office of School Security and the office said it had no record of it."

The United Federation of Teachers also disputes Waithe. President Albert Shanker claims that many incidents go unreported because principals don't want to stigmatize their schools, and kids are afraid to report crime because of the threat of retaliation. On the other hand, Paul Balser, chairman of the High School Principals Association, says principals do report crime, so they can get better security since the allocation of guards is partly based on incidents reported.

The number of security guards raises many tempers, especially in the decentralized elementary and junior high schools some of which have no guards at all. Parents at PS 41 in Greenwich Village collected money and hired their own guard, while parents at PS 229 in Queens volunteered as guards themselves. Earlier, 200 angry parents from Manhattan's Community School District 2, armed with petitions with 8,000 signatures, marched on the Board of Education demanding protection for their children. "My child is afraid to go to the bathroom," said one mother. "Is the Board of Education waiting for another murder before we get our guards back?"

The response from the Board of Education was that no further money would be allocated this year. But Councilman Troy, remembering his daughter's trauma, promised that the City Council would give the School Board additional money if it asked for it.

Unfortunately, some of the school guards have caused trouble instead of alleviating it. The low pay, temporary hours and lack of minimum qualifications attached to the job do not always attract the type of people that should be in the schools.

Nick Cifune, who represents the guards for the Teamsters Union, has received complaints from schools that some guards are pushing drugs, inciting trouble, and have criminal records. Cifune himself maintains that 25% of the guards he represents should not be in the schools. "If a guy isn't trained, he might panic and hit a kid," he adds.

Larry Amato, who has worked as a guard at Francis Lewis in Springfield Gardens, and Bayside High School, agrees with Cifune: "A lot of the guards don't care about the kids. Some smoke marijuana and drink on the job. Being a school security guard is a big responsibility. We're supposed to be policemen, liaisons to the administration and buddies to the kids.

"You rarely see fights of one against one anymore. Gangs of four or five will jump one kid. At Bayside, which is supposed to be a 'good school,' members of a white gang tried to run down black kids in the parking lot. When we stopped the car, a rifle fell out. That's the type of problem we have to deal with."

Many guards feel the need for more intensive training to handle outbreaks of violence. In the high schools, the guards go through a two-week training program. In the junior highs and elementary schools most of the guards have no training at all.

Because the guards are not paid during the summer months, there is a huge turnover. John Tumminia, a former truck driver, readily identifiable at New Utrecht High by his green windbreaker with the words "Utrecht Security" set in big letters, says he will stay in the school as long as he can because he believes it will be a good job soon. Tumminia, who has a natural rapport with the students (the kids say "John's our man"), also gets involved with after-school sports and activities. He hopes that the job will become a year-round one so he won't have to be dependent in the summer months on his wife's salary. But Chancellor Anker maintains that other school employes have learned to organize their lives around part-time jobs and so should security guards.

To beef up security, the Board of Education is spending $5 million on sophisticated electronic equipment and the chancellor plans to ask for an additional $6 million next year. In fact, some schools, like South Shore High—with two cops, 15 security guards and the electronic SCAN system—are beginning to resemble maximum security prisons.

At South Shore, every teacher is equipped with a pen alarm. In case of attack, the teacher aims the alarm at the public address system, shoots the device like a gun and a light goes on in the main office. In less than a minute, security guards arrive at the scene. The SCAN system is being used in two other high schools and will be expanded to 20 schools next year. Electronic equipment utilized for rapid communication at other schools includes walkie-talkies, closed circuit television systems, electronic door alarms which transmit emergency messages from the principal's office to the guards.

Every school is required to submit its own school security program to the Board of Education. PUS 221 in Brooklyn has instituted a color-coded visitor system similar to the ones used by many large corporations, and it works to keep out intruders.

George Washington High School has organized a "cool it" squad to deal with tension before it erupts. The squad is made up of students, teachers and administrators and serves as an auxiliary force to guards carrying walkie-talkies. George Washington, which was the scene of many racial battles several years ago, is now quiet.

Parents are also taking an active role. Some in Manhattan have formed a citizens' patrol to help children go to and from school safely. Members of the Parents' League, which has over 400 volunteers, station themselves on strategic street corners. They wear brightly colored orange ponchos so the kids can immediately find them in case of trouble. The league also recruits neighborhood merchants to provide refuge, phone and emergency aid. Police records slow a significant decline in street crimes against children in areas served by these patrols.

There is also a Police-School Liaison Program designed to prevent crime before it happens. Police officers provide extra security in the schools when needed, make classroom presentations and visit parents and pupils at home. The program which has been operating in 24 schools has been successful and if money can be found will be tried in other schools next year.

Still, for the foreseeable future, security guards and electronic surveillance equipment will be as much a part of going to school as arithmetic and basketball games. In schools where students, faculty and guards work together to sort out tensions and where security is tight to flush out intruders, the atmosphere of fear and violence does not hang heavy. And one day, perhaps, students and teachers will be able to forget about roving gangs and flying furniture—and once again use their Bic pens for writing.

GUAM TERRITORIAL HISTORIC WEEK

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. WON PAT. Mr. Speaker, the history of a people is always the major source of pride to the people concerned. The same is certainly true for the native population of the Marianas Islands, and in particular for the inhabitants of the American Territory of Guam.

To preserve the memory of our past and to install in our young people a desire to learn more of their ancestral history, the 12th Guam Legislature has adopted a resolution which designated the week of May 6 as "Territorial Historic Preservation Week."

As one whose veins flow with the blood of the many nations who left their impact on Guam during the centuries, I am naturally proud of our island's diversified history and congratulate the membership of the Guam Legislature for acting thusly.

I additionally congratulate the legislature for the recent adoption of resolution 595 which creates a Guam Institute of Spanish-Chamorro Culture. For the enlightenment of my colleagues, I would at this time like to insert in the RECORD an abbreviated version entitled "Guam at a Glance":

GUAM AT A GLANCE

A. *Location.* Guam today is an organized, unincorporated territory of the United States, the largest and most populated island between Hawaii and the Philippines. It is 30 miles long, ranges from 4 to 8½ miles in width, has an area of about 209 square miles, and a population over 100,000. In area, it is nearly the size of Singapore and about one-third the size of Oahu, Hawaii. Guam is strategically located in the Western Pacific as a gateway and crossroad to the Far East and Micronesia (See map, back cover). (Map not printed in Record.) In statute miles, it is 1,550 miles from Tokyo, 1,600 miles from Manila, 2,100 miles from Hong Kong, 3,100 miles from Sydney, and 3,700 miles from Honolulu. It is closer to several major Asian cities and markets than Honolulu is to San Francisco. Guam is also a distribution center for the nearby U.S. Trust Territory of the Pacific Islands (Micronesia) and is a major link between these islands and the rest of the world.

B. *Climate.* The climate is tropical, with a mean annual temperature of 81 degrees, an all-time temperature range of 66 to 94 degrees, and average minimum-maximum temperatures of 75 to 86 degrees. With this small variation in temperatures, the island abounds with exotic flowers, tropical fruits, and good beaches in use the year around. The average yearly rainfall is about 85 inches, varying from 2 inches average in March to 14 inches average in September. Most of the rainfall occurs during the months of July to December. Mean relative humidity varies from 72 percent at noon to 86 percent in early morning. Guam lies within the Pacific typhoon belt, and is infrequently subject to these violent storms. (Guam's building law requires typhoon resistance design in all new construction). The island enjoys cooling trade winds throughout most of the year, so the climate is generally healthful and pleasant.

C. *Topography.* Guam is of volcanic origin, surrounded by a coral reef in most areas. Shaped somewhat like a footprint, its narrow middle waist divides the island into roughly two parts (See map, insert). (Maps not printed in Record.) The northern part is a high plateau of 200 to 600 feet elevation, with no permanent rivers or streams, and with several spectacular steep cliffs abruptly forming the coast line. The southern part is high and rough, with a ridge of hills 700 to 1300 feet in altitude, including the high point at Mt. Lamlam of 1,334 feet. This part contains several streams emptying into the sea, colorful villages on the south coast, and excellent boating and fishing areas. Agana, the business center of Guam, is in the flat middle "waist" area, with low scenic hills in the background.

D. *History.* For unknown generations, the independent ancient Chamorros of uncertain origin were the only inhabitants of Guam. In 1521, Guam was discovered by Ferdinand Magellan, formally claimed by Spain in 1565, and remained a part of the Spanish colonial system until 1898. During the intermittent Spanish-Chamorros Wars from 1668 to 1695, many of the Chamorro males were exterminated. This warfare, plus disease epidemics, reduced the native population from an estimated 50,000 to 100,000 before 1668 to below 5,000 by 1695. Spanish law, Catholic religion, and the Spanish pattern of government became a part of the life of Guam over the next two centuries. Intermarriage between remaining Chamorro women and men of Spanish and other nationalities gave rise to the present day mixed-blood Guamanians.

At the conclusion of the Spanish-American War in 1898, Guam was ceded to the United States, and was placed under Naval Government by Executive Order of the President. In 1941, Guam was occupied by the Japanese, but was liberated by American troops in 1944. In 1949, administration of the island was transferred from the Secretary of the Navy to the Secretary of the Interior, and the first civilian governor was appointed. In 1950, the Organic Act of Guam was passed by the U.S. Congress and signed by President Truman. This Act made the people of Guam U.S. citizens, established the present day civil government, and paved the way for development of modern Guam as an American Territory in the Western Pacific.

E. *People.* Guam's people and customs are a composite of the three basic historical influences—the ancient Chamorro, the Spanish colonial system, and American government. The Guamanian of today is wholly American, with a cultural background derived from his American, Spanish, Filipino, Mexican, Japanese and other forebears. The Chamorro language has been preserved and is widely spoken, although almost everyone is fluent in English, the official language. Guamanians are a proud, friendly, and highly patriotic people. The Spanish Catholic heritage has resulted in closely knit family ties, active religious devotion, and frequent family and village participation in fiestas, weddings, and wakes. Modern American practices are predominant, varying from color TV to the latest clothing styles, dancing, and entertainment. Food tastes reflect the cultural heritage, with a wide variety of the favorites of many nationalities readily available. Guam is modernizing at a rapid pace and is becoming America's showplace in the Orient.

The 1970 official census placed Guam's population at 84,996, of which approximately 66,000 (78 percent) were civilians and 19,000 (22 percent) were military. The civilian population has grown about 60 percent since 1960, while the military population has declined. This reflects the emerging importance of the private sector in the economy. The civilian population has been estimated to be about 77 percent Guamanian, 9 percent Stateside, 9 percent Filipino, and 5 percent "others." At present, due to the economic boom, in-migration of U.S. citizens and foreigners (Filipinos, Japanese, Chinese, Koreans, etc.) is increasing rapidly. The total population is projected to reach 100,000 by 1975 but may be past that point now.

F. *Government.* The territory is administered under the Organic Act of Guam of 1950, as amended, providing for civil government, citizenship, bill of rights, and other features. Guam's relations with the Federal Government in matters not under the jurisdiction of another Federal department comes under the general administrative supervision of the Secretary of the Interior. Guamanians, although they are American citizens, do not vote in national elections and have had no representation in Congress until 1973. During the November 1972 elections, Guam was authorized to elect a non-voting delegate to the U.S. Congress (House of Representatives) with the Honorable Antonio B. Won Pat assuming this seat in January, 1973. The local government consists of three branches—executive, legislative, and judicial.

The Executive Branch is headed by the Governor of Guam. Until 1970, the Governor was appointed by the President. As authorized by the Elective Governorship Bill, the first election for Governor and Lieutenant Governor for a four-year term was held in November 1970. In January 1971, the Honorable Carlos G. Camacho was inaugurated as Guam's first elected Governor, with the Honorable Kurt S. Moylan as Lieutenant Governor. The Governor is the Chief Executive and Administrator of the affairs of Guam, delegated with the responsibility of executing the laws of Guam and the U.S. laws applicable in Guam.

The Legislature of Guam is unicameral, with 21 Senators elected at large every two years. The Legislative power encompasses all matters of legislation of local application, subject only to the Organic Act and the laws of the U.S. applicable to Guam. This includes matters of vital interest to businessmen, such as taxes, assessments on property, sales license fees, etc. The laws passed by the Legislature are subject to the approval of the Governor and are codified into convenient volumes, which include the governments, civil, civil procedures, penal, and probate codes.

The Organic Act created the District Court of Guam, with the Judge appointed by the President for a term of eight years. It has the jurisdiction of a district court of the United States in all cases arising under the Constitution, treaties and laws of the U.S. regardless of the sum or value. This court has jurisdiction in all other cases wherein the amount of the controversy exceeds $5,000 and also has jurisdiction in all territorial matters wherein a felony has been committed. The Island Court consists of a Chief Judge, three island court judges, and a police court judge.

Island Court Judges are appointed by the Legislature for a term of eight years from nominations submitted by the Judicial Council. The jurisdiction of the Island Court extends to civil cases wherein the amount in controversy does not exceed $5,000. It also has original jurisdiction over matters pertaining to domestic relations, probate cases, and all tax cases, excluding cases involving personal income tax.

G. *Social Facilities.* Guam has placed particular emphasis on improvement through education. School attendance is compulsory for all children between the ages of 5 and 16. There are 35 public and 18 private schools operating on the Island, including seven senior high schools (4 private, 3 public). Total enrollment was nearly 32,000 as of September 1972. The University of Guam is the only American institution of higher learning in the Western Pacific, and is accredited by the Western Association of Schools and Colleges. It is a public institution presently consisting of the College of Arts and Sciences, the College of Education, the College of Business and Applied Technology, and the Graduate School. The University offers associate, baccalaureate, and master's degree programs and various certificate curricula. It has two major research components: The Micronesian Area Research Center and the Marine Laboratory. Total enrollment was 3,350 as of September 1972 (2,050 full-time, 1,300 part-time).

Medical facilities include the fully staffed public 253-bed Guam Memorial Hospital, accredited by the Joint Commission on Accreditation of Hospitals. Construction on a new 400-bed hospital is scheduled to begin in 1973. There are 2 large public health centers and 15 small health centers in the various districts, emphasizing preventive procedures, including dental care. There are several excellent privately-run clinics operating throughout the island, offering modern medical and dental care.

Religion receives serious attention in Guam, with numerous churches representing all faiths. Although the Catholic religion and Catholic churches predominate, businessmen in Guam can readily find the church of their choice. Guam is well represented by the various business, civic, fraternal, service, and young people's organizations normally found in Stateside communities. These include Rotary, Elks, Lions, Shriners, Knights of Columbus, Boy Scouts, Girl Scouts, Guam Women's Club, Red Cross, Cancer Society, etc.

H. *Living.* A favorite local saying is "Guam is Good!" For most people, living in Guam is indeed good, and it is getting better. Life in this tropical island is casual, informal, friendly, with a frontier-like small town atmosphere. Recreation and entertainment opportunities are numerous, with year-round outdoor sports and activities. Social activities are plentiful, cosmopolitan, and hospitable. Cultural activities such as education, music, threatre, dance, art, etc., are available and improving. Political activity on Guam is lively.

For example, 75 percent of the voters turned out in the November 1972 elections, much higher than the national average. The democratic process of government is a working reality in Guam. From the environmental viewpoint, serious attention is paid to clear air, and clean water standards. Another local saying sums it up best: "No fog, no smog, cheap grog!" However, Guam does have problems that should be recognized. There is a shortage of adequate housing. Since most items are imported, the cost of living is higher than in the U.S. mainland, mainly due to higher costs for housing, food, and automobiles. (Guam Consumer Price Index is now available starting with First Quarter, FY 1973, See Section IX). Automobile traffic is becoming a problem. There is no public transportation, except for taxi service, therefore a car is a necessity. The rapid growth of the economy has placed a burden on the infrastructure (roads, utilities, sewers, schools, etc.) to keep pace. Plans to meet future expansion needs have been made, but will require large capital expenditures.

WHY I OPPOSE THE SUPREME COURT DECISION ON ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. HOGAN. Mr. Speaker, the movement to reverse the Supreme Court decision legalizing abortion is gaining strength and following throughout the country.

I would like to request that the following article, "Why I Oppose the Supreme Court Decision on Abortion" by Dr. Dennis Cavanagh be inserted in the RECORD. I am sure it will better inform those Members who have not yet joined this movement on the effects of abortion.

Dr. Cavanagh is professor and chairman, department of gynecology and obstetrics, St. Louis University School of Medicine. In addition, he is a former director of obstetrics and gynecology at the St. Louis City Hospital, a fellow of the American College of Obstetricians and Gynecologists, a fellow of the Royal College of Obstetricians and Gynecologists—England—a fellow of the American College of Surgeons and a fellow of the American Gynecological Society.

Dr. Cavanagh is opposed to the majority decision of the Supreme Court and sees it as a milestone on the way to dehumanization.

The article follows:

WHY I OPPOSE THE SUPREME COURT DECISION ON ABORTION

(By Denis Cavanagh, M.D.)

On January 22, 1973, The United States Supreme Court handed down a decision which means in effect that the abortion laws of all 50 States are considered unconstitutional. The Court decision has been some-

what inaccurately reported by the media and the press so perhaps we should consider exactly what the Court has done.

The facts, as analyzed by John T. Noonan, Professor of Law at the University of California, appear to be as follows:

First, the Court held that the right to terminate a pregnancy at any time during the pregnancy was a right protected by the United States Constitution, a fundamental right, implicit in the concept of ordered liberty (Roe v. Wade p. 37–38).

Second, the Court held that a state had no power to regulate abortion in any way to protect the fetus in the first six months of fetal existence (Roe v. Wade p. 48).

Third, the Court held that in the final three months of fetal existence, a state had no power to prefer the life of the fetus to the health of the mother (Roe v. Wade p. 48).

Fourth, the Court held that the "health" of the mother was to be determined by a medical judgement "exercised in the light of all the factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient" (Doe v. Bolton pp. 11–12).

Fifth, the Court held that a state does not have the power to require an abortion to be performed in a hospital accredited by the Joint Commission on Accreditation or in any hospital (Doe v. Bolton p. 15); does not have power to require review of an abortion decision by a hospital committee (Doe v. Bolton p. 17); does not have the power to require that the mother be a resident of the state (Doe v. Bolton p. 20).

Sixth, the Court held that a state does have the power to require that only a licensed physician perform or sanction an abortion (Roe v. Wade p. 49) and that a licensed facility house the operation after the fetus is three months old (Doe v. Bolton p. 15).

Now let us consider some of the arguments on the basis of which this sweeping decision was handed down. The majority and minority opinions together cover approximately 80 pages, but I will pick out a few of the arguments used. In developing the majority opinion of the Court in the case of Roe v. Wade, Mr. Justice Blackmun made the following points: "one's philosophy, one's experience etc. . . . In addition, population growth, pollution, poverty and racial overtones tend to complicate and not simplify the problem"—Thus, social problems in our society apparently played some part in reaching the decision (Roe v. Wade p. 1). This opens the door for the practice of situational ethics in the solving of social problems, and could have far reaching implications.

"Greek and Roman Law afforded little protection to the unborn" etc. This is used to support the Court's decision on abortion. But, if this is used to support the argument for abortion, it might also be used as an argument for slavery, which was also upheld by Greek and Roman Law.

Justice Blackmun mentions the *Hippocratic Oath*, but then dismisses this argument against abortion and perhaps by implication against suicide by stating that "The Oath was not uncontested even in Hippocrates' day, only the Pythagorean school of philosophers frowned upon the related act of suicide. (Roe v. Wade p. 16). Justice Blackmun points out that, in The Common Law, abortion performed before "quickening" (16th to 18th week of pregnancy) was not an indictable offense (Roe v. Wade p. 17). He thus prepared the way for the justification of abortion prior to the 16th week. He does this, without pointing out that before modern technology was available there was no way of appreciating that the fetus was alive, except through the report of fetal movements by the mother, so it was reasonable to write abortion laws on the basis of the information available. But let's face it, whereas "quickening" as the indication of life reported by the mother was acceptable in the past, we now know that fetal movements occur much earlier than this time. In fact the fetal brain waves have been recorded as early as 43 days by electroencephalography and the fetal heart activity has been recorded by ultrasonic methods at 8 weeks. But Blackmun does not use this information in developing the majority opinion, instead he uses outdated information because it is more supportive of the conclusion which he apparently wants to reach.

Justice Blackmun pulls in the old idea of "mediate animation" with the statement "Canon law came to fix the point of animation at 40 days for a male and 80 days for a female" perhaps in an attempt to create a credibility gap as far as Christian teaching on abortion is concerned (Roe v. Wade p. 19). The fact is that there was little knowledge of embryology at that time and even intellectuals like Thomas Aquinas came to conclusions, now quite ridiculous, because of lack of scientific information—After all at the time when Aquinas lived (13th century) many people thought that the sun rotated around the earth. This type of balancing information is omitted by Blackmun and so the biased argument is maintained.

Justice Blackmun mentions the case of Rex v. Bourne (Roe v. Wade p. 22) to support the view that an abortion may be done if there is "a serious and permanent threat to the mother's health"—But he does not mention that Dr. Alec Bourne, the British obstetrician-gynecologist who originally established this view, is now so disgusted at the abuse of the "mother's health" indication that he is a member of "The Society for the Protection of the Unborn", and is violently opposed to elective abortion.—Again this very pertinent information was either unknown to the majority of Supreme Court Justices, or it was deliberately omitted in the development of their legal opinion.

Justice Blackmun in an apparent effort to establish that social abortion can be countenanced as a contribution to reducing maternal mortality states:— "Mortality rates for women undergoing early abortions, where the procedure is legal, appear to be as low as or lower than the rates for normal childbirth".—In justfication of this he quotes Potts and Tietze who are well known for their endorsement of elective abortion (Roe v. Wade p. 34) and ignores other reports such as that of Peel on "The British Abortion Act" which appeared in "The Obstetrics and Gynecology Year Book" of 1970. This latter report showed that, in Britain, where the standard of medicine is higher than in Hungary and Czechoslovakia, having an abortion is not safer than having a baby. Blackmun also omitted to consider the fact that maternal deaths from abortion are also included in the maternal mortality statistics by definition.

Justice Blackmun writes of "high mortality rates at illegal abortion mills" and gives no reference. It is now well established that instead of the 10,000 illegal abortion deaths per year which proabortionists claimed to be occurring in the absence of liberalized abortion, there were less than 100 deaths from all types of abortion in the entire United States in 1967. This was before any of the State laws were liberalized except Colorado, and the total number of deaths is less than half the number of homicides in St. Louis in the same year.

Justice Blackmun used a great deal of data which could be analyzed and shown wanting, but I will finish with a comment on the crux of the matter. This is the fact that Blackmun states that there is disagreement about when human life begins, and that "We need not resolve the difficult question of when life begins" (Roe v. Wade p. 44). Yet in the same section, Blackmun supports the argument that life begins at birth.

I suggest that by considering a few fundamental facts with regard to reproductive physiology and fetal growth, the Supreme Court could have decided when human life began, and then they could not possibly have reached the conclusion that a woman's right to privacy was more fundamental than a baby's right to life.

It is clear from the scientific facts that there is no disagreement about when human life begins. It is clear that the fetus is human because its parents are human. It is clear that it is alive from conception. There is no real disagreement as to the scientific facts but only as to the ethics of the situation. In support of this statement, I would like to quote the following excerpt from an editorial entitled "A New Ethic for Medicine and Society" from California Medicine, September 1970.

This is the official journal of the California Medical Society, and the article was written by a proabortionist, with reference to the move from liberalized abortion to "abortion on demand."

"Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous, whether intra or extra-uterine, until death. The very considerable semantic gymnastics, which are required to rationalize abortion as anything but taking a human life, would be ludicrous if they were not often put forth under socially impeccable auspices."

Sir John Peel, President of the International Federation of Gynecologists and Obstetricians, put the subject of elective abortion in perspective as follows:

"Let us be quite clear in our minds. The deliberate termination of a pregnancy, at whatever stage in pregnancy it is undertaken before viability, is the same procedure. Attempts to determine an artificial dividing line before which a pregnancy may be terminated for nonmedical reasons is pure sophistry. A fetus of 10 weeks is not essentially different from one of 20 weeks, or one of 20 weeks from one of 30 weeks. It may be safer medically to terminate pregnancies at 8 rather than 16 weeks, but one is no more or less justified than the other if the alleged indication is a nonmedical one."

"If society gives sanction to the destruction of life for one set of circumstances for what it claims to be the good of society, why should it not sanction the killing of the abnormal neonate, the mental defective, the delinquent, the incurable, the senile?—The mind recoils from such suggestion, but let us face it, society in the past has sanctioned all of these.

Is it fanciful to think that we may be moving toward a situation in which the sanctity of human life is no longer recognized—where life can be created artificially at will, and equally at will expunged?"

For those of you who think that Peel was being fanciful, let me remind you that the very liberal British Abortion Act was passed in 1967, and in 1969, a Euthanasia Bill ("mercy killing") was only defeated in the House of Lords by 61 votes to 40.

In the United States, the same "anti-life" trend is seen.

In the State of Florida, a Euthanasia Bill, euphemistically described as the "Death with Dignity Bill" was defeated by fewer votes than the bill to liberalize abortion. In the State of Colorado, the bill to liberalize abortion was passed in 1967 and in 1970 the Colorado Nursing Association voted 173–109 in favor of euthanasia (R.N. Magazine July, 1970).

And why not? Because, when we sanction elective (social) abortion we adopt a new ethic, the implications of which were obviously not appreciated by the 7 concurring Supreme Court Justices. It is inconceivable that they could have realized that their ruling would make it legal for one obstretrician

to be performing a cesarean section to save a mother and baby in one operating room, while in the operating room next door another doctor was performing essentially the same operation (which he calls a hysterotomy) for the specific purpose of killing the baby.

(Hysterotomy can be done at 27 weeks without a medical reason but at 37 weeks a "mental health" reason would be all that is necessary.) This is surely the ethic of Aldous Huxley's "Brave New World", or of Adolf Hitler's old world. Yet it is being embraced by many of the intelligentsia. Francis Crick the British Nobel Laureate has said that a baby should not be declared alive until 48 hours after birth, and there should be compulsory death at the age of 80 years. This will obviously open the door to infanticide, and euthanasia would be the ultimate reward for our senior citizens. Is this the course that we want to follow? You may say it is not, but if we kill the fetus for nonmedical reasons we abandon the old ethic and then where do we stop? Already it has been reported from Yale-New Haven Hospital, that 43 infants were allowed to die over the period January 1, 1970–June 30, 1972, after "parents and physicians in a group decision concluded that prognosis for meaningful life was extremely poor or hopeless". (New England Journal of Medicine, 289:890, 1973).

Senator Bartlett (R. Oklahoma) recently made a statement before the U.S. Senate which brings the whole anti-life trend into perspective—"As soon as one questions the value of human life, there is nothing in principle that prevents him from expanding the circumstances under which human beings may be exterminated. It is only a matter of degree to shift from the extermination of the fetus to the extermination of the elderly, the sick, the crippled and others who are less than whole persons."

I have no doubt that many of the proabortionists, inside and outside the Supreme Court, feel genuinely that they are building a better world for all of us. These well meaning people could be classified as the "seduced idealists" of the 1970's. I believe that they are wrong, and like their counterparts who were tried at Nuremberg, they must be opposed before it is too late.

The informed proabortionists know that life is a biological continuum from conception to death. Obviously they also know that the fetus is innocent of any crime, but they feel that a new ethic is called for to bring quick solutions for the problems of society. As I see it, this is the type of "quality control" thinking that led to the horrors of Belsen and Dachau. At a time when all reasonable people are concerned about the underprivileged surely the fetus is the most underprivileged of all. In the final analysis, inconvenient as the fact might be for you, for me, for the unfortunate woman with the "unwanted" pregnancy, or for the United States Supreme Court, the fetus is not "a potential human being"—the fetus is a human being with potential.

Now what can we do about this situation?—I feel we are absolutely right in opposing the Supreme Court decision. At the present time the Human Rights Amendments to the Constitution, as proposed by Congressman Hogan and Senator Buckley, must be supported. This type of amendment is commonly known as "The Human Life Amendment". With its adoption not only the fetus, but the abnormal infant, the mentally retarded and the senile elderly are protected.—Surely, the main thing that differentiates us from the animals is that we do feel the responsibility to be our brother's keeper.

INTRODUCTION OF H.R. 14856 TO PROHIBIT DISCRIMINATION IN EXTENSIONS OF CREDIT BY REASON OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, OR MARITAL STATUS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mrs. SULLIVAN. Mr. Speaker, as chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, I have today introduced on behalf of myself and 12 additional members of the subcommittee a far-reaching bill to tear down barriers to the extension of credit based not on a person's creditworthiness but on such factors as race, color, religion, national origin, age, sex, or marital status. It is H.R. 14856.

This bipartisan measure is cosponsored by the following members of the subcommittee, listed in order of subcommittee seniority and by party: Representatives WALTER E. FAUNTROY of the District of Columbia, PARREN J. MITCHELL of Maryland, WILLIAM A. BARRETT of Pennsylvania, HENRY B. GONZALEZ of Texas, ANDREW YOUNG of Georgia, FORTNEY H. (PETE) STARK, JR., of California, JOHN JOSEPH MOAKLEY of Massachusetts, and EDWARD I. KOCH of New York, Democrats; and MARGARET M. HECKLER of Massachusetts, STEWART B. MCKINNEY of Connecticut, MATTHEW J. RINALDO of New Jersey, and ANGELO D. RONCALLO of New York, Republicans.

While there are scores of bills in the House dealing with the subject of discrimination in credit by reason of sex or marital status, and a number of others dealing with age discrimination denying applications for credit crads, H.R. 14856 is the first one introduced in either House of Congress which covers such a wide spectrum of discriminatory practices in the credit industry. It represents an almost unanimuos decision among subcommittee members to strike at the existence of unfair credit selection practices victimizing millions of Americans because of their status as members of a particular group or category of people rather than as individuals seeking credit on the basis of their own ability and willingness to repay.

ORIGIN OF THE LEGISLATION

This legislation had its main origin in hearings conducted almost exactly 2 years ago—on May 22 and 23, 1972—by the National Commission on Consumer Finance, an agency created by title IV of the Consumer Credit Protection Act of 1968 to investigate and report on the entire field of consumer credit in the United States. The May 1972, hearings were devoted to the subject of discrimination in credit extensions by reason of sex and marital status.

As the principal author of the legislation which created the Commission, and as the only House Member who served continuously on that nine-member bipartisan Commission during its entire 3-year existence, I am proud to have initiated the move within the Commission to hold hearings on sex and marital status discrimination. The hearings 2 years ago brought to dramatic national attention, through widespread press and television coverage, the ridiculous and uneconomic policies followed by many major creditors in denying credit to creditworthy women in their own right—particularly married, separated, divorced or widowed women but also, in numerous instances in the real estate field, to single women, too—without regard to their ability to repay or to the creditor's ability to compel repayment through legal process.

As a result of those hearings and the Commission's subsequent discussion of this issue in its final report in December 1972, major national creditors whose unsupportable discriminatory practices had been mercilessly exposed by witnesses appearing before the Commission immediately undertook a soul-searching look at their internal policies on credit granting criteria and wisely ordered a change in those policies. In addition, under effective prodding from women's groups throughout the country, at least 14 States and the District of Columbia have enacted laws within the past 2 years to prohibit discrimination in credit by reason of sex, or by reason of sex or marital status.

Two years ago today there was not a single bill pending in either the House or Senate to deal with this problem by national legislation. Now there are dozens of such bills in the House, sponsored by scores of Members; the Senate, meanwhile, without legislative hearings, added to S. 2101—a bill dealing with credit billing practices and with technical amendments to the Truth in Lending Act—a third title prohibiting discrimination by reason of sex or marital status, and passed it last July by a vote of 90 to 0. Since then, there have been intense pressures on my subcommittee by women's groups to act separately on discrimination legislation without tying it into an omnibus consumer credit bill which we are preparing and which will cover not only all of the issues in titles I and II of S. 2101 but many additional areas of consumer credit concern outlined by the National Commission on Consumer Finance.

I had been fearful that action by the House on a separate bill dealing only with discrimination could force us into conference with the Senate on its omnibus bill, S. 2101, before we have had an opportunity to pass our own omnibus bill. S. 2101 contains features which consumerists, the Federal Reserve, and FTC all maintain would seriously undermine truth-in-lending compliance and effectiveness, and would make it worse than passing no bill at all.

Congressman KOCH, who has been extremely interested in the discrimination issue, initiated a move within the subcommittee to have all of the members interested in passing separate antidiscrimination legislation agree to fight any attempts to make it a vehicle for conference with the Senate on any provisions of S. 2101 other than title III of that bill dealing with discrimination. Congress-

woman HECKLER, who has also been a leading proponent within the subcommittee for separate legislation, and all other cosponsors of H.R. 14856 agreed to this strategy. An effort meanwhile is to be made in the Senate to pass separate antidiscrimination legislation.

Thus, I was happy to proceed with separate antidiscrimination legislation, providing that it covered all major areas of discrimination. We will expedite this bill and consider later in the session an omnibus consumer credit bill of our own as a vehicle to go to conference with the Senate on the truth-in-lending amendments contained in titles I and II of S. 2101.

DEVELOPMENT OF THE NEW ANTIDISCRIMINATION BILL

Beginning last July, the Subcommittee on Consumer Affairs launched a series of oversight hearings on the Fair Credit Reporting Act, on all of the truth-in-lending issues covered in S. 2101, and also on all of the additional areas and recommendations in the consumer credit field of the National Commission on Consumer Finance. We took voluminous testimony, hearing first from the FTC on the Fair Credit Reporting Act, and then from officials of the nine Federal agencies enforcing the Truth in Lending Act—the Federal Reserve Board, the Federal Trade Commission, the Comptroller of the Currency, the Home Loan Bank Board, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Federal Aviation Agency, the Interstate Commerce Commission, and the Packers and Stockyard Administration. In addition, we heard from the heads of the FHA, the Farmers Home Administration, and the Farm Credit Administation.

We then heard from representatives of bankers, major credit card issuers, retail merchants, credit unions, mortgage lenders, automobile finance companies, and the small loan industry. Other witnesses were the former Chairman of the National Commission on Consumer Finance, spokeswomen for most of the national women's organizations interested in credit issues, and a group of outstanding consumer lawyers.

In all of our hearings, we went deeply into the issue of unfair credit discrimination, and there was almost universal agreement among our witnesses that discrimination was a problem susceptible to solution through carefully drawn national legislation. But title III of S. 2101, although generally supported as to objectives, was also generally rejected as unworkable, because of its failure to come to grips with a vast array of State laws which could affect a creditor's ability to assure repayment of credit extended to married women in their own names, or which, in many instances, prohibit separate credit accounts for husbands and wives, or, in the field of real property, restrict the freedom of action of a husband or wife to dispose of property without the other's consent.

The National Commission on Consumer Finance, as one of its foremost recommendations on the subject of discrimination by reason of marital status, had called for a thorough study by the individual States of any laws on their books which inhibit the granting of credit to creditworthy women. The American Law Section of the Congressional Research Service undertook a comprehensive study of these laws at my request many months ago, and has nearly completed a State-by-State analysis of such laws which will be available to the subcommittee when we begin hearings shortly on the bill we are introducing today.

SCOPE OF THE NEW BILL

In the meantime, and based on the information and suggestions we received in our oversight hearings, 13 of the members of the subcommittee have now joined in refining from many sources what we believe is an effective national approach to the elimination of discrimination (defined in the bill as "any invidious distinction"—a term with a long history of court application in civil rights cases involving discrimination) in the granting of credit, not only by reason of sex or marital status but also because of race, color, religion, national origin, or age.

Our objective is to require creditors—all creditors, not just those in the consumer, agricultural, and residential real estate credit fields covered in the Truth-in-Lending Act—to make their decisions on the granting or withholding of credit on the basis of the individual applicant's creditworthiness rather than on extraneous factors of group identification.

However, when a State law clearly places a creditor in a position where his legal remedies to enforce repayment in event of default are absent or seriously curtailed because of the applicant's marital status or age, for instance, his decision to withhold or limit credit, or to charge a higher finance rate, would not constitute a violation of the Equal Credit Opportunity Act. H.R. 14856 also takes into account a creditor's right in credit transactions to request signatures of both parties to a marriage in order to create a valid lien, pass clear title, or waive inchoate rights to property.

On the other hand, in those States where separate accounts for husband and wife with the same creditor are prohibited in order to prevent both parties from having to pay a higher finance charge or rate of interest than they would pay under one account, H.R. 14856 expressly provides that such a State law shall not apply in any case where a party to a marriage voluntarily applies for separate credit despite the added cost this might entail. This carries out a specific recommendation of the National Commission on Consumer Finance.

Basically, our antidiscrimination bill would require creditors to consider applications for credit on an individual basis, taking into account the individual's ability to repay and the creditor's rights to recover in case of default. The only issue to be considered is creditworthiness.

Although H.R. 14856 does not amend the Truth-in-Lending Act, as would title III of S. 2101 and many of the House bills on sex and marital status credit discrimination, the administrative enforcement provisions in this bill are generally similar to those of the Truth-in-Lending Act. All of the agencies which now enforce truth in lending would also enforce the Equal Credit Opportunity Act among creditors under their supervision or jurisdiction. In addition, the Farm Credit Administration has been assigned responsibility under this bill for compliance by agricultural lenders under its jurisdiction, rather than having this responsibility lie with the Federal Trade Commission as it does for truth-in-lending compliance by lenders affiliated with the Farm Credit Administration.

As is the case in truth in lending, the Federal Reserve Board would be responsible under H.R. 14856 for promulgating all regulations for enforcement of the Equal Credit Opportunity Act. The regulations would have to be issued no later than 6 months after enactment of the law, which is when the Equal Credit Opportunity Act would go into effect.

No criminal penalties are provided in the bill. Civil penalties provided for in H.R. 14856 call for recovery of actual damages plus reasonable attorney's fees and up to $10,000 in punitive damages in an individual action. In a class action, neither a minimum nor a maximum amount of punitive damages is specified; the amount of punitive damages would be left to the discretion of the court, based on such factors as the amount of actual damages awarded, the frequency and persistence of failures of compliance by the defendant, the resources of the creditor, the number of persons adversely affected, and the extent to which the violation was intentional.

An added feature of the bill, as suggested by the Department of Justice, provides for civil actions by the Justice Department in cases of failure by the appropriate enforcement agency to achieve compliance, or when the Attorney General has reason to believe that one or more creditors are engaged in a pattern or practice in violation of the act. The Attorney General can also seek injunctive relief, as can individuals who are discriminated against or who have cause to believe they are about to be discriminated against.

Some of the women's groups supporting antidiscrimination legislation based on sex or marital status have urged the subcommittee to prohibit a creditor even from inquiring as to an applicant's sex or marital status. For reasons I have outlined, involving the creditor's rights and remedies under State laws in the event of default, H.R. 14856 does not adopt that position.

Two other provisions of the bill are of interest. Any action taken by a creditor in good faith in conformance with an official regulation of the Federal Reserve Board, or an official interpretation issued by the Board itself (rather than a staff advisory) could not be considered a violation of the act. Furthermore, while an aggrieved applicant could sue for damages under either the Federal law or any State law on the same subject, or both, he or she could not collect damages in a Federal court action if recovery has been had under a State law based on the same transaction.

NEED FOR REVISIONS OF STATE LAWS

The bill we have introduced can eliminate invidious distinctions in the granting of credit but it cannot make creditworthy a woman who is rendered not creditworthy by a provision of her own State's laws dealing with community property, or husband-wife relationships generally. It can do nothing for a young person not legally qualified to make binding contracts. On the other hand, it can strike down unfair and arbitrary creditor practices based on custom or on long since repealed State laws.

But enactment of H.R. 14856 would still require action in the State legislatures to deal with State laws which reflect obsolete concepts of the role of women in the family and in the economy. Some of the States have addressed themselves to this problem; many have not, even while passing laws purporting to prohibit discrimination in extensions of credit.

In our forthcoming hearings and in the committee report on H.R. 14856—if approved by the subcommittee and the full committee, as I have every expectation will occur—we will endeavor to document the problems involved in State laws dealing with women's credit worthiness, so as to provide some guidance in bringing obsolete State laws into conformance with modern realities. I do not foresee any serious attempt to amend this bill, however, to preempt State laws dealing with dower, courtesy, support or other protections for either party to a marriage. As I mentioned previously, H.R. 14856 intervenes, in those instances where the purpose of a State law is to limit finance charges when there are graduated State usury ceilings in effect. But instead of preempting such a law under all circumstances, our bill merely sets it aside in those specific situations where a party to a marriage expressly desires separate credit with full knowledge of the fact that this could result in higher finance charges to both husband and wife on their separate accounts than would be true of a single account with the same creditor for both husband and wife.

In the 22 years I have served in the Congress, I have seldom seen an issue take fire as quickly as this issue of discrimination in extensions of credit by reason of sex or marital status and lead to so many new State laws in a period of only 2 years since the national Commission held its hearings in May, 1972. The Commission in its final report made many recommendations in other areas of consumer credit protection which I hope will also win wide public approval when we offer them in our subsequent omnibus bill.

TEXT OF H.R. 14856

Mr. Speaker, because of the widespread interest among Members of the House in equal credit opportunity legislation, many of whom have introduced or cosponsored bills on this subject, and because of the importance of this legislation to creditors, women's organizations, consumer groups, civil rights and civil liberties organizations, and many, many individual citizens, I submit for inclusion in the RECORD, under unanimous consent, the text of H.R. 14856, as follows:

H.R. 14856

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Equal Credit Opportunity Act".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that there is a need to insure that the various financial institutions and other firms engaged in the extensions of credit exercise their responsibility to make credit available with fairness, impartiality, and without discrimination on the basis of race, color, religion, national origin, age, sex, or marital status. Economic stabilization would be enhanced and competition among the various financial institutions and other firms engaged in the extension of credit would be strengthened by an absence of discrimination on the basis of race, color, religion, national origin, age, sex, or marital status, as well as by the informed use of credit which Congress has heretofore sought to promote. It is the purpose of this Act to require that financial institutions and other firms engaged in the extension of credit make that credit equally available to all creditworthy customers without regard to race, color, religion, national origin, age, sex, or marital status.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "applicant" means any person who applies to a creditor directly for an extension, renewal, or continuation of credit, or applies to a creditor indirectly by use of an existing credit plan for an amount exceeding a previously established credit limit.

(2) the term "Board" means the Board of Governors of the Federal Reserve System.

(3) the term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment or to purchase property or services and defer payment therefor, whether or not a finance charge or late payment charge is imposed.

(4) the term "creditor" means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew or continue credit.

(5) the term "discriminate" means to make any invidious distinction.

(6) the term "person" means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative or association.

EQUAL RIGHTS UNDER THE LAW TO OBTAIN CREDIT

SEC. 4. It shall be unlawful for any creditor to discriminate against any applicant on the basis of race, color, religion, national origin, age, sex, or marital status with respect to any aspect of a credit transaction.

REGULATIONS

SEC. 5 (a) The Board shall prescribe such regulations which in its judgment are necessary or proper to carry out this Act.

(b) In prescribing regulations under subsection (a), the Board shall provide—

(1) that an inquiry by or on behalf of a creditor of the race, color, religion, national origin, age, sex, or marital status of any applicant is not a violation of section 4 if the inquiry is to ascertain the creditor's rights and remedies in the event of default by the applicant; and

(2) that a request by or on behalf of a creditor for the signature of both parties to a marriage to create a valid lien, pass clear title, or waive inchoate rights to property is not a violation of section 4.

(c) The Board shall prescribe its regulations as soon as possible after the date of enactment of this Act, but in no event later than its effective date.

ADMINISTRATIVE ENFORCEMENT

SEC. 6. (a) Compliance with the requirements imposed under this Act shall be enforced under:

(1) section 8 of the Federal Deposit Insurance Act, in the case of

(A) national banks, by the Comptroller of the Currency,

(B) member banks of the Federal Reserve System (other than national banks), by the Board, and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions,

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal Credit Union,

(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts,

(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act,

(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act, and

(7) the Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal Intermediate credit bank, and production credit association.

(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this Act shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise for the purpose of enforcing compliance with any requirement imposed under this Act any other authority conferred on it by law. The exercise of the authorities of any of the agencies referred to in subsection (a) for the purpose of enforcing compliance with any requirement imposed under this Act shall in no way preclude the exercise of such authorities for the purpose of enforcing compliance with any other provision of law not relating to the prohibition of discrimination on the basis of race, color, religion, national origin, age, sex, or marital status with respect to any aspect of a credit transaction.

(c) Except to the extent that enforcement of the requirements imposed under this Act is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this Act shall be deemed

a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this Act, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(d) The authority of the Board to issue regulations under this Act does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this Act.

CIVIL LIABILITY

SEC. 7. (a) Any creditor who violates section 4 or any regulation prescribed under section 5 shall be liable to the aggrieved applicant in an amount equal to the sum of any actual damages sustained by such applicant acting either in an individual capacity or as a member of a class.

(b) Any creditor who violates section 4 or any regulation prescribed under section 5 shall be liable to the aggrieved applicant for punitive damages in an amount not greater than $10,000, in addition to any actual damages provided in subsection (a), except in the case of a class action the liability for punitive damages shall be for such amount as the court may allow. In determining the amount of award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of persons adversely affected, and the extent to which the creditor's failure of compliance was intentional.

(c) Upon application by an aggrieved applicant, the appropriate United States district court may grant such equitable and declaratory relief as is necessary to enforce section 4 or any regulation prescribed under section 5.

(d) In the case of any successful action under subsection (a), (b), or (c), the costs of the action, together with a reasonable attorney's fee as determined by the court shall be added to any damages awarded by the court under such subsection.

(e) No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any official regulation or interpretation thereof by the Board, notwithstanding that after such act or omission has occurred, such rule or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(f) Any action under this section may be brought in the appropriate United States district court without regard to the amount in controversy. No such action shall be brought later than three years from the date of the occurrence of the violation.

(g) The agencies having responsibility for administrative enforcement under section 6, if unable to obtain compliance with section 4, are authorized to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted.

(h) When a matter is referred to the Attorney General pursuant to subsection (g), or whenever he has reason to believe that one or more creditors are engaged in a pattern or practice in violation of this Act, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(i) No person aggrieved by a violation of this Act shall recover under this Act on any transaction for which recovery is had under the laws of any State relating to the prohibition of discrimination on the basis of race, color, religion, national origin, age, sex, or marital status.

MISCELLANEOUS PROVISIONS

SEC. 8. (a) Consideration or application by a creditor of any State law which relates to the creditor's rights and remedies against the applicant in the event of default is not a violation of section 4.

(b) Any provision of State law which, for the purpose of protecting both parties to a marriage from paying a higher finance charge or rate of interest than they would otherwise pay to obtain the same amount of credit under one account, prohibits the separate extension of consumer credit to either party, shall not apply in any case where a party to a marriage voluntarily applies for separate credit.

EFFECTIVE DATE

SEC. 9. This Act shall take effect six months after the date of its enactment, except section 5 shall take effect on the date of its enactment.

BAN THE HANDGUN—XLVIII

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BINGHAM. Mr. Speaker, included herewith is another installment of the "New York City Handgun Study" conducted by Deputy Chief Howard Metzdorff of the New York City Police Department. At the suggestion of former Mayor John V. Lindsay, Mr. Metzdorff in cooperation with the Federal Bureau of Alcohol, Tobacco, and Firearms, undertook to trace back to the original point of sale all handguns seized in robbery, murder, and assault arrests during the first 6 months of 1973. He found that a mere 3 percent of the 1,802 traceable handguns had originally been procured in New York State. In other words, we now have positive proof that the overwhelming number of gun-related crimes are accomplished with the use of weapons secured from outside States. What more convincing proof could there be of the need for strong Federal legislation restricting the manufacture, sale, and possession of handguns?

The installment follows:

"NEW YORK CITY HANDGUN STUDY"

It was decided in August 1973, to review all handgun cases recorded between January 1, 1973 and July 31, 1973, and to trace those handguns to their last retail outlet. The cooperation and assistance of the Federal Bureau of Alcohol, Tobacco and Firearms (hereafter ATF) was requested and obtained. A task force, comprised of members of various units of the New York City Police Department, was assembled and assigned to assist Ballistics Section personnel in reviewing the case files of that section and in selecting those handgun cases where tracing seemed feasible. ATF prepared instructions detailing the information they require for successful tracings. Thereafter, it was agreed that a suitable data base would result from:

1. The review of the 8,887 Ballistics cases received during subject period, and the elimination of those which did not involve handguns.

2. The study of each handgun case and the elimination of any which obviously fell into any of these general categories:

a. Handguns whose serial numbers or model designations were obliterated and could not be raised.

b. Military handguns, both American and foreign.

c. Starter pistols, where identified as such.

d. Handguns whose date of manufacture or country of origin precluded tracing.

e. Homemade handguns.

f. Legal handguns not involved in the commission of a crime.

(For the sake of clarity, it should be understood that in New York City all handguns are illegally owned unless they are registered to specified law enforcement personnel, permit holders and government agencies.)

The assigned personnel were instructed to request traces in even those instances where traceability was questionable. After applying the above criteria, 3,328 handguns, became the nucleus of this study. Every case selected for tracing was assigned a control number, in addition to the Ballistics Section case number. A description of each handgun was forwarded to ATF for tracing.

RESULTS OF TRACINGS

In order to fully appreciate the results of this study it was necessary to adjust the data base of 3,328 handgun cases by removing from the study those cases, as indicated, where ATF was unable to complete the trace:

1. Companies concerned no longer in business, or did not keep records at the time of sale (prior to the Gun Control Act of 1968) or lost their records, 781.

2. Weapons, identified as Starter Pistols, both converted to fire projectiles and non-converted, could not be traced, 111.

3. Military handguns, 31.

4. Duplicate requests forwarded on same weapon, 97.

5. Guns involved in routine testings, or surrendered by the holders of permits, 184.

Subtotal: 1,204.

The date base is further reduced by tracings not yet received from ATF, 322.

Total: 1,526.

After removing 1,526 cases from the study, 1,802 handguns remained for consideration.

Following is a breakdown of the results of these tracings: Categories; tracings.

Traced to states outside of New York (included in this figure are 109 handguns, the sales of which are the subjects of ATF investigation or arrests.), 1,343.

Traced to New York State (not New York City), 1.

Traced to foreign countries, 13.

Stolen, 365.

New York City permit holders (arrested—46), 48.

Permit holders arrested (not New York City), 10.

Legal handguns not reported stolen, 22.

Total: 1,802.

Let us now, by category, examine the results of this study. Traced to States (other than New York):

A total of 1,343 handguns were traced to 39 states outside of New York and the District of Columbia. (For a breakdown of these tracings by state and country, see Appendix A.) Significantly, 69% of the guns traced to states came from four (4) states, South Carolina, Florida, Virginia and Georgia (935 of 1,343). Approximately 72% of those traced to these four (4) states were classified as "Saturday Night Specials."

An examination of the 1,343 cases revealed that the handguns had been used in a wide variety of crimes. Approximately 49% of the persons arrested were charged with possession of a dangerous weapon, as an only charge (622 of 1,343). In an effort to obtain some insight into the backgrounds of the persons arrested, one-hundred (100) of these cases were randomly selected for review. Criminal records were obtained, and after

examination, revealed that 58% of those arrested for "simple possession" had been arrested before. Indeed, prior to their most recent arrests, the 58 persons accounted for a total of 297 arrests. The crimes ran the gamut from murder to loitering and included rape, kidnapping, arson and assault.

Approximately 20% had been previously charged with violations of the drug laws.

Two (2) who had been arrested for murder were released from prison in 1972 and arrested for gun possession in 1973.

Certainly, in these 58 cases at least, we cannot say that the persons arrested were armed to protect home or loved ones.

A survey was made of the 1,343 tracings to determine how many of those persons arrested had actually purchased the guns.

Records revealed that only 3% of the handguns were originally purchased by persons ultimately arrested with them.

TRACED TO NEW YORK STATE

This study revealed that one (1) handgun was purchased illegally in New York State (outside of New York City) by an individual who furnished fraudulent credentials and posed as a law enforcement official. (This matter is currently under active investigation.)

STOLEN (VARIOUS STATES)

It was not difficult to determine that 365 handguns, slightly more than one-fifth (1/5) of all handguns traced, were stolen. It was, however, extremely difficult to determine the exact location of the thefts, since the weapons were stolen from both within and without the state, from factories, in transit and during robberies and burglaries. Following is a general breakdown of the 365 handgun cases:

Stolen, number:

From autos (outside New York State), 4.

Burglaries and Robberies (Outside New York State), 27.

From dealers (outside New York State), 58.

From manufacturers (outside New York State), 20.

Burglaries and Robberies (In New York City), 91.

In New York State (outside New York City), 6.

In transit, 96.

Unknown, 63.

Total: 365.

In the course of the investigation into stolen handguns, New York City Police Department personnel notified over one-hundred (100) gun owners, including federal, state, and local law enforcement officials throughout the country and members of the United States Military that their handguns had been recovered. Information concerning arrests of persons found to be in possession of these weapons was forwarded to appropriate agencies to assist in investigating the gun thefts and related crimes.

NEW YORK CITY PERMIT HOLDERS ARRESTED

Forty-eight (48) handguns belonging to forty-six (46) New York City permit holders were included in this study, although they were legal weapons. In New York City, at the present time, there are approximately 28,000 permit holders. The forty-six (46) who were arrested represent less than two-tenths of one percent of all the permit holders in New York City.

During the course of this study, a separate survey was made of the crimes and circumstances surrounding the arrests of forty-three (43) New York City permit holders.

(For an enumeration of the crimes for which they were arrested, see Appendix B.)

An analysis of accumulated data compiled from this survey reveals the following:

1. Handguns were used in 58% of the crimes for which the permit holders were arrested (25 of 43)

2. Pistol License Bureau hearings were held in 56% of these cases (14 of 25)

3. Following hearings, licenses were restored to 78% of the licensees (11 of 14)

4. Handguns were not used in 42% of the crimes for which the permit holders were arrested (18 of 43)

5. Hearings were held in 27% of these cases (5 of 18)

6. Following hearings, licenses were restored to 20% of the licensees (1 of 5).

PERMIT HOLDERS ARRESTED (NOT NEW YORK CITY)

The ten (10) permit holders licensed by New York State (outside New York City) were in violation of law when they entered New York City with handguns. All were charged with possession of dangerous weapons (guns). Additionally, three (3) were charged with other crimes, Menacing, Grand Larcency, and Violation of the Gambling Laws.

LEGAL HANDGUNS NOT REPORTED STOLEN

Twenty-two (22) legally owned handguns (property of permit holders and law enforcement personnel within New York State) were apparently stolen from their rightful owners who failed to report the thefts of their firearms. These matters are currently under investigation to determine if, in fact, the guns were actually stolen.

SIMON FAVORS ENDING GOLD OWNING BAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. CRANE. Mr. Speaker, legislation which I sponsored to allow American citizens to buy, sell, and hold gold, and which was enacted into law in modified form last year, remains of real importance at the present time.

As time has gone by, more and more of my colleagues are coming to understand the importance of this right for the American people, particularly at this time of mounting inflation.

I asked the Congressional Research Service to provide me with figures to indicate what would have happened to $1,000 between the time I first introduced this legislation and the present time if a person had the option of—investing the $1,000 in gold;—putting it in a normal passbook savings account;—buying government savings bonds; or—keeping the cash in his wallet.

The figures are very dramatic. Had the average citizen been able to invest in gold, his $1,000 would now be worth $3,293. But if he put it in a savings account, it would be worth $1,162.91 and U.S. savings bonds would be worth only $1,133.67.

Saddest of all, if he had kept the $1,000 in his wallet, it would now be worth only $853.17, which more than adequately shows what the spending policies of the present Congress has done to our purchasing power.

Now, as this important legislation is being reintroduced, it is good to learn that our new Treasury Secretary, William Simon, is favorably inclined toward an early removal of the legal ban on ownership of gold by private U.S. citizens.

According to the Wall Street Journal of May 9, 1974—

Sources familiar with Mr. Simon's views disclosed that he "looks favorably" on an ending of the gold ownership ban and is already considering whether to recommend soon that President Nixon issue an executive order permitting Americans to buy, sell and hold gold. . . .

I wish to share with my colleagues this Wall Street Journal report, and insert it into the RECORD at this time.

The report follows:

SIMON IS SAID TO FAVOR ENDING GOLD OWNING BAN

(By James P. Gannon)

WASHINGTON.—The new Treasury Secretary, William Simon, is favorably inclined toward an early removal of the legal ban on ownership of gold by private U.S. citizens.

Sources familiar with Mr. Simon's views disclosed that he "looks favorably" on an ending of the gold-ownership ban and already is considering whether to recommend soon that President Nixon issue an executive order permitting Americans to buy, sell and hold gold. But, the sources added, Mr. Simon feels any such change must be tied to broader international understandings on the role of gold in the future monetary system.

The earliest date for a change in the U.S. gold-ownership provision would be sometime after the next top-level round of International Monetary Fund discussions on overall monetary matters, scheduled June 12 and 13 in Washington. The question of such a change may be raised at that meeting, it's understood.

Americans have been prohibited from owning gold as private citizens since 1933. But Congress last year passed legislation authorizing the President to end the prohibition by executive action at such time as he deems appropriate. Thus Mr. Nixon could legalize gold ownership by American citizens overnight.

The new Treasury Secretary, who officially assumed his Cabinet post only yesterday, has informally discussed the ending of the gold-ownership ban with members of his inner circle of aides.

Mr. Simon wants to study the question very carefully before deciding whether to recommend that President Nixon take action legalizing gold ownership. It's understood that while Mr. Simon's instinct is to favor the change, he knows that an action with such widespread ramifications for the private gold markets can't be done without considering broader questions about gold as a monetary asset.

The disclosure that the new Treasury chief is thinking about the question is likely to further roil the waters of the foreign gold markets. Such a change in U.S. policy would raise the prospect of a demand for gold from American citizens looking for a new, previously unreachable hedge against accelerating inflation.

Another gold question also faces the new Treasury secretary, but his likely reaction isn't known. Next week, a representative of the Common Market is expected to visit Washington to discuss with Mr. Simon the question of intergovernmental trading of gold at market-related prices.

Last month, at a meeting in the Netherlands, finance ministers and central bankers of the nine European Community nations agreed that they should be free to trade gold among themselves at a market-related price, rather than the artificially low official price of $42.22 an ounce. Governments are reluctant to settle debts in gold at that price because it is so much below what gold is worth as measured by market transactions.

Mr. Simon expects to meet with Dutch finance minister William Duisenberg to discuss the European desire to use government gold holdings to settle debts at market-related value. The U.S. has been against any moves that might entrench gold as a monetary asset and Mr. Duisenberg presumably will sound out Mr. Simon's inclinations on that issue.

Separately, a Treasury spokesman denied foreign rumors that the U.S. had begun selling gold on the private market. "We aren't selling gold and it isn't imminent," a spokesman said. The U.S. is free to sell gold, following last year's elimination of a ban on government gold sales.

FEDERAL ASSISTANCE TO COLLEGE STUDENTS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. LEHMAN. Mr. Speaker, the Special Education Subcommittee has been holding hearings over the past several months on student financial assistance.

As a member of that subcommittee, I was impressed with a short, concise article in the New York Times of September 4, 1973, that provides a layout of those Federal programs that are available to assist those who are contending with the spiraling costs of higher education.

Since this article was written, the guaranteed student loan program has been modified so that a student whose adjusted family income is less than $15,000, and who is applying for a loan no greater than $2,000, no longer has to submit to a needs analysis in order to receive an interest subsidy on the loan.

Knowing this information would be helpful to the high school students in my district as well as their parents, I am inserting the article in the RECORD:

[From the New York Times, Sept. 4, 1973]

PROGRAMS HELPING COLLEGE STUDENTS

(Following are the five major programs administered through the United States Office of Education for aiding postsecondary school students and the major state-operated programs in the metropolitan area. In addition to these programs there are other specialized forms of Federal assistance, private loans and a wide variety of scholarships offered by foundations, agencies and the educational institutions themselves.)

BASIC EDUCATIONAL OPPORTUNITY GRANTS

Eligibility: Open to full-time freshmen at colleges, universities and vocational and technical schools who did not attend a postsecondary education institution prior to July 1, 1973.

How to apply: Applications are available from postsecondary institutions, high schools, post offices, state employment offices, county agricultural extension agencies and Box G, Iowa City, Iowa, 52240.

When to apply: As soon as possible for the academic year now beginning.

Criteria: Family income and assets determine who gets a grant, academic achievement having no bearing. Applicant must complete a detailed financial statement that is subject to comparison with the Federal income tax return that parents have filed with the Internal Revenue Service. In general, a student from a family of four with an income of $11,000 or more would not qualify for a grant. However, factors that can offset a higher income and enable a student to get a grant are a large family, brothers and sisters in college, both parents working and unusually large medical expenses.

Size of grant: Ranging from $50 to $452—the top grant going to a student from a family that according to its income and assets cannot afford to contribute anything toward the student's education.

Terms of repayment: This is a grant and there is no repayment involved.

Comments: No eligible student whose certifiable need meets the established criteria will be turned down by this program. Also, the grant will be awarded regardless of any other Federal grants or loans the student may receive. If a sufficient level of funding is authorized by Congress, the program is to be expanded to include all needy undergraduates, full-time and part-time. The top grant would be $1,400.

GUARANTEED STUDENT LOANS

Eligibility: Anyone enrolled as an undergraduate or graduate student in any of 8,200 participating colleges, universities and nursing, vocational, technical, trade, business or home study schools.

How to apply: Applications may be obtained from participating educational institutions, banks, savings and loans, credit unions and the United States Office of Education.

When to apply: At any time.

Criteria: All students are eligible, regardless of how high the family income. Those with established need, however, can qualify to have the Federal Government pay the interest on the loan; others must pay their own interest. Those seeking interest-subsidized loans must fill out a needs analysis divulging income and assets. Such factors as a large family, brothers and sisters in college, both parents working and unusually large medical expenses are taken into consideration. The financial aid office of the educational institution processes the application, applying a mandated formula, and recommends to the potential lender the amount of the interest-subsidized loan (including a possible zero dollar recommendation) for which the student qualifies. Prior to March 1, a student from a family with an adjusted income of less than $15,000 could qualify for an interest-subsidized loan, but under new regulations many students who formerly qualified are finding themselves ineligible.

Size of loan: In general, loans may be for up to $2,500 a year—not to exceed $7,500 during an entire undergraduate career and $10,000 during the course of undergraduate and graduate education. The annual amounts and cumulative totals vary, though, in some states, including Connecticut and New York.

Terms of repayment: No payment on principal is required until nine to 12 months after the student leaves school or until after service in the military, Peace Corps or VISTA. Once repayment begins, it is to be completed over a period of not more than 10 years and not less than five years, or sooner if the loan can be paid off at a rate of $360 a year. In the event of default, the Federal or State guarantee agency will compensate the private lender and attempt to recover the money from the student.

Comments: While this program appears to be open to all applicants it has not worked out that way. All of the money being loaned belongs to private lenders who participate voluntarily and retain the ultimate decision about who gets a loan. The new needs analysis formula has had the effect of disqualifying many of the students who would have gotten interest-subsidized loans under the old rules. The lending institutions could go ahead and give loans through the program that are not interest-subsidized, but are reluctant to do so. Not only is this a time of tight money, but apparently the lenders do not want to get too much of their money tied up in loans on which payment on the principal is delayed until after the student leaves school.

Moreover, while a lender can bill the Federal Government in one lump sum for the interest on all the subsidized loans, students must be billed individually for interest on unsubsidized loans—making such loans unattractive to the lender because of the greater servicing costs. The March 1 regulations were ostensibly to make it easier for the middle-class to get the guaranteed loans, but the change has had the opposite effect. Congress has had hearings on the problems that have developed and there is a widespread opinion among authorities on the program that the law needs further changes if it is actually meant to be of use to students from a wide range of income groups.

SUPPLEMENTARY EDUCATIONAL OPPORTUNITY GRANTS

Eligibility: For undergraduates in colleges and universities and students in other approved post-secondary schools. Half-time as well as full-time students.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: For students of "exceptional need," who without the grant would be unable to continue their education. Final determination of need is up to the College's financial aid office. This grant is often given in combination with National Direct Student Loan and College Work-Study aid to form a single assistance package.

Size of grant: Not less than 200 or more than $1,500 a year. Normally, renewed for up to four years—or five years when course of study requires extra time. The total that may be awarded is $4,000 for a four-year course of study and $5,000 for a five-year course.

Terms of repayment: This is a grant and there is no repayment involved.

Comment: In the past, 72.7 per cent of these grants have gone to students whose family income is below $6,000; students from families with incomes in excess of $9,000 have received 4.2 per cent of the grants.

COLLEGE WORK-STUDY

Eligibility: For undergraduates and graduate students in colleges, universities and approved post-secondary schools. Half-time as well as full-time students.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: The offer of a job is based on need, as determined by the college's financial aid office. The Federal money is used to pay the wages. The job may be for as many as 40 hours a week at a nonprofit on-campus (cafeteria, library, laboratory) or off-campus (hospital, school, government agency) site. Usually awarded as a package in combination with Supplementary Educational Opportunity Grant and National Direct Student Loan.

Amount of pay: From $1.60 to $3.60 an hour. Average annual compensation being $600.

Terms of repayment: These are wages for hours worked and there is no repayment.

Comments: In the past, 56.7 per cent of the work-study jobs have gone to students whose family income is less than $6,000; students from families with incomes in excess of $9,000 have received 17.3 per cent of the jobs.

NATIONAL DIRECT STUDENT LOANS

Eligibility: For undergraduates and graduate students in colleges and universities and approved post-secondary schools. Half-time as well as full-time.

How to apply: Through the financial aid office of the institution in which enrolled.

When to apply: As soon as possible for this year and upon acceptance for next year.

Criteria: The loan is based entirely on need, as determined by the college's financial aid office. Usually awarded as a package in combination with College Work-Study and Supplementary Educational Opportunity Grant.

Size of loan: Up to a total of $2,500 while enrolled in a vocational school or during the first two years of a degree program. Up to a total of $5,000 while studying toward a bachelor's degree and up to $10,000 during the entire undergraduate and graduate career.

Terms of repayment: Begins after leaving school or service in military. Peace Corps or VISTA. Interest of 3 per cent on unpaid balance of loan is charged when repayment period begins. Maximum length of repayment period is 10 years. Loan is canceled and no repayment necessary for teachers of the handicapped and teachers in inner-city schools and servicemen who spend one year in a combat zone.

Comments: This is the original of the Federal assistance programs for students, which began as the National Defense Student Loans in the late nineteen-fifties in the wake of the panic over the launching of the Soviet Union's first satellite. It was awarded on the basis of academic achievement, largely to students in the sciences and education. Academic achievement no longer figures in the loan and major field of any study makes little difference. Students from families with incomes in excess of $12,000 get 10.6 per cent of the loans.

THE MAN WHO MADE DELMARVALOUS CHICKEN FAMOUS

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BAUMAN. Mr. Speaker, one of the most distinguished men of commerce in the First Congressional District of Maryland is my friend, Frank Perdue, of Salisbury. He has become one of the most successful leaders in the broiler industry not only in the northeastern United States, but across the Nation as well. This is largely due to is own native Eastern Shore intelligence, but also to his ability to grasp the economics of the present-day market and to grow with them.

I include at this point in my remarks an article from the Wall Street Journal of May 13, 1974, which gives a fuller picture of a man who has made chicken famous, Frank Perdue:

IT IS NOT CHICKEN FEED TO PUT YOUR BRAND ON 78 MILLION BIRDS—FRANK PERDUE, OF MARYLAND, MAKES OWN TV PITCH; IS HIS STRATEGY FOUL PLAY?

(By Bill Paul)

SALISBURY, MD.—"It takes a tough man," says the Chesapeake-accented voice of Frank Perdue on television, "to make a tender chicken. . . . If you want to eat as good as my chickens, eat my chickens."

Millions of people—in New York, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia and Washington, D.C.—are doing just that. For the several hundred years up until 1971, most Americans ate their 41 pounds or so of chicken each year knowing only that it came from an uninteresting and ungainly barnyard bird of obscure origin. Then Mr. Perdue managed his improbable feat. He turned a seemingly homogenous agricultural product into a brand-name delicacy and, in the process, turned his family's chicken and soybean ventures into a business with sales of $120 million a year.

How did he do it? Experts say by working hard, by feeding his birds stuff that turns them yellow and by putting his own name on the line. In an age when suspicious consumers are subjected to a steady diet of TV commercials showing dubious charts, cutesy man-on-the-street testimonials and staged tests, Mr. Perdue simply and openly sells himself. It's the head of the company in those commercials, asking for your gripes, promising your money back if you don't like his chickens. "Add to that a face that's so plain it's got to be honest and," an ad executive says, "you can't help but believe in the guy and his product."

CRYING FOUL

Privately held, Perdue Inc. ranks among the top 15 chicken packers in the country. More Perdue chickens than any others are sold in the big New York market. And, because Mr. Perdue advertises his chicken as a top-of-the-line product sold only in the highest-quality markets, he gets a better price than most of his competitors.

Now other big regional chicken packers, including Holly Farms of North Carolina, probably the biggest, are branding their products. Not all chicken men like this trend, and some of them are crying foul. "All broilers are produced in the same way," says an official of the National Broiler Council, an industry group based in Washington. "But Frank's got them convinced in New York that his are better because they're more yellow." Perdue chickens are yellower, he says, because of the volume of xanthophyll, a chemical naturally occurring in corn, egg yolk and marigold petals, that goes into their feed. "In the South," he says, "people actually prefer a much whiter bird than a Perdue chicken."

That makes Mr. Perdue see red. "It costs me $1 million a year to give my chicken their healthy yellow color," he says. "If I'm going to spend to get a bird that looks healthy, you know I'm going to bust my butt to make it healthy, too."

Indeed, many shoppers sing high praises to Perdue quality. "I always have to poke a hole in the package of another brand of chicken to make sure it doesn't smell bad," says Mrs. Helen Nabstedt, of Montvale, N.J. Mrs. John Dorsett of nearby Park Ridge says: "I once cooked a couple of chickens with another brand and, boy, did they smell and taste bad! I've never had a problem with Perdue."

FROM CESSPOOLS TO COMPUTERS

Perdue's two processing plants in Maryland and Virginia, employing most of the company's 1,800 workers, can pluck and pack more than 300,000 birds a day, or 78 million a year. (A third plant is going up in North Carolina.) In a good year, Perdue can earn a nickel or so profit a pound from chickens. In a bad year, which 1974 so far has been, the firm could lose a few cents on every bird.

Though Mr. Perdue won't tell his firm's profit, he says he never has finished a year in the red since he joined his father, Arthur Perdue, in the chicken business in 1939. Now 88, Arthur Perdue, who tools around Salisbury in a Mercedes-Benz, started the business in 1920 with 50 hens that cost him $5 and a chicken coop that he built himself.

Frank Perdue made the business scientific. He used computers to figure the cheapest way to turn the least feed into the most meat. He hired geneticists to breed bigger breasted birds and veterinarians to produce healthier ones. Still, he says, "This is the kind of business where a Harvard MBA is out in left field. My advantage is that I grew up having to know my business in every detail. I dug cesspools, made coops and cleaned them out. I know I'm not very smart, at least from the standpoint of pure I.Q., and that gave me one prime ingredient of success—fear. I mean, a man should have enough fear so that he's always second-guessing himself.

Perdue Inc. prospered modestly for years. Then in 1968, Frank Perdue started branding his chickens instead of merely wholesaling them anonymously. By July 1971, he took the big plunge and started consumer advertising in New York. Since then, his yearly ad budget has grown to about $1 million from a few hundred thousand dollars.

Perdue normally earns about 75% of its profit from dressed broilers; the rest comes from ancillary services and byproducts, such as hatching eggs for other chicken producers, and sales of soybean meal, soybean oil and pine-bark mulch, which Mr. Perdue acquires from his chicken-litter supplier and then packages and distributes for gardening use.

Mr. Perdue spends a good part of his time in friendly persuasion. His targets aren't just the consumers who see him on television, but everybody else involved in the production and marketing of his chickens—including the growers who raise Perdue-hatched and Perdue-processed birds, the distributors who wholesale them and the retailers to whom Perdue sells directly.

One recent morning finds Mr. Perdue in the office of Harold Tarr, executive general manager of Pioneer Food Stores Cooperative Inc., Carlstadt, N.J. Mr. Perdue welcomes complaints—"I cannot make better chickens if I don't get some beef," one of his commercials says—and this morning he is getting a beef from Mr. Tarr. A Perdue salesman had persuaded Mr. Tarr to feature Perdue chickens in a sale in the 35 Pioneer retail stores that carry meat. So Mr. Tarr revised his scheduled newspaper ads at the last minute to shoehorn the chicken sale in.

But Perdue, Mr. Tarr gripes, couldn't supply enough chickens for the sale. "I had one woman who tore an apron right off our butcher," he says heatedly. "We were the first chain you hooked on with, Frank. I think we deserve better treatment than that."

Mr. Perdue picks up a telephone and calls the salesman. "We're naked on this," he says. "Harold has done us a favor" (by complaining). Later, Mr. Perdue directs his sales force never to commit chickens for a big sale on shorter notice than a week.

"Frank Perdue is the antithesis of the company president," says Donald McCabe, an executive of the Perdue advertising agency, Scali, McCabe, Sloves Inc. "Most guys talk a lot, but who do they talk to? Frank talks to butchers in a Boston ghetto at 5:30 in the morning. He knows the territory and he fights like hell to keep it.

Right now, Mr. Perdue is slugging it out in the New York market with Pearl Bailey, who pushes, on commercials, the Paramount-brand chicken marketed by Cargill Inc., a big, privately held Midwestern firm. Last year, Mr. Perdue won the "Battle of Boston" for chicken leadership, whipping the Buddy Boy brand of Maryland Chicken Processors. He spent months in Boston lining up major distributors and prestigious retailers. Otherwise, his efforts go mainly toward preventing any defections from his corps of distributors and retailers.

Chicken economics—including shipping costs, and the proximity of feed supplies like soybeans—make it a regional business. Perdue has no plan for going national. And at Mr. Perdue's age, 53, there's no immediate reason to sell out to the public, either.

Married, with four children, Mr. Perdue lives in a comfortable lakeside home in Salisbury. Outside chickens, his only major interests are tennis, which he rarely has time for, and journalism, which he thinks is biased. On the wall in his office hangs a picture of him playing tennis with former Vice President Spiro Agnew. He employs a cook, hired from his own company kitchen because of her expertise in preparing—yes, that's right.

REINSTATEMENT OF THE DRAFT AUTHORITY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. CHARLES WILSON of Texas. Mr. Speaker, the basic purpose of a U.S. military force is to insure the security of this

Nation. In addition there is a need for a military capability to allow the United States to meet its treaty obligations with other countries of the world.

In order to fulfill our defense requirements we need trained and trainable personnel, sufficiently motivated and dedicated to perform effectively in combat situations, where the risk of bodily harm or loss of life could be extremely high.

I do not wish to trace in detail the development of this great Nation, nor of the laws and procedures followed in order to provide the necessary military forces for defense. However, conscription began with the Original Colonies and involved intermittent and generally part-time service. The Constitution was implemented by the Militia Act of 1792, which prescribed militia enrollment. We had a Selective Service Act in 1917, the Selective Training and Service Act 1940, the Selective Service Act of 1948, a Universal Military Training and Service Act in 1951, a Military Selective Service Act of 1967 and the Military Selective Service Act of 1971.

We now have the Volunteer Force, which frankly, I do not consider a proper approach.

I believe that defense of one's country is everyone's responsibility, and I reject the prospect of placing this responsibility in the hands of a force manned principally by semimercenaries.

If a Volunteer Force is to be maintained by providing incentives only to a marginally sufficient level, it will tend to attract those who are most susceptible to marginal economic motivation from the lack of opportunity as the result of prejudice or inadequate education.

On the other hand, just how far can we reasonably go in increasing incentives? We must be concerned not only with providing a sufficient number of trained and trainable personnel for the Armed Forces, but we must also insure that the required ships, aircraft, tanks, weapons systems, and ammunition are available. Personnel costs have already reached the point of being over 60 percent of the total defense budget, and even with this expenditure, we do not get the number of personnel required in the Armed Forces—nor do we get the quality we need.

The composition of the All-Volunteer Force is steadily moving toward a higher percentage of the culturally deprived. This means that the obligation for the defense of the Nation will be largely imposed on those who have benefited least. This, in effect results in preselection through economic and social factors which is just as discriminatory and probably less democratic than the Selective Service System.

I believe we should examine very closely the effect the All-Volunteer Force will have on our capability to mobilize. With little or no turnover in the All-Volunteer Force, it will not require much passage of time before our source of prior military service personnel will disappear. No matter how difficult rapid mobilization is in a situation where we have a large number of inactive Reserve and other exmilitary personnel, starting at a point with only the relatively small voluntary force could be disastrous.

In contrast to our personnel situation and future capability in mobilizing personnel to meet emergency requirements after an extended period under the all-volunteer system, the Soviet Union with its universal military service has a relatively unlimited supply of personnel with military training and experience. Although the exact situation would be difficult to determine in the case of Soviet forces, I have seen estimates indicating that there are more than 10 million male reservists under 30 years of age who have had military training. We just cannot ignore the potential force available to the Soviet Union through their universal military service.

I do not believe that we can afford to wait much longer before taking action to insure that the personnel requirements for defense purposes are met.

Further reductions in the size of our armed services should be approached very cautiously. The weaker we become, the greater the risk of aggressive action by a foreign power, and the fewer options that we have in decisions affecting the safety of our country and our capability in meeting our international obligations.

Lower enlistment standards would mean a willingness to accept a lower caliber of men and women in our Armed Forces. This is not only significant in dealing with equipment which is more and more sophisticated, but in the event of armed conflict, will be subject to bearing criticism that only the poor and minority groups are exposed to the dangers inherent in combat.

The Army and Marine Corps are falling below their enlistment objectives despite the heavy emphasis on advertising and recruiting. Pressures on individual recruiters to "produce" have yielded evidence of irregularities in recruiting methods which are a great source of concern to me. There is also evidence that the military may be adjusting its manpower goals to meet its recruiting capabilities, rather than establishing and meeting national defense objectives.

The most equitable, economical, and surest way to meet our defense personnel requirements is through the draft.

In considering reinstatement of the draft, I recognize that it has faults and inequities. It is not my intent to excuse these problems. Instead, I propose to progress from the point of renewing the draft authority to elimination of these inequities. If funds were available, I would even go so far as to ask for Universal Military Training.

I realize that there are those who believe we should wait and give the all-volunteer system more time to prove itself. I believe if we continue much longer with the present enlistment pattern, we will be subjecting our people and our country to risks we cannot afford. Therefore, I am introducing a bill to provide for the induction of individuals, during the period beginning July 1, 1975, and ending June 30, 1977.

FREDERICK H. SHUNK RECEIVES TEACHERS AWARD

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is with sincere pleasure that I bring to the attention of my colleagues an honor which has recently been bestowed upon one of my constituents, Frederick H. Shunk.

Mr. Shunk, a history teacher at Freedom High School in Bethlehem, Pa., and a lieutenant commander in the Naval Reserve, has been selected by the distinguished National Awards Jury of Freedoms Foundation at Valley Forge to receive the Valley Forge Teachers Medal Award and to accept the award on behalf of about 25 teachers throughout the country who were also selected to receive this honor.

The Valley Forge Teachers Medal Award is granted in recognition of teachers who have rendered exceptional service in the cause of patriotism, responsible citizenship, and a better understanding of America. Nominated for this award were over 400 teachers whose anonymous sponsors believed possessed outstanding classroom and personal records and whose exemplary leadership contributed mightily to the growth of morally sound, intellectually capable, courageous, and patriotic young citizens. To have been selected to receive this award from among such outstanding competitors was a great honor, indeed.

At a time when it is particularly important for young people to have responsible adults as models for their behavior, I find Fred's evaluation of the responsibilities of the teaching profession to be especially meaningful:

THE TEACHER'S RESPONSIBILITY FOR SUPPORTING OUR FUNDAMENTAL FREEDOMS

Teachers in the schools of the United States must be completely knowledgeable

Teachers must instill in the minds of the students the extreme importance and supreme value of the fundamental freedoms that have been granted to each individual under the Constitution of the United States, freedoms that are the birthright of every human being. Additionally, it is the responsibility of the teacher to convey and encourage concern for others and to encourage the recognition of the basic dignity and worth of every individual, as well as of the rights of others. A teacher successfully satisfies this obligation by what he is and by what he does rather than merely by what he says.

Fred Shunk has exhibited, both in and out of the classroom, the kind of dynamic and effective leadership which makes the whole community grateful to have been benefited by his efforts.

In his service as a dedicated newsman, in his acceptance of the responsibility of a Naval Reserve command, and in his fostering of pride in the past and future of this great country in his students he has lived the ideals of the award which he so richly deserves.

To borrow again from his words, I believe the excellence he expects from teachers should be expected of all of us:

of and deeply committed to our fundamental freedoms. They must exemplify our rights both within and outside the classroom. As practitioners of our fundamental freedoms teachers should reveal effectively and completely the value and importance of our precious freedoms. Implicitly, then, teachers would convey and encourage concern for others, recognition of the dignity and worth of each individual, and a sincere sense of responsibility for the rights of others. Teachers must provide opportunities for each student's personal growth and development both as an individual and as a member of a free society. Support of our fundamental freedoms will give us the greatest strength to guide us in the days ahead, no matter how uncertain those days are.

CHURCH CELEBRATING 250TH ANNIVERSARY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mrs. GRASSO. Mr. Speaker, the First Congregational Church of Southington is observing its 250th anniversary this year. It is truly an auspicious milestone in the history of an active and concerned congregation of people.

For two and a half centuries, members of the First Congregational Church have made lasting contributions to the welfare of Southington and its people. The church has provided its members with a vehicle for effective social action as well as with a comradeship—a brother and sisterhood—in the beliefs and moral teachings of Christ. These Southington residents understand and follow the commandments of love of God and one's neighbors.

Since the church's founding in 1724, the actual building has been changed three times in order to provide expanded and improved places of worship. The congregation today reflects a solid commitment to solving modern problems and spreading the "good news" of the gospels to all God's people. In this commitment and in other ways its members exhibit a deep appreciation for and adherence to time-proven ideals that have been so much a part of the distinguished history of the First Congregational Church.

Mr. Speaker, for the interest of my colleagues I include below an article on the First Congregational Church from the New Britain Herald:

FIRST CONGREGATIONAL CHURCH CELEBRATING 250TH ANNIVERSARY

(By Jean Nichols)

SOUTHINGTON.—Two hundred and fifty years ago, the people of Southington who were of the Congregational faith got tired of travelling the 11 miles to Farmington every Sunday to go to church. They decided to have their own church.

A petition was presented to the Farmington Church by the "South Farmers," as residents of Southington were referred to, and also to the Legislature, asking for permission to build a church of their own. The petition was finally granted, and the farmers began cutting down trees and preparing the lumber for their church.

It was a plain building, 26 by 16 feet, with no cellar, no steeple, and no heat. But it was their church. It was on a hill about a mile north of the center of town on what is now known as "Oak Hill Cemetery." This was thought then to be the center of town. While the church was being built, members met for Sunday services in homes in winter and under the oak tree in summer.

The First Congregational Church of Southington was organized May 30, 1724.

On April 28, the congregation will begin the events to commemorate this 250th anniversary. A public musicale will be held at 7 p.m.

The Rev. William Gober of the Galloway Memorial Methodist Church, Jackson, Miss., will fly here to present a performance of religious music about the life of Christ.

On April 30 at 6 p.m., a reception will be held at the church preceding the 250th anniversary dinner. This will be an opportunity to meet old friends and greet a former pastor, the Rev. Dr. Millard Stevens, who is planning to travel up from the south for this celebration.

A catered dinner will be served at 7 p.m. Ralph Mann, Mr. and Mrs. Clayton Earle, Carl Ulbrich are in charge of dinner tickets. The dinner program will feature the Rev. Nathanial M. Guptill. Hostesses will conduct tours of the church.

The present church building was erected Dec. 15, 1828, but this was the third church for the congregation.

In 1757, the congregation decided that its little church on the hill was not large enough. Since the center of town had developed about a mile away from the church, the congregation decided to build a new church on the town green. This church eventually had a steeple and a bell.

Seventy-one years later, this church building showed signs of wear and was not so convenient, and so it was decided to build a new church. On Dec. 15, 1828, the cornerstone of the present building was laid.

The basement room was built with the idea of its being used for town meetings. In 1831 it was voted to permit a stove and fuel for the basement room in the meeting house.

For seven years, Sunday services were held in this basement room during the winter as up to this time it was the custom not to heat churches. Not until 1838 were stoves put into the audience room of the church. Horse sheds were built back of the church where the parish house and parking lot are now located.

A building was moved to the back of the church in 1873 and was used for kitchen, parlor and Sunday-school rooms. This was replaced about 1900 with a new and larger addition. In 1961 more Sunday-school rooms and a chapel were built and dedicated June 4, 1961.

The original building of the present church was constructed by Levi Newel and Selah Lewis. The contract signed for the project is displayed in the church and shows the cost of construction as $5,900. The Rev. John Hosmer, present pastor of the church, estimates the replacement value of this portion of the church to be about $400,000 today.

The Rev. David Ogden was pastor of the church on the green. He was also the first pastor to preach in the present church. A portrait of the Rev. Mr. Ogden is on display in the church office.

On loan to the church for the anniversary celebration is a portion of the pulpit saved from the church on the green when the building was razed. Also saved was the weather vane on top of that church. The Rev. Mr. Hosmer said these articles have been in the possession of the public library for many years. They are on display in the church during this celebration.

History provides the information that several young people who grew up in the First Congregational Church answered the call and became ministers or missionaries in faraway places.

Between 1724 and 1870, the first 146 years of the church, 30 young men of the parish studied for the ministry at Yale.

Martha Barnes Goodrich, born in 1801, went with her husband, the Rev. Charles Goodrich, to the Sandwich Islands, now Hawaii, with the first missionaries who were sent there in the early 1800's.

The Rev. George Williams went as a missionary to China and was killed there at the time of the Boxer Rebellion.

The Rev. Robert F. Black was the first missionary sent by the Congregational churches to the Philippines in 1902.

Mrs. Charlotte Frisbie Webb has been a teacher at Mt. Silinda and Chikore in Southern Rhodesia since 1944.

The Rev. Mr. Hosmer has been pastor here at First Congregational Church for the past nine years. He succeeded the Rev. Mr. Stevens, who retired.

BLACK LUNG RESEARCH BY LAWRENCE POWELL II

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BYRON. Mr. Speaker, since January 1974 Lawrence Powell II has worked as an intern in my office doing basic research on the background of black lung and the implementation of the black lung program in the sixth district

Mr. Powell has completed his research. Based on personal interviews and his own intensive research, his paper outlines some important conclusions with regard to the black lung program. I want to commend him for his outstanding achievement. I would also like to share his conclusions with my colleagues since black lung exists in many of the congressional districts throughout the country.

The material follows:

CONCLUSIONS AND INTERPRETATIONS

Black lung benefits are not administered as fairly and judiciously as possible in the 6th Congressional District of Maryland. There is room for improvement upon the existing law, and the various methods used to determine the presence of black lung. Although nearly two billion dollars in benefit money has been paid by the federal government since the start of the program in 1969, there are many more eligible miners and widows who cannot get benefit money simply because the 1972 act was too general where it needed to be specific, no consideration was given to inaccessible records and personal references, and the medical testing used presently is not extensive or accurate.[1]

However, several recommendations were made which would improve the administration of black lung benefits. They are as follows: (1) Miners or miners' widows should be made aware of the fact that they will receive benefits much faster if they include all of the information that could possibly be of use when they file their claims. Information such as the years the miner worked in underground mines, and, in the case of a deceased miner, signed affidavits from former employers and employees who knew he was short of breath, coughed often, etc., and a doctor's signed certificate stating specifically that the miner is or was suffering from pneumoconiosis. (2) The biggest stumbling block for black lung benefits still is the type of medical testing used. Hospitals in the 6th Congressional District are just not equipped well enough or do not have the trained doctors necessary to recognize pneumoconiosis consistently. Memorial Hospital in

[1] Letter to Honorable Goodloe E. Byron, from James B. Cardwell, Commissioner of Social Security. Washington, D.C., 8 November 1973.

Cumberland only uses two out of the six types of tests as required by the 1972 Black Lung Benefits Act to determine the presence of pneumoconiosis.

As Dr. Mock said, arterial blood gas studies should be used to identify pneumoconiosis because this type of testing is always accurate. Finally, as was advocated by Mr. Tomko, maybe Congressional interest should be toned down in black lung cases. But another type of problem could arise here for the Congressman. Congressman Byron is expected to be accountable to the people. If he does not sometimes intervene in a constituent's behalf, he could be held responsible on election day.

It is the author's opinion that some of the procedures used in Great Britain for black lung benefits should be incorporated into the United States program for black lung benefits. One is to have miners who apply for benefits in the United States go before a panel of specially qualified physicians. This is done in some areas of the country where doctors have treated pneumoconiosis for many years. However, new doctors assigned to black lung diagnoses and treatment are not always experts on pneumoconiosis. Secondly, as it stands in Great Britain, a miner's total disablement is not one of the determining factors as to whether or not he will receive benefits. In Great Britain, the amount of benefit a miner receives is dependent upon his amount of disablement. A miner is not "penalized" for having insufficient pneumoconiosis to qualify for benefits. Until the above improvements are acted upon by the United States Congress and state governments, many miners and their widows will not be receiving the benefits due them.

BOWIE METHODIST CHURCH CELEBRATES CENTENNIAL

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. HOGAN. Mr. Speaker, on May 5, I was honored to attend the centennial celebration of the Bowie Methodist Church. The centennial services were given by Rev. Patrick E. Wadsworth. The morning prayer was offered by Dr. James D. Foy, Superintendent, Washington East District and the meditation was offered by Dr. James K. Mathews, Resident Bishop of the Washington area. The choir director was Mr. Perry Gilbert and the guest organist was Mrs. Ray Strawser.

The history of this church has been compiled by Elizabeth Trott and I would like to request that it be inserted in the RECORD at this point.

HISTORY OF THE BOWIE METHODIST CHURCH—1874–1974

It was the year 1874 that the Sansbury family, along with that of J. B. Ridgeway, J. M. Carrick, and a Mr. Hadlow, were no doubt the underlying cause for the beginning of organized Methodism in Bowie.

At this time, there were no churches in Huntington, now known as Bowie. There were only obout nine or ten Methodists who attended Perkins Chapel at Springfield; a few Episcopalians who attended Trinity Church at Collington; and the Catholics who attended Whitemarsh. These people had been attracted to the town of Huntington by the railroad junction of the main line and the Popes Creek branch of the Pennsylvania Railroad.

The Methodists, along with certain Episcopal people, began to hold meetings in various homes. When an old store near the Popes Creek Line was sold out, this became the first definite meeting place. Both denominations used this building as a place of worship. Soon a brick building was constructed across from the present church on 7th Street and regular services were held there by the Methodists. This building was later owned by the Straining family and now by the Barry family. The meetings were conducted by a circuit preacher, and there were many Sundays when the members were without the leadership of a minister. However, there were men of God in the group who did everything for the members but baptize and marry.

Bowie was then on what was known as the Bladensburg Circuit. Other churches were Whitfield, Perkins, and Bladensburg. The minister was Rev. Charles O. Cook. Other pastors following Rev. Cook were H. S. France in 1876, James McLaren in 1877, W. H. Laner in 1878, and E. H. Smith in the year 1880.

It was probably in the year 1880 that J. B. Ridgeway, who had acquired the land adjoining the Popes Creek tracks, deeded to the Methodist Society the land where the first church was erected in 1884. Rev. Cross was the minister. Prominent on the list of subscribers were the names of Governor Oden Bowie, Richard Sansbury, Jim Knowles, J. B. Ridgeway, John Zug, Charles Brown, J. W. Ryan, E. E. Perkins, and Mr. Hadlow, who ran the post office in Bowie. Mr. J. M. Carrick hauled the lumber from which the church was built. The Rev. Norris preached and called for donations and the church was built by a Mr. Hunt at probable cost of $1,000.

The first persons buried in the church grounds were Mr. Charles Brown about the year 1882 and Miss Martha Sansbury in 1884.

Ministers following Rev. Cross were Rev. W. McKinley Hammock, 1885 and Rev. J. C. Starr, 1886 to 1888. Rev. R. M. Black and Dr. Menges filled in when there was no minister in 1889. Then Rev. J. L. Hayghe was put in charge. The parsonage at Lanham was built during the pastorate of Rev. W. T. Dice in the year 1891. Revs. Daniel Haskell, J. W. Steel, W. F. Dell and Spielman served the church from 1893 to 1906, when Rev. M. F. Lowe was appointed. The pastorate of J. R. Pardew, G. W. Rice, and J. I. Winger occupied the years from 1911 to 1919 when Rev. J. R. Cavileer came to the charge which then consisted of Bowie, Lanham, and Perkins Chapel.

Mrs. Mabel Nichols was the organist at this time and continued to serve faithfully for 20 years. Mr. William L. Trott became the Church Treasurer about this time and kept the position for about 23 years.

It was during Rev. Cavileer's ministry that agitation for a new church was begun. The present site, originally belonging to the Swartz family, was considered one of the most beautiful in town. There was a stone house on the property and a spring which is under the basement floor of the present church. It was purchased from Mr. Willis Johnson in 1920 for the sum of $900, which was largely raised by the Ladies Aid Society.

The cornerstone of the new church, built by Millard Schafer, was laid at an all-day meeting in the early summer of 1924. The finished church was dedicated May 26, 1925. The cost of the finished church was $12,900 including the ground. Mr. Willis Johnson contributed $1,000. The lights in the church were donated and installed by Rev. Cavileer, who had moved before the cornerstone had been laid. Rev. Milburn was pastor at this time. Rev. Sadofsky was pastor at the time the church was completed. The workmen who built the church very generously gave the money for the church bell. Those contributing were Messrs. Millard Schafer, Norman Clark, Ira Phelps, Clifford Lanham, Jesse Schafer, and Wilbur Anderson.

In 1925, Rev. H. H. Roland, a missionary returning from service in China, filled the pulpit followed by Rev. W. E. Nelson in 1930, also a missionary returning from China. During this time, the minister lived in Lanham. He rode the train to Springfield Station and walked or hitched a ride to Perkins Chapel for the 11 o'clock service, then hitched a ride to Bowie for the 2 o'clock service and rode the train back to Lanham for the evening service.

Mr. E. T. Johnson was the Sunday School Superintendent followed by Mr. William L. Trott, Sr. in 1934. Rev. M. T. Tabler was the minister in 1934 followed by Thomas M. Dickey in 1938. Mr. Millard Schafer became Sunday School Superintendent in 1942 and faithfully served in this position until 1948.

The Epworth League had a large membership at this point in time. Mrs. Molly Martin, Mrs. Emma Knowles, and Mr. H. B. Kelbaugh were faithful in their leadership of this very active group.

Mrs. Louise Kelbaugh Presley organized the choir in 1938 and Dorothy Baldwin Kelbaugh became the organist after Mrs. Nichols. Dorothy was followed by Ellen Preston Blair and then her mother, Mildred Preston, was organist for about 30 years. Opal Cowan became our choir director and when she moved to Florida, Roberta Hoffman served in this position for 3 or 4 years until Opal returned to Bowie and resumed as Choir Director until 1958.

Naomi Anderson took over the job of Church Treasurer in 1943 and continued until 1968.

Rev. Alvin T. Perkins filled the pulpit in 1944 and Rev. J. H. Tackett in 1945. Rev. Tackett lived in a rented parsonage on 10th Street while a new parsonage was being built by Millard Schafer, next to the church. Perkins Chapel shared the expenses.

Rev. C. J. Craig was the first minister to live in the new parsonage in 1946. Arthur Kelbaugh became the chairman of the Official Board and he also served as Sunday School Superintendent from 1949 to 1959. Others following him in this position were Opal Cowan, Lena Botts Kelbaugh, Marguerite Eastep, Alma Delpy, Elsie Wild, and now Mary Lou Billings.

Many Oyster and Ham Dinners helped with the expenses of the church and parsonage. The Ladies Aid, whose presidents had been Mamie Schafer, Cora Kelbaugh, and Margaret Baldwin, had become the Women's Society of Christian Service and continued to be a very active force in the church. Presidents of this Society through the years have been Louise Kelbaugh Presley, Delsie Kelbaugh, Lena Botts Kelbaugh, Elizabeth Lammers, Helen Hay, Myra Porter, Alma Delpy, Dorothy Lawson Fitzgerald, Mildred Jones, Carol Bischoff, and Elizabeth Trott.

Rev. Rufus B. Fink came in 1956 and Rev. Marvin Bonner in 1958. On April 13, 1958, the Perkins Chapel congregation voted to become a station, and their new parsonage was built in 1959. Bowie was then on their own even though the congregation felt that they could not support a minister.

Rev. Eldon C. Watts was our minister from 1959–1962. Alma Delpy was Chairman of the Official Board from 1960 to 1962. The minister who was appointed after Rev. Watts decided he didn't want to come to Bowie. Rev. Marion Michael was the District Superintendent at this time and asked his father, the retired Dr. Walter Michael to fill the pulpit until another minister could be appointed. Everyone liked Dr. and Mrs. Michael so very much that they were persuaded to stay on. Mrs. Kitty Michael played the organ on many occasions. Our membership expanded and we had a very good year. The piano in the sanctuary is dedicated to the memory of Dr. Michael.

Rev. William E. Polk, a retired Navy Commander, filled the pulpit from November

1963 to June 1973. His wife, Carol, organized the Youth and Junior choirs in which their daughters Marcia and Laura and son Timmy fully participated. Rev. Polk worked closely with the students at Bowie State College, organized and held chapel services on Sunday afternoons. He administered the Campus Ministry Funds for the college and advised Methodist students of the availability of the Student Loan Fund of the United Methodist Church for those with financial needs.

Chaplain Ray Strawser filled the pulpit on many occasions during the tenure of Rev. Polk. He and his wife, Elva Jean, were very active with the youth group along with the Polks. Elva Jean was our organist frequently and still plays when needed.

Mildred Jones filled in as organist many times until Martha Sallet took over after Mrs. Preston was unable to play because of ill health. Mildred was always very generous with her time and money and at her death left a sizable amount in her will to the Bowie church. A file cabinet, purchased from memorial funds contributed by many of her friends, has been dedicated in her memory.

During this time, the Ross Methodist Church, established in 1913 and located on 11th Street in Bowie, was having problems. The Ross Church was part of the Lanham-Glenn Dale-Bowie Circuit, and had a parsonage next to their church which had been built in 1930, using lumber which had been reclaimed from the old Bowie Methodist Church. The congregation did the construction led by the minister, Rev. C. C. Martin, who also was a carpenter.

Increasing need for the services of the church led the congregation in 1957, under Rev. R. W. Hall, to decide upon the purchase of five acres of land on the Duckettown Road for future erection of a community hall and sanctuary. Through considerable sweat, sacrifice and loss of rest which involved many dinners, fish fries, and other fund-raising activities, the property was totally paid for. This acquisition also involved participation of friends in the community other than the congregation and plans moved forward for expansion.

In the spring of 1966 the pastor, Rev. McCants, together with the District Superintendent, advanced the idea of a merger with the Ebenezer Church in Lanham. The congregation was opposed to this but was led to believe that if the merger was later found not to be desirable, the Ross Church could be reopened and the property returned to them.

In June 1966, the merger was accomplished but was only consummated under heavy pressure and never really desired by the Ross congregation. An honest attempt was made to merge with the Lanham congregation, seven miles away, but with the reception at the Ebenezer Church less than enthusiastic, the Ross members began attending the Bowie Methodist Church. The Bowie and Ross congregations merged in 1969. The Ross Church has been utilized for operation of a Thrift Store for the community with laudable success.

Rev. James N. Caldwell filled the pulpit many times and was very active in the work of the church. He retired from his job as Dean of Men at Bowie State College in 1973 and has rejoined his church in Baltimore, but still serves our church when needed.

In 1968 James "Slim" Stanier became our Church Treasurer and Dottie Mayr became Financial Secretary.

The church belfry was rebuilt in 1972 as a memorial to Mr. and Mrs. Millard Schafer, through the generous contributions of their many friends.

The choir continues to be outstanding under the leadership of Perry Gilbert, Choir Director since 1958. The choir members are Elva Hall, Mildred Thompson, Elaine Willis, Debbie Durst, Brenda Edelen, Theresa Gilbert, Clyde Durst, Slim Stanier, Joe Trimmer (our oldest church member), and Rev. Patrick Wadsworth. New choir robes are to be ordered and will be dedicated to the memory of Mildred Preston.

Mrs. Mildred Thompson places flowers on the altar each Sunday to beautify our sanctuary and many of the flowers are from the garden of Mr. and Mrs. Harry Anderson.

In 1968 we became the Bowie United Methodist Church and in 1973 the WSCS became the United Methodist Women. In preparation for our Centennial Celebration, a 95th year fete was held at which Bishop John Wesley Lord delivered the morning message. Former pastor David L. C. Wright was also present.

Rev. Patrick E. Wadsworth became our minister in 1973. His wife Donna took over the job of organist from Martha Sallet who is temporarily residing in Germany.

Mr. Harry Yeich is currently the Chairman of the Administrative Board-Council of Ministries. He was preceded by Jack Bischoff who held this position for many years.

Dr. James D. Foy has been our District Superintendent for 6 years and will retire this year. He has been most helpful and encouraging with the changes in our church.

Bishop James K. Mathews has consented to be our guest speaker at the morning worship service of our 100th Anniversary Celebration on May 5, 1974.

Our own beautiful house of worship can be traced back 100 years to the efforts of that small group of sincere and determined people who felt the need of a place to meet and praise God and who had the courage and will to put that which they felt into action. Our church on the hill stands ready to serve the community for another 100 years.

Compiled by Elizabeth Trott.

Part of this history was taken from a document written by Mr. and Mrs. H. Burton Kelbaugh and son Edwin in 1934. The Ross history was written by Alice Hall in 1969.

PORTRAIT OF A TEACHER

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. DE LUGO. Mr. Speaker, at this time, I wish to acknowledge the contributions of Mrs. Eulalie Castella Rohlsen Rivera, who after an illustrious career of 44 years, retired from teaching on January 31, 1974.

Mrs. Rivera began, at the early age of 19, to teach at the Diamond School on St. Croix, U.S. Virgin Islands. Since that time she has helped to educate our youngsters at both La Grande Princesse School and Claude O. Markoe School. But her contributions to the community did not end at the classroom door. Eulalie was active in a number of civic organizations, among them the League of Women Voters and the Committee on Aging. In 1967, Mrs. Rivera received two honors for her activities: the Woman of the Year Award from the Business and Professional Women's League, and the Teacher of the Year Award at Claude O. Markoe School.

But to comment only on Mrs. Rivera's public life would form an incomplete picture of her great ability and commitments. After an early divorce, she single-handedly raised her two children. When her daughter died in 1969, Eulalie took on the added responsibility of caring for two grandchildren.

Mrs. Rivera has truly dedicated her life to the future, the education of the young people of the Virgin Islands. We all look with sadness at the immense gap caused by her retirement. Her ideals, kindness, inspiration, and commitment are qualities that cannot easily be replaced.

I would like to add the following article from the April 25, 1974, issue of the Daily News of the Virgin Islands; it details the life of this wonderful lady:

PORTRAIT OF A TEACHER

CHRISTIANSTED.—Her name is Eulalie Castella Rohlsen Rivera, and she was born August 2, 1909 on St. Croix. Because of her mother's early death, her childhood was spent at Ebenezer Orphanage where she had her first taste of teaching when she was little more than a child herself. Her first class was a kindergarten at the Orphanage, and that experience sparked the flame that has burned brightly for more than forty-four years.

In those days, the St. Croix schools went only as far as ninth grade, and when Eulalie had her ninth grade diploma in hand she began her teaching career. For a short time she taught at a Christiansted kindergarten—a long way from home for a young Frederiksted girl in the days when there was no public transportation and you either walked or hoped for a ride in someone's horse or donkey cart. When she heard there was an opening for a teacher at Diamond School, she called from the neighborhood pharmacy and was told to be at the school the following morning at ten o'clock. She walked most of the way, caught a ride in a horse-and-buggy part of the way, and arrived at 9:45.

"Go and play with those children over there," said the supervisor.

Eulalie did as she was told. She began teaching the children some games; they responded with eager interest. "That's all. You can go home now," she was told. The next day, the call came to the pharmacy, asking her to report for work at Diamond School. "You passed the test very well," commented the supervisor. "We will start you at twenty dollars a month."

Eulalie was 19 years old. It didn't take her long to discover that teachers in those days were required to do more than give academic guidance to a class. The children's health needs and lunch program were her responsibilities. She was called upon to plan menus, give instruction in handicrafts and teach domestic science. Even some of the kitchen clean-up chores were allotted to her, and she was assigned to supervise the gardening.

In 1932, she earned her Assistant Graded Teacher's License, and in 1934, her Principal's License. For 25 years she continued teaching at Diamond School, and says she doesn't think she missed a single day, although she was raising her own two children at the same time, and raising them without help, because she and her husband divorced while their children were small.

When Diamond School closed, she spent five years teaching at La Grand Princesse School, then in 1960 came to Claude O. Markoe School where she taught until her retirement on Jan. 31, 1974.

During most of her early years as a teacher, Eulalie Rivera walked back and forth between her home and the school. It took her a long time to save up the money to buy a bicycle, but when she finally did, it seemed the most luxurious possession she had ever had. She would ride grandly on that bike, every inch the dignified teacher, pedaling along the familiar streets and feeling pleased with herself and her world. One unlucky day, her bicycle was stolen and for some years that was the end of luxury travel for Eulalie. It was back to walking.

She's been driving a car for some years now, but in talking with her one suspects she has never owned a car that meant as much to her as that long-ago bicycle.

Eulalie Rivera has been active over the years in a number of civic, religious and so-

cial organizations, and time has not diminished her interest and participation in community projects. She is a member of the Women's League and served as president of that organization for five years. She is a charter member of the Business and Professional Women's Club, and she is supervisor of the Lutheran Sunday School. She belongs to the League of Women Voters, the Committee on the Aging, the Lutheran Welfare Society, and the Friends of Denmark. In 1967 she was named Woman of the Year by the BPW Club of Frederiksted, and that same year she was designated Teacher of the Year at Claude O. Markoe School.

Mrs. Rivera has five grandchildren, two of whom she has raised to young manhood. They were the children of her daughter who died in 1960, and they still reside with her. Her son is now 38 and makes his home in Puerto Rico where he is manager of the local Emerson Manufacturing branch. He is the father of three daughters, one in college, the other two in high school.

Behind Mrs. Rivera's small, pretty house in Frederikstead, a large backyard stretches out. Retirement, she says, will give her a chance to work on it and get it to look the way she'd like to see it. She's also looking forward to spending more time on music. She plays the piano and wants to learn to play the guitar. She'll spend some time with her son in Puerto Rico and, if possible, she'll do a little traveling. But if she is needed, she will teach now and then as a substitute.

The Legislature has passed a bill calling for the Grove Place School to be renamed the Eulalie R. Rivera School, and although she never taught at Grove Place, the designation is appropriate, for many of her students were residents of that area of St. Croix. It is their children and grandchildren who will be attending the school bearing her name.

Eulalie Rivera's contributions to the community have gone far beyond her role as educator. She cared deeply for the children she taught, and gave them something more than formal learning. She helped them find standards to live by. Their classroom work was not her sole concern; she wanted them to be productive human beings. She gave them love and understanding; she gave them a worthy example to follow. And she was their friend, as well as their teacher.

When she retired on Jan. 31, after more than 44 years of teaching, she left behind something more than a vacancy to be filled by another teacher. She left an empty place that no one else will ever quite fill.

TWENTY YEARS AFTER BROWN, KENNETH CLARK CONTINUES THE FIGHT FOR DESEGREGATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. RANGEL. Mr. Speaker, the Supreme Court, in reaching its historic decision 20 years ago in Brown against Board of Education, was guided by the pioneer research into the self-perception of black and white children of Doctors Kenneth and Mamie Clark. In the two decades that have passed since the Brown decision, the Doctors Clark have continued to provide the intellectual framework for the movement toward the integration of educational facilities as called for by the Supreme Court in Brown.

Dr. Kenneth Clark, now the director of the Metropolitan Applied Research Center in New York City and a member of the New York State Board of Regents, has always taken seriously the Supreme Court's command in Brown that segregated educational facilities should be desegregated "with all deliberate speed." While others have wavered from the goal of integrated education or found great difficulties in applying the decision to the de facto segregation of northern school systems, Dr. Kenneth Clark has insisted that the law of the Brown decision is clear, unequivocal and relevant to all situations which present a segregated learning environment.

He has insisted that the Brown decision is the law despite impatience with the pace of progress that has led to frustration in the black community which has caused many to reject integration as a first priority in the continuing struggle for freedom and self-determination for minorities in America. He has insisted that Brown remains the law in the face of the wavering of the white liberal community on the question of integration. And he has been proven right in court decision after court decision that have upheld the law of the Brown case and directed the desegregation of both de jure segregated Southern and de facto segregated Northern school systems.

Dr. Clark is presently involved in a battle with the New York City Board of Education and the Board of Regents over his insistence that the integration of the New York City school system be treated as a serious goal. It is clear that the City Board of Education and the Regents regard the failure of the New York City Board of Education to achieve the integration of our school system in the last two decades as excusable—they spend a great deal of time and effort explaining why integration has not, and by implication could not, be achieved. Dr. Clark, however, has exposed these excuses for what they are: misrepresentations and evasions of responsibility.

The One Hundred Black Men, a group representative of the leadership of the black community in New York City, has issued a statement in support of Dr. Clark's contention that integration remains a possibility for the New York school system if the State Board of Regents, the New York City Board of Education, and the professional administrators of the system find the moral courage necessary to exercise leadership toward this goal. I place the analysis of Dr. Clark's position prepared by the Educational Committee of the One Hundred Black Men, which appeared in the May 11, 1974, edition of the Amsterdam News, in the CONGRESSIONAL RECORD for the information of my colleagues. As we approach the celebration of the 20th anniversary of the decision in Brown against Board of Education, I pay tribute to the continuing contributions of Dr. Kenneth B. Clark and his wife Mamie to the achievement of an integrated society and the attainment of equal educational opportunity for all our children.

ONE HUNDRED BLACK MEN BACK DR. CLARK'S SCHOOL PLAN

[Prepared by Educational Committee, One Hundred Black Men]

We of the One Hundred Black Men strongly support Dr. Clark's proposal that the design and implementation of a plan for desegrating N.Y.C.'s public schools should be invested in a 3 man commission to be appointed by the Board of Regents and removed from the N.Y.C., Board of Education which has proven by its performance over the past 20 years, and right up to the present, that it has a vested interest in maintaining as much of a segregated school system in N.Y.C., as possible, rather than an interest in desegregation of the school system.

Whether one supports integration of schools as the best method to attain quality education for Black children, or whether one supports community control as the best method to attain that goal, it is essential to become acquainted with Dr. Kenneth Clark's reputation of Board of Education's Chancellor Anker's "Report on Programs and Problems Affecting Integration of the N.Y.C., Public Schools, February, 1974."

HARD TO BELIEVE

It reinforces what we know from past experiences in dealing with the N.Y.C., Board of Education, namely that one must be most cautious about believing anything that comes from the Board. It is selfserving and serving the needs of the white community. It throws crumbs our way in the hope of keeping us fighting among ourselves so we don't have time to see their deceitful actions.

As demonstrated in Dr. Clark's analysis of that report, the Chancellor's arguments that the Board of Education has tried to establish integration in N.Y.C.'s public schools is a deliberate distortion of the truth.

Dr. Clark follows the report, point by point, putting what the Chancellor has said next to the facts that Dr. Clark's staff at MARC has carefully searched out.

Rather than trying to integrate, according to the Board of Education's official policy, the facts show that the exact opposite is what has actually been done in response to pressures from, and identification with, the mood and interests of the white community.

LAW BREAKERS

The law about using all deliberate speed in integrating the public schools has been flouted with almost no challenge and certainly no prosecution. This means that all the Boards for the past 20 years have been lawbreakers, but not brought to account for breaking the law.

The following are some excerpts from Dr. Clark's response Mr. Anker's report:

"Mr. Anker's assertion: . . . 'Whenever possible sites for new school buildings have been selected in predominantly middle class areas or in "fringe areas" in order to obtain . . . an acceptable level of racial balance by drawing on adjacent communities of disparate ethnic characteristics." . . .

THE FACTS

"The fact is the successive Boards of Education of New York City have selected sites and have built elementary and junior high schools precisely in those sections which would increase the chances of their becoming segregated schools. I.S. 201 is probably the most publicized example of a public school erected in a ghetto area during recent years. 'The community control' controversy surrounding this school stemmed directly out of the unwillingness of the Board of Education and its officials to desegregate this school at the time of its opening.

"In its comments about site selection of high schools, Mr. Anker's report is even more misleading. Of the 95 high schools in N.Y.C. there now exist 40 segregated, predominantly Black and Puerto Rican high schools and 16 segregated predominantly white high schools . . . a total of 56 segregated high schools.

"Andrew Jackson High School which is now predominantly Black high school, is an example which clearly refutes Mr. Anker's

assertion that 'For some 20 years virtually every high school has been situated so as to make it more feasible to integrate its student body'!

In early 1960, the high school population reached a point where another high school Springfield Gardens, was built in the predominantly white community of Springfield Gardens and opened its doors in 1965.

Until 1965, the student body of Andrew Jackson High School was drawn from the predominantly Black communities of St. Albans and Cambria Heights and the predominantly white communities of Rosedale, Springfield Gardens and Laurelton.

As late as October, 1966 the ethnic composition of Andrew Jackson High School was 44.7 per cent Black, 8.4 per cent Puerto Rican, and 46.7 per cent others. However, the site selection of the new Springfield Gardens High School drew the white students from Andrew Jackson so that as could have been predicted, it is now a segregated, predominantly Black high school.

"Mr. Ankers discussion of zoning as an integration program is even more unclear and misleading than his discussion of site selection as an 'integration' program. In spite of his insistence that zoning for the purpose of integration was introduced in the N.Y.C. public school system, the following facts remain uncontradicted:

"—35 per cent of all the public schools in N.Y.C. are segregated schools with a 90 per cent or more minority students population.

"—17 per cent of the N.Y.C. public schools have 80 per cent or more white students."

Dr. Clark makes a most interesting speculation which is receiving support from other sources also. This speculation is that "white flight" to suburbs and the resulting accelerated percentage of minority students in the public schools "have not been due to too much desegregation of the New York public schools but to too little."

He says that "a system wide comprehensive desegregation plan, enforced and implemented without vacillation and equivocation "(as was done successfully in many parts of the South)" is the most effective safeguard against massive white flight and therefore the best insurance of ethnic stabilization in urban public schools."

In other words, when most of the white population is faced with no alternative but integration, they will accept the integration of the public schools, albeit reluctantly. As in the South, they soon adjust to the change. A small minority of them moves out, but most remain and adjust.

Dr. Clark is to be congratulated on his persistence in exposing the hypocrisy, the deceit and unfortunately, the basic contempt for law of the leaders of the education system of our city.

MURDER OF CHILDREN MUST BE CONDEMNED

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. EDWARDS of California. Mr. Speaker, the murder of 19 Israeli children and the wounding of 70 others at Maalot by Arab terrorists is another grim and horrifying entry in the catalog of Middle East tragedies. Again, the Palestinian guerrillas have employed the weapons of blackmail, violence, and treachery to manipulate political affairs, this time seeking to disrupt peace negotiations in Geneva. The lives of innocent people have been pointlessly threatened and sacrificed, affronting universally recognized standards of humanitarianism. Civilized nations, decent citizens and peace-loving people throughout the world are outraged by these heartless acts. The use of terrorism can only perpetrate the distrust, retaliation and constant state or war that have marked relations between Arabs and Israelis for decades.

The United States must immediately and without qualification condemn what has happened at Maalot. It is our responsibility as Members of Congress, as peace-loving citizens and as decent human beings to call upon every nation, individually and as members of the United Nations, to join us in protesting this brutality. While hearts continue to be wrenched, minds appalled and voices raised against such indignities, there is hope that such atrocities will finally be ended. We can certainly do no less, even while we wish that more effective action were possible.

I urge every Member to join me and over 250 colleagues in sponsoring a resolution enunciating these objectives.

TAXPAYERS REVOLTING ON CONGRESS

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. CONLAN. Mr. Speaker, the following letter received from one of my constituents is typical of the growing indignation toward the Congress being shown by American working men and women.

This letter writer, like many others, is fed up with congressional dalliance, and the "dirty tax" of inflation through deficit spending and lack of budget reform and a balanced budget.

APRIL 20, 1974.

Representative JOHN B. CONLAN,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN CONLAN: I have never sent a letter to a Congressman before, but I find I must do so now. I am sending identical letters to each of the Arizona Congressmen regardless if I am in their district or not.

Starting this year and continuing then each year, I am going to delay paying my income tax until Congress balances its budget and starts paying our national debt.

I feel very strongly about this, and I can no longer in good conscience continue supporting Congress's ridiculous spending policy. The budget has been balanced about three times, if I recall correctly, in the last 40 years, and those times it surely must have been accidental.

I am, after all, only asking Congress to do what Congress demands that I do. If I spent year after year more than my income, the laws that Congress has passed would be invoked and I would be forced into bankruptcy by my creditors.

When it came time for a quartely payment to IRS, I deposited the money, and when Congress becomes "financially responsible" I will withdraw the money and interest and send it in.

I have no doubt that the government (IRS) will be able to force payment from me. I am, after all, "just a little pebble on the beach." But it will be the ultimate in hypocrisy for the government to force me to be "responsible" in the face of the irresponsibility it has displayed during the past 40 years.

I believe every Congressman should know how close the taxpayers are to a revolt, so I suggest—in fact, I dare—one of Arizona's Congressmen to read this letter on the floor of Congress so it goes into the Congressional Record, and to make copies of this letter and see that every Congressman receives one. Perhaps it will wake up a few of them so we can start back to the idea of Government by the people and for the people.

Sincerely yours,

(S) PAUL STICKLER.

COMMENTARY

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. GUNTER. Mr. Speaker, Mr. Robert F. Hurleigh, former president of Mutual Broadcasting System, is now a commentator on a nightly basis on Mutual national radio network. From time to time he brings to the attention of the people of this country many different ideas.

Recently, in two broadcasts, he spoke about the problems of insurance coverage for labor union leaders as opposed to corporate executives. I believe that Mr. Hurleigh has once again mentioned a topical item and I call upon my colleagues to give his comments their attention:

COMMENTARY

The New York Times has reported that Martha Mitchell in preparing to sue John Mitchell for divorce has said she receives very little money from her husband. The Times also reports Mr. Mitchell still receives an income from his old law firm, which is buying back his partnership, but that most of the money goes for legal fees. We set forth this information, not to suggest sympathy for the former Attorney General or his wife, but rather to establish this point: A man of considerable means and earning capacity can be brought to his financial knees by legal entanglements and the high cost of defending himself. The courts are full of cases where charges are brought against organizations and individuals because someone believes he or she has been wronged and brings suit. It has reached such a state that many organizations have insurance for themselves and their officers and directors. The logic behind this liability insurance is sound, because charges are made against officers and directors by disgruntled stockholders or customers who believe, and believe sincerely, that they have been wronged. There are many instances of individuals losing their savings, sometimes their homes in paying the bills for legal services to defend themselves. Win or lose, the bills are still there. This liability insurance now has been extended to Labor Unions, which in the past have never been able to enjoy these same privileges and yet sorely need such protection because, like banks or corporations, they can be sued by other officers, members of the union or the government. Under the Landrum-Griffin act, a union or union official who is sued on a charge of violating his fiduciary responsibility to the union cannot use union funds or union counsel in his defense, although in

90% of the cases, the union officer wins. And though it may not be generally known, most union officers do not make much money, if his income is compared to another with similar responsibilities in the private sector, or even the government's top supervisory grade of $36,000. In the unions there are no stock options or incentive payments, and if voted out of office there is nothing left but his pension or a return to his trade. Very, very few officers of unions can move from one organization to another as executives in the private or government sector can move from company to company or, in government, transfer horizontally from one agency to another. Thus, the importance of this liability insurance for union officers is apparent and has been long needed to give them equality in this area. I'll have additional details tomorrow, about this new liability insurance which should be of extreme importance to all union officials and their members. Perhaps you will find time tomorrow to be with me, again. So goes the world today.

COMMENTARY—II

Liability insurance is a way of life in the United States. Most of us are aware of the liability insurance needed for our cars and homes, as well as in other forms for personal protection. We have mentioned that industry; corporations, banks, et cetera, have long since had liability insurance for protection against lawsuits for the business as well as officers and directors. The need is obvious: Disgruntled stockholders or customers, with what they believe to be legitimate complaints, often sue the officials as well as the corporations. The high cost of legal defense can wipe out an individual's assets, win or lose the case. So, industry has been able to obtain liability insurance for the specific purpose of paying the cost of such lawsuits. This same protection, however, has been denied unions because of an interpretation of the Landrum-Griffin Act. Recently, however the Professional Administrators Corporation, which is a group of nine independent administrators who do the professional management of union pension and welfare plans have come up with a new insurance package to give unions and their officers the same kind of protection that has been available to management. The President of PAC is Russell Tolley, who is President of his own firm, Tolley International Corporation. The Vice President is Alfred M. Bell, President of Alfred M. Bell and Associates. These two, and other members of PAC have been working for two years with attorneys and insurance executives to put the package together. Now, with the underwriting by Lloyds of London, the Professional Administrators Corporation is able to provide through its members, such as Tolley International and Alfred M. Bell, the same kind of legal expense protection for unions and union officials as has long been available to corporate officers and directors. Under the Landrum-Griffin Act, a union official can be sued by another officer or union member on a charge of violating his fiduciary responsibility and is prohibited from using union funds or union counsel in his defense. And though statistics prove that the union officials wins the case over 90% of the time, the fact remains that the high cost of defense has created an intimidating and sometimes disastrous personal situation. This reporter has viewed the labor scene for many years and is well aware that too many people have pre-set ideas about the incomes of Labor Leaders. There are no more than a handful of these officials making more than $50,000 a year. And the average of approximately 125 international unions' top paid officers is around $35,000. When you consider the 60,000 local unions, the average drops considerably, somewhere around $20,000 a year. Thus, it is only fair that these unions and officers should be allowed the same protection in liability insurance as industry and its officers. So goes the world today.

SCHOOL INTEGRATION 20 YEARS LATER

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mrs. BURKE of California. Mr. Speaker, May 17 marks the 20th anniversary of the landmark decision by the Supreme Court in Brown against Board of Education. This decision rejected the fallacy of "separate but equal" and revitalized the 14th amendment as guarantor of the civil rights of all Americans irrespective of race.

I note with pleasure that this anniversary is to be appropriately celebrated in Los Angeles. At a gathering that evening sponsored by the American Civil Liberties Union, the distinguished attorney A. L. Wirin will pay tribute to Chief Justice Earl Warren, who delivered the unanimous decision. Mayor Tom Bradley will congratulate Judge Alfred Gitelson on his contribution toward bringing the findings and ruling of that decision into effect locally. Other southern Californians will receive citations for what they have done to promote equal opportunity as called for by the Supreme Court. Principal speaker will be Ramsey Clark, former Attorney General of the United States.

With gratification in the era of equal opportunity based on equal protection as the law of the land, I hereby salute this noble and humanitarian decision and send my greetings to the celebrants of the 20th anniversary.

I insert into the CONGRESSIONAL RECORD two items from Open Forum, Los Angeles, May 1974: "School Integration 20 Years Later," by John and LaRee Caughey, and "Where Were You on May 17, 1954?" by John Caughey.

The articles follow:

SCHOOL INTEGRATION 20 YEARS LATER

(By John and LaRee Caughey)

"To separate children in grade and high schools from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

—*Brown* v. *Board of Education* (1954)

For more than a hundred years, according to Los Angeles' distinguished jurist Loren Miller, "the Negro has been the ward of the Supreme Court." Repeatedly he had to ask "the intercession of his guardian when he sought to exercise the rights and privileges enjoyed as a matter of course by white citizens. He had to get Supreme Court decrees in order to buy and rent homes, vote, ride in Pullmans, read in public libraries, picnic in public parks, eat in bus stations, or swim in the ocean."

Relief for blacks has come piecemeal and slowly. There were decisions striking down the grandfather clause as a denial of the right to vote, ending the Jaybird private primary, and outlawing the poll tax. Restrictive convenants fell in 1948, by court decree.

But after *Plessy* in 1896 the pernicious doctrine of "separate but equal" was in the saddle. In *Plessy* the Court considered a complaint by a black passenger that he was forced to vacate what became "white" accommodations when his train crossed the Mason/Dixon line. Plessy lost, and the railroads were free to continue their charade of "separate but equal."

The catch-phrase spread far beyond transportation. It was applied to drinking fountains, toilets, elevators, hotels, restaurants, soda fountains, parks, playgrounds, graveyards and schools.

In the early fifties the NAACP brought suit in a number of southern and border States challenging the doctrine of "separate but equal" as applied in the public grade and high schools. The Supreme Court accepted a cluster of these cases for review, heard arguments, accepted briefs from both sides and some others from friends of the court, and took all under advisement.

On May 17, 1954, the Supreme Court emerged from months of silence on the subject with an epoch-making decision in *Brown* v. *Board of Education of Topeka*. The essence of the decision was succinctly put:

"Separate educational facilities are inherently unequal; . . . such segregation is a denial of the equal protection of the laws."

Aside from what this decision has meant to American education, it has produced a most gratifying "browning" of America. Jim Crow discriminations have been tumbling all over the place. There has been a sweeping knockdown of segregation in almost all its contexts.

SPORTS BECOME ALL-AMERICAN

Some progress toward expunging "separate but equal" came earlier. After Henry Aaron struck homers 714 and 715, he was asked if Babe Ruth was his boyhood hero. No, he said, he didn't believe he had ever heard of the Babe. His boyhood hero and the hero of all his chums in Mobile was Jackie Robinson, who in 1947 broke the color barrier and led his brothers out of the Negro leagues which had been their only and very limited opportunity. Aaron started his major league career in 1954, a month before the decision in *Brown*.

What the Dodger owners proved, beginning with Jackie Robinson, was that it was good business as well as idealism to employ talented black along with talented white players and that our whole society would be healthier with this integration. What *Brown* added in 1954 was backed up with legal clout. The Constitutional requirement of "equal protection of the laws" would stand against a league rule or a conspiracy of owners to exclude blacks.

With less commotion other sports integranted, among them football and basketball, track in particular, tennis and golf more grudgingly; but integration came almost across the playing fields, boards, rinks, and rings of the nation. The level of uncertainty now is when will a black be invited to golf's Masters tournament and when will baseball see a black manager.

OTHER GAINS

In Montgomery in 1956, Mrs. Rosa Parks refused to move to the back of the bus. The reason, as she recalled, was "just that she was tired." Her arrest galvanized the blacks to boycott the city buses. A year of passive pedestrian resistance made the point. This particular racist insult was abolished and bus seating was integrated.

Meanwhile, college students at Greenville, North Carolina, sat in at the Woolworth sandwich counter and Freedom Riders from the North and West soon were integrating airport and bus depot facilities and going to prison in the process. That was carrying the message of *Brown* to counteract *Plessy* on the transportation front.

The Montgomery bus boycott catapulted

Martin Luther King to prominence. He emphasized nonviolent protest against discrimination by the police, jailers, and others. The legal foundation for almost everything he sought was the equal protection clause.

The march on Washington stimulated federal support in the Voting Act of 1965, a new Civil Rights Act, and other measures. States also joined in as with California's Rumford Act, its Fair Employment Practices Act, and a measure facilitating voting for Spanish-speaking citizens.

LAST HOLDOUT FOR SEGREGATION

In the twenty years since the decision in *Brown*, the precepts of that decision have swept government at all levels out of the business of imposing segregation; all, that is, with one exception.

That exception—and this is the saddest of ironies—is the very field that gave rise to the decision by the Supreme Court: the field of public school education. The Supreme Court had ruled that "separate *educational* facilities are inherently unequal," (emphasis added).

On agents of government all across the land, that key phrase minus the word "educational" has registered convincingly and effectively. The precepts of *Brown* really have application.

But many school boards and superintendents and those who elect them act as though *educational* facilities of the public schools are excluded from the application of *Brown*.

Thus in Los Angeles the school board has a unique distinction. It is the only governmental agency in town, whether state, local, or federal, that imposes segregation. The same is true in Santa Monica, San Diego, and many other cities. Characteristically these school boards knowingly maintain and perpetuate minority segregated schools and assign pupils to them. Can such a glaring violation of the equal protection guarantee in the Fourteenth Amendment long endure? One would think not, though it has for twenty years.

SEGREGATION EXPANDS IN LOS ANGELES

Four years have passed since Judge Gitelson ordered elimination of school segregation in Los Angeles. Enforcement of the decision was stayed when the Board of Education appealed. But neither segregation nor the growth of segregation was stayed.

Over the four-year interval some 34 schools have passed over into segregation. Here is the sad roll call:

Annandale, Atwater, Buchanan, Cahuenga, Catskill, Del Amo, 15th, Fishburn, Garvanza, Grant, Heliotrope, Morningside, 186th, Park Western, Playa del Rey, Ramona, Richland, Roscoe, Santa Monica, Shenandoah, Stanford, Sylvan Park, Towne, Van Nuys, Vine, and Yorkdale Elementary; Burbank, Burroughs, Marina del Rey, South Gate, and Webster Junior High; Marshall High; McAlister and Pacific Special Education.

With these 34, the Los Angeles school census for 1973–74 reveals 297 minority segregated schools out of 587. Now for the first time, more than half of the schools in the district have this handicap. Now for the first time, the typical Los Angeles school is minority segregated.

On March 4 the Board debated a motion to set up a program to prepare parents, staff, and communities as well as pupils and teachers for integration. The motion also ordered development of an operational procedure for integrating as many as 50 or 100 schools located in proximity to predominately white schools. They could be integrated with a minimum of adidtional transportation. This motion failed, four votes to three.

SOUTHERN RESISTANCE

Some Southerners accepted the validity of *Brown*. The prevailing attitude of those in power was hostile, as shown in a manifesto by 96 Congressmen denouncing it as an encroachment on states rights. They pledged to use all lawful means to bring about a reversal. In 1955 when the Supreme Court tacked on the phrase "with deliberate speed," opponents seized on that as license for delay.

State and local officials in the South by laws and regulations interfered with black enrolling in white schools. Every southern state except two authorized shut-down of the public schools. Virginia actually closed its schools. State after state voted to cut off funds to districts that integrated. They also gave aid to private and parochial schools to which white pupils fled. They did it by tuition grants, known as the voucher system. They gave tax credits for what parents paid. They extended state benefits to private school teachers. They even paid for busing to white-flight schools.

Every state but one enacted laws designed to cripple the NAACP. There were laws to penalize those who stirred up suits for integration. Another favorite device was to attempt to require publication of the NAACP membership list.

Angry demonstrators and mobs threatened the first black children who attempted to enroll in white schools. Often the mobs succeeded. President Eisenhower never uttered a word of commendation for the *Brown* decision. But when federal court orders were defied, as at Little Rock, he did muster the National Gaurd.

In half a dozen states along the northern edge of the South there was progress in integrating. The figures published overstate the gains because if one black is in a white school, or vice versa, that school is counted as integrated, which is tokenism at its ultimate. Even so, Alabama, Arkansas, Georgia, Louisiana, Mississippi, and North and South Carolina arrived at the tenth anniversary of *Brown* with from none to not more than one percent of their black pupils enrolled in schools which had any white pupils.

NORTHERN APATHY AND RESISTANCE

All across the North and West *Brown* was greeted with a strange mixture of applause and apathy. The applause was for the blowing away of that unctuous smokescreen of "separate but equal."

But there was a widespread delusion that school segregation existed only in the South. Over great stretches of the rural and small-town North and West there were very few blacks. And in the cities, life was so compartmentalized that many residents very seldom had other than white contacts. To this day there are residents who are not aware that Los Angeles has segregated schools. Well into the sixties the Los Angeles school board prided itself on operating colorblind. That in some respects admirable stance spared most citizens real awareness of the problem.

Even ACLU shared that apathy. Not until 1962 was it alerted to the gravity of the problem and only then did it press for integration.

In the course of the second ten years after Brown, the South and the North reversed roles. Under pressure of court orders, HEW directives and civil rights legislation, the deep South did an about-face. Many leaders, among them Governor Wallace, say now that they accept integrated schools as legally required.

Although school integration in the South is by no means complete, according to the latest figures the eleven southernmost states now have 44.4 percent of their black pupils enrolled in predominantly white schools.

In the North and West in these same ten years a sprinkling of school systems integrated. Among them are Riverside, Berkeley, San Mateo, San Francisco, Monrovia, Inglewood, and Oxnard. Several of these are showcase performances, inspiring examples.

They, however, are overshadowed by sinister fighting back against school integration in the North and West. A poll of white parents blocked integration in Santa Monica. Three times the people of Los Angeles County voted what could be construed as mandates against school integration. Using euphemisms such as open transfers, alternative schools, parental choice, or anti-busing, politicians all the way from local school boards to the White House rallied militant resistance to school integration. The Establishment as personified in the school board is on record too in the pleadings in court against integration orders in Denver, Detroit and numerous other cities including Pasadena and Los Angeles. In court the Los Angeles Board explicitly and laboriously attacked the validity of the findings and decision in *Brown*.

The regional score on black students actually enrolled in Northern schools in which they are not an outright majority is 29.1 percent—poor as compared to the deep South figure of 44.4 percent.

Focusing on the big cities, which is where most blacks live, reveals a far greater intensity of segregation. In Washington, D.C., 99.7 percent of the blacks are in segregated schools. In St. Louis, Chicago, Newark, Gary, Cleveland, and Detroit, the range is from 97.9 to 93.7 percent. These cities can rationalize the excuse that from 55 to 95 percent of their students are black. Los Angeles, with only a quarter of its students black, has 93.2 percent of them in black segregated schools.

WHERE WERE YOU ON MAY 17, 1954?

(By John Caughey)

The decision in *Brown* may well go down in history as the noblest of the century. It restored the Fourteenth Amendment as a safeguard against discrimination based on race.

Certainly it was a dramatic moment when Chief Justice Earl Warren, speaking for a unanimous court, read the decision. The setting was the august courtroom of the Supreme Court. There had been little build-up. The cases had been under submission for months, but speculation had been mostly on how the Court would divide.

I vividly remember where and how I heard about Pearl Harbor, the assassination of President Kennedy, the atomic bombing of Hiroshima, and, on the joyful side, Lindbergh's landing at Paris and the election of Tom Bradley. Where was I on May 17, 1954, and what passed through my mind? To my chagrin as a civil libertarian and an integrationist, for the life of me, I cannot remember.

Incredulous about my inattention, I checked back in *Frontier* and *Open Forum*. Where were they? In *Frontier* for 1954 I find two letters to the editor and that is all. *Open Forum* for July had one oblique reference to the decision and back in February a story on the cases that had been taken under review.

The fifties were the heyday of McCarthyism. McCarthy and many lesser inquisitors were noisily exposing Communists and fellow travelers in a witch hunt that shamelessly undermined the Constitution. ACLU and *Frontier* had their hands full trying to defend on these issues. Though not really a witch, I had been fired as one and was still trying to get myself rehabilitated. That experience sharpened my awareness of the menace to the Constitutional protections. I wrote an elegy on The Decline and Fall of the Fifth Amendment.

In May, 1954, my thoughts were trained on Washington because two extraordinary examples of McCarthyism were coming to a head.

President Eisenhower had "put a wall" between J. Robert Oppenheimer and the nation's atomic secrets. Oppenheimer insisted on a hearing, and on May 17 that hearing was in progress in Washington, though behind closed doors. The chilling outcome would be

announced ten days later. I remember it as though it were yesterday.

Meanwhile, in the Senate Caucus Room, under the constant eye of the television cameras, the epic Army-McCarthy hearings were in full blast. The Senator had charged that certain generals and the Secretary of the Army had interfered with and hampered his anti-Communist efforts. Pushed into a corner, the administration was fighting back. Before the strange tribunal of his own committee, McCarthy won some damaging admissions. Counsel Joseph Welch was scoring points against the Senator but, as of May 17, the outcome of this brawl was far from being decided.

The showdowns impending on these two alleged Communist threats to the national security had a burning immediacy that eclipsed what the Court said on *Brown*. It would be years before I appreciated the full meaning of this decision.

THOSE HIGH FOOD PRICES—WHO GETS THE PROFITS?

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BINGHAM. Mr. Speaker, in a recent issue of the RECORD I inserted data pertaining to the sizable profits earned by American business in general and the food retailing and processing industries in particular.

Further indication of the food middleman's fiscal well-being is revealed in an article appearing in the May 20 edition of U.S. News & World Report. The article elaborates on a rather simple and disturbing proposition: while food prices are down on the farm, they are continuing to rise for the consumer. I am convinced that without concerted Government action the American food shopper will suffer through a period of continuing price increases straining the limits of even the most liberal budgets. I recently introduced legislation calling for a new equitably administered system of price controls to protect the consumer from this price onslaught, and I am of the opinion that the Congress must act expeditiously if we are to avoid the catastrophic consequences of double-digit inflation.

THOSE HIGH FOOD PRICES—WHO GETS THE PROFITS

At a time when farmers are getting less for their crops, shoppers are wondering why they aren't getting a break at the supermarket.

It turns out that a larger part of the food dollar is going to the middlemen—and that they are trying to recover increases in costs other than raw farm commodities in order to protect their profits. The latest official figures indicate they are doing this quite successfully.

The result is that the consumer cannot be at all sure that he is going to get much if any—relief from the high cost of foods and fibers this year.

On the farm, prices have been going down fairly sharply for about two months, following last year's unprecedented rise.

The Government's report on wholesale prices for April showed farm prices down 4.3 per cent on a seasonally adjusted basis from March. It also showed consumer food prices—at the wholesale level—up slightly.

The Bureau of Labor Statistics explained that lower prices for meats, processed poultry, flours and vegetable-oil products were not enough to offset increases for fresh and dried fruits and vegetables, fish, miscellaneous processed foods and dairy products.

An earlier report from the U.S. Department of Agriculture said that prices paid to farmers for their produce declined 4 per cent in March and 6 per cent in April.

Some commodities, such as wheat, rye, poultry and eggs, tumbled 18 per cent from March to April and livestock prices dropped 6 per cent.

UPWARD SURGE

In the retail stores, shoppers have seen meat prices dip a bit in recent weeks—but not much else. So far in 1974, grocery prices as a whole have advanced at an annual rate of 25 per cent, almost without historic equal.

With farm prices falling and retail food prices still rising, the Agriculture Department figures that the consumer's food dollar is rapidly being redistributed. A larger share is going to the middlemen—companies that assemble raw materials, process them, haul them around the nation by railroad and truck and distribute them to the public.

A chart on page 43 shows that the average American family is now paying $289 more per year for a market basket of food than a year ago. Two thirds of the increase is going to middlemen, the figures indicate.

The middleman is responsible for most of the cost to the consumer in a number of instances, as indicated by another chart on page 43. Processors and distributors get about 88 cents out of every dollar spent for canned tomatoes or boxes of corn flakes. They take 78 per cent of the price of fresh oranges, 66 per cent of what you pay for sugar, 55 per cent of your outlay for margarine.

What do middlemen have to say about all this?

George W. Koch, president of the Grocery Manufacturers of America which represents such companies as General Mills, Pillsbury and Quaker Oats, explains:

"We are just passing on the huge increases in raw materials and energy to consumers that we can't absorb internally. Processors are in the same boat as the consumer because both our costs are rising."

Another food processor declares, "We couldn't pass on to retailers a 60 per cent increase in corn prices and a 40 per cent jump in wheat prices last year and expect to remain in business."

Grocery merchandisers point out that farmers in 1973 got 38 cents out of the consumer's farm-food dollar, the highest proportion since 1953. Now, they say, it is the middleman's turn to recapture a somewhat larger share.

Meat processors in particular insist that their current gains are long overdue. In the third quarter of 1973, meat-packers got only 2 per cent of the retail dollar spent on meat. But now they are making about 8 per cent, compared with an average of 5.8 in the period from the second quarter of 1971 through the first quarter of 1974.

PLAYING CATCH-UP

A banker who specializes in loans to agribusiness at the First National Bank of Chicago puts the case for the middleman this way:

"When raw-food costs are high," he says, "the middleman is squeezed. He can't add his costs on top of the higher prices he is paying the farmer, because the consumer just wouldn't accept it. So when farm prices go down, the middleman has to play catch-up to get back the share he has lost."

Figures compiled by the Federal Trade Commission, however, throw a somewhat different light on the experience of the food companies during last year's run-up in farm prices. According to the FTC, the food companies' return on investment—a standard method of measuring profits—averaged 12.8 per cent in 1973, compared with an average of 10.9 per cent in 1968–72.

In the fourth quarter of last year, the Commission's data indicates, the profits of these companies rose 40 per cent from the level a year earlier.

CONSUMER OUTLOOK

The trend of costs and profits of the processors and distributors is only one of the factors that make it uncertain how the consumer will fare during the balance of this year.

Administration economists have predicted that retail food prices will average about 12 per cent higher this year than last—a comforting estimate only by comparison with the much steeper rate of increase already experienced. The official line is still optimistic.

Agriculture Secretary Earl L. Butz said on May 7 that the giant flood of higher grocery costs has crested. He indicated that he expects food prices to dip in the next few months but then increase slightly.

"The primary things that will affect food costs now are such factors as labor costs, transportation and fuel for food processors," Mr. Butz explained.

Experts in Mr. Butz's Department were somewhat more specific in a report entitled "National Food Situation," which was issued on May 8.

The report said that if crops fall short of predictions and domestic demand for food increases, prices could jump upward another 5 or 6 per cent before stabilizing in autumn. That would push the 1974 average to 16 per cent above last year, the study indicated.

On the other hand, it continued, bigger crops and smaller demand than now forecast could send food prices down 1 to 2 per cent in each quarter for the rest of this year and hold the annual increase to 8 per cent above 1973.

WHEAT SUPPLY

Another report, issued on May 8, held forth the prospect of a bumper crop of winter wheat. The Department said this harvest seems likely to total 1.6 billion bushels, an increase of 27 percent over last year's record and 7 per cent more than forecast by the Department in its December crop report.

Fears of a shortage of wheat and flour, voiced early in the year, have now evaporated. Wheat which had been selling in Kansas City for more than $6 per bushel was trading on May 8 at $3.60. Flour which brought $16 per hundred pounds in New York at one point is now being traded at about $10.50.

Economists say the outlook for meat supplies and prices is a big question. Because of the relatively high prices of feed grains, such as corn and oats, livestock producers are holding their herds on the range, shipping fewer into the feed lots. If bumper crops are harvested and feed prices decline still more than they have, farmers are expected to resume fattening more cattle. Then more meat will become available, and prices, presumably, will drop.

Other problems of unknown dimensions are also mentioned by the food processors: the rising trend in freight rates, higher prices being paid by farmers for fuel and fertilizer, shortages of paper products and tinplate for food containers, labor negotiations that are pointing toward higher costs in stores and factories, and the higher cost of energy used in processing foodstuffs.

On one point, most industry observers seem agreed: It will take an even greater decline in farm prices to overcome increases in the middleman costs that account for so much of the food dollar. As one executive says:

"When you consider that about 65 per cent of the food dollar goes into bringing groceries from the farm to the consumer's table, a 10 per cent drop in the raw-product price amounts to only about 3½ cents in the total food dollar."

WHEN FOOD COSTS RISE—WHERE DOES THE MONEY GO?

[Cost at retail of a market basket of foods produced on U.S. farms—a year's supply for the average urban household.]

	Year ago	At today's prices	Change (up)
Total	$1,458	$1,747	$289
To middlemen	796	985	189
To farmers	662	762	100

Note: Comparison is based on latest available prices, March 1974, against March 1973. "Middlemen" include meatpackers, millers, bakers, bottlers, canners, grocers, railroads, truckers, others.

Source: U.S. Department of Agriculture.

FARMERS' SHARE OF THE PRICE OF SOME FOODS

[In cents unless otherwise indicated]

	Homemaker pays	Farmer gets	Middlemen get [1]
Beef, pound (average of all cuts)	$1.45	92	53
Pork, choice, pound (average of all cuts)	$1.12	60	52
Butter, pound	95.4	64.1	31.3
Cheese, American, 8 oz	74.3	39.6	34.7
Eggs, dozen, grade A large	85.6	58.7	26.9
Frying chicken, pound	57.5	33	24.5
Bread, pound loaf	34	7.8	26.2
White flour, 5 lb	$1.06	49	57
Corn flakes, 12 oz	37	4.5	32.5
Oranges, dozen	$1.04	23	81
Apples, pound	32.7	11.1	21.6
Potatoes, 10 lb	$1.91	76	$1.15
Tomatoes, can	27.6	3.2	24.4
Peaches, can	47.3	7.3	40
Margarine, pound	51.3	23.1	28.2
Sugar, 5 lb	$1.04	35	69
Peanut butter, 12 ounces	56.7	20	36.7

[1] Processors, wholesalers, grocers, transportation firms.

Source: U.S. Department of Agriculture data on average prices in March 1974.

DIVVYING UP THE FOOD DOLLAR

In 1973, U.S. consumers spent 134 billion dollars for food produced on American farms. Here's how each food dollar was divided:

37.9¢ to farmers.
32.2¢ to stores and restaurants.
19.2¢ to processors.
5.9¢ to wholesalers.
4.8¢ to transportation firms.

Nonfarm workers get a big share of each dollar spent for food. Of the total cost of processing and moving food from farm to supermarket, labor gets an estimated 48 per cent.

Source: estimates by USN&WR Economic Unit, based on official data.

WOMEN OF THE YEAR AWARDS

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mrs. BURKE of California. Mr. Speaker, it was my pleasure recently to participate in the second annual Clairol Television Special to honor the winners of the Ladies' Home Journal Women of the Year Awards. This program brings well-deserved recognition to women who have reached the top in their fields, sometimes in spite of being women, but always because they had the intelligence, energy, and ability to do the job. It also brings to women everywhere the realization that their goals are attainable, and the knowledge that there are wider worlds to conquer, that a "woman's role" can be anything she makes it.

The winners of the awards are selected by ballots submitted by the readers of Ladies' Home Journal and a panel of judges. Each recipient has made an outstanding contribution to her profession. I was particularly pleased to introduce one of our own Members, Congresswoman MARTHA W. GRIFFITHS, as Woman of the Year in the field of public affairs. The other winners were Patricia Roberts Harris for business and the professions; Dixy Lee Ray, science and research; Barbara Walters, communications; Katharine Hepburn, creative arts; Dorothy Height, human rights; Billie Jean King, sports; and Barbara McDonald, community service.

These hard-working, creative women have been honored for their contributions in their chosen fields. Their contributions are the talent, dedication and humanity with which they have enriched all our lives.

Thanks to Clairol and Ladies' Home Journal, a program has been established providing the opportunity for widespread public recognition to women in all walks of life. The overwhelming expression of support from women throughout the country is indicative of its success.

NORWEGIAN INDEPENDENCE DAY, MAY 17, 1974

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ROONEY of New York. Mr. Speaker, 160 years ago the people of Norway were jubilant over the adoption of their new constitution. For a proud and independent people this was indeed an event of unsurpassed importance. At long last they had been admitted to the ranks of the elite democratic nations of the world such as America and France.

The Norwegian constitution itself was a telling demonstration of keen and penetrating statesmanship as well as rugged tenacity. The most astute and proficient legal minds drew upon our Constitution for the most salient provisions which assure personal freedom. These same gifted statesmen analyzed the basic documents of the French revolution and selected choicest statements and principles which guaranteed the rights of free men. Thus from these great manifestos the Norwegian draftsmen took what they most needed and wove it into their own historically sound legal structure. So careful and so selective were they that practically no amendments have been required over the ensuing years.

The Norwegian constitution is so respected today that statesmen and savants the world over join the Norwegian people with great enthusiasm in celebrating Norwegian Independence Day and in commemorating the adoption of the magnificent Norse "Magna Carta."

American citizens of all ethnic and racial backgrounds are proud to share in this Norwegian holiday, because all Americans have a deep kinship with the people of Norway and their fellow Americans of Norwegian birth or descent. This kinship derives not only from the similar or even identical principles under which we govern ourselves but from the same well established standards of maximum personal freedom which flourishes within a well-formed pattern of community living and sharing which is basic to both our ways of life.

All Americans are proud of the magnificent contributions which Norsemen have made to the growth and enrichment of this country. They were in the forefront of the intrepid explorers who first visited and mapped our coastal areas. They were in the vanguard of the courageous settlers who fought their way ever westward to carve out new frontiers to allow this country to expand and to flourish. No ethnic group in America is entitled to take more pride in its accomplishments to make America what it is today than those brave sons and daughters of Norway. These stalwart people brought to this land of ours a brand of integrity and industry not surpassed by any other group. They formed the backbone of a great religious movement. They were the conscience of our wild and sometimes undisciplined frontiers. They gave us a heritage of family awareness and loyalty. They mixed fun and pleasure with solemn observance of high moral decency and behavior. These people were a great asset to our early communities just as they are today in our modern America.

Mr. Speaker, it is small wonder that we join so wholeheartedly with that large segment of our population through whose veins so proudly flows the blood of Norway in the celebration of Norway's Independence Day.

G. DONALD STEELE APPOINTED AS STATE FIRE COORDINATOR OF CONNECTICUT

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. SARASIN. Mr. Speaker, I wish to bring to the attention of my colleagues the well-deserved appointment of Mr. G. Donald Steele, of Cheshire, Conn., to the post of State fire coordinator for Connecticut. His selection for this highly important position recognizes his continuing interest and expertise in the field of fire safety. His qualifications, as described by the State civil preparedness office, are impressive.

An active volunteer fireman for more than 25 years, Mr. Steele is a member of the West Ridge Volunteer Fire Association, North Haven; and the Mount Carmel Volunteer Fire Co., Hamden. In the latter organization, he served multiple terms as foreman, lieutenant, and captain. He is currently president of Box 22 Associates of New Haven, a member of the International Fire Buffs, Connecticut Firemen's Historical Society, the So-

ciety for the Preservation and Appreciation of Antique Motor Fire Apparatus in America and is radio chairman of the New Haven County Fire Chief's Emergency Plan. He owns a serviceable 1,000-gallon-per-minute pumping engine.

Mr. Steele has organized and conducted training courses for new volunteer firemen.

In the area of civil preparedness, Mr. Steele served the town of Hamden as communications and radio officer for almost 20 years. He organized and established the base station and local nets, RACES Plan. He also trained and supervised operators, maintained equipment, and coordinated special events communications with other town agencies. Mr. Steele was also active in operations at area II, civil preparedness headquarters in Bethany.

Prior to joining the State staff, Mr. Steele was power consultant, Bell Detroit Diesel, Inc., North Haven.

Mr. Steele's record of exemplary citizenship is an inspiration to others, his recent appointment to this crucial State office is richly deserved, and I am proud to number him among my constituents.

FREEDOM AND FRUSTRATION

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mrs. HECKLER of Massachusetts. Mr. Speaker, constructive change in today's fast-paced world is an all too rare commodity. Freedom House in Roxbury, Mass., is an effective force for such change. Recently, Freedom House and its founders, Otto and Muriel Snowden, celebrated the 25th anniversary of their commendable work as a "bridge to understanding." The Boston Globe has published a most praiseworthy editorial on the Snowdens and Freedom House. I would like to enter it in the RECORD for the benefit of my colleagues.

The editorial follows:

FREEDOM AND FRUSTRATION

The only trouble, we think, with 25th year anniversaries is their inherent tendency to make one look back upon the past instead of into the future. Fortunately this is not the case with Freedom House in Roxbury, which is celebrating its first quarter-century this week and next, and is more forward-looking than ever.

Otto and Muriel Snowden, the founders of Freedom House, were young social workers when they began it, and they had a dream. For years they have been chipping away at the walls which divide people—black from white, young from old, rich from poor, urban from suburban.

It has been slow and often frustrating work. Freedom House sponsored the first minority employment recruitment plan here, and through the years this and other innovative programs have helped find jobs and housing, opening the doors of opportunity for the underprivileged and displaced.

Despite these great efforts there is still much frustration in the community, but it would be all the greater were it not for what Freedom House has done and—far more important—has every promise of doing in the future.

Institutions like Freedom House are of the very bone and marrow of what America has to be all about—the improvement of living conditions for the minority, and the peace and well-being that can come to all over the bridge of understanding. We wish Freedom House and the Snowdens many more years of this singularly fruitful work.

TODAY: VIEWS OF AN EMBATTLED OILMAN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. HARRINGTON. Mr. Speaker, a basic lesson in economics, one covered in the first few weeks of any course in the "dismal science," is supply and demand. It is a lesson that applies to the energy crisis.

For several years, American consumers have assumed that there would be plenty of energy available at reasonable rates. No longer can Americans make that assumption, because America's energy supply has diminished while demand has continued to grow unchecked.

William K. Tell, vice president and assistant to the chairman of the board of Texaco, in a recent edition of the Dartmouth Alumni magazine pointed out that as energy demands outran our domestic capability to meet them, we began to increase our dependence on foreign fuel. This policy, of course, created its own set of formidable problems.

I would like to bring the Congress' attention to Mr. Tell's article:

TODAY: VIEWS OF AN EMBATTLED OILMAN

(By William K. Tell, Jr.)

There is an intense debate in Congress today that the energy crisis is a contrived hoax, motivated by a quest for unabashed profit-taking, and leading us down a road marked with environmental and economic disaster.

We have all seen numerous news accounts alleging that the major oil companies conspired to create the energy shortage. We have heard accusations that there are millions of barrels of oil hidden away in capped-off wells, and even in tankers sequestered off our coasts, waiting only for the next price increase. Concrete factual substantiation for these charges, however, has never been produced. There is so much rhetorical shrapnel in the air that many of us may be in danger of losing sight of one fact—the energy crisis is here and it has not contrived.

The fact that our energy demand has been growing at the rate of four to five per cent a year for the past 20 years and at an even greater rate outside the United States is not contrived. The fact that domestic exploration for oil and gas peaked in 1956, and that domestic production has been decreasing since 1970 is not contrived. And, most important today, the fact that we were dependent upon foreign sources for seven million barrels a day of petroleum imports before the Arab embargo is not contrived.

The United States and the other industrialized nations are crossing the threshold into an era where energy and many other critical mineral and raw materials will be more difficult and costly to obtain. And when they are available, we will be facing soaring world prices. No matter how much documentation, litigation, and legislation there is, we still face severe energy shortages in the years ahead. How did a problem of this scope and magnitude suddenly spring upon the consciousness of a people accustomed to a veritable cornucopia of energy, as well as all other material goods?

Certainly, the Arab embargo brought home to most of the public what many people, almost as voices in the wilderness, had been trying for months and even years to convey. This action unveiled a situation which had been progressively worsening since about 1967; our energy demands were outstripping our domestic capability to supply them. The veil which had successfully concealed this widening gap was the rapid expansion of imported crude oil and products into the United States. Many had argued these imports would always be available and would always be cheap. Now they are neither. Most imported crude is at least twice the current price of previously discovered domestic oil, and its reliability is under permanent question.

Even before the October embargo, we were projecting shortages for this winter in distillate heating oil and expecting them next summer for gasoline as we realized refinery capacity in the world was insufficient to cover the shortfall between our domestic refining capabilities and our demand for petroleum products. This, obviously, was not a situation which developed overnight, nor will it be cured overnight.

The roots of our current difficulties extend back to our energy policy which has been at least an implicit part of our national actions for 40 years. While many critics have contended that our troubles lay in the absence of an energy policy, for four decades we have lived under the guiding principle that American consumers shall be furnished their total demands for energy at the lowest reasonable cost.

While we were laboring to assure current customers of low prices for all they could use—whether wisely or not—little consideration was given to the customer of the future. Suddenly, tomorrow became today, and two decades of unrealistically low prices for natural gas didn't seem nearly as important as the inability of potential customers to buy natural gas at any price. Twenty years of controlled wellhead prices resulting from the Supreme Court's Phillips decision have done more to create energy shortages than any other single factor. Not only has the demand for this product exploded during the 1960s, but simultaneously drilling rates plummeted, so that we have produced twice as much as we have added in new reserves over the past five years. The artifically low prices have undercut coal, weakening that industry and driving it out of many markets it could have better served. When natural gas production finally peaked, the resulting shortages cascaded into shortages of propane and distillate and residual fuel oil as these potential substitutes were incapable of immediate expansion of the magnitude needed to fill the high demand we had stimulated for natural gas.

The energy joyride is over. We must dampen the tremendous growth in energy consumption. In the century since coal replaced wood as our major fuel, global energy consumption has risen 18-fold—almost four times faster than world population.

Both energy production and energy efficiency are tied to price. However, I am just as opposed to the American consumer paying a dollar for a gallon of gasoline as I am to seeing us in a world market where oil is posted at $12 a barrel. Unless we develop our own energy resources, we can expect both.

Just a year ago, energy costs in the United States accounted for only four percent of our total gross national product, compared with from eight to 12 percent for most Western European nations. Even at current prices, petroleum products are less expensive than any other liquid commodity, including bottled water.

Fortunately, the United States has vast un-

tapped energy resources. Our coal and oil shale reserves are equivalent to ten times the known total petroleum reserves, and could serve our needs for hundreds of years.

And we have significant undeveloped deposits of oil and natural gas reserves on the outer continental shelf. To date, however, only about two per cent of the outer continental shelf has been leased on the 20-odd years since the federal leasing program was established.

We have the technology to convert coal into gas, crude oil, petrochemicals, and even gasoline, and must now bring this technology into the marketplace. The time has come to take oil shale research out of the laboratory and press these new-found techniques into production, thus creating another alternative to oil imports.

For the necessary action I have been outlining, massive capital investment will be required. Therefore, it is essential that petroleum prices be established in a free market, and at adequate levels, in order to provide the means for much needed expansion. Sufficient capital resources can only be generated through adequate revenues.

The oil industry is not making exorbitant profits. Let me quote from an advertisement which my company recently ran in major newspapers throughout the country:

"Yes, Texaco earned more than a billion dollars in 1973 (specifically 1.3 billion dollars)—up 45.4% from 1972. And this is important news for the energy consumers—because in 1973, including our share in affiliated companies, we invested 1.6 billion dollars in developing worldwide energy supplies. . . ."

Our earnings in 1973 only averaged about 1.7 cents a gallon. Yet there is a clamor today to roll back petroleum prices and remove existing tax incentives. What this talk ignores is the direct relationship between the capital available to energy companies for investment and the energy available to the public for use.

MEATPACKING INDUSTRY PIRATES PRICES

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. DENHOLM. Mr. Speaker, the meatpacking industry is pirating prices on both ends of the economic spectrum of supply and demand.

An investigation that I have conducted shows a record high of meat and poultry in cold storage warehouses across the country.

Beef is piled to the roofs of cold storage warehouses at a record high of 476 million pounds—33 percent above a year ago. Pork stocks, at 342 million pounds, are 43 percent more than a year earlier. The problem of large storage stocks of red meats is compounded by unusually large holdings of poultry in excess of 87 percent of last year at this same time.

The cold storage of record high level tonnage of red meat and poultry by the packers and processors clearly "pirates the prices" of consumers and producers alike.

First, it decreases the normal supply in the retail market and that causes consumer prices to remain at high levels in relationship to the decreased price levels received by farmers, feeders, and ranchers, and

Second, with cold storage warehouse supplies at record high levels the decreased industry demand for supply is reflected in lower and lower prices received by producers.

I have urged Earl L. Butz, Secretary of the U.S. Department of Agriculture to verify my findings at once because the "price pirating" of consumers and producers is not in the national interest.

Further, I have asked the Secretary of Agriculture to determine if any conspiracy exists within the industry to widen profit margins by simultaneously influencing up the price levels paid by consumers and forcing prices down received by producers.

The consumers can scarcely pay more and certainly producers can not take less. The abnormalities of present circumstances are intolerable. The Secretary of Agriculture must do more to represent the interests of both the consumers and producers. The facts must be known by all and the concept of supply and demand must not be thwarted in the public interest.

It is shameful that facts readily available to the U.S. Department of Agriculture are not fully and repeatedly reported to consumers and producers. An effort must be urged to preserve the free flow of the supply of red meats and poultry that consumer demand may more equitably reflect price at each end of the economic spectrum.

The alternative of a do-nothing policy will ultimately dry-up supply by economically forcing producers out of business and then consumers will pay more for the millions of tons of cold storage meat with windfall profits to the packers, processors, and purveyors that have created an artificial price situation disadvantageous to all.

THE DEFUNIS RULING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. EDWARDS of California. Mr. Speaker, I would like to share the perspective of Clarence Mitchell, director, Washington bureau of the NAACP, on the recent DeFunis decision by the U.S. Supreme Court. In a recent letter to the editor of the Washington Post, Mr. Mitchell placed special emphasis on the Douglas dissent:

THE DEFUNIS RULING

After reading your editorial of April 26, titled "The DeFunis Ruling," I find that The Post, like many other publications, has failed to grasp the real significance of the controversy. In the Douglas dissent one finds this observation concerning tests—"The proponent's own data shows that, for example, most of those scoring in the bottom 20 per cent on the test do better than that in law school. Indeed, six of every 100 of them will be in the top 20 per cent of their law school class. And, no one knows how many of those who were not admitted because of their test score would in fact have done well were they given the chance." Justice Douglas also observes that, "Some tests at least in the past have been aimed at eliminating Jews."

With or without an intention to discriminate, the present testing system for admission to law schools and indeed many other kinds of tests are not fair measures of the ability of many individuals to perform a job or meet the admission requirements of a school. The important point of the DeFunis case is that the law school officials at the University of Washington made a good faith effort to eliminate some of the artificial barriers that prevent blacks and other minorities from getting into law school. Testing, clearly, is one of these barriers.

Those who have attacked the effort of the law school seem mainly interested in postponing the admission of black students until such times as we can correct various handicaps caused by inferior education in grade schools, high schools and possibly in some colleges. In plain words, this would mean that most blacks who have been handicapped by racial discrimination in their education would never be admitted to law school presumably, the black children now in kindergarten would be able to look forward to admission into law schools if existing inadequacies in their education are corrected before they finish college. This is indeed absurd and anyone who assumes that blacks in the United States will tolerate this kind of injustice makes a very serious error.

The Washington Law School sought to give remedies to the victims of discrimination in the immediate present. This is realistic and those responsible should be commended. Instead of attacking the Washington Law School, as some have done, there should be an effort to try other ways of meeting the problem in areas where those who say they want to help blacks now have power and/or influence. Although it would have been helpful if the majority of the court had been able to settle the issue in a way that would expand the number of blacks admitted to law schools, it would have been a disaster if the court had reversed the Washington Supreme Court's decision. Such a result would have caused a chilling effect on the good faith efforts of law schools and other institutions of learning that are now trying to find ways of increasing the number of blacks in various professions and occupations. It is surplusage to include the portion of Justice Douglas' opinion cited by you in which he states that, "The purpose of the University of Washington cannot be to produce black lawyers for blacks, Polish lawyers for Poles, etc." So far as I know, thoughtful and concerned people of all races have always wanted to see produced the kind of professional people in law and medicine who would be able to service or treat anyone without regard to race.

CLARENCE MITCHELL,
Director, Washington Bureau, NAACP.
WASHINGTON.

THE CASE FOR A FEDERAL OIL AND GAS CORPORATION—NO. 34

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. HARRINGTON. Mr. Speaker, in the past few months, the Federal Oil and Gas Corporation has attracted support from many sources. No longer is it the idea considered "futuristic" by pragmatists.

The Corporation, now part of the Consumer Energy Bill of 1974, recently received the endorsement of United Automobile Workers President Leonard Woodcock.

Testifying before the Senate Commerce Committee, Woodcock charged the

major oil companies with anticipating and unjustly profiting from the recent energy crisis. Woodcock added that he wished to see energy decisions shifted "away from private profit and back toward the public interest."

I would like to bring the Congress' attention to Sandra Cannon's recent article in the Oil Daily explaining Mr. Woodcock's stand.

The article follows:

THE CASE FOR A FEDERAL OIL AND GAS CORPORATION

(By Sandra Cannon)

WASHINGTON.—After months of opposition from industry and the Administration, the Consumer Energy Act of 1974 found a friend in labor yesterday.

UAW Presildent Leonard Woodcock told the Senate Commerce Committee that his labor union "supports the effort of this committee to step in to fill a gaping void, namely, the past absence of a real national energy policy."

The proposed legislation would regulate the price of oil and gas at the wellhead and establish a Federal Oil and Gas Corporation (FOGCO). The bill is sponsored by Commerce Committee Chairman Warren O. Magnuson (D.-Wash.) and Sen. Adlai Stevenson III (D.-Ill.)

In his remarks, Woodcock charged that there is "good reason to believe" that the energy crisis "was anticipated and used for private benefit by those who have been responsible for energy decision-making up to now—namely the multinational energy corporations.

"For this reason, if no other, we want to see energy decision-making shifted away from private profit and back toward the public interest."

FIFTY-EIGHT NOTED ECONOMISTS CALL FOR THE ELIMINATION OF THE DEPLETION ALLOWANCE FOR OIL AND GAS PRODUCTION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. VANIK. Mr. Speaker, for the past 13 weeks, the Ways and Means Committee has been considering legislation to tax windfall profits in the oil industry. A simple and direct approach to this problem would have been to eliminate the complex of special tax benefits that are now available to the oil industry. Instead, the committee meandered—aimlessly, at times—through a convoluted course charted by the administration's windfall profits tax proposal.

In an appeal submitted to Congress by the Public Interest Economics Center, 58 distinguished economists—including Nobel Laureate Paul Samuelson—call for the elimination of special tax treatment for oil and gas as a way to meet the challenge of windfall profits. I call the attention of my colleagues to this petition—it is valuable background for consideration during the upcoming debate on windfall profits in the oil industry.

The petition follows:

PETITION

To the Congress of the United States:

For many years the Federal government has lightened the tax burden of the petroleum and other extractive industries by special provisions of the tax code. These indirect subsidies have been one of the causes of our long-run energy problem. They have stimulated production and consumption, draining the U.S. of our oil and increasing our dependence on foreign sources. And they have inhibited the development of substitute sources of energy, such as geothermal and solar, which do not benefit from these special provisions.

One alternative—to keep the present provisions intact and add on a "temporary" excess profits tax and a special investment tax credit—seems likely to be a mistake. The excess profits tax may indeed prove temporary while the special investment tax credit proves permanent, which has been the history of minerals taxation. This would further complicate an already too complicated tax code, creating new inequities and distortions, further lightening the oil industry's tax burden and worsening our long-run energy problem. On the contrary, the remedy is to simplify the tax code and move toward greater tax neutrality by eliminating the special privileges.

We should eliminate the percentage depletion allowance and treat capital expenditures in the extractive industries on the same basis as those in other industries. In the past, petroleum companies have been permitted to treat what are essentially royalty payments and excise taxes as foreign income taxes subject to the foreign tax credit. This practice should be reformed. If we eliminate the special provisions for the extractive industries, then it is doubtful that we would need an excess profits tax for petroleum. Incentives for exploration and development should not be made in the tax code. If such incentives are needed, they should be made explicitly on the expenditure side of the budget.

Respectfully submitted.

LIST OF DISTINGUISHED ECONOMISTS

Allen R. Ferguson, President, Public Interest Economics Center.

Dr. Armen A. Alchian, Los Angeles, California.

Professor Kenneth J. Arrow, Department of Economics, Harvard University.*

Professor Robert T. Averitt, Department of Economics, Smith College.

Carolyn Shaw Bell, Katharine Coman Professor of Economics, Wellesley College.

Professor Charles A. Berry, Department of Economics, University of Cincinnati.

Professor Bradley B. Billings, Department of Economics, Georgetown University.

Professor Stanley W. Black, Department of Economics, Vanderbilt University.*

Dr. Gerard M. Brannon, Research Professor of Economics, Georgetown University.

Professor Charles J. Cicchetti, Department of Economics, University of Wisconsin.

Professor James Crutchfield, Department of Economics, Graduate School of Public Affairs, University of Washington.

Professor John H. Cumberland, College of Business and Public Administration, University of Maryland.

Professor Paul Davidson, Department of Economics, Rutgers University.

Professor Robert K. Davis, Department of Geography and Environmental Engineering, Johns Hopkins University.

Professor Fred C. Doolittle, Joint Program in Law and Economics, University of California at Berkeley.

Professor Thomas D. Duchesnau, Department of Economics, University of Maine.

Professor Robert Eisner, Department of Economics, Northwestern University.

Professor Arthur M. Freedman, Finance Department, Wharton School, University of Pennsylvania.

Professor A. Myrick Freeman III, Department of Economics, Bowdoin College.

Dr. John W. Fuller, Wisconsin Department of Transportation.

*Affiliations are indicated for purposes of identification only.

Professor Daniel R. Fusfeld, Department of Economics, University of Michigan.

Professor J. K. S. Ghandhi, Finance Department, Wharton School, University of Pennsylvania.

Professor Arnold C. Harberger, Department of Economics, University of Chicago, and Visiting Professor of Economics, Princeton University.

Professor Steve H. Hanke, Department of Geography and Environmental Engineering, Johns Hopkins University.

Professor Robert Haveman, Department of Economics, University of Wisconsin.

Professor Edward S. Herman, Finance Department, Wharton School, University of Pennsylvania.

Dr. Allen V. Kneese, Washington, D.C.

Professor Edwin Kuh, Department of Economics, Massachusetts Institute of Technology.

Dr. Jack L. Knetsch, Environmental Defense Fund.

Dr. John V. Krutilla, Washington, D.C.

Professor Wassily Leontiev, Department of Economics, Harvard University.

Professor Ervin Miller, Finance Department, Wharton School, University of Pennsylvania.

Professor James R. Nelson, Department of Economics, Amherst College.

Professor Roger G. Noll, Department of Economics, Division of the Humanities and Social Sciences, California Institute of Technology.*

Dr. Benjamin A. Okner, Washington, D.C.

Professor Charles E. Olson, College of Business and Management, University of Maryland.

Dr. Talbot Page, Washington, D.C.

Dr. Joseph Pechman, Washington, D.C.

Professor Giulio Pontecorvo, Graduate School of Business, Columbia University.

Dr. Ronald G. Ridker, Washington, D.C.

Professor Stefan H. Robock, Graduate School of Business, Columbia University.

Professor Paul A. Samuelson, Department of Economics, Massachusetts Institute of Technology.

Professor James D. Smith, Department of Economics, Penn State University.

Professor V. Kerry Smith, Department of Economics, State University of New York at Binghamton.

Professor Robert M. Solow, Department of Economics, Massachusetts Institute of Technology.

William Vickrey, McVickar Professor of Political Economy, Columbia University.

Professor Charles Waldauer, Department of Economics, Widener College.

Professor Harvey E. Brazer, Department of Economics, University of Michigan.

Professor Duane Chapman, Department of Economics, Cornell University.

Professor George M. Eastham, Department of Economics, California Polytechnic State University.

Professor Robert J. Gordon, Department of Economics, Northwestern University.

Professor Byron Johnson, Department of Economics, University of Colorado, Member, 86th Congress.

Professor Warren J. Samuels, Department of Economics, Michigan State University.

Professor Carlos Stern, Department of Environmental Economics, University of Connecticut.

G. L. Stevenson, Temporary New York State Charter Commission for New York City.

Professor Lester C. Thurow, Department of Economics, Massachusetts Institute of Technology.

Professor T. Nicolaus Tideman, Department of Economics, Virginia Polytechnic Institute and State University.

Professor James Tobin, Department of Economics, Yale University.

*Affiliations are indicated for purposes of identification only.

NIXON REMOVAL AND INFLATION LEAD POLL RESULTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BROWN of California. Mr. Speaker, we are all aware that the time is rapidly approaching when we may be asked to vote on the serious question of impeachment of the President of the United States. To determine the mood and sentiment of my constituents on this and other issues of national concern; that is, inflation, energy crisis, tax reform, campaign reform, et cetera, I sent out a questionnaire to my district for the purpose of eliciting their responses. Knowing that the responses I received would be of interest to my colleagues, I am inserting the results of the questionnaire into the RECORD:

QUESTIONNAIRE RESULTS

Question 1: Based on information available today, do you believe President Nixon should serve out the remainder of his term in office? Yes: 40.1%; No: 52.2%; No Response: 7.6%.

Question 2: The long-term goal of U.S. energy independence will require massive research and development of new power sources. To finance such programs, do you support:

	Percent
(a) Reliance on the private sector for funds?	10.2
(b) All-out Federally funded efforts like that used to develop our space program?	22.4
(c) Joint Government-industry financed programs, with federal administrative oversight?	23.5
(d) Federal programs financed through trust funds from an excess profits tax on the petroleum industry?	36.7
No response	7.2

Question 3: Unless Congress acts, the Economic Stabilization Program will expire in April. Do you favor extending the Administration's authority to impose controls on wages, prices and other economic factors? Yes: 39.5%; No: 37.9%; No Response: 22.5%.

Question 5: Campaign Financing Reforms will be enacted this year. Which of the following proposals being considered do you support?

	Percent
(a) Public financing of all Federal campaigns?	13.2
(b) Limiting the total amount of contributions and expenditures a candidate may receive or expend per election, and requiring full financial disclosure?	41.5
(c) Limiting the amount an individual can contribute per candidate, per election, and requiring full financial disclosure of all contributions and expenditures?	25.2
(d) Requiring full financial disclosure, but without limitations on either expenditures or contributions?	10.1
No response	9.9

Question 6: Federal tax reforms will be considered this year. Please rank the following proposals in the order of importance to you:

	Percent
(a) Impose excess profits tax on business and industry	15.1
(b) Eliminate tax loopholes beneficial only to high income individuals	48.3
(c) Establish Federal property tax credits for the elderly	7.7
(d) Simplify tax laws and tax return forms	10.1
No response	11.5

Question 4: Please number (1–12) the following national issues in order of importance to you:

Rank order of response in parenthesis and percentage of responses numbered 1, 2, or 3:

Inflation (1)	70.6
Energy crisis (2)	44.3
Pollution (3)	29.1
Tax reform (4)	28.7
National security (5)	25.5
Crime and lawlessness (6)	21.0
Watergate (7)	15.4
Campaign reform (8)	13.8
National health insurance (9)	9.8
Welfare reform (10)	9.7
Housing (11)	6.0
Other (12)	5.6

A majority—52.2 percent—of those responding to the questionnaire felt that the President should not serve out the remainder of his term in office, while 40.1 percent felt that he should, and 7.6 percent had no response.

To finance research and development of new power sources, the first priority, by a substantial percentage, advocated that the problem be approached by Federal programs financed through trust funds from an excess profits tax on the petroleum industry. This concern that big business and industry, especially the oil industry, is reaping excess profits at the expense of the consumer is also clearly reflected in question 6 concerning tax reform proposals. On this question, a strong percentage indicated that an excess profits tax on business and industry should be imposed, second only to the elimination of tax loopholes beneficial only to high income individuals.

On the question of extending the administration's authority to impose wage and price controls, the responses were almost equally divided between the "yes" and "no" answers. The significant factor in this question is the extremely high percentage—22.5 percent—of "no response." I would like to add parenthetically that many of the individuals in the "no response" category, as well as some answering "no," indicated that they favored wage-price controls, but not in this administration.

Question 5, pertaining to campaign financing reform, clearly indicates that a vast majority feel that limits on contributions and/or expenditures is required during elections, as well as full financial disclosure; 41 percent favored limiting the amount that candidates can receive and expend during an election; and 25 percent favored limiting the amount that an individual can contribute per candidate. Added to those who favor public financing of elections, a total of almost 80 percent favor limits of some sort, while only 10 percent believe that there should be no limitations.

I have already indicated that the first preference for tax reform—48.3 percent—is to eliminate tax loopholes beneficial only to wealthy individuals, with the imposition of an excess profits on business and industry in second place with 15.1 percent.

Question 4 asked the constituents to rate—1 to 12—various national issues in order of importance to them. Overwhelmingly, inflation was the No. 1 priority, followed by the energy crisis and pollution. Interestingly, although a majority favored Mr. Nixon's removal from office, the category of "Watergate" ranks only seventh in priority of importance.

I hope this questionnaire will be useful to my colleagues in better understanding the mood and sentiments of the country.

NATIONAL PROTECTION ACT

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ZION. Mr. Speaker, I intend to cosponsor the legislation to be introduced by our distinguished colleague, BEN BLACKBURN of Georgia, under the title of National Protection Act. The National Protection Act will be directly related to the Export Administration Act of 1969 currently pending before the International Trade Subcommittee of the House Committee on Banking and Currency.

The purpose of this act is to prevent the exportation of American technology, scientific accomplishment, capital equipment, and agricultural commodities, or reexporting of the same, to any country which takes actions to harm the U.S. economy or endanger the security of the United States.

It is becoming increasingly clear that, were it not for "trade" with the West, the Soviet economic system would collapse beneath the burden of gross mismanagement inherent in their economic system.

It is obvious, also, that under the thin guise of "détente," such "trade" is the Soviet leaders' strategy for furthering their determined drive for world domination.

Many serious observers of the Soviet Union and the facts of international life have been pointing:

That the exportation to the Soviet Union of U.S. technology and industrial equipment, including highly sophisticated electronic machines and apparatus, have reached such proportions that our security is in jeopardy.

For example:

Our distinguished colleague from Georgia, BEN BLACKBURN, relying on highly competent U.S. Governmental sources, has been, over the past year, calling attention to the fact that the U.S. technology and U.S. electronic systems and instrumentation have expedited the development of Soviet MIRV's by at least 2 to 4 years.

In 1972, the U.S. Departments of State and Commerce have permitted the export of 164 Centalign-B machines which are of critical importance in the process of manufacture of precision miniature ball bearings which, in turn, are imperative for any guidance mechanism used in intercontinental ballistic missiles—ICBM's—MIRV's and, the latest in rocketry, MARV's—maneuverable reentry vehicle.

Recently, Dr. Malcolm R. Currie, the Pentagon's third-ranking civilian, Director of Defense Research and Engineering, expressed similar concerns about the transfer of high technology to the Soviet Union. Dr. Currie has stated:

The Soviets have become critically aware that their great deficiency is not in scientific knowledge but rather in production technology. They apparently feel that they can neither close pivotal gaps in their military capability nor gaps in their general economic growth, both domestically and world-wide, until they acquire a manufacturing technology comparable to ours. This applies particularly to high technology areas having both military and civilian application, such as integrating circuits, software, aircraft, engines, avionics and specialized instruments to name a few.

Dr. Currie observes what appears to be "a carefully designed Soviet approach to acquire production technology increasingly in the form of complete turnkey plant operations in these critical areas."

Secretary of Defense James R. Schlesinger in his remarks before the Overseas Writers Association in Washington, D.C., on January 10, 1974, has expressed his concern that if the Soviets marry the technologies they are now emerging in their R. & D. program to the throw-weight and the numbers of ICBM's that they have been allowed under SALT I, that—

They would develop a capability that was preponderant relative to that of the United States.

If the Soviets were able to develop these improved technologies presently available to the United States in the forms of guidance, MIRV's, warhead technology, at some point around 1980 or beyond they would be in a position in which they had a major counterforce option against the United States, and we would lack a similar option. Consequently, . . . we cannot allow the Soviets unilaterally to obtain a counter-force option which we ourselves lack.

In his speech on the floor on Tuesday, April 9, 1974, our distinguished colleague from Georgia, BEN BLACKBURN, has called our attention to the reports which, in our intelligence community, has been named "the new Brezhnev doctrine." According to these highly reliable reports, the Soviet Communist Party Chairman has spoken to the Soviet Politburo as well as to Eastern European Communist Party leaderships.

As summarized by Defense and State Department officials, after careful study of intelligence reports, Brezhnev's paraphrased statement goes as follows:

To the Soviet Union, the policy of accommodation does represent a tactical policy shift. Over the next 15 or so years, the Soviet Union intends to pursue accords with the West and at the same time build up its own economic and military strength.

At the end of this period, in about the middle 1980s, the strength of the Soviet bloc will have increased to the point at which the Soviet Union, instead of relying on accords, could establish an independent superior position in its dealings with the West.

In view of this summary, and in view of the statements by the Secretary of Defense, James Schlesinger, Dr. Malcolm Currie of DOD, and our distinguished colleague from Georgia, designed to separate "détente" fact from euphoria, I call attention of my colleagues to a most enlightening study by Prof. Stefan T. Possiny, of Hoover Institution in Stanford University, which appeared in the Defense and Foreign Affairs Digest for March and May, 1974:

THE COMPUTER BALANCE

(By Dr. Stefan D. Possony)

Computers are at the core of today's and tomorrow's strategies, for without them there are no modern weapons systems. All of the new technologies have ties to the computer, and even the current computer is built with the aid of computers. It is now in the fabric of things, and the "balance of computer capacity" is the very essence of the balance of power.

It is also true that the USSR lags years behind the US in the development of computers, has admitted this and has sought to buy US and British equipment on the open market. Essentially, the accuracy of the Multiple Independently-Targetable Re-entry Vehicle (MIRV) is dependent upon the most modern computing capacity as will be the MARV (MAneouverable Re-Entry Vehicle) to an even larger extent. The capacity can be discussed in the number of operations, or the number of "bits", which can be done each second, especially in the large computers.

It is the advance in computer technology, carried out by US private enterprise, which has enabled the US ballistic missile refinements which in turn guarantee accuracy. These refinements are graphed on the pages accompanying this article, and noted alongside the various US submarine-launched ballistic missile (SLBM) programs over the years, from the old A–1 *Polaris* to the upcoming C–4 *Trident*.

Naturally, in a Western society, the computer is used in a commercial sense more than as a purely military tool. This has not been the case in the USSR where by 1971 there were about 6,000 computers, virtually all of which were allocated to the military and arms/aerospace industry. Another estimate has the Soviet computer count at 8,000 by 1972 when the US had some 80,000 in use in commerce, industry and the military.

Thus the trade by the United States and UK in computer hardware and software to the Soviet Union is actually a move which allows the USSR to build up its strategic capacity against the West, with the West's own help. Paraphrasing Lenin: when the time comes to hang the capitalist nations, it will be they who bid for the hemp. Today's hemp is the computer.

US Congressman, Ben B. Blackburn, a Georgia Republican, is campaigning solidly against further US trade in strategic materials with the USSR. "US and British computer technology, and other US technology, is being used to build a massive, sophisticated Soviet war machine against us," he told a Senate committee, at the same time citing current examples of what he termed as "implacable hostility" towards the US.

He went on: "Precision machines for manufacturing ball bearings, purchased [by the USSR from the US] ostensibly for peaceful purposes have direct military application. Note, please, that, here in the United States, 90% of the same type of these machines which the Soviet Union has been able to purchase from us are used for the guidance systems for ballistic missiles."

This relates directly to research done by Congressman Blackburn's Special Assistant on International Affairs and Trade, Miles Costick, who recently said: "The USSR is particularly interested in precision-built ball bearings for use in its MIRV missiles. The only machines capable of making the ball bearings required are produced by the Bryant-Chucking Grinding Company in Connecticut. So until the Soviets were able to get hold of these machines, they were unable to produce the guidance mechanisms essential to 'MIRV' their missile force. Obviously, then, the USSR had no choice but to do business with us if they wanted the equipment. For twelve years the Soviets tried to purchase the ball bearing machinery, but were turned down because the US government considered the equipment as 'strategic' and would not allow its sale to the Kremlin. However, in 1972, with the dawning of 'detente', the State Department changed its tune and the Soviets got an item they desperately wanted."

Blackburn, in his April 1, 1974, testimony, said that US and UK computer technology has enabled the USSR to advance development of its MIRVs from two to four years. This, of course, allowed it to take advantage of the loosely-worded SALT (Strategic Arms Limitation Treaty) One, and advance the Soviet strategic posture in a time-span officially unanticipated in Washington.

Blackburn also traced Western computer sales to the USSR, from the earliest Model 802 National-Elliott, sold in 1959 by Elliott Automation Ltd., of the UK. National-Elliott is a General Electric subsidiary. He quoted a *Science* magazine report of February 8, 1974, in which Mr. Wade B. Holland, editor of Rand Corporation's *Soviet sybernetics Review*, said, with regard to getting an export license in the US for the USSR: "There are no rigid standards. Getting a license to export depends on how much weight you can throw or whether your timing is right, like if Nixon has just made a visit to Moscow."

Said Blackburn himself: "Even as I am worried about the export of computer technology to the Soviet war machine, I am worried about export of precision grinding machines for the manufacture of precision minature ball bearings. Ball bearings are an integral part of many weapons systems; there is no substitute. The entire Soviet ball bearing production capability is of Western origin. All Soviet tanks, all Soviet military vehicles, run on ball bearings manufactured on Western equipment—or on copies of Western equipment."

Blackburn's testimony goes on to decry the agreements signed by the USSR with General Dynamics of the US, and by Fairchild Corporation with Poland, for sales which covered integrated circuit technology, aid in shipbuilding, telecommunications, microfilm and navigation devices, etc.

Congressman Blackburn said earlier that the Soviet attempt to create a manufacturing base for third-generation computers had failed completely. "Consequently, the Kremlin leaders are asking our electronic and computer firms to create a Soviet productive base in which to manufacture third-generation and advanced scientific computer systems," he said.

"In October 1973, Control Data Corporation announced the signing with the USSR Council of Ministers for Science and Technology of a 10-year agreement leading to 'possible development' of an 'advanced computer', plus operation of an extensive computer communications network. Reliable sources estimated the venture's ultimate worth at $500 million.

"Through the official Soviet news agency, Tass, the Kremlin leaders boasted that Control Data and Soviet tracking organizations had maintained 'commercial ties . . . for over five years'.

"The Tass announcement added: 'Talks are underway on the sale of high-speed Capital Cyber electronic computers.'

"Cyber is a sensitive topic. It is a very high-speed, large volume, third generation scientific computer. It processes a phenomenal 94 million bits of information per second. Only eight to 10 such installations exist today. Typical installations belong to the Atomic Energy Commission and the National

Security Agency," Blackburn said on March 27, 1974.

There is no question that the computer is the key to whatever lead the US holds in nuclear efficiency—the delivery of ballistic missile warheads onto their target with the greatest possible accuracy—as well as to intelligence gathering and processing, to anti-submarine warfare and the like. The sale of the Cyber to the USSR would allow that nation to think in terms of quantum advances in its nuclear and intelligence programs, thereby cutting still further the ground out from under the West.

KEY COMPUTER EQUIPMENT SALES BY THE WEST TO THE U.S.S.R.

Until recently, direct export of U.S. computers was restricted by export control regulations. Even so, the origin of today's Soviet systems can be traced to the United States. Following World War Two, the Soviet Union received computers almost entirely from West European plants of IBM.

The earliest American computer sale to the Soviet Union that can be traced was a Model 802 National-Elliott sold in 1959 by Elliott Automation, Ltd., of the United Kingdom. National-Elliott is a General Electric subsidiary.

In 1966, Standard Cables and Telegraph, Ltd. installed a Standard 7x8 instrument landing system at Moscow's D. Sheremetyeva Airport. Standard Cables was then a subsidiary of ITT.

In 1968, a second-generation Control Data Corporation 1604 System was installed at the Dubna Soviet Nuclear Facility near Moscow.

In 1972, Control Data sold the Soviet Union a third-generation CDC 6200 system computer.

For these systems, Control Data's operating statement has improved by about $3-million in sales over the past three years. And the Soviet Union has gained 15 years in computer technology.

As 1969 ended, it was estimated that Western computer sales to all of Communist Europe and the USSR were running at $40-million per annum. In great part, three came from American subsidiaries.

In 18 months during 1964–65, Elliott Automation delivered five Model 503 computers to the USSR. The Elliott 503 ranged in price from $179,000 to more than $1-million, depending on its size.

By the end of 1969, General Electric-Elliott Automation sales to Communist countries were four times greater than in 1968.

This market accounted for one-third of General Electric-Elliott's computer exports. Other G.E. machines, including a Model 400 made in France by Compagnie des Machines Bull, were also sold to the USSR.

Olivetti-General Electric of Milan, Italy, also has been a major USSR supplier of G.E. computers.

In 1967, Olivetti delivered $2.4-million worth of data processing systems to the USSR. This was in addition to Model 400 and Model 115 machines already sold.

In 1967, English Electric sold the USSR its System Four Machine with microcircuits. This machine incorporated RCA patents. It was similar to the RCA Spectra 70 series.

Over the years, the USSR's largest single supplier of computers has been International Computers and Tabulation, Ltd. of the United Kingdom. The latter also licenses RCA technology. It has supplied at least 27 of 33 large computers to the Soviet Union.

In November, 1969, five of the firm's 1900 series computers valued at $12-million, went to the USSR: These were large, high-speed units with integrated circuits. Without question, they were well in advance of anything the Soviets were able to manufacture in the computer field; even by copying previously-imported technology.

These machines are capable of solving military and space problems. But, being machines, they cannot distinguish between military and civilian problems. There is no way that a Western firm or government can prevent Soviet use of computers for military work.

The Soviets in 1970–71 indicated that if International Computers, Ltd., of Great Britain, was allowed to sell two big, fast, highly-sophisticated 1906A computers, American scientists would be allowed to participate in further research at the Serpukhov Institute of High Energy Physics. The key equipment at Serpukhov, including the bubble chamber, had come from the West.

The Soviets gave "ironclad" guarantees not to use these new British (RCA) 1906A computers for military research. Personal intervention by President Nixon forced a relaxation of U.S. opposition to the British sale.

Business Week of April 28, 1973, published word that the Soviet Union had contracted for an IBM third-generation 370 computer system. The price: A reported $10-million.

According to the *Washington Post* of July 6, 1973, and the *Wall Street Journal* of August 8, 1973, James Binger, Chairman, Honeywell Incorporated, Minneapolis, told a Moscow news conference his firm had begun negotiation with the Soviet government on two contracts involving several million dollars.

During a recent aviation-space industries exhibition, Soviet interests were noted. U.S. companies at the exhibition included: Westinghouse Electric Corporation, Bendix Corporation, Collins Radio Company, Texas Instruments, Inc., Boeing Corporation, United Aircraft Corporation, Lockheed Aircraft Corporation, and Raytheon Corporation.

U.S. News and World Report of January 28, 1974, said International Business Machines and the Univac Division of Sperry-Rand were competing in two areas for contracts for two data systems for Soviet aviation.

Red Star, the official organ of the Soviet Army, used the Remington-Rand Univac computer to illustrate an article on Soviet computers.

WELCOME TO SOVIET VISITORS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. JAMES V. STANTON. Mr. Speaker, I am very pleased to be informed that we will be welcoming here next week, as guests of the United States, a delegation from the Supreme Soviet of the Union of Soviet Socialist Republics. This fact is especially heartening because, I am told, our visitors will be the first ever to arrive here representing this organ of the Soviet Government.

It seems to me, Mr. Speaker, that we and our friends from this truly great nation, with whom we were allied only a generation ago in a struggle for survival, have a great deal to learn from each other, not only professionally but also as persons. We have here further evidence of the détente between our two countries. This relaxation of tensions means a great deal to our respective peoples and, no less, to the peoples of all the world.

I wish our guests an enjoyable and informative stay, and I am certain that our Government as an institution, and that we as persons, will do all in our power to make this trip worthwhile. Even at this point, Mr. Speaker, I look forward to continued and frequent visits from members of the Supreme Soviet.

SETTING THE RECORD STRAIGHT ON SCHOOL DESEGREGATION

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Ms. CHISHOLM. Mr. Speaker, Tuesday of this week, I had the honor of testifying before the city of New York Commission on Human Rights. My testimony was focused on school desegregation in the North since the Supreme Court's Brown decision in 1954. When I returned to Washington the following day, several of my colleagues expressed surprise at remarks attributed to me in an article in the New York Times. The Times article quoted exerpts from my speech out of context, giving the impression that my commitment to school desegregation has weakened. I am introducing into the RECORD the entire testimony so that my position on school desegregation will be crystal clear:

SCHOOL DESEGREGATION IN THE NORTH

[Testimony before the New York City Commission on Human Rights by Representative SHIRLEY CHISHOLM, May 14, 1974]

It was two decades ago . . . a full 20 long and difficult years . . . that the Supreme Court in what seemed at the time to be one of its most compelling and momentous decisions, found that racially separate schools were unconstitutional.

As I take stock and look around me today and ask, "what is the actual progress we have made in achieving the specific mandate of the *Brown* decision?" I am saddened and shocked by the answer. The answer is that in spite of courageous efforts—heroic efforts by attorneys in the litigation of desegregation suits and of black children facing mobs of angry white bigots and their parents brave enough to send those children out to become the psychological and sometimes physical victims of those bigots—in spite of all this, the U.S. Department of Health, Education and Welfare can still report to us that two-thirds of the nation's black students are still attending schools that are overwhelmingly black. And this does not include the large numbers of minority children from other non-white backgrounds who remain isolated from their white counterparts.

The latest Federal Government figures show that in 1972 in the 32 northern and western States, 72% of non-white pupils attended public schools having a majority of non-whites. For the nation as a whole, the picture is somewhat brighter, for the south has made some progress. Only 54 percent of the non-white children in southern States are in non-white majority schools. But the national figure for non-white children attending what might be called integrated schools—that is, schools whose enrollment is half white—is still only 36 percent.

But one cannot fault the Supreme Court for the fact that more black children are not attending desegregated schools. Various social factors such as housing and employment, as well as the 10 years that elapsed before Congress passed the Civil Rights Act of 1964 played a part. Nor is that to say that *Brown*

has had small impact. But the impact of that decision cannot be measured in terms of how many black children now attend desegregated schools. *Brown* forced the desegregation of schools throughout the South, but it also served as the first symbol and the impelling force for the civil rights movement which was to make a broad and sweeping attack across the Nation on segregation in public transportation, public accommodations, voting and employment.

In the South there was massive resistance to *Brown*. Children experienced terrorist actions of defiant white officials, school staff, and parents. Violence was commonplace in school districts the courts ordered to desegregate. There were bombings, murders and burnings. Entire school districts were closed down for years. "2–4–6–8 we don't want to integrate" and "Niggers stay back!" were heard from the taut white lips of children and parents across the South in the years following *Brown*.

Today, a different picture of resistance to desegregation is drawn. Today, southern white parents quietly remove their children from desegregated public schools and enroll them in the segregated private academies that advertise "A student body of high quality" which have sprung up across the South. White flight is also depleting cities and towns, in both the South and the North, of white students with whom blacks can desegregate. Although other factors, such as crime, pollution, and congestion, play a major role, many people believe school desegregation is the primary cause of the exodus to the suburbs.

Brown did not have much impact on the school districts of the North where segregation of the *de facto* variety is largely a result of segregated housing patterns, and other social injustices resulting from generations of discrimination as the custom rather than the law. One-race neighborhood schools are common and are becoming more prevalent throughout the North and West. In the early sixties, sociologists found that the social isolation of northern urban blacks and whites was far more complete than it ever was in the rural South. This is still true today, but there are new indications that the urban-suburban racial divisions of the North are being duplicated in the South.

The new frontier in school desegregation is in the North. Several recent cases are of great import and interest to both advocates and foes of integrated public schools. I will not describe these cases in great detail. I will leave that for others testifying at these hearings who have actually been involved in them, such as Nathaniel Jones of the NAACP who argued the Detroit case before the Supreme Court.

The Denver, Colorado, school system was recently ordered to desegregate its public schools in the first major northern desegregation case to be heard by the Supreme Court. The court found that although the school district had no statutory provision that mandated or permitted *de jure* segregation, official action had resulted in segregated conditions in one section of the city. As a result, the court ordered the school system to show that other schools in the system were not segregated also by official action. The court skirted the issue of the constitutionality of *de facto* segregation, but made clear the deliberate official actions resulting in segregated conditions are just as unconstitutional as dual schools required by statute.

Another northern case, argued before the Supreme Court in March, may establish a new kind of remedy for large urban centers characterized by a heavily non-white inner city population with surrounding suburban areas populated by relatively few minority group families.

The issue in the Detroit case is whether a State can be required to integrate its schools across district lines in order to achieve desegregation. The metropolitan plan, as this is called, is being proposed for numerous urban-suburban areas across the country and litigators are awaiting the outcome of the crucial Detroit decision with anticipation.

In the first school desegregation case to reach a Federal court, Judge Jack B. Weinstein has taken us another step further in the march toward integrated education. He decided that the only way to undo what he called "deliberate" segregation in one junior high school in Brooklyn was to involve Federal, State and municipal housing authorities in the desegregation efforts. Judge Weinstein ruled that the Mark Twain Junior High School "can be characterized as reflecting neither *de facto* nor *de jure* segregation. Rather it reflects both these characteristics. Demographic trends have been extenuated by Government choices . . . failure to take available steps to reverse segregative tendencies has made a bad situation worse."

While the Federal courts, beginning with the *Brown* decision twenty years ago, followed by the many clarifying decisions since then, have continued to be the most effective force in the struggle to bring white and non-white children together in the classroom, the administrative and congressional branches of government have made only a few attempts to relieve segregated schools.

Ten years after *Brown*, in the Civil Rights Act of 1964, however, the Congress enacted provisions designed to speed up the process. Title IV required HEW to monitor the progress of desegregation and to provide financial and technical assistance to school districts undergoing desegregation. Title IV also authorized the Attorney General to bring suit to desegregate public schools.

Title VI of the Civil Rights Act provided that no program of activity receiving Federal financial assistance could discriminate against anyone on the basis of race, color, or national origin.

During the late sixties, HEW enforcement of Title VI accomplished desegregation in many school districts which were forced to comply under threat of withholding Federal funds. Since that period, however, HEW has shown little or no interest in school desegregation. Ferndale, Michigan, is the first and only school district to have had all Federal funds withdrawn. Many other districts have been reviewed but no action taken. The Denver decision, as clear as it is, will have to be enforced by HEW.

At a recent meeting of the leadership conference on civil rights, Stanley Pottinger, director of the Justice Department's civil rights division, said that northern cities can expect in coming years to receive the same attention once lavished on the south, however, he emphasized that only *de jure* segregation would be pursued. He was also quoted as saying, "where busing is the only remedy, then so be it."

At the same meeting, HEW's director of the Office of Civil Rights cited the major issues facing OCR as going beyond "the narrow and superficial issues" of student assignment to such "general and subtle issues" as discriminatory labelling of children, and integrating newly-required efforts against sex discrimination into the on-going program.

What about school desegregation? One asks that question in light of the *Adams* decision of last year which placed HEW under court order to bring 197 school districts into compliance with Title VI—many of which were maintaining segregated schools—in order to continue receiving Federal funds.

This week in the Congress we witness the latest attempt to reverse the hard-won progress we have made in school desegregation. The Senate will vote on amendments to the Elementary Education Act that would be much more than a mere restraint on busing. One provision would prohibit Federal courts from ordering the transportation of students to any but the "closest or next closest" school, even if busing beyond such schools were the only way to eliminate a denial of equal educational opportunity. Another provision would authorize the reopening of school desegregation cases long since decided by the courts, and carried out by school districts. This amendment has already been adopted by the House.

Constitutional authorities including the conservative Yale Law School Professor, Alexander Bickel, have declared the amendment unconstitutional. It is highly unlikely, they say, for the Supreme Court to change its mind on this important issue to accommodate the political needs of the congressmen who have sponsored or supported the amendment. It is ironic that this anti-busing amendment is being considered in Congress almost exactly on the anniversary of the *Brown* decision.

Along with the struggle by lawyers, judges, Supreme Court justices and occasionally, government officials, to come closer to the goal of equal educational opportunity through school desegregation, there is an undercurrent of resistance among blacks in areas of concentrated poverty and discrimination such as my own congressional district in Bedford-Stuyvesant. In the mid-sixties, blacks who saw no possibility for achieving equal educational opportunity in desegregated schools, began to embrace the concept of community control as a means of achieving their goals. Parents who were spokesmen for the new movement talked about electing local school boards and hiring administrators and teachers genuinely concerned with educating their children. Mutual respect and pride would be conducive to learning and staffs' sensitivity to the life styles and special needs of inner city children would help to improve academic achievement.

In spite of overwhelming obstacles, community control has had impressive results in some places. Parents in my district report improvement in their children's attitudes toward school, and their reading levels. They tell me the teachers, who are mostly black and Puerto Rican, are concerned and committed to educating their children. These parents are not interested in desegregation and believe that we should use our energy trying to achieve equal educational opportunity within the context of the community controlled school districts. They have their own priorities now and our theories and our rhetoric have little impact.

Furthermore, there is a growing sense of political involvement among community parents. The skills learned at this sub-local level can be used to influence the political process at higher levels of government.

I find it difficult to argue with parents who for the first time have some faith in the educational process. But as Kenneth Clark said, "the goals of integration and quality education are interdependent. One is not possible without the other."

The quotation from Martin Luther King sums it up very simply. This is all that needs to be said in support of the desegregation of America's public schools:

"Men often hate each other because they fear each other; they fear each other because they do not know each other; they do not know each other because they cannot communicate; they cannot communicate because they are separated."

In a speech earlier this month at Harvard University, Judge Skelly Wright of the court of appeals for the District of Columbia said, "The issue of race today has nearly everywhere lost its sense of moral urgency. It is not so much as a replacement of virtue by vice as a fading of awareness into indifference." Daniel Moynihan's suggestion to President Nixon that the issue of race could

benefit from a period of "benign neglect" has taken hold. In fact, this has been the central theme of the civil rights effort at the national level, reflecting and reflected in the attitudes of the mainstream of the American people. But today the President is leading his administration beyond "benign neglect", in a pathetic and desperate attempt to hold on to the 34 Senate votes that will prevent his removal from office by that body after his inevitable impeachment by the House of Representatives, the President has refueled the anti-busing movement across the country and has taken positions on legislation now in Congress that advocate a cut-back or halt to programs designed to aid the poor, and minority citizens of this nation.

I was asked to make recommendations for approaches to solving the problems of segregated schools, and of desegregated schools, that would be politically feasible, given the current administration and the make-up of the Congress today.

First, I must say that the root cause of the problems between blacks and whites in housing, schools, employment, and all other areas of discrimination, is the racism that seems to pervade even the air around us and which cannot be exorcised from the people of this nation. We are forced to accept that. The new brotherhood of the civil rights movement of the sixties has largely disappeared. We realize now that the seeds of racism are still firmly implanted in the heart of white America. The difference is that the fertile atmosphere of the seventies allows those ugly seeds to germinate and flourish. But, we blacks are more sophisticated now. We realize that we won the fight against Jim Crow but institutional racism thrives and true brotherhood is generations away. We have won a seat at the table, but someone else makes the rules. No power has been relinquished.

We are not deceived by the courtship of a George Wallace. His tactics may have changed, but his goal is the same. He wants to win an election, and there are lots of black voters in Alabama. And, this takes me to my next point which is really my main recommendation. It concerns political action. Our strength lies in our people and in the ballot. One of the greatest achievements of the civil rights movement was the registration of large numbers of previously disenfranchised black voters in the South. Now the North must move forward. There are a higher percentage of registered blacks in Mississippi than there are in New York City, and the North has witnessed a decline in the number of registered blacks who vote.

These are shocking facts that must be changed. For it is through the election of national leaders, not only with a commitment to social and economic justice, but who *depend on* the minority vote for their trip to Washington—it is through such elected representatives that goals such as desegregation of schools can be effected. We must be able to influence the legislative process through non-minority representatives—for although there are thousands of black elected officials in jurisdictions in all States, and the number is steadily increasing, blacks hold only one-half of one percent of all elected offices.

CONSUMER SUPPORT FOR STANDBY ENERGY EMERGENCY AUTHORITIES ACT

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. ECKHARDT. Mr. Speaker, on Tuesday, May 21, the House is scheduled to consider H.R. 13834, the Standby Energy Emergency Authorities Act. Today I received a letter from Mr. Lee C. White, chairman of the Energy Policy Task Force of the Consumer Federation of America endorsing the legislation. I know my colleagues will find Mr. White's comments of great interest, and I am including his letter to me in the RECORD at this time:

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., May 16, 1974.

DEAR CONGRESSMAN: As the House prepares to consider the Standby Energy Emergency Authority Act (H.R. 13834) on Tuesday, May 21, the Energy Policy Task Force of the Consumer Federation of America is anxious to advise you of its strong support for the bill. Our Task Force, which came into being last year with the avowed purpose of expressing consumer viewpoints on energy policy issues is comprised of 30 organizations (see list on back) whose members number in the millions.

Last January, in formal testimony before the Congress, we supported a price rollback for crude oil. Everything that has occurred since that time has only reinforced our belief that the consumers are bearing an unnecessary and unfair burden in the prices they pay today for gasoline and other petroleum products. We accept the principle that prices should be adequate to provide incentives for finding additional petroleum, but all of the evidence we have seen demonstrates that current prices for both "old" and "new" crude are far greater than required to provide incentives equal to the industry's ability to increase exploration and production.

Record increases in oil company profits should also enter into Congressional consideration. As noted in a *Business Week* editorial (May 11, 1974), a survey conducted by the magazine of 890 major corporations showed a 16% profit increase over the first quarter of 1973. But, continued the editorial, ". . . that figure is deceptive. Take out the oil industry, which recorded an earnings increase of 82%, and the remaining companies—which include virtually every major U.S. corporation—show a gain of only 4%."

There is an obligation on the part of Government to protect consumers during periods of shortages where what's at stake are commodities as essential as petroleum products. Taking these factors into account, we believe the vote on H.R. 13834 is critical insofar as consumers are concerned and we hope it will have your support.

Sincerely,

LEE C. WHITE,
Chairman, Energy Policy Task Force.

MEMBERSHIP OF THE ENERGY POLICY TASK FORCE

Adams Electric Cooperative, Inc.
Allegheny Electric Cooperative, Inc.
American Federation of State, County and Municipal Employees, AFL–CIO.
American Federation of Teachers, AFL–CIO.
American Public Gas Association.
American Public Power Association.
Consumers Education and Protective Association International.
Consumers Union.
Cooperative League of the USA.
Industrial Union Department, AFL–CIO.
International Association of Machinists and Aerospace Workers, AFL–CIO.
International Brotherhood of Electrical Workers, AFL–CIO.
Kansas Municipal Utilities.
Lincoln, Nebraska, City of.
Maritime Trades Department, AFL–CIO.
Minnesota Farmers Union.
National Farmers Organization.
National Farmers Union.
National League of Cities.
National Rural Electric Cooperative Association.
New Populist Action.
Northeast Public Power Association.
Northwest Public Power Association.
Oil, Chemical and Atomic Workers International Union, AFL–CIO.
Service Employees International Union, AFL–CIO.
Tennessee Valley Public Power Association.
Textile Workers Union of America, AFL–CIO.
United Auto Workers.
United States Conference of Mayors.
Wisconsin State AFL–CIO.

SUPPORT FOR H.R. 7077, THE CUYAHOGA VALLEY NATIONAL PARK, CONTINUES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. VANIK. Mr. Speaker, on June 8, the House Subcommittee on Parks and Recreation, led by its distinguished chairman (Mr. TAYLOR) will hold field hearings on H.R. 7077. The bill, with 48 Member cosponsors, would create a Cuyahoga Valley National Historical Park and Recreation Area out of approximately 15,000 acres of unspoiled lands along the Cuyahoga River and the historic Ohio canal.

This will be the second House hearing on this bill; the other body has also held one hearing. We very much look forward to welcoming the committee to the proposed parklands area.

Support for the park, Mr. Speaker, has been excellent. There has been an overwhelming endorsement response from every facet of the Northeastern Ohio community: environmental groups, League of Women Voters, garden clubs, newspapers, city councils, labor and business groups—over 75 formal endorsements in all.

The Cleveland Plain Dealer, Ohio's largest newspaper, has already wholeheartedly endorsed the park, and on May 12, their editorialists addressed the park idea again. I insert that editorial in the CONGRESSIONAL RECORD:

THE VALLEY IS ITS BEST WITNESS

The June 8 hearing at Blossom Music Center on the proposed Cuyahoga Valley national park is an opportunity for local supporters of the park to put their strongest case before Congress.

The beauty of the land itself probably is the best argument for its preservation through national park status. But it is a subtle beauty, a combination of landscape and atmosphere best appreciated at first hand. Therefore, we welcome this hearing as an opportunity for members of the House Interior subcommittee on parks and recreation to see the proposed parklands at their fragrant, summery best.

One argument against a Cuyahoga Valley national park is that the valley doesn't compare scenically with other national parks such as Yellowstone and Rocky Mountain.

To that we say that some sights take a person's breath away and some elicit a deep sigh of contentment and pleasure. The Cuyahoga Valley is the second kind and one of

the few such undeveloped, unexploited spots left in this part of the country. One of the strengths of the national park system is its diversity, and we believe that the Cuyahoga Valley would be an excellent addition to its spectrum of scenic pleasures. In fact, "green-shrouded miracle" was the way the National Park Service described the area in its initial survey.

The Nixon administration has backed away from its earlier enthusiasm for national park sites in urban areas. We believe that this is a mistake, not just because it imperils the Cuyahoga Valley plan, but because the need for open space around congested cities is undeniable, especially if people face a period of decreased mobility because of energy shortages.

The proposed park in the Cuyahoga Valley has significant scientific and historic values as well as possibilities for recreation that would be compatible with the character of the land. All its advantages should be demonstrated at the hearing in June in hopes of speeding congressional action.

AMENDMENTS TO THE ANTI-DEFICIENCY ACT

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BRECKINRIDGE. Mr. Speaker, in a report prepared by the House Appropriations Committee to accompany the 1950 amendments to the Antideficiency Act, the following discussion stemmed from consideration of President Truman's decision to impound Air Force funds:

It is perfectly justifiable and proper for all possible economies to be effected and savings to be made, but there is no warrant or justification for the thwarting of a major policy of Congress by the impounding of funds. If this principle of thwarting the will of Congress by the impounding of funds should be accepted as correct, then Congress would be totally incapable of carrying out its constitutional mandate of providing for the defense of the Nation.

Since that time, the power of the executive branch of government has increased dramatically—mostly at the expense of the Congress.

In all fairness, it must be stated that the Congress handed this power to the executive in the belief that the executive branch would be better staffed and better equipped to handle the problems of today. Now, however, the Congress recognizes its error and is determined to reestablish its responsibility over these matters relinquished to the Presidency.

During the past 18 months, the President has used his substantial powers to impound funds both authorized and appropriated by the Congress and signed into law by the President. He has done this in a selective manner, thus permitting him to frustrate and deny the will and intent of Congress. In effect, his impoundments have become "item vetoes"—neither contemplated by the Founding Fathers or authorized by the Constitution.

The House, in an effort to reassert itself, passed major budget and impoundment legislation, particularly H.R. 7130, the Budget and Impoundment Control Act of 1973. The basic thrust of this legislation requires the President to notify Congress of each impoundment before it occurs; it being provided that if either House passes a simple resolution of disapproval, the impoundment must then immediately cease. With passage of similar type legislation in the Senate, the bill is now in conference.

Although the Congress is now acting to prevent future impoundments, as conceived by this administration, some 70 suits have been filed in the courts across the land in attempts to free some $20 billion impounded and crippling dozens of programs, mostly domestic, which the Congress has approved and the President has signed into law. Patently absent amongst the voluminous litigations now before the courts is any concerted effort on the part of Congress to free the moneys now being improperly withheld.

Appreciating the fact that impoundment has been employed by Presidents in a variety of instances and for differing purposes beginning with Thomas Jefferson, I think it appropriate to outline briefly the history of impoundment in order to illustrate how its present use differs from past practice and policy.

In 1803, declining to spend an appropriation for gunboats, Jefferson stated in his annual message to the Congress:

The favorable and peaceful turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary, and time was desirable in order that the institution of that branch of our force might begin models the most approved by experience.

In 1876, in signing a river and harbor bill, President Grant expressed his objections to particular projects:

If it was obligatory upon the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections notwithstanding the great inconvenience to the public interests resulting therefrom and the loss of expenditures from previous Congresses upon completed works. Without enumerating, many appropriations are made for works of purely private or local interest, in no sense national. I can not give my sanction to these, and will take care that during my term of office no public money shall be expended upon them.

In 1905 the first general statutory basis for impounding was included in the Antideficiency Act of that year. It was not until the Harding administration and the enactment of the Budget and Accounting Act of 1921, however, that formal administrative procedures with regard to impoundment were established.

The first President to make extensive use of impoundment was Franklin D. Roosevelt. During World War II Roosevelt shelved a number of programs using the device of impoundment, particularly depression-oriented public works projects unrelated to the war effort, for the duration of the hostilities. Impoundments pursuant to this authority before, during, and after World War II sparked objections from some Members of Congress but without creating a major crisis.

In the years immediately following the war impoundment was used selectively in the demobilization program, and was used more extensively to curtail spending by the Armed Forces during the period in which conversion to a peacetime military establishment coincided with the emergence of the cold war.

In 1949 Congress appropriated funds for a 50-group Air Force, over the opposition of the Truman administration which had requested funds for a 48-group force, and the President impounded more than $700 million for the announced purpose of easing the strain on the domestic economy.

In the latter years of the Eisenhower administration the President impounded funds for Nike-Zeus missile development, and in the same period the Senate Armed Services Committee's Preparedness Investigating Subcommittee held hearings inquiring into the failure of the administration to use funds appropriated for such purposes as the support of the Marine Corps at a given strength and the construction of Polaris submarines.

Disputes continued to arise between the Congress and the executive branch in the 1960's. In 1962 President Kennedy took sharp exception to a fiscal 1963 appropriations bill for aircraft, missiles, and naval vessels in which the Secretary of the Air Force was directed to utilize authorizations in an amount not less than $491 million during the 1963 fiscal year for planning and procurement in connection with development of the B–7 bomber. The word "directed" was deleted before final passage, however, and the constitutional issue of whether or not the legislative branch can so bind the executive was not put to the test. The Kennedy administration subsequently impounded those funds appropriated in excess of original administration requests.

Impoundments during the Johnson years included some made at the general direction of the Congress and others initiated by the executive. In 1966 the administration reduced the obligations available under the highway trust funds, and sizable cutbacks were made in programs for Housing and Urban Development; Health, Education, and Welfare; Agriculture; and Interior.

From this brief historical outline it is readily apparent that impoundments, when made, have generally occurred on a selective basis. As provided by Congress in the 1905 antideficiency legislation the executive branch of government need not spend all that Congress appropriates. The Antideficiency Act as amended in 1950, authorizes and directs the President to establish budgetary reserves to—

Provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriations were made available.

As the act stipulates, administrators are required to operate their respective programs as efficiently as possible and to the extent possible, savings are to be affected to the extent that the purposes of the programs established by Congress remain unaltered.

The Bureau of the Budget and the General Accounting Office were instrumental in the improvement of the 1950 Antideficiency Act Amendments, jointly issuing a report in which they warned

that the authority to set aside reserves "must be exercised with considerable care in order to avoid usurping the powers of Congress." The identical position was taken 2 years later by the Hoover commission when it recommended that the President "should have the authority to reduce expenditures under appropriations, if the purposes intended by Congress are still carried out."

The present administration has in effectuating its own policies seen fit to ignore the legislative history of the Antideficiency Act. Many of the "policy impoundments" which it has undertaken have been placed under the "other developments" clause, which the administration has subverted to its own ends. Mr. Roy L. Ash, the present Director of the Office of Management and Budget, argues that inflationary pressures can be considered "other developments" within the meaning of the Antideficiency Act, and thus an authority for withholding funds. The argument is a fraudulent one, dreamed up out of the whole cloth of an arrogant usurpation of the powers of Congress. There is nothing in either the language or history of the Antideficiency Act to support Mr. Ash's proposition.

Studies conducted by the McIntosh Foundation of the Holland Law Center of Gainsville, Fla., in a report published on November 6, 1973, concluded that if all the impounded moneys were released, it would result in less than a 0.5 percent rise in inflation. One can only imagine how significant an impact these funds might have on our current economy.

Although the administration has chosen to obfuscate the issue, I would like to make the congressional intent clear that no one, least of all myself, either wants or anticipates more inflation. I do not want the administration to release all the moneys presently impounded, but rather only those impoundments which are deliberately aimed at thwarting the will of the people, as enacted into law by the Congress. Specifically, I am speaking about the following programs:

1. Water Bank Program—impounded as of November 23, 1973, $11,645,000.

2. Farmers Home Administration: Rural Water and Waste Disposal Grants—impounded as of November 28, 1973, $120,304,000.

3. Model Cities Program—impounded as of November 30, 1973, $75,012,000.

4. Grants for Neighborhood Facilities—impounded as of November 27, 1973, $48,000.

5. Open Space Land Program—impounded as of November 9, 1973, $55,161,000.

6. Grants for Basic Water and Sewer Facilities—impounded as of November 27, 1973, $401,734,000.

7. Urban Renewal Fund—impounded as of November 30, 1973, $281,314,000.

8. New Community Assistance Grants—impounded as of November 6, 1973, $1,799,000.

9. Federal Aid Highway/1974 Programs, $3,414,619,000.

The total for the above programs amount to almost: $4,500,000,000.

The constitutionally and statutorily sanctioned device of impoundment affords a necessary and proper equilibrium between the executive and legislative branches of Government; while the Congress should not impinge upon the Administrator's statutorily mandated responsibility to effectuate programs with the greatest economy and efficiency, consonant with the purposes thereof, neither should the executive branch of government undertake to so impose its will on the Congress as to render the legislative body virtually nonfunctional.

Our country has, through its 200 years of constitutional history, functioned on the basic assumption that although the separate branches of government side differently on the various issues, all have the same goals—the improvement of the material resources and quality of life of as many people as possible.

For example, on January 5, 1973, the Nixon administration placed an 18-month moratorium on subsidized housing programs. These included low-rent public housing, rent supplements, homeownership assistance, and rental housing assistance. Kenneth R. Cole, Jr., present Director of the Domestic Council in the White House, argued that—

The program structure we have cannot possibly yield effective results even with the most professional management. There is mounting evidence that the present programs, for the most part, have proven inequitable, wasteful, and ineffective in meeting housing needs.

When Members of Congress pressed the administration for analyses and studies supporting such evidence, none were forthcoming. In fact, William Lilley III, HUD's Deputy Assistant Secretary for Policy Development stated that he was "distressed to find that no sophisticated analytical work" had been done prior to the moratorium. Dr. Anthony Downs, in a study dated October 1972, described the homeownership and rental housing program as "effective instruments for meeting the key objectives of housing subsidies."

On July 23, 1973, Judge Charles R. Richey of the U.S. District Court for the District of Columbia called the housing moratorium unlawful. He ordered Secretary Lynn to accept applications for subsidies, to process existing and new applications in accordance with HUD regulations, and to approve and complete the processing of projects found to be qualified under HUD regulations. Judge Richey concluded by stating that it was not within the discretion of the executive "to refuse to execute laws passed by Congress, but with which the executive presently disagrees."

The administration's answer to this judiciary rebuff was simply to terminate the program.

Another example worth noting is the termination of Federal Disaster Loans in December 1972. After heavy rainfall in parts of Minnesota during the fall of 1971 and spring of 1972, fertile croplands became severely damaged. Secretary of Agriculture Butz declared that a number of counties in western and central Minnesota had experienced natural disasters and designated the counties "emergency loan areas." Subsequent bulletins from the Farmers Home Administration stated that applications for assistance would be received through June 30, 1973, although it was anticipated that most applications would be submitted after the harvest season. The large number of applicants forced the FHA officials to schedule appointments in January, February, and March 1973. On December 27, 1972, the Secretary of Agriculture terminated the FHA disaster loan program without warning, thus leaving the farmers who were to file for loans after this date without means of redress.

On March 20, 1973, Judge Miles Lord of the U.S. District Court in Minnesota decided that once a designation was made, as Secretary Butz had done, it was the duty of the Secretary to accept loan applications and consider them.

Judge Lord ruled that the refusal to accept and consider applications, and the subsequent termination of the program, was "accomplished in excess of the Secretary's authority and is unlawful." Failure by Secretary Butz to give advance notice of the termination of the program also was ruled in violation of the Administrative Procedure Act.

As individual Members of Congress, we must voice our objections to such flagrant abuses of power; as a legislative body, we must take all appropriate action to insure that it does not happen in the future.

Dr. Louis Fisher, a leading scholar on the issue of impoundment has stated most aptly the nature of the controversy we find ourselves in. He writes:

For all its trappings of conservatism and strict constructionism, the Nixon Administration has never demonstrated an understanding of what lies at the heart of our political system: a respect for procedure, a sense of comity and trust between the branches, an appreciation of limits and boundaries. Used with restraint and circumspection, impoundment is a viable instrument, capable of being used without precipitating a crisis. But restraint was replaced with abandon, precedent stretched past the breaking point, and statutory authority pushed beyond legislative intent. Basic courtesies were neglected, and OMB's reputation for objectivity and professionalism damaged.

Without good-faith efforts and integrity on the part of the executive officials, the system of delegation, discretion, and nonstatutory controls will not last. Under such conditions Congress is forced to act.

CONTINUED ARAB TERRORISM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. BINGHAM. Mr. Speaker, the barbaric murder of 22 Israeli schoolchildren by a small band of Arab guerillas yesterday is just one more of the many outrageous and inhumane acts against defenseless Israeli civilians that have been perpetrated with, at the very least, the tacit approval of Arab governments. In the face of these attacks, the international community has remained silent, thus encouraging the terrorists and the governments that support them. Even when the guerillas have been apprehended, they have often been dealt with leniently, or set free.

Appended herewith, are two items dealing with Arab terrorism: the first, from the May 16 edition of the New York Times, is a chronicle of earlier acts of terrorism and the lack of punitive action by the international community; the second, is a statement by the Israeli Embassy asserting Arab government support for terrorist acts.

The articles follow:

[From the New York Times, May 16, 1974]

EARLIER ACTS OF TERRORISM

A list follows of major Arab terrorists activities since Feb. 10, 1970, when an attack on an El Al Israel Airlines plane at Munich killed one passenger and wounded eight. An Egyptian and two Jordanians were arrested but they were later set free.

July 22, 1970—Six Palestinians hijacked an Olympic Airways plane. None was brought to justice.

Sept. 6, 1970—Pan American, Trans World Airlines and Swissair planes were hijacked by Arabs. All were eventually blown up. None of the terrorists was arrested.

Sept. 6, 1970—A woman terrorist was wounded and her male companion killed in an attempt to hijack an El Al plane. The woman was later released.

July 28, 1971—An attempt to blow up an El Al plane with booby-trapped luggage given to a woman by a male Arab friend did not succeed.

Sept. 20, 1971—A similar attempt to blow up another El Al plane failed.

Nov. 29, 1971—Wasfi Tal, Premier of Jordan, was assassinated by four Palestinian guerrillas while entering his hotel in Cairo. Suspects were taken into custody but no prosecutions have been reported.

Feb. 22, 1972—A Lufthansa airliner was hijacked to Aden where the hijackers were paid $5-million for its release. The hijackers went free.

May 8, 1972—Terrorists hijacked a Belgian Sabena airliner to Lydda, where two men were killed by Israel security guards. Two women were subsequently sentenced to life imprisonment.

May 30, 1972—Three Japanese gunmen belonging to the Popular Front for the Liberation of Palestine killed 26 persons at Lydda Airport.

August 16, 1972—A booby-trapped tape-recorder exploded in the luggage compartment of an El Al plane, causing slight damage. Two Arabs were released by Italian authorities after a short detention.

Sept. 5, 1972—Members of an Arab guerrilla organization attacked the quarters of Israeli athletes in the Olympic Village in Munich. Eleven members of the Israeli Olympic Team were slain. Five of the terrorists were killed. Three others were later freed.

Oct. 29, 1972—A Lufthansa plane was hijacked to Zagreb, Yugoslavia, where it was released after Arab terrorists responsible for the attack on the Israeli athletes at Munich had been set free. The hijackers were never brought to justice.

March 2, 1973—Eight guerrillas invaded the Saudi Arabian Embassy in Khartoum, the Sudan, and killed three diplomats. The terrorists were taken into custody and are reportedly awaiting trial.

April 4, 1973—Two Arabs made an unsuccessful attempt to attack passengers of an El Al plane in Rome. They were arrested but later released and sent to Lebanon.

April 9, 1973—Arab terrorists attempted to attack an Israeli plane at Nicosia, Cyprus. Eight were arrested and sentenced to seven years' imprisonment. They were quietly released later.

April 27, 1973—An Italian was killed in the Rome office of El Al by a Palestinian Arab who was later placed under psychiatric observation.

July 24, 1973—A Japan Air Lines jumbo jet was hijacked and blown up in Tripoli, Libya. None of the five terrorists was brought to trial.

Aug. 4, 1973—Two Arab terrorists killed five persons and wounded 45 in a machine-gun attack on passengers in the Athens airport lounge. Last week the terrorists were freed by the Greek government and given safe passage to Libya.

Sept. 28, 1973—Three Jewish immigrants from the Soviet Union were taken hostage aboard a train for Vienna. Austrian authorities arrested two Palestinians who were then freed and flown to an Arab country.

Nov. 25, 1973—Three Arabs hijacked a KLM jumbo jet and flew it to Abu Dhabi. There is no record of an arrest by Abu Dhabi authorities.

April 11, 1974—Three Arab guerrillas killed a total of men, women and children in the northern Israeli border town of Qiryat Shemona before dying themselves in the explosion of their dynamite charges while under siege by Israeli security forces.

MURDERERS NOT LIBERATORS

Today's attack by the Popular Front for the Liberation of Palestine (PFLP)—General Command—in Maalot is an additional link in a virtual chain of murder and carnage carried out recently both in Israel and abroad.

This most recent act of barbarism proves once again that the terrorists are not brave soldiers fighting against enemy troops, nor are they guerilla commandos engaged in harrassing enemy military units. They are merely gangs of murderers, whose victims are defenseless civilians and children.

The activities of these gangs would be impossible without the material and moral support of various Arab governments, who are financing the terrorist organizations and providing training and operational facilities on their territories.

Outwardly this support by Arab states is camouflaged by the ambiguous slogan expressing support for "fulfilling the rights of the Palestinian people," but among themselves the Arab leaders hardly bother to conceal their support for the terrorist organizations and for these organizations' self-proclaimed aim of destroying an independent Israel and her people.

On March 5, 1974, Lebanon's Prime Minister Taki-Adin al-Sulh declared, "Lebanon is firmly committed to continue cooperation with the guerilla command". Indeed, it is now clear to everyone exactly what are the results of this cooperation and this tight bond between the Lebanese leadership and these murderers.

On February 14, Lebanese Minister Nasri al-Maauf said that "the Lebanese army will not engage in a policy of force to prevent some fedayeen groups from carrying out actions from Lebanese territory".

The government of Syria is providing financial military and intelligence support to the terrorists—especially to As-Saiqa and to the PFLP—General Command, which claimed credit for the killings at Kiryat Shmone as well as the attack at Maalot. PFLP-General Command leader Ahmad Jabril was in Damascus during the Kiryat Shmone attack and met with President Assad soon after.

The statements and reactions of Arab spokesmen concerning the murders in Kiryat Shmone praised "the heroic and daring action" and "the heroes that carried out the Kiryat Shmone exploit". (Official Syrian radio commentator, April 12, 1974).

A commentator for the Palestinian radio program in Cairo declared that in Kiryat Shmone the terrorists carried out one of their most glorious and daring actions:

"The operation in Kiryat Shmone emphasized the Palestinians' attachment to the land of Palestine" and "has moved the struggle of the Palestinians to a new stage characterized by revolutionary violence against Zionist barbarism".—Cairo Radio, April 12, 1974.

Syria's active support of the PFLP-General Command and Lebanon's responsibility for permitting the existence of terrorist bases and the launching of terrorist attacks from its territory receive encouragement from the international community, as evidenced in the U.S. Security Council resolution following the Kiryat Shmone attack. Instead of condemning such horrible crimes, the U.S. Security Council passed a resolution condemning Israel for her reprisal without even mentioning the mass murder which necessitated it.

The silence of the international community, as well as the surrender to previous terrorist demands by various Western governments and the failure of the U.N. to adopt sanctions against those nations which harbor and support terrorists, has only encouraged Arab governments and terrorist organizations to continue their murderous actions.

THE MANHATTAN HOUSE OF DETENTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. RANGEL. Mr. Speaker, the city of New York has been holding extensive hearings on what action it should take to bring about much needed reforms to the Manhattan House of Detention. At the heart of this debate is a concern to protect the rights of pretrial detainees, rights which have heretofore been totally ignored.

The Honorable Percy Sutton, borough president of Manhattan, in a speech delivered before the New York City Board of Corrections made some excellent suggestions toward resolving the intolerable conditions which exist at the Manhattan House of Detention. I was deeply impressed by his remarks and am taking the liberty of placing them in the RECORD for the benefit of my colleagues in the House and Senate:

STATEMENT BY MANHATTAN BOROUGH PRESIDENT PERCY E. SUTTON

A prison is not a building. It is an environment. You can take an old warehouse with its obvious problems of comfort and security, and make it into an effective detention center, as the federal government and Warden Louis Gengler have done on West Street, or you can spend $70 million, as some have proposed this City do, on a new detention center for one thousand prisoners and still end up with a place called the Tombs.

In my opinion, the City of New York should be grateful for Judge Morris Lasker's landmark decision that has forced these hearings. We should not appeal it, but rather the Mayor should accept its essential conclusions and appoint a committee to negotiate an operating agreement for the detention center with Judge Lasker. The money we would save by avoiding an unproductive, protracted legal battle would be enough to accomplish some of the major improvements suggested by the *Rhem* decision.

We are here today to talk about more than real estate. The Tombs, 125 White Street, was a medieval fortress when it was opened 33 years ago. It has come to symbolize inhumanity and injustice and the riots there in 1970 triggered an explosion that at least

forced the City government to face the reality of a bankrupt system of criminal justice. For several years a proposal has been made to spend $70 million to build a new detention center for 1,000 detainees.

I opposed the expenditure of this extravagant amount of money for a new Tombs, and my opposition continues. For much less we can get much better results in terms of protecting our citizens and making the criminal law meaningful. For example, the pre-trial diversion program administered by the Vera Institute on a pilot project basis in Brooklyn should be expanded to Manhattan, and the entire City of New York. Its objective is to assure the community that those who should be held in detention pending trial are so held securely and humanely; and at the same time those who can be properly released under programs which assure the court that the defendants will be available for judicial process are so released under supervised and controlled conditions. This type of program responsibly reduces the detention population, permits many of those arrested to continue their employment and family obligations pending the resolution of the charges against them, and also allows the intervention of community agencies who can substitute their moral responsibility for the money otherwise required by the bail system of the poor.

Courts clearly require responsible data in making their judgments regarding release or detention of a defendant. Frequently this data cannot be made available to the court at the time of arraignment because personnel are not available to validate the facts. It makes sense, therefore, to help the courts by establishing a back-up program working with the detention facility so that release on recognizance or other pre-trial release programs can be utilized by the courts on a responsible basis.

Manhattan needs a detention facility securely operated and humanely administered. I would rather keep the Tombs and use the money that others would spend for a new prison to expand the Manhattan employment project, to reform the bail system, and to assure speedy trials. This can be accomplished in the context of Judge Lasker's decision by limiting the amount of time that any person could be held in the present structure of the Manhattan House of Detention. I recommend, therefore, that the Tombs be reorganized as a classification center for detainees; that no person be held there for more than three weeks, at which time the detainee would have been released by the court in accordance with the law or would be assigned to other facilities in the New York City Department of Correction. The only other persons who would be housed in the Tombs would be those defendants on trial in Manhattan whose lodging there would facilitate the work of the courts, as well as the preparation of their own defense. Past experience clearly indicates that the total number of persons represented by these categories would be significantly less than the 941 population figure for which the Tombs was originally built. This proposal takes into account the terrible financial burdens facing the City. It forces us to resolve the obvious injustices of the present detention system. It honors both the spirit and substance of Judge Lasker's decision, and it makes the best use of the City's resources.

Nothing that I have said should be construed to delay the internal remodeling work that would permit a sense of humanity to be a dimension of the Tombs living environment. Self-respect is a crucial factor in both the acceptance of justice and the possibilities of rehabilitation. The endless steel and concrete of the Tombs, its honeycomb of cages, its incredible noise level, the needless pitiful quality of the food served there, all of these are factors which make self-respect impossible for the detainees and frequently for the correctional staff which is forced to share the same environment. Security can be accomplished without denying self-respect. There is no constitutional prohibition that I know of, nor any court decision anywhere, that would have forbidden a correction officer from asking what the "visitors" to the Tombs had in their suitcase last week. It is ridiculous to think that it is an invasion of the dignity of either detainees or their visitors to oblige correction officers to ask what someone is doing carrying an acetylene torch and canisters of propane gas into the building. But it would be equally ridiculous to use this instance of gross negligence to impose new regulations that will add nothing to security and serve only the purpose of harassment.

No one wants to keep the Tombs, but a new building will not erase its symbolism. The challenge is for the Department of Correction and the rest of us to make the present building into the Manhattan House of Detention—a place of confinement for those legitimately detained by court order, where the presumption of innocence for all citizens is respected, where everyone's sense of self-respect is honored, and where the road to rehabilitation can truly begin.

HARVARD ECONOMIST SUPPORTS REPEAL OF FOREIGN TAX PREFERENCES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1974

Mr. VANIK. Mr. Speaker, yesterday, the Democratic Caucus accepted a resolution to make in order my amendment to H.R. 14462, the Oil and Gas Energy Tax Act. This amendment seeks to terminate two of the existing tax preferences the oil companies receive on their foreign operations—the foreign tax credit and the untangible drilling expense. Taxation of the foreign income of U.S. multinational oil companies is a complex area of the tax code. Unfortunately, the bill reported out of the Ways and Means Committee does little to simplify or clarify these provisions. In fact, the committee bill seeks to create a second level of complexity by providing convoluted formulas for the determination of these tax preferences.

The important question the House must decide is not how these tax subsidies should be computed, but whether they should be allowed at all. I have been unable to uncover any rationale which convinces me that allowing a dollar-for-dollar tax credit on what are essentially royalty payments to foreign governments is a wise expenditure of the taxpayer's money. An excellent explanation of the tax preferences accorded the foreign operations of the oil companies is provided by Prof. Glenn P. Jenkins of Harvard University. Mr. Jenkins provided his analysis in testimony recently before the Subcommittee on Multinational Corporations of the Senate Foreign Relations Committee.

Although his entire testimony is worth careful review, Professor Jenkins' conclusion is particularly noteworthy:

Elimination of these foreign tax provisions, from which the United States petroleum industry has been able to benefit to a much greater extent than have other industries, would not significantly decrease the supply of crude petroleum to the world. The principle effects would be to make downstream investment in the United States relatively more attractive than abroad, to bring about a decrease in revenues to foreign governments that are now obtained at the expense of the United States Treasury, and to eliminate some of the economic waste that arises from subsidizing inefficient foreign investments.

Mr. Jenkins' testimony follows:

TAX PREFERENCE AND THE FOREIGN OPERATIONS OF THE U.S. PETROLEUM INDUSTRY

(By Glenn P. Jenkins)

1. The foreign tax credit is the most important provision for reducing United States taxes paid by the American petroleum companies on their foreign earnings. In every year since at least 1962, the aggregate value of the foreign tax credits available to these companies has been greater than their United States tax liability on foreign income.

2. The production taxes levied by foreign producing countries are not proper income taxes but the payments for the purchase of crude oil which should be treated as a deduction from revenues, not as tax credits.

3. Elimination of the foreign depletion allowance, without treating the foreign production taxes as deductions, will make little or no change in the taxes paid by the petroleum companies.

4. By transferring income out of the foreign consuming countries, where 58 percent of the foreign investments of American petroleum companies are located, to the producing areas and tax havens, the income taxes of the foreign consuming countries are avoided. The loss in taxes by the foreign consuming countries in 1968 was approximately $300 million. The surplus to tax credits from the producing areas eliminates any United States tax liability on this income.

5. The provision for the deduction of branch losses should be eliminated as its primary effects are to create revenue transfers to foreign governments and to generate economic waste by subsidizing foreign exploration in marginal areas.

TAX PREFERENCES AND THE FOREIGN OPERATIONS OF THE U.S. PETROLEUM INDUSTRY

In this statement I will outline some of the economic effects of the present system for the taxation of the foreign activities of United States petroleum corporations. The four principal features of this system are the foreign tax credit, the foreign percentage depletion allowance, the deduction of foreign branch losses from United States domestic income, and the special tax treatment of income from tankers. These four tax provisions, in combination, have allowed the petroleum corporations to largely avoid paying any United States tax on their foreign earned income since at least 1962.

Not only have these provisions enabled the major petroleum companies to avoid paying United States taxes, but they have also increased the incentive for these corporations to transfer income between affiliates to decrease foreign income taxes on earnings from investments located in the major foreign petroleum consuming countries.

Foreign tax credit

The most important feature of the taxation of foreign income is the foreign tax credit. A United States taxpayer operating abroad is generally subject to income taxes in the country where the income is earned. In recognition of this fact, the taxpayer is allowed to credit many of these foreign taxes against his United States tax liability, rather than have them treated as a deduction.

This foreign tax credit is limited to the amount of the United States tax liability on the foreign income. Therefore, the taxpayer theoretically should pay in total foreign and

domestic income taxes a rate of tax at least equal to the normal United States tax rate.

There are two ways of calculating the limitation to the amount of foreign tax credits that can be used to offset the United States tax liability on this foreign earned income. First, there is the per-country limitation where a separate computation is made of the United States tax liability and the available tax credits for each country where income is earned. Alternatively, the taxpayer may make an irreversible election to the overall limitation under which United States taxable income (and losses) from all foreign sources are pooled, as are all foreign taxes. One aggregate computation of the United States tax liabilities is then performed using this pooled data. Under both types of limitation, creditable foreign taxes in excess of the limitation may be carried back two years or forward up to five years and added to creditable taxes in a year in which there is a shortage.

Although the foreign tax credit is a provision which applies to foreign earned income from many types of foreign investments, its impact in reducing United States tax liabilities is greatest in the cases of the petroleum and mining sectors. The petroleum industry has particularly benefited by the United States Treasury's acceptance as creditable foreign taxes the artificially constructed income taxes which have been levied by major petroleum exporting countries.

Instead of levying a large royalty or bonus payment to extract the economic rent from low-cost oil reserves, as would a domestic land owner in the United States, these countries have levied a tax as a percentage of the difference between a non-market posted price and a fixed per unit cost of production. These taxes are essentially a tax per barrel of oil produced and have little relationship to the profits generated by investments made in the production process. Yet they are allowed to be credited against United States tax liabilities. If instead a royalty or bonus payment had been levied, these payments could only be deducted from gross revenue as expenses.

In every year since at least 1962, the aggregate value of the foreign tax credits available to the United States petroleum industry has been greater than the United States tax liability on its foreign income. In 1968 the *excess* foreign tax credits were equal to 32 percent of the total creditable foreign taxes and by 1971 the excess foreign tax credits equaled approximately 55 percent of the total foreign taxes paid.[1] It is important to note that in 1968 over 88 percent of the total foreign tax credits available to American petroleum corporations came from these quasi-income taxes levied by the petroleum producing countries, yet only 28 percent of the net book value of the United States petroleum investments abroad were located in these areas. These taxes are now several times greater than the true corporation income that is generated by the investments located in these countries.

The existence of large amounts of excess foreign tax credits, combined with the way in which the taxes are levied in the producing countries, provides an incentive for the American petroleum companies to shift income for tax purposes out of the consuming countries by transfer pricing to either the producing area or tax haven countries. By doing this, they avoid paying the substantial income taxes that would be levied by the foreign consuming countries on the earnings of the investments located within their tax jurisdictions. This income can then be brought back to the United States along with some of the excess foreign tax credits from the producing countries to cancel out the United States income tax liability. By this procedure, investments made by the American petroleum companies in the foreign consuming countries, will often face a lower total tax bill (United States plus foreign tax) than would the identical investment if it were made in the United States. This has, in recent years, been one factor in making the construction of refineries and petrochemical plants in the United States relatively less attractive than in foreign countries.

By 1971 approximately 70 percent of the net foreign aspects of the American petroleum companies were associated with nonproduction activities such as refining, petrochemicals, tankers, marketing, and pipelines. During the five years from 1966 to 1971, these corporations have increased their net capital stocks in refineries and petrochemical plants located in foreign consuming countries by 83 percent and 93 percent respectively. In comparison, over this period the United States domestic net capital stocks in refining and petrochemicals have increased by only 44 percent and 25 percent.[2] In both cases, the absolute amounts of investment carried out by American companies in the foreign consuming countries were greater than that made in the United States.

The treatment of the production taxes levied by the petroleum exporting countries as a deduction rather than as a credit would largely eliminate the implicit tax shelter presently given to the refining and other downstream investments that have been growing so rapidly outside of the United States. However, this change in United States tax policy will have no effect on the supply of crude petroleum coming from these countries. The world shortage of crude oil is not a result of any lack of production capacity. Instead, it is a consequence of the deliberate policies of the producing countries.

In the period 1966 to 1972, the growth in the net investment of American petroleum companies in areas such as Venezuela and the Middle East has been negative or very small.[3] It appears that the goal of the countries in OPEC is to restrict output so as to maximize their revenues while taking into consideration the world demand for petroleum products and the supply of substitutes. If this is the case, then the long term result of an increase in United States income taxes levied on the major American petroleum companies would be a smaller revenue take by the OPEC countries.

II. Percentage depletion

The percentage depletion allowance take the same form for both foreign and domesti: producers. It is calculated as the lesser of 22 percent of the gross value of production or ¯0 percent of the taxable income (including foreign income taxes) from a property. This allowance is then deducted from revenues in the calculation of taxable income for the corporation.

While this provision is an important device fo decreasing the tax liability on domestic petroleum production, we find that at the present time it is relatively worthless to the American corporations producing abroad. This is the case because each year there exist very large amounts of excess foreign tax credits. Since at least 1966, the annual excess of foreign tax credits has been greater than the increase in the United States tax liability that would be created by the complete elimination of the percentage depletion allowance for foreign petroleum production.

Using data for 1971, I find that over forty percent of the foreign tax credits would have to be eliminated before the percentage depletion allowance would *begin* to be effective. With the current level of taxation in the producing countries, it would require a much larger reduction in the amount of production taxes that are creditable before the depletion allowance would become effective.

In the event that these production taxes for crude oil were eliminated as a basis for generating foreign tax credits, then the percentage depletion allowance would be effective in decreasing by about 50 percent the United States taxable income reported in the producing areas. As large amounts of profits from downstream activities, such as refining, are recorded as profits in producing countries, the depletion allowance would also serve to eliminate a large part of these earnings from United States taxable income. Thus, if a reduction in creditable foreign taxes is to be effective, the percentage depletion allowance must be eliminated. On the other hand, removal of the percentage depletion allowance by itself will have little or no effect.

III. Deduction of foreign branch losses from U.S. domestic income

A major advantage of operating abroad as a branch is that its losses may be deducted from United States domestic taxable income. As most petroleum corporations have positive profits when all their foreign operations are aggregated, these loss deductions can usually only be gained if a corporation calculates its United States tax return on the basis of the per-country limitation. In this case, the deduction of branch losses is one tax preference which is not "swamped" by the excess tax credits held by the international oil industry, provided that the company records some *domestic* taxable income.

The loss deduction is particularly suited to foreign oil producers in that the typical time stream of income from a new area of operation is negative for the first few years and then becomes positive.

This typical income pattern reflects the fact that the liberal expensing provisions, designed for domestic petroleum production, have also been applied to foreign branch activities. Intangible drilling costs, lease rentals, dry holes and some general exploration costs can be expensed as incurred instead of being treated as investment. When these provisions produce an accounting loss for a branch under the per-country-limitation, this loss can be deducted from United States domestic taxable income even when its affiliates in other foreign countries are earning profits. Because nearly all new foreign operations have excess foreign tax credits very soon after beginning production, this provision is only effective in new areas where a company is just starting up operations.

At the present time, there is a complete absence of current data on the amount of foreign branch losses that are being written off against United States domestic income. The only data available are for the years from 1958 to 1960, where we have values for the current expensing of exploration, development, and abandonment losses for both the United States domestic and foreign petroleum operations.[5] From these data and with some knowledge of the characteristics of the foreign petroleum industry, an evaluation can be made as to the relative importance of the provision for branch loss deductions in securing foreign petroleum supplies.

In a situation such as the North Sea exploration, substantial branch losses have been written off against the United States domestic income. As is often the case, the host countries auctioned the permits for exploration to the petroleum companies. For some companies, exploration costs could be written off against domestic taxable income and therefore this enabled them to increase the size of their bids for the exploration permits. The net result has not been a greater amount of exploration. What has happened is that the United States Treasury has financed, through tax reductions, part of the higher revenues received by the European treasuries for their exploration permits.

The foreign branch loss deduction has only provided an added incentive for foreign exploration to some companies making investments in marginal areas. In these cases, exploration is usually being carried out in situations where the cost of finding oil is relatively expensive and which show little promise of substantially increasing the world

Footnotes at end of article.

supply of petroleum, let alone the supply to the United States.

In conclusion, this provision for the deduction of branch losses should be eliminated as its primary effects are to create revenue transfers to foreign governments and to generate economic waste by subsidizing foreign exploration in marginal areas.

IV. Tax provisions for tanker income

By 1971 tankers represented the third largest type of foreign asset held by American companies. They are a logical investment from the point of view of an integrated petroleum company as tankers are the principal means of international transport of its products. However, there are also two additional reasons for their ownership that are related to the taxation of these corporations. First, income can be easily transferred from either the producing or consuming country to the tanker affiliate through the internal pricing of freight rates. Secondly, the United States, for taxation purposes, does not require income gained by controlled foreign corporations that are tanker subsidiaries to be included in the taxable income of the year in which it is earned.

These tanker subsidiaries can reside in a foreign country with a very low tax rate, without having their earnings included in United States taxable income. The normal tax treatment of a subsidiary of this type is to include the American owner's share in current taxable income.

Liberia and Panama are the corporate homes of a considerable number of tanker subsidiaries. In 1968 Liberia had an effective income tax rate of approximately 3 percent of income, while Panama's income tax rate was 0.4 of one percent. From these locations, the tanker subsidiaries of petroleum companies can choose whether to repatriate dividends to their corporate parents, using the excess tax credits from the producing countries to offset United States taxes due, or they can use their accumulated income to make loans to other foreign affiliates of the parent corporation.

The special privilege allowing controlled foreign tanker affiliates deferral of earnings from United States taxable income should be eliminated. However, doing away with this tax provision will do little or nothing to bring about a more neutral tax system unless the foreign production taxes are treated as deductions rather than as tax credits.

Elimination of these foreign tax provisions, from which the United States petroleum industry has been able to benefit to a much greater extent than have other industries, would not significantly decrease the supply of crude petroleum to the world. The principal effects would be to make downstream investment in the United States relatively more attractive than abroad, to bring about a decrease in revenues to foreign governments that are now obtained at the expense of the United States Treasury, and to eliminate some of the economic waste that arises from subsidizing inefficient foreign investments.

FOOTNOTES

[1] U.S. Department of Treasury, *Statistics of Income Supplemental Report, Foreign Tax Credit, 1968*, table 5.

Price Waterhouse and Co., *Statistical Data Compiled for Use in Analysis of Federal Income Taxes and Effective Income Tax Rates Year 1971*, Jan. 15, 1973.

[2] The Chase Manhattan Bank, *Capital Investments of the World Petroleum Industry*, 1966 and 1971.

[3] U.S. Department of Commerce, "U.S. Direct Investment Abroad," *Survey of Current Business*, September 1967 and September 1973.

[4] Price Waterhouse and Co., *op. cit.*

[5] U.S. House of Representatives, Assembly on Ways and Means, *President's 1963 Tax Message, Depletion Survey 1958–1960*, Washington, 1963, tables 8 and 9.