By Mr. RANGEL (for himself, Mr. WOLFF, Mr. RODINO, Mr. STARK, Mr. YATES, Mr. YATRON, Mr. YOUNG of Georgia, Mr. YOUNG of South Carolina, and Mr. ZION):

H. Con. Res. 530. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. STEELE:

H. Con. Res. 531. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. RANGEL, Mr. RODINO, Mr. ASPIN, Mr. BENITEZ, Mr. BOLAND, Mr. BLATNIK, Mr. BOWEN, Mr. BROYHILL of Virginia, Mrs. BURKE of California, Mr. CARNEY of Ohio, Mr. DEL CLAWSON, Mr. CONTE, Mr. COTTER, Mr. CRANE, Mr. DINGELL, Mr. DU PONT, Mr. EDWARDS of California, Mr. ESCH, Mr. FULTON, Mr. GOLDWATER, Mr. GONZALEZ, Mr. GRAY, Mr. HOGAN, and Mr. HUNGATE):

H. Con. Res. 532. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. RANGEL, Mr. RODINO, Mr. KING, Mr. LUJAN, Mr. MCKAY, Mr. MATHIAS of California, Mr. MILLER, Mr. MINSHALL of Ohio, Mr. MIZELL, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. PERKINS, Mr. QUIE, Mr. RAILSBACK, Mr. RHODES, Mr. RIEGLE, Mr. ROBERTS, Mr. ROSTENKOWSKI, Mr. ROY, Mr. ST GERMAIN, Mr. SCHERLE, Mr. SKUBITZ, Mr. SMITH of Iowa, and Mr. LUKEN):

H. Con. Res. 533. Concurrent resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. RANGEL, Mr. RODINO, Mr. THORNTON, Mr. TIERNAN, Mr. VANDER VEEN, Mr. VIGORITO, Mr. WAGGONNER, Mr. WHITE, Mr. CHARLES WILSON of Texas, and Mr. MCEWEN):

H. Con. Res. 534. A resolution for negotiations on the Turkish opium ban; to the Committee on Foreign Affairs.

By Mr ASPIN:

H. Res. 1162. Resolution requesting a survey of the shoreline of Lake Michigan; to the Committee on Public Works.

By Mr. STEELE:

H. Res. 1163. Resolution to create a standing Committee on Small Business; to the Committee on Rules.

By Mr. YATES (for himself, Mr. BROWN of Michigan, Mr. LAGOMARSINO, Mr. MAZZOLI, Mr. OWENS, Mr. PIKE, and Mr. ROONEY of Pennsylvania):

H. Res. 1164. Resolution providing for television and radio coverage of proceedings in the Chamber of the House of Repreesntatives on any resolution to impeach the President of the United States; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII,

497. The SPEAKER presented a memorial of the Legislature of the State of West Virginia, relative to the tax-exempt status of State and local bonds for federally aided projects; to the Committee on Government Operations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURGENER:

H.R. 15286. A bill for the relief of Maria Sylvia Macias Elliott; to the Committee on the Judiciary.

By Mr. MCCOLLISTER:

H.R. 15287. A bill for the relief of Steve P. Reese; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

443. The SPEAKER presented a petition of Miro Nohavec, Franklin Lakes, N.J., relative to redress of grievances; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## WATERBURY, CONN., TERCENTENNIAL

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mrs. GRASSO. Mr. Speaker, this week citizens of Waterbury, Conn., are celebrating the 300th anniversary of their city.

It was in 1674 that 31 young men from Farmington petitioned the colonial council for permission to settle in what was then called Mattatuck, a wilderness region in western Connecticut.

The men were delayed in their work for several years by the Indian wars which swept the region. However, they showed the same industriousness that characterizes the citizens of Waterbury to this day. Indeed, with stunning success they fulfilled the requirements of the original deed to their settlement which stipulated that they were to build within 4 years of issuance a "good and fashionable" house, "with a good chimney." A short time later the town's name was changed to Waterbury—the name it bears today.

Waterbury's tercentennial is a joyous celebration—commemorating three centuries of progress and productivity. It is a marvelous milestone in the history of this fine city.

As with so many Connecticut cities, Waterbury's greatest resource is its people. Through the years, succeeding waves of sturdy immigrants brought rich traditions and culture to the city. Waterbury residents are dedicated and determined Americans—whose innovative outlook, resourcefulness, and undeniable spirit have led to great accomplishments for their city, their State, and the Nation. Always, the people of Waterbury have been forward-looking and progressive individuals. Their deep love of country and concern for their fellow Americans is evident in their hard work and diligence in pursuit of the common welfare.

Waterbury was originally a farming settlement. Yet, by the early 1800's industrialization had begun. The town's first manufactured goods were buttons made by the Waterbury Button Co., which is still in existence today. The buttons were originally made out of cloth-covered corn, but, because the company began supplying the military, sturdy and decorative metal brass became the material used for the buttons. The use of brass for buttons represented one of the important first steps in Waterbury's road to becoming "Brass City of the World," a designation reflected in the city's motto "Quid Aere Perennius?"—"What is more lasting than brass?"

Waterbury industry did not stop with buttons or brass. however. In 1841, just 6 years after Daguerre, a photographic pioneer, finished his experiments in France, Waterbury was the prime supplier of photographic plates and equipment used in the United States. Waterbury, together with nearby Thomaston, became important centers of the clock industry in America.

Though no longer the singular power in the world of brass that it was in the past, Waterbury has developed a strong and diversified economic base, including heavy industry, plastics, consumer goods, and other types of manufacturing. Established industries like Timex and the Scovill Manufacturing Co. add to the sturdy economy of the area.

The week long tercentennial celebration, which started Saturday, reflects the innovation and the creative verve that have long been key moving forces in the development of Waterbury. The celebration is being marked by impressive pageants depicting Waterbury life, and involving thousands of the city's citizens—ranging from the very old to the very young. Other events include a carnival, an Arts and Crafts Day, Ladies Day and a Young America Day, with sports, gymnastic exhibitions and the presentation of awards from the President's Physical Fitness Program. One day will be devoted to an exhibit on local industry.

On June 9, the final day of the celebration, Waterbury will hold a parade with 23,000 marchers, 54 marching bands and 50 floats. The line of march will be nearly 3½ miles long, and the parade will last almost 4 hours. It will be the largest parade that Connecticut and possibly New England has ever seen.

At this gala time, a significant point in Waterbury's history, I wish the hard-working people of Waterbury continued achievement and good luck in the years ahead.

## OLDER AMERICANS

### HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. OWENS. Mr. Speaker, inflation, inadequate health care and unemployment are key problems confronting many older Americans. I am concerned with the plight of over 21 million Americans

over 65, and have supported legislation in the 93d Congress that will seek solutions to the pressing hardships facing these individuals.

I voted to increase social security and pension benefits and to expand programs for social services, community employment projects and research on aging. I have been supportive of legislation to develop mass transportation for the elderly, to establish emergency medical systems and to reform medicare and health maintenance organizations.

Although these programs are only a first step in improving the quality of life of our senior citizens, they are an important step and will lay a foundation for further needed changes.

SOCIAL SECURITY

For many senior citizens on a fixed income, spiraling costs have taken their toll. Inflation will be approximately 11 percent this year, and as a result, nearly 30 percent of the 21 million Americans over 65 will receive incomes below the current poverty level.

Congress has recently passed a bill providing for increases in social security and supplemental security income. I voted for this legislation providing for a 7-percent increase in benefits in March of 1974 and an additional 4 percent in June 1974. An important feature of this bill is the stipulation that commencing June 1975, social security benefits will increase automatically to reflect increases in the cost of living. As the cost of living increases, retirement benefits must be sufficient to cover those costs.

A second needed revision in the social security program is an increase in the earnings limitation on outside income. Under existing regulations, a maximum of $2,400 can be earned in outside income before reductions in benefits will occur. This limitation is a disincentive in encouraging older Americans to continue to be self-supporting. Those individuals who wish to lead useful, active, and productive lives should be able to do so without losing retirement benefits.

I propose that older Americans be entitled to earn at least $3,600 per year in outside income without reducing social security benefits. This increase is modest, but will at least insure an equitable net income sufficient to provide for a decent standard of living.

Finally, more comprehensive information on the relationship between retirement benefits and programs should be made available to retirees. Administering agencies must insure that qualified recipients are receiving the full measure of benefits to which they are entitled.

MEDICAL CARE

Increasing medical costs, fewer medical benefits, and gaps in covered services are matters of considerable concern to older Americans. Although medicare has been a partial solution, it has not been the panacea that many expected it would be. Medicare pays only about 40 percent of the health care needs of its beneficiaries. One of the most serious omissions is the lack of coverage for chronic conditions. An estimated 85 percent of elderly people not in hospitals or nursing homes have chronic health conditions. There is legislation pending in Congress to provide for institutional care for nonacute illnesses and disabilities requiring no prior hospitalization and for support services in the home for nonacute illnesses and disabilities. Many in hospitals at the present time have no need to be there if adequate home care coverage and service was available. In addition, pending legislation would provide for prescription drugs outside of institutions, dental care and dentures, hearing aids, eyeglasses and refractions, and long-term health care.

Also, it seems that as medical costs increase, benefits decrease. Many doctors do not accept the medicare fees as the "usual and customary" fees, requiring patients to absorb differences between medical costs and medicare fees. Medicare premiums and deductibles have soared dramatically, making it impossible for elderly Americans on limited or fixed incomes to obtain even minimal health care. I have cosponsored legislation to roll back administration proposals increasing deductibles.

Finally, the medicaid program, designed to fill gaps in medicare services, has not proven responsive to the needs of many older Americans. Generally, only the very poor can qualify. Varying State regulations limit or preclude many from medicaid benefits. I have supported improvements in the medicaid program. I have also supported and voted for a 3-year comprehensive emergency medical service program, an expansion of health maintenance organizations—HMO's—and a $1.27 billion construction program for local and regional medical centers and hospitals. I will continue my efforts to meet the health needs of Americans, especially older Americans.

NUTRITION

Wholesome nutritious meals are essential to good health. Despite this fact, decent meals are an acute need of the elderly. Skyrocketing food costs and cutting corners on food budgets in order to meet housing costs and other fixed expenses have contributed heavily to this serious problem.

I have supported legislation expanding the food stamp program and providing adjustments for cost of living increases. Recently I voted for a bill to extend for 3 years the nutrition program of the Older Americans Act for Americans aged 60 and over. This program provides needy elderly with one hot nutritious meal a day, 5 days a week, in a community setting. The program is aimed at reducing the isolation of old age, making it possible for older Americans to meet with other citizens of similar interests on a day-to-day basis. Meals are transported to the homes of elderly unable to get out through the "meals on wheels" program. I support and urge expansion of the nutrition programs to all needy elderly.

TRANSPORTATION

Limitations on driving permits and high costs of automobiles and fuel have placed private transportation beyond the economic reach of many senior citizens. Public transportation is often too expensive, or inconvenient.

To ease these burdens, I have cosponsored the "Senior Citizens Transportation Act," which would allow persons 65 and older to travel in planes, buses and trains during nonpeak hours for half-fare on interstate trips. I supported amendments to mass transportation bills to improve urban transportation for the aged and handicapped, and amendments to the Older Americans Act for a comprehensive study of transportation problems of the elderly by the Commissioner on Aging.

One problem deserving greater attention is rural transportation for the elderly. One possible solution is the remodeling and use of small buses and vehicles no longer needed by the Government and available under the Federal Surplus Property Act.

Private transportation companies and volunteer organizations should be encouraged to plan programs of transportation for older Americans. Intrastate and intracity public transportation can provide reduced fares during nonpeak hours to senior citizens. This is mutually beneficial. The companies receive revenues otherwise lost and the elderly receive transportation otherwise beyond their means. I will continue to seek solutions to alleviate transportation problems for our older Americans.

JOBS

Older Americans are subject to a number of forms of discrimination—credit cards, loans, mortgages, and so forth. One of the most serious forms is job discrimination. Federal law prohibits job discrimination based on age for Americans between 40 and 65. Why 65? Any elderly American who is qualified to work and wishes to work should have the right to work.

Manpower retraining programs and public service programs should be made available to older Americans. Programs providing outlets for the engines of the elderly—Green Thumb, Foster Grandparents, Service Corps of Retired Executives—SCORE, Volunteers in Service to America—VISTA—should be encouraged and expanded. Green Thumb workers in Utah have done an immense amount of work for the State.

Wage discrimination must be eliminated. I have supported legislation increasing the minimum wage for elderly people holding jobs to $2 per hour as of May 1, 1974, increasing to $2.30 as of January 1, 1976, and extending the coverage of the minimum wage law. Older Americans, like any other Americans, are entitled to a decent wage.

Finally, private industry should adopt preretirement counseling programs to ease the transition from a labor to a leisure environment.

PENSIONS

Pension benefits must keep pace with increases in costs of living and must not be discontinued due to payments from other retirement income programs or outside earnings. I am supporting pending legislation to insure that recipients of veterans' pensions and compensation will not have the amount of such compensation reduced, or entitlement there-reduced or discontinued for increases in monthly social security benefits. Veterans' pensions likewise should not be reduced or discontinued for increases in

railroad retirement benefits, or for reasonable outside earnings. I have also supported increases in veterans' benefits for nonservice connected disabilities and for survivors of veterans whose deaths were service connected.

I have supported amendments to the Railroad Retirement Act to ease eligibility requirements and change railroad retirement tax rates. Changes in railroad retirement, effective July 1, will enable employees with 30 years service to retire at age 60 with full benefits. Increases in social security during 1974 will automatically increase railroad retirement benefits. A Labor-Management Committee is studying improvements in the railroad retirement system with instructions to report to Congress for action before the end of 1974.

Finally, I support pension reform legislation now before the Congress. This legislation protects pension plans by setting standards for "vesting" rights, and protects pensions against losses and abuses of pension funds. It also increases the tax-deferred sums that self-employed persons can put aside for retirement.

TAX ASSISTANCE AND REFORM

A further threat to the limited resources and disposable incomes of older Americans arises from a lack of tax guidance and tax laws which cast an unfair burden upon the aged.

Many returns are filed without tax counseling and without claim of legitimate exclusions, exemptions, and deductions which reduce the tax properly due. An estimated 50 percent of all older Americans are paying more taxes than the law requires. Under present tax laws on retirement income credits, an elderly taxpayer can deduct from final taxes 15 percent of up to $1,524 of his retirement income—up to $2,286 for a couple. An estimated 50 percent of persons entitled to this credit do not avail themselves of it. Many elderly persons do not utilize the benefits of section 121 of the Internal Revenue Code relating to gain from the sale or exchange of a residence by an individual 65 or older.

The Internal Revenue Service is making belated efforts to provide assistance. In 1973 the IRS trained 2,500 elderly tax counselors as part of its volunteer income tax assistance—VITA—program. The program provides not only tax counseling, but also promotes productive use of time by many senior citizens. I support legislation introduced in Congress to continue this most beneficial program.

Property taxes have increased over 50 percent since January 1969. The crushing burden falls particularly on elderly people with fixed incomes. I have introduced H.R. 13090, the Emergency Property Tax Relief Act, to decrease the real property tax burden of low- and moderate-income individuals who have attained age 65. This bill encourages State and local governments to reform their real property tax systems, and provides tax relief to homeowners and renters in the form of tax credits, refunds, or rebates.

Maximum limits of retirement income qualifying for the retirement income credit are $1,524 for an individual and $2,286 for a joint return. Congress is considering legislation to raise the maximums to $2,500 and $3,700 respectively. I support this increase.

Finally, no additional tax burdens should be placed upon the elderly. Medical and dental expenses constantly reduce retirement incomes and benefits. These expenses are deductible above 3 percent of adjusted gross incomes—above 1 percent for drugs and medicines. I oppose any increase in the limitation on excluding medical and dental expenses for older Americans. In fact, I urge consideration of eliminating the 3 percent and 1 percent limitation on deductibility of medical and dental expenses and medicines for taxpayers 65 and over. This will provide some tax relief for expenses which have become a daily drain on many elderly taxpayers.

HOUSING

Every American seeks a decent, safe, clean home of his own choosing. Millions of older Americans live in deteriorating and unsatisfactory housing, and high mortgages and interest rates take new homes out of economic reach.

Amendments to the Older Americans Act authorized single family and multifamily housing and demonstration projects for older Americans. It provides legal protections against fraud and discrimination in acquiring housing. The Congress also authorized $3 billion for low-rental, low-cost housing for senior citizens. I supported this legislation. The President has impounded these critical funds and thereby prevented the start of a program to implement the goal of the 1971 White House Conference on Aging for 120,000 housing units per year. These funds should be released and put to work immediately for new construction.

I strongly favor passage of the Housing and Community Development Act of 1974. Programs revised, assisted, and established by this act would provide 117,500 single family and multifamily housing units for the elderly.

In addition, the Department of Housing and Urban Development should be directed to put to productive use, with particular attention to the needs of older Americans, the many units of foreclosed or dilapidated housing under its jurisdiction. A number of cities, led by Wilmington, Del., have initiated programs for selling or leasing condemned buildings at little or no cost in return for full renovation of the premises by the purchaser or lessee. To meet particular problems of the aged, the unused units could be transferred at nominal cost to nonprofit organizations for repair and remodeling for sale or lease at reasonable sums to older Americans.

RESEARCH

Funds allocated for research on aging are insufficient. Limited experiments are already yielding important results.

A few weeks ago, I was pleased to support the establishment of a National Institute on Aging as a new division of the National Institutes of Health. Similar legislation passed the Congress in 1972, but was pocket vetoed by the President. The Institute will have responsibility to first, assess the biological, medical, and psychological aspects of aging on all programs for the aging administered or assisted by HEW; second, provide information and assistance to all Americans, especially older Americans, to deal with problems of aging; and third, prepare a comprehensive aging plan within a year for submission to Congress. The bill also promotes training of health, nursing, and paramedical personnel. This legislation can result in limitless benefits by providing cures to problems associated with aging. I urge the President to be more responsive to the needs of the elderly and sign this bill.

CONCLUSION

In my first special report to senior citizens, I stated my commitment "to the challenge that remains before us to develop and implement a national policy to help eliminate the inequities facing older Americans." The inequities are many. The challenge is great. It must be met. We owe it to our older Americans. We owe it to ourselves, for we will all be older Americans some day.

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## OLDER ADULT LUNCHEON CLUBS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. RANGEL. Mr. Speaker, one of the most serious problems facing our elderly citizens today is malnutrition. The sharp increases in the cost of food and other essentials is making it increasingly more difficult for senior citizens to buy nutritious foods. This fact, combined with the inability of many old people to prepare their food because of physical infirmity has led to the serious problem of malnutrition which exists today.

The meals on wheels program and the free hot lunch program which are presently in operation go a long way to help meet the serious problem of malnutrition among the elderly. It is, therefore, essential that Congress continue to fund these worthy programs.

I am taking the liberty of placing in the CONGRESSIONAL RECORD an editorial which recently was aired on WINS Radio in New York City regarding the role which the hot lunch and meals on wheels programs play in New York City, for the benefit of my colleagues:

OLDER ADULT LUNCHEON CLUBS

(By Robert W. Dickey, general manager)

One of the most serious problems faced by many elderly persons is malnutrition caused by inadequate, unbalanced diets. These people have been seriously hurt by rising food prices which restrict the kinds of food they can afford to buy.

In addition, many of them who are in poor health or live alone lack either the ability or the incentive to prepare proper meals for themselves. That's why we think that programs like New York City's "Older Adult Luncheon Clubs" are so important.

Mayor Abraham Beame recently announced the opening of 31 such facilities in a program which the city hopes eventually will serve free hot lunches to 10,000 elderly New Yorkers. We think this program is a great idea.

By the end of June, there should be 60 such clubs in neighborhoods throughout the city which have large numbers of low-income elderly persons. These clubs operated by

churches, voluntary agencies, community groups or the city parks department offer companionship as well as nutritious lunches.

In addition, meals on wheels will be delivered to shut-ins in each neighborhood. The program is financed by the Federal Government under the Older Americans Act with 10% matching funds from the city.

The House of Representatives already has appropriated more money for programs of this kind, and this legislation now awaits Senate action. We think that this is one appropriation bill that merits prompt Senate approval.

## PROFESSIONAL STANDARDS REVIEW

### HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. WHITE. Mr. Speaker, recent decisions by the Secretary of Health, Education, and Welfare regarding the area designations of Professional Standards Review Organizations — PSRO — have caused some Members to support legislation which would repeal the PSRO section of Public Law 92–603.

Some States, like Texas, had already established statewide PSRO units which adopted all of the criteria and guidelines laid down by the statute and the Department. Yet, the Secretary has seen fit to divide those States into areas which cause, among others, administrative complications. Consider for example, the problems caused for multi-located medical schools, each of which location falls in a different HEW PSRO area.

The bill I introduced with my colleagues yesterday would allow States already in compliance with the law to operate on a statewide PSRO basis.

To further illustrate the need for this legislation, I would like to share with you pertinent excerpts from letters I received from the Texas Medical Association and the Texas Institute for Medical Assessment:

. . . As you are aware, representatives of the American Medical Association and the Texas Medical Association testified as to the potential deleterious effects of this law on the quality, confidentiality and costs of medical care before the Senate Finance Committee and the House Ways and Means Committee prior to its adoption in 1972. In conversations with various members of Congress it has been confirmed to us that due to the time frame of the passage of H.R. 1 that all ramifications of the PSRO section were not fully comprehendible . . .

Since the enactment of the PSRO section, the AMA and TMA have recognized their responsibilities and have attempted to provide leadership in the PSRO Program to assure that the best interest of the public and the medical profession are preserved. You are aware that the TMA in coperation with virtually every professional health organization in Texas formed the Texas Institute for Medical Assessment (TIMA) to establish an organization which does qualify with all terms of P.L. 92–603 to become a statewide PSRO. This organization had the active support of 24 of 26 members of the Texas Delegation in Congress for which we are grateful. You have also been made aware of the support that 92% of the health providers of Texas gave to the TIMA proposal as evidenced by a poll made in January of this year.

In spite of the fact of all the support TIMA had in its efforts to comply with the law, the Secretary of HEW chose to ignore our position and sliced Texas into nine regions resulting in non support of health providers, disruption of service and referral patterns, casting away a sound, logical, feasible, economical approach and placed the entire PSRO Program in Texas on a course that leaves little hope of success and more likely one not in the best interest of the patient whose interest it was supposed to serve . . .

The Texas Medical Association remains firmly committed to the principle of peer review under professional direction and will continue our efforts to expand and improve our existing peer review, based upon principles of sound medical practice and documentable objective criteria, so as to certify that objective review of quality and utilization does take place. Because the PSRO provision of the law and the Secretary of HEW through his actions have in effect placed into motion forces which will dismantle these programs of proven effectiveness and inhibit the improvement of existing peer review programs, we feel our recommendations . . . are justifiable . . ."

CHARLES B. DRYDEN, M.D.,
*President, Texas Medical Association.*
JOHN M. SMITH, Jr., M.D.,
*Chairman, Board of Trustees.*
JOSEPH T. AINSWORTH, M.D.,
*Chairman, Council on Medical Legislation.*
JOSEPH T. PAINTER, M.D.,
*Chairman, TIMA Steering Committee.*

. . . TIMA has established an organization which can qualify under the terms of the law as a PSRO. We have developed a proposal which will expedite with greater economy in Texas the PSRO provisions of P.L. 92–603. Our proposal emphasizes local responsibility for PSRO. The proposal is a product of overwhelming, grass-roots support from all aspects of the health professional spectrum.

In turn, we have asked for a single, statewide PSRO with the flexibility to subdivide into local functions of review according to the medical service patterns of our large state and in those ways to insure effective and genuine cooperation from local providers . . .

We understand that the states of Georgia and Washington . . . have been designated as single statewide PSROs. TIMA has offered a legitimate, in our judgment, third model for PSRO which should be tested. PSRO needs the cooperation of providers if it is to succeed, and it must not disrupt service and referral patterns. TIMA has done its repeated best to persuade OPSR and HEW that Texas does have unique circumstances which justify the TIMA proposal.

JOSEPH T. PAINTER, M.D.,
*Chairman, TIMA Steering Committee.*

## WE HAVE NOT FORGOTTEN OUR MIA'S

### HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. CONLAN. Mr. Speaker, I am very pleased that the House of Representatives this week passed without opposition House Concurrent Resolution 271 concerning the status of U.S. military men missing in action or presumed dead in Southeast Asia.

This bill requires U.S. officials to end consideration of aid, trade, diplomatic recognition, or any other communication, travel, or accommodation with the North Vietnamese or the Vietcong until they abide by provisions of the Paris Peace Treaty and peace agreement of September 14, 1973.

These provisions require that the North Vietnamese and Vietcong submit a complete and accurate accounting of our men who were prisoners of war or listed as missing in action.

There have been grave inconsistencies in North Vietnamese and Vietcong reports to date. The Communists would have us believe that they have released and accounted for all our men. However, they have released pictures of U.S. servicemen whom they once claimed were prisoners of war, but who were not among the POW's released. Nor were there bodies among those that have been returned so far.

Failure of the North Vietnamese and the Vietcong to comply fully with the treaty provisions by not only refusing to provide information on our men or assist our search teams, but by actually ambushing and killing members of those teams, renders any U.S. aid to them unreasonable, unpatriotic, and a slap in the face to the proud families of our heroic servicemen.

I am pleased and proud that I could join in cosponsoring this bill. I believe that all Americans share our concern for our men missing in action. This resolution should be a firm indication to the Communists that we have not forgotten our MIA's.

## U.S. FOREIGN AID FOR THE SOVIETS

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. ASHBROOK. Mr. Speaker, the recent approval of a $180-million credit to the Soviet Union by the U.S. Export-Import Bank is one more example of the United States giving foreign aid to that Communist power. That is correct, the present credit is nothing but foreign aid. Why? The reasons are obvious with a few minutes thought.

The U.S. Eximbank is lending money to the Soviets at 6-percent interest. The U.S. Government is paying more than that to borrow money. Of course, you and I cannot hope to borrow money anywhere near that interest rate. Nonetheless, the Soviet regime is able to get American taxpayer-subsidized credits at a rate that U.S. citizens are unable to borrow at.

While the Soviets are obtaining foreign aid from the United States, they, in pursuance of their own goals, are granting aid and giving loans to other countries. At the same time the United States was granting the Soviets a $180 million loan, the Soviets were granting Argentina a $600-million credit.

Some have been arguing that the United States must give loans to the Soviets in order to sell our goods to them. It seems that Britain and West Germany must be better businessmen. West Germany got the Soviets to pay $1 billion in cash for a steel plant even though the Soviets originally wanted loans. A Brit-

ish firm is receiving $48 million in cash for a new plastics firm. Why must the U.S. Eximbank be providing subsidized loans at rates unobtainable in the United States?

Has the time not passed that the United States should be financing its enemies? At a time that inflation is raging at home, I cannot understand how anyone can defend subsidizing the Soviet Union with American tax money.

At this point I include in the RECORD excerpts from an editorial in the Pittsburgh Press of May 26, 1974.

[From the Pittsburgh Press, May 26, 1974]

AVAILABILITY OF RUSSIAN CASH NOTED

"In a foolish and unnecessary foreign-aid blunder, the Nixon administration has granted a $180 million loan to the Soviet Union to help finance a huge fertilizer complex there.

"The loan was made by the Export-Import Bank on instructions from President Nixon.

"It carried the bargain interest rate of 6 per cent. Six per cent at a time when the most creditworthy American corporations must pay about twice as much to borrow money!

"In an effort to justify its dubious deal, the Ex-Im Bank points out that the credit will help U.S. companies export $400 million in goods for the fertilizer project and eventually will bring 'needed fertilizer to the U.S.'

"All that may be true but it misses a basic point:

"By granting credit to the Soviet Union at half the rate charged domestically and to many friendly countries, the U.S. taxpayer is subsidizing and giving foreign aid to the Kremlin's industrial base.

"There is nothing wrong with expanding trade with Moscow in nonstrategic items. But financing that trade with long-term loans at sweetheart rates is indefensible.

"It may be news to the White House, but it isn't to the U.S. intelligence agencies, that the Soviet Union can well afford to pay cash or to arrange for normal commercial credits for what it wants to buy in this country.

"Russia tried to pull an 'Ex-Im' type deal on West Germany for an iron and steel combine in Kursk. But when Bonn remained firm, Moscow agreed in March to pay $1 billion in cash for the project.

"Similarly, it is paying $48 million in cash to a British firm for a new plastics plant.

"Only this month the Soviet Union gave Argentina $600 million in credit for a vast electric power project.

"Can anyone explain why Russia should get a $180 million loan from the United States when Russia can afford to lend Argentina $600 million?"

## SILVER JUBILEE OF THE REVEREND JOHN P. CASEY

### HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. RONCALLO of New York. Mr. Speaker, the Reverend John P. Casey, pastor of Our Lady of Mercy Church since 1969, will celebrate the 25th anniversary of his ordination June 11.

Father Casey spent the first 18 years of his priestly life as an assistant pastor of St. Hugh's Church, Huntington Station.

While at St. Hugh's, Father Casey also served as the advocate and procurator of the diocesan tribunal.

In 1967 he was transferred to SS. Cyril and Methodius, Deer Park, where he served as assistant pastor until his present appointment as pastor of Our Lady of Mercy in 1969.

Father Casey was born in New York in 1923, and attended St. John's Prep, Brooklyn, Cathedral College and the Immaculate Conception Seminary.

Reflecting on his 25 years as a priest, Father Casey said he hopes to "keep on serving the people" of Long Island.

Father Casey will celebrate a Mass of Thanksgiving to mark his silver jubilee at 2:15 p.m., June 9, at Our Lady of Mercy Church.

I join with my colleagues in extending Reverend Casey our congratulations and best wishes on this joyous occasion for his service to God and community.

## THE JEWS OF RUSSIA ARE NOT FORGOTTEN

### HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. BRASCO. Mr. Speaker, a number of years ago, before too many people remembered that they were still alive and suffering in the Soviet Union, I and a number of other concerned Americans raised the question of the plight of Russia's 3½ million Jews. We encountered a large amount of indifference and a certain amount of hostility, even in circles where we might have expected the greatest concern.

As history reveals, our effort persisted. First the young people took it upon themselves to arouse the conscience of the Nation's Jewish community. After that it became a matter of massaging America's national conscience. To the credit of our country, the cause of Soviet Jewry has become nationally known and today commands the sympathy of all thoughtful, compassionate Americans.

Let it be known that our efforts have not been for nothing. Embodied in legislation, they are largely responsible for the Soviet's grudging release of some thousands of their Jewish citizens. Yet the grudging manner in which this has been done should tell us that the moment our energies flag, then will the Russian regime crack down on all activities and shut the door in the faces of those who desperately seek the chance to leave Russia.

Today, all across the face of Russia, Jewish and like-minded activists challenge the might of the Soviet state at their peril. Thousands and perhaps hundreds of thousands, rot in Soviet prisons, victims of Soviet brutality and martyrs to their own beliefs. The plight of Valery Panov and his wife immediately comes to mind. Yet we must recollect that he and his wife are only the most visible of many thousands of Soviet citizens whose only crime is to want to live as Jews in Israel. Anyone who denigrates their situation or the state of mind prevailing in Russia today lives in a world of self-delusion.

One has only to look into the face of a Russian Jew who has managed to leave, or to hear of their experiences, to understand the reality of the equation governing the lives of their coreligionists. Yet there are those who would play down their experiences and seek to defuse the efforts we are making on behalf of the right to emigrate.

On all sides, within and without the Jewish community, there are heard voices saying that we are making too much of the thing—that things are changing, that too great a fuss has been made, that we should ease off. Fortunately, their views have not prevailed. And they shall not prevail. We shall never rest until everyone of these people seeking the right to live freely has the opportunity to do so. We shall continue to stand up to those vested interests here in the United States who have tried to cut off the concern for Soviet Jewry at the roots.

Who are these people? Mainly those large interests who seek to profit from doing business with the Soviet Union. Armand Hammer of Occidental Petroleum opposes freedom for Soviet Jewry because he is in love with profit at any cost. Mr. Kendall, president of Pepsico, opposes us because it is more important in his eyes to sell Pepsi-Cola in Russia than for America to stand up for human freedom. Still other, well meaning but totally misguided groups seek to oppose freedom of emigration because to them, sacrificing the freedom of Russia's Jews seems to be a way of pursuing the will-of-the-wisp of world peace and disarmament. All are doomed to failure in their efforts in the short run.

Dr. Martin Luther King, Jr. said:

No man is free until all men are free.

I believe that this is as worthy a goal as world peace. Neither is possible without the other. When man is free, then his mind will be free, and world peace will become a possible dream. Until then, we must continue to batter at the gates of dictatorships until our voices are heard within and those imprisoned within can emerge into the broad sunlit uplands of human dignity. Today that situation does not prevail for the Jews of Russia.

On June 2, we celebrated National Solidarity Sunday to reaffirm American support for Jews in Russia. Under the coordination of the National Conference on Soviet Jewry, communities across the United States sponsored events in which Americans of all religious faiths and ethnic backgrounds expressed their feelings of solidarity for Soviet Russia's Jews. Let it be noted that in the first 4 months of 1974, permitted emigration was more than 30 percent below the emigration rate allowed for 1973. Harassment of those applying for exit visas has increased, and this takes extreme physical forms. Only our voices can make a difference.

Elie Wiesel has written and spoken eloquently of the holocaust in World War II, when Hitler's Germany murdered 6 million innocent Jews. He has spoken in his messages of the crime of silence. Abraham Lincoln stated that—

To sit in silence when we must speak out makes cowards out of men.

America has always spoken out against morally bankrupt acts and regimes, be they abroad or at home. This is such a time for us to make our voices heard above the tumult of society. It is an act that lifts us and our cause to a greater height than those who oppress the innocent. The Jews of silence look to us for such an act of affirmation.

## INFLATION: A TIME FOR ACTION

### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. ALEXANDER. Mr. Speaker, undoubtedly the most critical problem confronting this Nation today is inflation—the rapid recent rise in the cost of living. In the early months of 1974, the Consumer Price Index was rising at an annual rate of approximately 11 percent, dipping a heavy hidden hand into the pockets of every American family.

Some of our economic advisers have taken the view that, if left alone, the disease will run its course and disappear. That may be fine for a common cold, but it is no good for pneumonia—and the present rate of inflation is clearly assuming the symptoms of the latter.

Others stick doggedly to the belief that higher interest rates are a cure. Yet this only adds fuel to the fire. It simply contributes another layer of cost to every commodity in the marketplace.

The average rate of interest has inched upward to almost twice the level of 5 years ago. And every time the interest rate has been allowed to rise, the cost of living has risen with it.

High interest has not discouraged people from going into debt. It has just made it almost impossible for anybody to get out of debt.

Debt is the principal cause of inflation. Individually and collectively—in our private lives and in our governmental life—Americans have been on a credit card binge.

Private installment debt—not counting public debt—stands today at $150 billion, 10 times the total of 20 years ago. When you add mortgage debt, the American people will shell out this year some $54 billion in interest charges on delayed payments.

Is it any wonder then that there is scarcely enough left over for groceries? And is it any wonder that Government has come to expect an annual increase in the national debt?

Last year the President submitted to Congress a proposed budget which called for a $12.7 billion deficit. Congress reduced the total outgo, principally by cutting about $5 billion from military and foreign aid. Thus the total deficit forecast has been diminished by some $8 billion, and it appears now that we will end the fiscal year going only $4.7 billion in the red.

But that is exactly $4.7 billion too much.

The inflationary impact of spending is not mainly in how much we spend. It is in how much we spend that we do not have.

If the Government were to spend $2 billion less than it took in and apply that $2 billion to a reduction in the national debt, the effect would be deflationary.

And if the general public were encouraged to pay off $2 billion of its current $150 billion of outstanding installment debt this year instead of adding to it, the combined effect of these two actions would predictably begin to bring prices back down.

This year the Federal Government is paying $27.8 billion in interest on the national debt. That means you and I and the rest of the American taxpayers are paying this amount as a penalty for having borrowed in previous years.

There are two ways to reverse this self-destructive trend. One course of action rests with enactment of the Budget Control and Impoundment Act of 1973, now passed by both Houses of Congress and awaiting final action in a conference committee.

Through this legislation, Congress for the first time will have a positive vehicle to commit itself not only to the stoppage of deficit creation, but also the budgeting of a definite amount each year as a payment on the national debt.

This bill, which I have actively supported and spoken for in the House, provides for the establishment at the beginning of each Congress of a definite expenditure ceiling. Should total appropriations exceed this ceiling, every government program would be cut back by the same percentage to assure that the ceiling is not exceeded.

By including in each budget a specific amount for debt reduction, Congress would finally be in a position to guarantee some annual progress on this long-deferred and increasingly imperative goal.

The second means of reversing the spiraling inflationary trend lies in the collection of delinquent international debts. Zeroing in on international debts is a must since these debts hurt the American taxpayers in three ways. First, since the Federal Government does not have this money available to apply to costs in the national budget, the taxpayer has to cough up higher levies. Second, taxpayers are penalized when the Federal Government, because of the vacuum caused by the failure of countries to pay the debts they justly owe us, is forced to borrow money at high interest rates. And finally, taxpayers suffer long-term injury when the United States gives the impression to other countries that the men making decisions at the top are such poor economic managers they do not insist on timely payment of debts.

At present we are drifting toward the double danger of inflation and recession. But there is a way back to economic health and sanity. The Budget Control and Impoundment Act, though it may require some degree of sacrifice on the part of the Government and the public, and collection of outstanding international debts are two roads to a sound economy.

Whatever the sacrifices, they will be much less painful than the consequences of inaction. And those consequences are becoming harsher every month we delay.

## TWO MORE CHURCHES FAVOR THE LEGAL OPTION OF ABORTION

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. DELLUMS. Mr. Speaker, I would like to express again my deep concern for the basic human right of each woman in this country to decide when to have her own children. I believe that no woman should be forced to bear an unwanted child.

Abortion should be available to all women without restriction by law or constitutional amendment. Affluent Americans have always had access to safe abortions—young, poor, minority women, however, if denied a legal abortion, are too often forced to seek abortions from unskilled quacks or by some self-induced means.

A large number of individuals and organizations have expressed their support for safeguarding the legal option of abortion. I would like at this time to include in the RECORD recent resolutions from the General Board of American Baptist Churches in the U.S.A. and from the Social Action Commission for Reformed Judaism. Both resolutions are based upon a concern that the free exercise of individual conscience and religious belief is threatened by the proposed constitutional amendments which would prohibit abortion:

MOTION FROM THE COMMITTEE ON CHRISTIAN UNITY, ADOPTED BY THE GENERAL BOARD, FEBRUARY 24, 1974

The General Board of American Baptist Churches in the USA feels it is imperative to address itself to the current efforts of the National Conference of Catholic Bishops in the U.S.A. to seek a Constitutional Amendment through the Congress and the States to nullify the January, 1973 decision of the United States Supreme Court on abortion.

1. Encouraged by the mutual understanding and cooperation toward which Roman Catholics and Protestants have been moving during the past decade, we are nevertheless impelled to express a divergent view regarding the Constitutional Amendment before the Senate Subcommittee on Constitutional Amendments on March 7, 1974.

2. We acknowledge the legal right of all individuals and groups, both religious and secular, to seek the enactment of laws which reflect the values they hold to be necessary to the exercise of their freedom and on behalf of the common welfare. However, we believe that the present national effort of the National Conference of Catholic Bishops in the U.S.A. to coerce the conscience and personal freedom of our citizens through the power of public law in matters of human reproduction constitutes a serious threat to that moral and religious liberty so highly prized by Baptists and so long protected for all people under the nation's policy of the separation of church and state.

3. We recognize the moral ambiguities involved for many people, including American

Baptists, in the birth control and abortion issues. We are nevertheless saddened when such crusades seek the passage of laws which violates the theological and moral sensitivities, and hence the freedom, of other church bodies. All must be given their constitutional rights in a free society to guide and assist their constituencies in formulating a responsible life style in matters of sexual expression and family planning.

4. We affirm freedom of conscience for all but object to an appeal to the state which could coerce all citizens to accept a moral judgment affirmed by one member of the body of Christ. We urge a continuation of dialogue with our Roman Catholic brothers and sisters on this and other matters. Let us seek a common understanding of the mind of Christ, and let us listen to each other in love.

We therefore request our General Secretary to communicate this concern to the appropriate Roman Catholic leadership in the hope that the progress and strides which have been made in the area of Christian unity may continue.

STATEMENT OF SOCIAL ACTION COMMISSION FOR REFORMED JUDAISM

At a recent meeting of the Social Action Commission for Reformed Judaism, the Commission reaffirmed its support of abortion rights and of the Supreme Court decision. The Commission expressed its deep concern over the effort of certain groups to overturn the decision and the gradual erosion of the civil liberties of Americans by such an act. They urged their synagogues to join local and state-wide coalitions of Christians and Jews being formed by the Religious Coalition for Abortion Rights to support the Supreme Court decision.

## SENIOR CITIZENS DISCOUNT CLUB

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. EILBERG. Mr. Speaker, on May 1, 1974, the Roosevelt Mall Shopping Center, in my district in northeast Philadelphia, initiated a unique program for shopping centers.

Seventy merchants established a Senior Citizens Discount Club and the man responsible for this innovation was Mr. Sy Goldberg, the center's manager.

At first the merchants were a little reluctant to go along with this idea, but Mr. Goldberg's confidence and enthusiasm for the program were so great that he persuaded the store owners to at least try it.

A headquarters for senior citizens was set up on the mall and identification cards with photographs were given out to the senior citizens who qualify for a 10-percent discount in 70 stores.

The results so far have been tremendous. Thousands of senior citizens have taken advantage of the offer, which benefits both them and the store owners.

Mr. Goldberg believes that senior citizens have long been neglected by retailers who have not recognized their special problems and the fact that because of their generally fixed incomes these people have been hit the hardest by the continuing inflation.

I believe that Sy Goldberg deserves recognition for his innovative efforts, on behalf of both the senior citizens in my district and the businessmen with whom he works.

## BUSINESS FACES THE FIGHT OF ITS LIFE

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. CRANE. Mr. Speaker, rather than hailing the fact that our American system of free enterprise has made our country the most prosperous in the world, with wealth more widely diffused than in any other place, we have, instead, witnessed a mounting attack upon American business and industry.

In an age when more and more individuals find the need for scapegoats, American business has been discovered as a prime villain which can be blamed for all of our many problems, whether environmental, ecological, racial, or energy.

How ironical that the oil companies have been blamed by politicians for an energy shortage created almost solely in Washington by Government import quotas, price controls, and other similar interferences in the market. Just as demagogs in other countries have used racial and religious minorities as the scapegoats for national difficulties, so in our own country business and industry has been assigned this unfortunate position. Demagoguery is the same, however, whether its targets are racial minorities or business enterprises.

Discussing this state of affairs Senator BARRY GOLDWATER recently wrote:

The threat of crippling anti-business legislation is now greater than at any previous time in my experience. . . . From now on, you can expect to see a constant parade of corporate witnesses going to Capitol Hill to be badgered and blamed for a growing list of problems.

Senator GOLDWATER notes:

Never before have I seen a situation which cried out as loudly for intelligent planning by business representatives.

Criticizing American business for doing too little at too late a time to defend their own interests, Senator GOLDWATER concludes:

I would tell them to start making plans today—not tomorrow—to head off a concerted drive against all important elements of the American private enterprise system. . . . The current challenge to business seemed to reach crisis proportion almost overnight. This, by itself, should inform the leaders of the private enterprise system that the hour is very late and growing later every minute.

Freedom and free enterprise are intrinsically linked. It is not possible to become economically dependent upon the state without becoming a ward of that state. Unfortunately, business voices have not been raised loudly enough to carry this vital message to the American people.

I wish to share Senator GOLDWATER'S important article, which appeared in the May 1974 issue of Nation's Business, with my colleagues, and insert it into the RECORD at this time:

BUSINESS FACES THE FIGHT OF ITS LIFE

(By Senator BARRY M. GOLDWATER)

The American private enterprise system—especially its basic industry segment—is headed for new and serious trouble in Congress.

In fact, the threat of crippling anti-business legislation is now greater than at any previous time in my experience. The going-over that representatives of the oil industry got recently in a Senate committee is only the beginning. From now on, you can expect to see a constant parade of corporate witnesses going to Capitol Hill to be badgered and blamed for a growing list of problems which are not only affecting the nation's economy, but interfering with the conveniences of the average American.

These problems, like comparable ones before them, have been seized upon by the liberal-radical element in Congress, in the private sector and in the academic community which would like to bring about the nationalization of American business.

In the current drive for government ownership of business, the oil industry just happened to be the first juicy target for the liberal-leftist cabal. And already we know from signs that are evident in all parts of the nation that today's energy crisis will be tomorrow's steel crisis, and tomorrow's steel crisis will be the next day's crisis for the entire competitive enterprise system.

I am not sure the business community has ever faced a situation just like the one that confronts it today. Our problem seems to be one involving too much of what American business has always held beneficial.

What I'm saying is that there is too much growth, too much demand, and too little supply. The system is faltering under a series of badly handled shortages and is under attack by all its old socialistic enemies.

Unfortunately, much of the present drive against business is fueled by public anger. The claim of some spokesmen come to the nation's capital to testify before committees of Congress when the problems affecting their businesses are especially grave. But they seem, invariably, to be the most poorly organized, poorly informed group of witnesses in the whole country. It is not that they don't understand their businesses, not that they can't articulate their problems—rather, an attitude they carry with them into the committee rooms seems to prohibit their story from getting across.

I have spent a lot of time considering this situation. And I have come to the conclusion that too many of the business spokesmen whom I see testify assume that the members of Congress know little or nothing about the intricacies of their enterprises. This may be true, but what the witnesses fail to understand is that even the dumbest member of Congress can be armed with the toughest kind of question. Some witnesses fail to understand that many of the questions put to them in these hearings are prepared by brilliant young staff members who mistrust or totally disbelieve the attributes of the private enterprise system.

Other witnesses come to Washington with an abiding faith that the members of Congress will have an appreciation of their problems and that their testimony will get the kind of treatment in the news media they believe it deserves. The record fully proves that these are mistaken assumptions.

If any of America's business leaders doubt that there is danger ahead, I would ask them to ponder the consequences of a bill now before Congress to place government and public members on the boards of directors of all major U.S. oil companies.

And then I would tell them to start making plans *today*—not *tomorrow*—to head off

a concerted drive against all important elements of the American private enterprise system. I predict we have only heard the beginning of charges that industry representatives conspired to bring about material shortages, inflation and unemployment. I believe American business will be accused on every side of reaping windfall profits at the expense of helpless consumers and taxpayers. And I predict that Congress will, before long, be considering a barrage of bills to nationalize businesses or to impose greater controls and taxes on the domestic and foreign earnings of American industry.

The current challenge to business seemed to reach crisis proportion almost overnight. This, by itself, should inform the leaders of the private enterprise system that the hour is very late and growing later every minute.

## AMATEUR ATHLETE'S BILL OF RIGHTS

### HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. DAVIS of Wisconsin. Mr. Speaker, I am sure most Members of the House are aware that amateur athletics as it relates to U.S. efforts in international competition has been the victim of a bitter dispute between major sports organizations such as the NCAA and the AAU. During the 93d Congress, I was joined by five of my colleagues from Wisconsin in the introduction of H.R. 12780, a bill identical to H.R. 11242, introduced by our colleague and former Olympic champion from California, Hon. BOB MATHIAS. The bills are often jointly referred to as the "amateur athlete's bill of rights."

This logical and practical legislation which many of us from Wisconsin, a State long recognized for outstanding amateur athletes, recognize as being essential, is designed to provide a nongovernmental procedure to resolve the unnecessary feuds between sports organizations.

The legislation Congressman MATHIAS and I have introduced has the support of the AAU and the U.S. Olympic Committee as well as many other sports organizations around the country. Further, the congressional support is bipartisan both in the House and the Senate where it was introduced by Senator HUBERT H. HUMPHREY and Senator MARLOW W. COOK.

Typical of the support this legislation is receiving is a recent letter from the National Association of Intercollegiate Athletics—NAIA—addressed to the House Judiciary Subcommittee chaired by the Honorable DON EDWARDS of California. I would commend this letter to my colleagues in the House for their consideration and urge support when the bill comes to the House for a vote.

NATIONAL ASSOCIATION OF
INTERCOLLEGIATE ATHLETICS,
*Kansas City, Mo., May 16, 1974.*

HOUSE JUDICIARY SUBCOMMITTEE NO. 4:

As Executive Secretary of the National Association of Intercollegiate Athletics, an organization composed of 565 colleges and universities of the United States and Canada, I have been authorized to inform you of the position the organization has taken on the legislation before the House and Senate on the conduct of amateur athletics and especially the control and protection of athletes and organizations in assuring their rights and privileges in participation in international competition.

The National Association of Intercollegiate Athletics, commonly designated as the NAIA, is a completely autonomous organization and has as its main aim that intercollegiate athletics should be an integral part of the total educational program of every institution, rather than a commercial or promotional adjunct. The NAIA was organized in 1940 with some sixty member colleges. It was then known as the NAIB and its only national event was a basketball tournament, which has been held in Kansas City since 1937. In 1952, the membership of then some 250 colleges determined to sponsor other national events and we now have 16 national events each year.

I have served as Executive Secretary of this organization since 1949 and previous to that time, served on the Executive Committee since 1943. I have experienced almost constant distress at the lack of cooperation between national organizations in the administration of all levels of amateur athletics, both within the United States and in international competition. Our organization has made every attempt to serve as a unifying force in what appears to be organizational self-interest and we are fully aware that at this point something must be done to literally force organizations to act for the common good.

NAIA is in full support of the Mathias Bill, H.R. 11242 for the following reasons:

1. It sets up an arbitration body which protects the rights of athletes and prevents organizations from exercising arbitrary control over the participation of their athletes in international competition. Our organization has never attempted to apply sanctions on the participation of athletes, but has left this to the athlete and the administration of the institution.

2. We are completely opposed to government intervention and control of amateur athletics. We feel that government control will eventually destroy amateurism and make it a political football.

We have requested our leaders in our 32 Districts and our National Executive Committee to contact their Congressmen, expressing our full support of the Mathias, Cook, Humphrey, and other co-sponsors of the various bills sponsored in the Congress.

If we can be of any service, feel free to call upon us. We feel that the decisions to be made within the next few months can serve to dissolve the antagonisms between organizations which, at the present time, are preventing our building a strong national force for all levels of international competition, including the Pan American World and Olympic Games.

We hope for a speedy passage of this bill.

A. O. DUER,
*Executive Secretary.*

## RED TRICK BACKFIRES

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. DERWINSKI. Mr. Speaker, Alex R. Seith, a well-known attorney, civic leader, and international commentator, in his column carried in the Suburbanite Economist, published in Chicago on May 26, discusses his observations of the foreign scene in West Germany.

The commentary follows:

RED TRICK BACKFIRES

(By Alex R. Seith)

"Once again, the Communists have outsmarted themselves." That was the gleeful, triumphant comment I heard from leading Germans while traveling in Europe at the time of the stunning surprise of the resignation of West German Chancellor Willy Brandt.

As the leader of West Germany since 1969 Brandt had been the architect of an Ostpolitik of reconciliation with the Communist regimes of Eastern Europe. In summit negotiations with the Soviet Communists in Moscow, the Polish Communists in Warsaw and the East German Communists in Pankow, Brandt had signed away all of Germany's past claims to "eastern territories taken from Hitler's Germany at the end of World War II by the conquering Red Army of the Soviet Union.

For a quarter century, the Kremlin had unsuccessfully sought international acceptance of its conquests of the countries behind the Iron Curtain. Brandt was the first leader of a Western government to give them that recognition. For his policy, Brandt was widely acclaimed as a great statesman and, in 1971, became only the second head of government in this century (after U.S. President Woodrow Wilson in 1919) to receive the Nobel Prize for Peace.

When Brandt left office last week, his government was actively negotiating with the Soviets for the next major step in the Ostpolitik: the granting of massive commercial credits and the arrangement of huge German investments in the U.S.S.R. which would help the sagging Soviet economy.

Now, all of that has been brought into serious jeopardy by Brandt's resignation. And the Communists have only themselves to blame.

The reason for Brandt's abrupt departure from high office was the discovery that one of his closest and most trusted aides, Gunther Guillaume, was a dedicated secret agent of the Communist government of East Germany.

In 1956 Guillaume had come to West Germany under the guise of being an escapee from the totalitarian regime of East Germany. He promptly joined Brandt's Social Democratic party and ambitiously took on a series of menial jobs. By proving his intelligence and dedication to hard work, Guillaume continually rose in the ranks of the party and won the complete confidence of nearly all of its leaders. All the time, Guillaume's true loyalty was to the Communist country he claimed to have fled.

When Brandt became Chancellor in 1969, Guillaume seized the opportunity which had been 13 years in the making. Brought into the Chancellor's inner circle, the Communist agent was privy to the most crucial deliberations of the Brandt government and had access to nearly every secret plan. Throughout the most sensitive negotiations with the Soviets, the Poles and the East Germans, Guillaume was at the Chancellor's side. He even accompanied Brandt on a private "family" vacation to Sweden last year.

Just a month ago, Guillaume's "cover" was blown and the revelation hit Germany not like a bombshell, but an A-Bomb. Day after day screaming headlines told a stunned public of the spy in their midst. At first, Brandt tried to explain away some of his apparent intimacy with Guillaume by saying that the West German secret service had known about Guillaume for several months but recommended temporarily leaving him in the Chancellor's coterie as a "trap."

But when public outrage did not subside, Brandt displayed his own courage and character by refusing to hide behind the secret service recommendation and taking full blame for "the Guillaume scandal."

And here is the irony for the Communists

who sponsored Guillaume. Brandt's successor as Chancellor is Helmut Schmidt, who had been Minister of Finance and Minister of Defense in Brandt's government.

A strong anti-Communist and a tough political leader Schmidt is expected to take a much harder line toward the East. Schmidt will also come down hard on extreme left-wing elements in Germany. In the past two years, Brandt was increasingly harassed by doctrinaire Socialists in his own party who want to pursue many of the Marxist principles prevalent in the Soviet Union.

For several months. Schmidt had unsuccessfully urged Brandt to get tough with the extremists. Now, Schmidt is expected to pursue his own advice with a vengeance. And, as a staunch pro-American, he is also likely to be a hard bargainer with the East Europeans.

Until Brandt's resignation, it was the conventional political wisdom in Germany that Schmidt would never be elected Chancellor because he was "too hard-nosed." But by their "smart" trick of spying on Brandt, the Communists opened the way for Schmidt and outsmarted themselves.

## AWESOME HOUR

### HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. McKINNEY. Mr. Speaker, while attention to substantive issues is the primary congressional responsibility in the impeachment inquiry, there are those who place equal importance on the Nation's mood and tone of these times.

I, for one, see the value of this type of analysis for our Nation's strength lies in its character and ability to respond in a time of crisis. Recently, the Washington correspondent for three Connecticut newspapers, Carey Cronan, gave his readers the benefit of his views on the current mood. Reporter-Columnist Cronan, whose commentaries appear in the Post Publishing Co. papers and the Advocate of Stamford, is one whose thoughts we should not easily dismiss for he writes with a perspective gained through more than a quarter of a century of experience in journalistic observation in the Nation's Capital.

Mr. Speaker, Mr Cronan characterizes the times as an "Awesome Hour" and I would commend his column to my colleagues so that they might give it thoughtful review I believe it deserves:

AWESOME HOUR

(By Carey Cronan)

WASHINGTON.—This is an awesome hour for America, a sad time, a dread day that borders on a twilight of darkness tinged with a shadow of despair.

The dream of almost two centuries is almost on the verge of becoming a nightmare of twisted shapes and fantastic fantasies that haunt the halls of government.

Harsh decisions face the men and women, chosen to form the legislative body of the federal system, whose brittle careers lie in the hands of all those at every level of a befuddled political society.

The judges know full well that they too shall be judged.

For some it may be a beginning, but for others it will be the end of many things which they have held dear and to which they have been devoted.

There is a tide that could sweep some to glory and others will be dragged out with the ebb to a personal and political oblivion.

WHEEL TURNS

If the constitutional wheel turns full circle it will break many hearts and crush and pulverize some souls who did not seek this historic challenge. Some will rise to untold height. Others will sink into a broad abyss from which no one ever really returns.

The scholars will be heard.

Procrastination, a highly regarded pragmatic principle of the practice of law, will be indulged in to an annoying degree from time to time.

Some demagoguery appears inevitable.

The process will reveal the weakness of some, and disclose the latent strength in others who may be startled at their own prowess.

Phrases will be coined to take their place forever upon the scrolls of the record of mankind.

Words will be cast abroad which will be regretted, while other words will help give voice to citizens who seek guidance from their claimed legislative leaders.

Questions will be asked which may never be answered and answers may be given which will be forever questioned, and give birth to discord and debate for the ages.

The time is not for those who are indecisive. No one may seek relief through vascillation and continue extant in the world we term public service.

This is not only a test of characters but also of character. Justice flanked by honor cannot be denied.

Now patriotism is no longer a flamboyant term for platform oratory but a demanding mistress whose scarlet kiss may sear as well as succor.

WEARY PATH

It will be a weary path for all of us to travel. It shall lead down into the valley and up, against the peaks and then down again into the shadowed depths, where the half light may distort and disturb and disfigure.

The pettiness will appear and the pettifoggers will reveal themselves for all to gaze upon.

The meaning of words will be debated as will the vast interpretations of the law and what the Founding Fathers meant when they wrote down their reversed pattern of government.

The great and the near-great will be quoted and their shades appealed to again and again.

It will be somewhat like a resurrection of the long line that has labored to build our tower. Those architects will be summoned to build or batter a case at hand.

Voices long silent will be heard again, many of them memories in the very halls which house this distasteful session.

The oaths that have been sworn will now demand their tribute.

The vows of loyalty and dedication will now burn upon many hearts and in many minds.

Victory has its price today for with the responsibility has come the raw sacrifice that must be offered one way or another to the cause of country, of a people that cry out for a nation-wide release from doubts and fears, from confusion and obfuscation, from dalliance and technical doubts and delays.

It is undoubtedly old hat to say once again that we are at the crossroads, but it is in such a spot and at such a place that one must make a choice of which highway to take.

If one is to go on, one must decide once and for all before all mankind and adhere to the pathway selected in the glaring light of living history.

NO ENVY

No one should envy those who have to make the choice. In many ways it lies in dull hours and annoying details, in the discovery of new friendships, and in the dismal deaths of old friendships and alliances and seemingly important understandings.

No matter what the final denouement, this city, this federal enclave, this nation will not be the same tomorrow. The operation will be too painful and too lasting for all concerned.

But now there are many indications that the people will survive, that the nation may rise from its knees and draw away the symbolic tears that betray the wounded heart.

They may disdain some. They may find compassion for others, if not forgiveness. But right now they are watching those whom they have sent down to the Potomac to seek out the truth and to make the judgment upon which the nation waits.

No legislator can avoid his place in history in this sad and solemn moment.

## SPACESHIP EARTH

### HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. TIERNAN. Mr. Speaker, since the gaslines have begun to shrink, and the most visible of the materials shortages has been reduced from a "crisis" to a "problem," Americans have started turning away from conservation efforts. The United States has been lulled into a false sense of security that the shortages were merely a temporary inconvenience of little or no importance. Complacency toward the conservation of our natural resources is beginning to settle in as Americans revert to their previously insatiable appetite for consumption.

We must not let this attitude of unbridled consumption come to the fore once again because it would destroy the magnificent efforts to conserve our resources made by many Americans in the past year. Fortunately, there are those in this country who recognize the need for continued efforts and have consciously dedicated themselves to a conservation of our natural resources. The American Baptist Churches of Rhode Island are one such group of people. I would like to submit for the RECORD their resolution, entitled "Spaceship Earth and Limited Support Systems," which shows the degree of their sensitivity to the problem and their commitment to solving it. I commend them for their actions and I strongly urge other Americans to come to grips with the problem as realistically and positively as they have.

As their resolution states, the only way to solve the problem is to change our views on the consumption of our natural resources, including those which supply us with food, shelter, and energy:

SPACESHIP EARTH AND LIMITED SUPPORT SYSTEMS

Background Facts: Our spaceship is a sphere with a diameter of 7926 miles (about twice the length of the Mississippi-Missouri River) and a circumference of 24,901 miles, proceeding through space at about 18½ miles per second.

The Problem: The quality of the spaceship is steadily declining while the load in terms of people is increasing. The soil erodes and is paved over; timber is being used faster than it's being replaced; key minerals and metals are close to exhaustion; the shortage of fossil fuels is growing obvious; wildlife is threatened, with many species extinct and others nearly so, as habitat is destroyed; the seas with their fish and plankton are attacked by the tars of petroleum residues and by plastic debris; air quality, already poor, is further threatened by more air-polluting fuels; chemical and other impurities continue to be dumped into rivers, streams, and lakes. In short, this exquisite, complex interdependent environment, the part of God's creation of which we are not only the beneficiaries but the custodians as well, is being despoiled by us, its inhabitants.

In light of the Background Facts and the Problem, we, the members of the American Baptist Churches of Rhode Island, do now in this convention hereby declare that:

We reject the view that it is a cause for pride that our part of the earth's population consumes far more than its share of the world's resources;

We reject the notion that our efforts should be to maintain our standard of living regardless of the cost to our children and those of our fellow inhabitants in less affluent parts of the world;

We oppose the adoption of panic-inspired relaxation of environmental standards which risks irreversible damage in exchange for short term relief from possible discomfort and dislocation;

We accept the reality that shortages of all kinds are neither temporary nor reversible by political manipulations or economic retaliation, but must be dealt with in a manner consistent with concern for our global neighbors and all those who will follow us.

To this end, we urge our government to explore with other nations the mutual sharing of resources, particularly those needed by all standards of 20th century living.

And we do resolve, believing that through faith and determination all things are possible, that we shall study and work so that together we may take the steps necessary to reorder our personal lives and our national life in ways that will make us good stewards of God's gifts and not squanderers thereof. Towards this end we, as individuals and as churches, commit ourselves to promote and practice:

a. the elimination of waste in our living,

b. the re-use of materials in present form,

c. where re-use is impossible, the recycling of materials for future use.

d. the responsible disposal of unusable materials and waste,

e. the reduction of our use of all forms of energy derived from exhaustible sources and, in particular, energy derived from fossile fuels, uranium, plutonium, and other nuclear fusion-fission metals, turning where possible to human energy and that of winds, tides, and the sun.

f. the conservation of our soil, and the protection of our waters, seas, and air from further degradation,

And to this end we do further resolve that the incoming President of the American Baptist Churches of Rhode Island establish a Task Force to study and provide guidance to us and to others as to the best means of achieving the goals of this resolution, such Task Force to report back to the Annual Meeting in 1975.

We direct that this resolution be sent to the American Baptist Churches of the USA, to our national legislators, and to the Chairman of the Environmental Protection Agency.

We further direct that measures be taken to bring about the reading of this resolution in meetings of our local, state, and national legislative bodies—that our Social Action Committee be instructed to seek the widest possible press publicity for this resolution.

## PUBLIC CONFIDENCE IN GOVERNMENT

### HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mrs. HECKLER of Massachusetts. Mr. Speaker, the 1974 elections may well go down in history as this Nation's greatest test of public confidence in government. Right now, there is a greater public awareness than ever before of what we in public life can do for the people to continue the great tradition begun in this country almost 200 years ago. That tradition has been carried on by men who had the ability and sincerity and integrity to make it work.

My colleague, the Honorable MATTHEW J. RINALDO of New Jersey, is such a man. Although he has served in this Chamber for less than 2 years, he has left a mark on the House of Representatives that is extraordinary for a freshman Member. He has been one of the most eloquent congressional voices for budget reform, a ceiling on Federal expenditures as a means of combating inflation, and for the reform of our legislative institutions that is so vital if we are to restore people's confidence in Government.

It is in tribute to the efforts he has made that I stand today and single him out as a Representative who deserves to be overwhelmingly reelected by his constituents this November.

And, I do not stand alone in this view. A newspaper from Congressman RINALDO's home district, the Summit Herald, has assessed his performance and endorsed him with the words:

We know he attends to the needs of our district.

Mr. Speaker, this is a goal to which we should all aspire. That is all the more reason why we need MATT RINALDO in Congress. I would like to insert this article into the RECORD so that my fellow colleagues can see the recognition he has received.

The article follows:

CONGRESSMAN RINALDO

These days it would be easy to understand if Republican office holders were not so visible.

It's a pretty tough time to be a Republican, walk around with stature and dignity, and at the same time get the job done.

It's even tougher if your term is up, and you are about to start campaigning; and there's no chance of shilly-shallying away from direct questions, to which the electorate is entitled the answers.

Add to this vista, the dismal fact that all too often our national legislators have a tendency to be more away from the job than on it. Too often we read of junkets here and junkets there . . . all for the alleged, elusive fact-finding investigations.

But, let's face it. National government is run from Washington, and somebody should be on the job.

Well, it's with considerable pride we note that Congressman Matthew J. Rinaldo, of our own 12th Congressional district, has been cited by the House Republican Leader, John J. Rhodes, for his 95 percent voting record on House roll calls during the second session of the present, 93rd, Congress.

Undoubtedly, Congressman Rinaldo's record would have been even higher if it had not been for a compulsory two weeks hiatus last January when he underwent emergency surgery.

Congressman Rhodes added that Congressman Rinaldo has demonstrated the same sense of duty in his committee work.

From personal experience we know he attends to the needs of our district.

There seems good reason to send Matt Rinaldo back to continue doing the same good job.

## FRANK PANDOLFI AND OPERA IN CONNECTICUT

### HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. COTTER. Mr. Speaker, I wish to take this opportunity to call to the attention of my colleagues the retirement of an internationally known figure in the world of opera, Frank Pandolfi. For more than three decades he has made outstanding contributions to the cultural heritage of Connecticut.

Mr. Pandolfi is stepping down as executive director of the Connecticut Opera Association, a widely respected organization he founded in 1941 to perpetuate grand opera in his adopted State. Fortunately for opera lovers Mr. Pandolfi will continue as a consultant to the association.

Mr. Pandolfi was born in Mormanno, Italy, a nation devoted to great opera. He came with his family to Hartford, Conn., at the age of 10. With the exception of several years during his young manhood when he studied voice in New York, appeared on Broadway, sang on radio on the National Broadcasting Co., and toured for the Shubert organization, Mr. Pandolfi has made his home in Hartford.

During the Great Depression, with many theaters closed and cultural activity at a low ebb, he returned to Hartford and taught voice.

Operatic performances by touring companies were only spiratic in Hartford, but Frank Pandolfi felt the public should be able to hear and see this majestic art form which he loved so well. In 1941, he staged his first opera in a small auditorium with his students making up the cast. From this humble beginning, the Connecticut Opera Association was formed and became dynamic and internationally recognized, which annually presents an outstanding season of grand opera.

Frank Pandolfi is well known in the opera world. Under his direction, the association has brought many, many artists of international note to Hartford to perform in the most famous operas. These seasons of opera are a continually grow-

ing source of cultural enrichment for the people of Connecticut.

Artist, teacher, and impresario are all fitting descriptions for Frank Pandolfi.

I feel privileged and proud to join in public tribute, here in Congress, to Frank Pandolfi, who has not only built a legend in the arts, but is himself a legend.

I know my colleagues will join in acknowledging the outstanding achievements of this great man.

## MEMORIAL DAY ADDRESS

### HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. WYDLER. Mr. Speaker, recently I spoke at the Memorial Day services in my hometown village of Garden City in Long Island, N.Y. I was particularly pleased to address the services this year because for the first time, after serving 11 years as a Member of Congress, I could address a service without having had an American soldier die the year before. During the course of the ceremonies, the president of the Garden City High School Student Council, Mr. Paul Laud, addressed the audience and gave a short but most forceful talk. I am setting it forth in the RECORD so my colleagues may have the benefit of his words:

MEMORIAL DAY ADDRESS

For over a hundred years, Americans have been gathering together, setting aside some time at the end of May, to pay honor and respect to those who have fought, and more, to those who gave their lives in the past wars of our country: A day to pay tribute to the men and women who fought so that we might be able to take advantage of the great institution of democracy: So that we might lead our lives with the rights and freedoms guaranteed to us in the documents drawn up by our country's founders.

Unfortunately, there are those who feel that the lives perhaps were lost in vain. He is the cynic; the pessimist. And, generally, his disgust is based upon his views of young people. To him campus unrest, demonstrations, picketing, protests, rock concerts and indeed even streaking seem to be undermining and threatening the very existence of the American lifestyle and all the institutions America represents. Indeed the only thing he may be happy about is that he can rest comfortably knowing he won't be around when young people are in the positions to run the government and the country.

But he should look closer. More than ever, young people are becoming genuinely interested and concerned with developments within the government, the economy, and society. The interest lies not only in how developments in these areas affect them, but how they can change, improve, and overcome the difficulties encountered in the past.

Never have young people taken such an active role and displayed so much energy in attempting to mold a better world.

I believe the future will manifest many of today's great hopes and expectations . . . A world less soiled by prejudice and discrimination . . . a world composed of rational thinking individuals, where problems will be openly and peacefully thought through . . . and most of all, a world where justice is the rule and not the random exception.

Clearly, the hope of the future is in the hands of the young. If we should fail, then we are no worse off. If successful, then we will have carried out the good hopes and aspirations of generations of Americans before us.

We, the young, shall never let the dream of America fade . . . .

## THE HATCH ACT

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. WHITEHURST. Mr. Speaker, Prof. Philip L. Martin, a member of the Political Science Department at Virginia Polytechnic Institute and State University in Blacksburg, Va., has written a thoughtful and thought-provoking article on the reform of the Hatch Act.

I am introducing it at this point in the RECORD, because I believe that my colleagues will find it to be both interesting and helpful:

[From Public Personnel Management, May-June 1974]

THE HATCH ACT: THE CURRENT MOVEMENT FOR REFORM

(By Philip L. Martin)

In 1939, in an effort to complete the civil service reform which had begun with the Pendleton Act of 1883, Congress passed the Hatch Act which prohibited political activity on the part of most federal employees. The exceptions were those employed in the legislative and judicial branches and the policy-makers appointed by the president with the advice and consent of the Senate. One year later the law was amended to include state and local government personnel working in federally funded programs. In 1966, another amendment to the act applied the prohibition against political activity to employees of private groups who work with community action programs funded by the Economic Opportunity Act.

During the past several years, however, a movement has begun in Congress to modify the Hatch Act. The basic reason for the proposed change is that there are currently over five million federal and federally related employees who, if not legally barred from political participation beyond voting in elections, are certainly discouraged. Ths fact is especially deplored because these employees constitute approximately 2½ percent of the nation's population and about 7 percent of the voting population of 73 million.[1] Moreover, it has been pointed out that the impact of the Hatch Act is even greater in some states such as Alaska where there are over 17,000 affected employees in a population of 302,000. This means that the political participation of 6½ percent of the total and 21 percent of the voting population is restricted. In addition there are numerous "Little Hatch Acts" whose passage by the states has been encouraged by the national example. Countless state employees are thus precluded from engaging in the same types of political activities that are open to other citizens before election day.

The challenge against the Hatch Act is based first on the interpretation that it was intended only to protect public employees from involuntary political activity, and second, that the promulgation of rules and regulations to enforce the law have exceeded the original purpose. An example is the rule from Civil Service Commission Pamphlet No. 20 entitled "Political Activity, Federal Offices and Employees," which was cited on February 29, 1972 before the Elections Subcommittee of the House Administration Committee. Concerning political activity by indirection, it stated that:

"Employees are therefore accountable for political activity by persons other than themselves including wives or husbands if, in fact, the employees are accomplishing by collusion and indirection what they may not do openly and directly."

As a result of such extensions those who advocate reforming the Hatch Act believe that most affected employees are so inhibited that they follow the old axiom for survival, "When in doubt, do nothing."

PROVISIONS OF THE HATCH ACT

At this point a brief review of the Hatch Act is needed in order to understand the proposal for reform.[2] Basically its provisions fall into four categories.

*Solicitation of funds*

To begin with, employees are not allowed to solicit funds for political purposes and they are also protected against the notorious assessment policy of the past which required a public servant to contribute a percentage of his annual salary to the campaign chest of the party in power.

*Campaign participation*

Regarding campaign participation, the second prohibition of the Hatch Act is rather comprehensive. It provides:

"No person employed in the executive branch of the Federal Government, or any agency or department thereof, shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No person occupying a position in the competitive service shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute. All such persons shall retain the right to vote as they may choose and to express their opinions on all subjects and candidates."

This proscription has been interpreted to preclude a wide range of political activities along with a confusing array of qualifications.

First of all, the affected employees clearly cannot be candidates nor can they serve as delegates to any political convention. However, the Civil Service Commission has ruled that employees may belong to political clubs and vote on questions that arise, so long as they are not active in organizing the club, do not serve either on its committees or as an officer, and do not address the club on political matters. By the same token activities such as organizing and conducting political rallies, delivering political speeches, and organizing or leading participation in political parades are forbidden. Yet the Civil Service Commission has decided that if one is a member of a band or an orchestra that is generally for hire as a musical group, he may march in a political parade or play for a political rally. This exemption is evidently based on the assumption that a drummer who is a Democrat or a Republican will play no differently for his party's activity than for one which is sponsored by the opposition.

Other phases of campaigning which are prohibited include distributing any type of literature, soliciting votes and publishing any statement for or against any candidate, party, or faction. Not even a letter to the editor of the local newspaper expressing an opinion about any political candidate, issue or question can be written without violating the Hatch Act as interpreted by the Civil Service Commission. This interpretation seems questionable in view of the Hatch Act's explicit recognition of the right of political expression. Such seemingly inconsist-

Footnotes at end of article.

ent rulings have given much support to the reform movement.

*Political candidacy*

The third category concerns partisan political candidacy. Allowing a civil servant to run for election to public office while still performing his regular duties has always been incompatible with the American idea of government service. Over the years the general practice has been to require such a candidate to resign his position when he decides to run for election. Nevertheless, the Hatch Act does permit those covered by its provisions to seek nonpartisan posts such as, for example, local school boards which are theoretically removed from politics. Generally speaking, though, federal employees are not eligible, even as independents, to run for county or municipal councils since these bodies are usually chosen on partisan ballots.

*Employee organizations*

The last prohibition applies to involvement of public employee organizations. The rule is that whatever a civil servant is forbidden to do as an individual, he cannot do by indirection as a member of an association. This means that any organization of public employees cannot engage in political activity, and this restriction applies even when the representatives of such organizations are not themselves civil servants. In practice, however, it has proved to be very difficult to police organizational activity, and unquestionably government employee associations have engaged in political activity in order to further the ends of their membership.

PROPOSED REFORM LEGISLATION

The reform measure which is currently being sponsored in Congress retains the original purpose of prohibiting involuntary political activity and of preventing political participation from becoming a prerequisite for employment. At the same time there is a total rejection of any restriction on voluntary political activity which is conducted separately from the job. Therefore, the following political rights are enumerated: 1) candidacy for any public office at any level; 2) candidacy for, and service as, a party convention delegate or officer; 3) expression of political opinion; 4) membership in political clubs; 5) participation in, or organization of, meetings, caucuses, conventions, or rallies for political purposes; and 6) political campaigning.[3] To underscore their importance, the proposal makes it very clear that these rights are specifically protected against interference by any government administrators.

Although the intention is noble, there is still the crucial question of how feasible is the reform bill. How can involuntary political activity be distinguished from voluntary? Can ostensibly voluntary acts result from coercion by superiors? Opponents of reconsidering the Hatch Act, even though they would like to give more political freedom to federal employees, fear that opening the door ever so slightly will lead to subtle abuses which are very difficult to detect. Some of the problems raised by the opposition are: how can it be ascertained whether a letter to the editor endorsing a particular political candidate is an independent opinion, and not the result of a superior's "pep talk" about getting involved in the campaign? Could membership in a political club be encouraged as a clever way of obtaining political contributions through the payment of dues? How many employees will risk their superior's disfavor by complaining about his interference with their political freedom? In short, opponents emphasize that the difficulty of determining when a political act is involuntary is the principle disadvantage of easing the restrictions.

The problem of distinguishing involuntary from voluntary activities not only involves interference from the top but it also embraces the invidious mobilizing of employees by their peers. Students of informal organization know that it is possible for an administrator to use selected subordinates who are respected by their co-workers for the purpose of getting a point across to other members of the organization. Peer level communications and influence can be very persuasive, and most organizations have some employees who are extremely effective at winning acceptance of their viewpoint by many fellow workers. Whether they be true or false, stories of Depression-era WPA work gangs led to the polls by their foremen, make opponents of changing the Hatch Act pessimistically predict that more political freedom will very likely lead to the development of Byzantine-style intrigues and politics in the public service.

CONCLUSIONS—PRO AND CON

In conclusion, there are mixed feelings regarding the effect of political prohibitions on civil servants. It does not seem fair to anyone that those who work for the government should not be able to exercise the same rights of citizenship as other Americans. This philosophy has been well expressed by California Supreme Court Justice Tobriner who stated:

"The expansion of the Government enterprise with its ever-increasing number of employees marks this area of the law a crucial one. As the number of persons employed by the Government and governmentally assisted institutions continues to grow, the necessity of preserving for them the maximum practicable right to participate in the political life of the republic grows with it. Restrictions on public employees which, in some or all of their applications, advance no compelling public interest commensurate with the waiver of constitutional rights which they require, imperil the continued operation of our institutions of representative government." [4]

Although opponents of reform mostly agree with this lofty ideal, they still point out that realistically the demarcation between constitutional rights and public interest is no easier to discern than the difference between involuntary and voluntary political activity. The crux of the problem facing reform then is finding some formula which grants freedom while preserving neutrality for the public service. Opponents do not believe such a solution is possible, and so far the reformers have not found an acceptable answer. Therefore, it does not appear that the Hatch Act will be easily changed by Congress in the near future.

While legislative reform has been stalemated, the judiciary has been recently attacking what it regards as the overly broad prohibitions against political activity that are enforced at all levels of government. In late 1971 and early 1972 two municipal ordinances forbidding political participation by public employees were struck down by lower federal courts, and in both cases it was ruled that the Mitchell decision of 1947 in which the Supreme Court had upheld the Hatch Act by a 4–3 vote was no longer good law because later interpretations of the First Amendment require more narrowly drawn definitions of the guarantee of freedom of speech.[5] On the same grounds, on July 31, 1972, a special three judge federal court declared that the Hatch Act ban on federal employees was unconstitutional.

State and local employees affected by a separate section of the law were not, however, included in this decision because they were not properly represented in the case. Consequently, they will have to file their own suit.

The main point of this ruling was not that a government cannot constitutionally restrict the political activities of its employees, but rather the lack of any standard to guide those responsible for intepreting the law. As a consequence the court emphasized that a number of ridiculous applications had resulted, such as punishing federal employees for betting on an election. Any law which permits such interpretations, it was concluded, violates the current overbreadth doctrine used to review First Amendment cases.

Concerning governmental power, there was an admission of "an obvious, well-established governmental interest" in restricting the political involvement of public employees. Yet the following qualification was issued that:

"If there are impermissible areas of activity, the overriding governmental interest must be marked with utmost clarity by the Congress in a form that is obvious to the sophisticated and unsophisticated alike.[6]"

It would seem that in the opinion of the special court a more specific law would be judicially acceptable for at least some prohibitions.

None of these arguments were accepted when the Supreme Court reviewed the preceding case. Instead, on June 25, 1973, the status quo was upheld.[7] This is a most unsatisfactory conclusion because some modification of the political prohibitions contained in the Hatch Act is needed to remove the second-class citizenship of affected government employees. The end of judicial review means that the only hope left for revision is for Congress to overcome its disagreement and uncertainty, but in the minds of many reformers there is only a slight chance of such legislative success.

FOOTNOTES

[1] Philip L. Martin, "The Hatch Act in Court: Some Recent Developments," *Public Administration* Vol. 33 (1973), p. 445.

[2] This review is based on: *The Commission on Political Activity of Government Personnel*, Vol. 1 (Washington: Government Printing Office, 1968).

[3] A Bill to Restore To Federal Civilian Employees Their Rights To Participate, As Private Citizens, In the Political Life of the Nation, To Protect Federal Civilian Employees From Improper Political Solicitations, and For Other Purposes, H.R. 668, 93 Congress, 1st Session (1973).

[4] *Fort* v. *Civil Service Commission*, 392 P. 2d 385, 389 (1964).

[5] *Hobbs* v. *Thompson*, 448 F. 2d 456 (1971) and Mancuso v. Taft, 341 F. Supp. 574 (1972).

[6] *National Association of Letter Carriers* v. *U.S.* 346 F. Supp. 578 (1972).

[7] *U.S. Civil Service Commission* v. *National Association of Letter Carriers, AFL–CIO, et al.*, 409 U.S. 1058 (1973).

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## PAULA ANTONIO—COMMUNITY LEADER

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## HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Ms. HOLTZMAN. Mr. Speaker, I would like to salute today a constituent of mine, Mrs. Paula Antonio, who is leaving her post as president of the 63d Precinct Community Council.

In her 3 years in office, Mrs. Antonio has worked tirelessly and tenaciously to serve her community. Whether seeking to improve neighborhood security, organize athletic events for children, or obtain essential government services and improvements, Mrs. Antonio and the community council have given invalu-

able assistance to the people of Marine Park, Flatbush, and Flatlands.

I believe that the strength of a community depends in large measure on the quality of its volunteer leadership. I am proud of the many active and capable community leaders in my congressional district and delighted to acknowledge Mrs. Antonio's role as such a leader. Her abilities will be sorely missed by the 63d Precinct Community Council, but I am sure that she will continue to serve us in activities with many other community organizations.

## CONGRESSIONAL REFORM: DON'T THE MEMBERS GIVE A DAMN?

### HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. MARTIN of Nebraska. Mr. Speaker, one of the most pungent statements about the fate of the Committee Reform Amendments of 1974 appeared on May 11 in the New York Daily News, the Nation's largest general-circulation newspaper.

The editorial accurately points the finger at the big special interests which ganged up to defeat the reform bill behind closed doors in the Democratic Caucus.

I fear the editorial writers may be correct when they suggest that many Democrats are lulled by Watergate into thinking that the public is blind to the pressing need for a more effective Congress. The editorial concludes:

If they've been reading the polls on the public's opinion of Congress, they'd think otherwise. Or don't the members give a damn?

The complete editorial, "Congress Reform Stymied," follows:

CONGRESS REFORM STYMIED

Rep. Wilbur Mills (D-Ark.) has apparently won his battle to keep House committees operating along the same old inefficient, 19th century lines. He and other powerful committee chairmen have blocked a sweeping reform bill, authored by Rep. Richard Bolling (D-Mo.), which would consolidate, reorganize and streamline House committees to meet the demands of the modern world.

The bill was sidetracked to a Democratic caucus committee "for further study."

The reorganization measure would limit members to only one major committee chairmanship, diluting the power of old-line chairmen and giving newer members a chance to get in on the action. It would also set up two new budget committees in both houses to try to limit the ever-rising spending programs that keep laying new tax burdens on the public. Now that is all down the drain.

A gang-up of big labor, big business and special interest lobbies worked hard to dump the reform bill. They want to keep their influence over present committee chairmen.

Perhaps the Democratic majority believes that, with the presidency in deep trouble over Watergate, the people don't care whether Congress continues on its bumbling, money-wasting course.

If they've been reading the polls on the public's opinion of Congress, they'd think otherwise. Or don't the members give a damn?

## WEST GERMAN ELECTIONS

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. ASHBROOK. Mr. Speaker, the resignation of Willy Brandt as Chancellor of the Federal Republic of Germany earlier this month surprised many people. The ostensible reason for his abrupt departure from office concerned a spy scandal that had rocked his government.

But to close observers of the German scene, many problems preceding the scandal undoubtedly contributed significantly to Brandt's decision to resign. The people of Germany had expressed discontent with many of Brandt's policies through the numerous local elections that have taken place in Germany this year.

In an article which appeared in Die Welt several weeks before Brandt's resignation, the municipal elections were analyzed as a plebiscite on Brandt's politics. The author of this article, W. Hertz-Eichenrode, notes that the Christian Democrats have made consistent gains of from 7.7 to 9.6 percent in the various elections. The vote, he points out, is largely a protest vote and hence even the present beneficiaries of this discontent, the CDU, "is in an uncertain position."

In order to better understand the important changes that have been taking place in Germany, I commend this article to the attention of my colleagues. Following is the text of the article:

[From Die Welt, Mar. 26, 1974]

WAVES OF PROTEST—MUNICIPAL ELECTIONS AS A PLEBISCITE ON BONN'S POLITICS

(By W. Hertz-Eichenrode)

Within one month the test has been taken four times, and it can now be said positively that since the last Bundestag (federal parliament) elections in 1972 not only the election trend has been upset, but that the voters, too, have basically changed their habits.

One state parliamentary election (Hamburg) and three municipal elections (Rhineland-Palatinate, Schleswig-Holstein, North Hesse) demonstrate a reorientation from the SPD (Social Democrats) to the Christian Democrats (CDU), extending from the city of several million inhabitants to the flat countryside. That means that the nature of the municipal elections has changed. They no longer reflect local characteristics, but are fitting in with the supraregional development. The element of electing individuals is receding, the local political personalities cannot reverse the general trend as a rule.

Obviously, the voters are now regarding each of the great parties as an undivided power instrument, extending from the townhalls, over the state capitals to Bonn, thus basing even their votes for the municipal elections strongly on general criteria of federal politics. Hence every municipal election becomes a test for Bonn.

In the four elections the SPD has lost by at least 5.8 percent (Rhineland-Palatinate) when compared to the last municipal or state elections—on the average even more than that—and in comparison to the last federal parliamentary elections the loss has been at least 9.5 percent. The FDP (Free Democrats) has picked up in comparison to the last municipal or state parliamentary elections by 3.8 percent in Hamburg and 3.3 in Schleswig Holstein. It has, however, only slightly exceeded its last federal election results. For the Bonn coalition parties this outcome is alarming: the FDP's minor gains vis-a-vis the last Bundestag elections do not suffice by a long shot to make up for the SPD's losses.

As far as the CDU is concerned, a striking fact can be noted: In comparison to the last municipal or state parliamentary elections it has picked up votes by a remarkably consistent rate, ranging only between 7.7 and 9.6 percent. Its gains since the last Bundestag elections point up an average 8 percent with the lowest rate amounting to 5.7 percent (Rhineland-Palatinate). In a Bundestag election that would give it the absolute majority in Bonn.

For the SPD all this did not come out of the blue sky. It may console itself with the hope that the voters' protest will decline if it succeeds in spreading some economic optimism. However, that is not its basic problem. As a ruling party it is suffering from rapid attrition which finds its expression in Brandt's weakness of leadership. The strong leftist forces are trying to impose upon their party the recognition that successful reforms cannot be implemented "within the framework of the system". Sooner or later Brandt's party will have to make up its mind whether it wants the transition from social to socialist free-market economy or not. As long as it is in power, it cannot carry out this dispute. It can only accomplish that in the opposition.

For the FDP the situation looks altogether different. It still thinks that its chance lies in attracting those voters within the coalition parties of Bonn who are turning their backs on the SPD. Although the trend—as could be noticed by the remarkable flexibility of the voters of the outskirts of Hamburg last Sunday—is not yet unequivocal, it does point out that voters turning their backs on the SPD are directly moving over to the CDU. Not before the parliamentary elections of Lower Saxony will the FDP know for sure whether its commitment to the SPD guarantees its survival or leads to its demise.

The CDU, too, is in an uncertain position. It has to assume that it owes its high gains to protesting voters. Its problem is how to make the new voters firmly committed to it. That does not only require intellectual attractiveness which it still lacks. Just because the SPD is showing leadership weakness, the CDU should prove strong leadership, and that necessitates early agreement on a candidate for Chancellor, who must then be the uncontested leader. Those are the objective facts. On the other hand, the time is not ripe yet for a CDU/CSU debate on the candidate's choice. Yet, it is conceivable that the Lower Saxony election will become a signal—in the event that a CDU victory renders the CDU/CSU independent of the outcome of the parliamentary elections in the Rhineland-Palatinate, Helmut Kohl's domain.

After the parliamentary elections in 1972 the party scenery seemed to have been consolidated into a two-force system (SPD/FDP and CDU/CSU). The March elections have turned it into a three-force system, in which the FDP must find its own role. As a consequence, all kinds of coalition models are being speculated on all around, and not lastly in Bonn. In this context the rules of a representative democracy should, however, be brought to mind: The votes for building a government are given for a term of four years. Experiences with the Great Coalition (SPD/CDU) which was inaugurated in 1966 without prior elections, should serve as a deterring factor. Premature coalition experiments would break off the CDU/CSU renewal process in the opposition before it has been concluded.

Such experiments should be out of the question also for the following reason: they would risk the stability of the party system

which has been convincingly reconfirmed by this month's elections. Stability is demonstrated by the fact that the voters' strong protest movement does not lead to radicalism. Without evidence of a political decline the protest is stopped within the system of the three parliament parties.

## CANCER CONTROL WORK PROGRESSING UNDER NATIONAL CANCER ACT

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. DULSKI. Mr. Speaker, Dr. Gerald P. Murphy, director of Roswell Park Memorial Institute in Buffalo, N.Y., recently returned from an international meeting on cancer control collaboration, and reports that it was a most successful gathering.

Roswell Park is the oldest comprehensive cancer center in the world, and the efforts of its staff have put it in the forefront of the fight against cancer.

I would like to insert in the RECORD Dr. Murphy's letter and a statement on the meeting held May 22 through 24, 1974, in Geneva, Switzerland. The aim was to promote some of the international facets of the National Cancer Plan; more specifically, the International Cancer Research Data Bank. The letter follows:

ROSWELL PARK MEMORIAL INSTITUTE,
*Buffalo, N.Y., May 25, 1974.*

Congressman THADDEUS J. DULSKI,
*Congress of the United States, House of Representatives, Cannon Office Building, Washington, D.C.*

DEAR CONGRESSMAN DULSKI: We had a very successful meeting in Geneva, Switzerland, May 22–23, sponsored by the Committee on International Collaborative Activities' working group of the International Union for the Control of Cancer. Enclosed for your information is a resume of the Secretary, Dr. J. Delafresnaye. This meeting marked the final and full implementation of the International Cancer Data Bank as mandated by Congress in the National Cancer Act of 1971. I am most delighted that Roswell Park Memorial Institute and other American and International cancer institutes contributed to the successful implementation of this most important aspect of the National Cancer Plan. Dr. Gregory O'Conor, of the National Cancer Institute, and other able international representatives enabled the successful implementation of this important endeavor.

Sincerely yours,
GERALD P. MURPHY, M.D., D.Sc.,
*Institute Director.*

STATEMENT

The meeting was called by the International Union Against Cancer which has set up a special committee—The Committee on International Collaborative Activities—which has in fact two main functions. First, it will advise, upon request, the National Cancer Institute on the international aspects of the Data Bank. Second, it will encourage collaboration between cancer centers and institutes throughout the world.

Senator Pell who, among others, has been instrumental in writing into the National Cancer Act of 1971 the paragraphs relating to the International Cancer Research Data Bank, addressed the meeting. He stressed that in building integrated systems and developing rational processes for the collection, categorization, and use of information, the American legislators have in mind the benefit to mankind which would result from the flow of information across international borders.

He stressed that the United States had made one of its greatest modern peacetime commitments when it authorized, in the National Cancer Act of 1971, one and one half billion dollars for an initial three years of cancer research and cancer research orientated treatment.

The Committee on International Collaborative Activities, under the chairmanship of Professor T. Symington of London (UK), which comprises such eminent leaders as Dr. R. Lee Clark of Houston, Texas, and Dr. G. P. Murphy of Buffalo, New York, expressed its great satisfaction with this statement of encouragement and of solidarity.

The main discussion centered around the establishment and support of Cancer Information Analysis and Dissemination Centers and the promotion of international cooperation in this area, the support of multilateral exchange of cancer researchers, and the sponsorship of international cancer study groups to bring about standardization of nomenclatures, reporting of results which is essential for international understanding, and the setting up of networks of collaborating institutes.

Recommendations were addressed to Dr. Rauscher, of the National Cancer Institute, in response to his requests.

## BICENTENNIAL CONGRESS

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. HELSTOSKI. Mr. Speaker, under the direction of Dr. Silvio R. Laccetti, of Stevens Institute of Technology, the three colleges of Hudson County recently sponsored a highly successful bicentennial congress. The purpose of this congress, which was attended by over 300 delegates, was to encourage public participation in our national bicentennial observance.

At the Hudson County Congress, a resolution was passed which highlights the true meaning of America's bicentennial. Many of the ideas included in the resolution were contributed by Dennis Rhodes, a Fairview resident, and student at St. Peter's College.

In the resolution, the Congress holds that the bicentennial represents "a reaffirmation of those ideals and commitments which have brought forth, developed and characterized our national life"; and personally I could not agree more fully.

Mr. Speaker, while our bicentennial will be a time for celebration, it will also be a time for reflection; and in view of the importance of this occasion, I would like to take this opportunity to share this most inspiring resolution with my colleagues. The resolution follows:

RESOLUTION: HUDSON COUNTY AMERICAN REVOLUTION BICENTENNIAL CONGRESS

The act of commemorating our nation's Bicentennial is a reaffirmation of those ideals and commitments which have brought forth, developed and characterized our national life. The American republic cannot remain vibrant if its basic political tenets are only confined to the written word transcribed and stored in museums, monuments, and textbooks. These tenets must be written large in the minds of all citizens and we must continually strive to foster a general and immediate awareness of government and of the individual's role in it. Responsible citizenship finds its most powerful ally in a vigorous, free local press, serving as the public's eye in the corridors of civic affairs.

The present social and political changes and uncertainties, rather than serving as a cause of bewilderment and confusion, should instead serve to stimulate the creative energies and abilities that this nation has so often summoned forth in the past.

We affirm:

(1) Government and public policy is the reflection of broad citizen participation and direction. The increasing complexity and challenges of our future life demand greater vigilance and involvement on the part of all American citizens.

(2) Our institutions, among them a free press the educational system, and constituted government on all levels, though structurally sound, must be continually renewed and equipped to meet the future.

Conceived in the crucible of change, America has accepted her previous challenges and will accept these persent ones in her quest for a better life for all her people.

Therefore, let this Congress resolve that the Bicentennial commemoration, through its activities, committees, and involved citizens, reaffirm and seek everywhere to encourage and strengthen these basic principles for America's Third Century.

## WATERGATE AND THE CONSTITUTION

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mrs. MINK. Mr. Speaker, on Friday, May 10, 1974, Philip Curland of the University of Chicago spoke on "Watergate and the Constitution" before the University of Chicago Alumni Club at the Atrium in the Kennedy Center, Washington, D.C.

His remarks discussing the growth of the White House as a fourth branch of Government are a significant scholarly contribution to the discussion of the constitutional implications of Watergate.

For the benefit of my colleagues I am inserting his speech, "Watergate and the Constitution," at this point in the RECORD:

WATERGATE AND THE CONSTITUTION

There is, you must concede, a certain awkwardness in an ivory-towered professor from the hinterlands of Chicago coming to Washington to speak to you about Watergate. In a way it reminds me of suburbanites offering their advice to city dwellers on where public housing should be located within the city. It is redolent, too, of the staunch positions on busing taken by parents whose youngest children have recently reached college age. For Watergate is a creature of Washington. Indeed, it may be said that today Watergate is Washington and Washington is Watergate.

Yet there are some reasons why the outlander may speak to the native. First is the fact that if the events of Watergate are essentially local, their repercussions are na-

tional and international. Second, it is apparent that total immersion has resulted in inadequate comprehension here at the scene of what is really going on. I would point, for example, to a recent headline of The Washington Post, a paper that may properly be called the "mother" of the Watergate affair. The page-one story was labelled: "Chicago Has Watergate of Its Own," or something like that.

If the Washington Post cannot see the differences between the corruption that is Watergate and the corruption of party politicians lining their own pockets from the public till, the difference between the corruption of Agnew and the corruption of the White House, then, indeed, the citizens of the Potomac are in need of counsel from the outside world. My point can be made by a quotation from a letter of William James, written at the time of the Dreyfus affair, a letter that a visitor from Chicago to Washington could well adapt to his own use today. James wrote:

"Talk of corruption! We don't know what corruption means at home, with our improvised and shifting agencies of crude pecuniary bribery, compared with the solidly entrenched and permanently corruptive geniuses of monarchy, nobility, church, Army that penetrate the bosom of the higher as well as the lower kind of people in all European states . . . and sophisticate their motives away from the impulse to the straightforward handling of any simple case."

Substitute for the words "monarchy, nobility, church, Army," the words "presidency, bureaucracy, party organizations, and the CIA" and the transference from the shame of the Dreyfus affair to the shame of the Watergate affair becomes evident.

I should like to suggest tonight that the problems thrown up by Watergate may be found in four elements; two different kinds of constitutional questions and two different kinds of corruption. And it is where the perimeters of corruption overlap the perimeters of constitutional violations that we discover the greatest dangers to representative government and democratic freedom.

Let me speak first to some of the constitutional questions that have been the focus of so much attention in our daily news reports. Here, the primary issues have involved two not unimportant constitutional concepts, but nevertheless constitutional concepts of subordinate importance when compared with the constitutional issues that have received inadequate public attention. The two notorious concerns have been with the meaning of the impeachment provisions and with the scope of "executive privilege," a term that finds no delineation either in the words of the Constitution or in the history of the Convention of 1787 that gave birth to that constitution.

The central question about impeachment is whether the Constitution demands that the impeachment processes rest on evidence of an indictable offense, *i.e.*, a violation of the criminal code of the United States. The total argument for this position rests on the fact that the constitutional language of Article II, § 4, provides impeachment for "Treason, Bribery, or other high Crimes and Misdemeanors." It is argued that there can be but one meaning for the words "crimes and misdemeanors" and that meaning is an offense against the positive, enacted criminal statutes. This construction has bemused even some of our most eminent constitutional authorities, including the venerable Senator Sam Ervin.

The fact of the matter is that the phrase "high crimes and misdemeanors" comes to us with an established provenance. And none can read, as I have read, the English history of impeachment that preceded the formation of the Union, the debates of the Constitutional Convention of 1787, the contemporary and authoritative construction of the Constitution as it emerged from that convention, and the history of the impeachment clause in the years that have elapsed since the Constitution was written, without concluding that the phrase was meant to connote something more than, and different from, misbehavior that was punishable under the criminal laws. The Constitution was not concerned with ordinary punishments for ordinary crimes: that was left, by the impeachment provisions themselves, to the ordinary courts of law for resolution. As James Wilson, one of the founders wrote, impeachment was directed not to ordinary crimes committed by ordinary criminals, but rather to "political characters, to political crimes and misdemeanors, and to political punishments." He summed it all up in a single word. For him an impeachable offense was defined as "malversation," which the dictionary tells us has meant, since 1549, corrupt behaviour in a position of trust."

I submit that there can be no doubt that Professor Raoul Berger is confirmed by both English and American history in his catalogue of impeachable offenses as including: (1) misapplication of funds; (2) abuse of official power; (3) neglect of duty; (4) encroachment on or contempt of the legislative prerogatives; and (5) the abuse of office for self-benefit.

Indeed, the alternative construction, limiting impeachments to prosecutions for criminal offenses, is both demeaning of the impeachment function and more expansive in its consequences. For in this day and age, a criminal charge rather than breach of trust is the easier standard to meet. One need only look at the myriad prosecutions and convictions in the national courts for conspiracy, mail fraud, and income tax evasion to recognize that every American citizen lives under a sword of Damocles whose gossamer threat may be broken by any self-willed prosecutor. Certainly the petty events that are the concern of our criminal processes were not the concern of the authors of the Constitution when they wrote the impeachment provisions.

Perhaps now that the President's version of some taped White House conversations has been released, there will be less controversy over the need for a criminal offense to base an impeachment proceeding. For these transcripts certainly reveal ample evidence of a prima facie case of obstruction of justice and subornation of perjury or, at the very least, conspiracy or attempts to commit these crimes. The editorial leader in the New York Times of May 6th, and both Time and Newsweek this week, have reprinted the text on which such charges can rest. And, as Tony Lewis wrote in the newspaper of the same day, referring specifically to §§ 2 and 1510 of Title 18 of the United States Code, "By the standards of what is required to bring an ordinary indictment, there is overwhelming evidence in these transcripts that Richard Nixon committed Federal crimes."

I should insist, nevertheless, that the transcripts as a whole reveal even more clearly the "malversation" of which James Wilson wrote, which ought to remain the proper basis for calling into question whether the incumbent President should be removed from office because he has so abused the highest trust that the nation affords to any man.

It is important, too, to note that we should not be misled into making the Watergate coverup the sole issue for Senate consideration. The coverup is but one element that must be weighed when the President is called to the bar of judgment. For me, at least, such sins as may have been committed in the name of Watergate are of less significance than, for example, the abuse of presidential power by the creation of a secret police under the euphemism of "the Plumbers" and the perversion of the powers of the F.B.I., the C.I.A., the Internal Revenue Service, and the Department of Justice. For these acts are far more dangerous to American constitutional liberties than the attempted concealment of White House implication, whether before or after the fact, in the Watergate break in.

The other constitutional question of prominence has been that of the proper scope of "executive privilege." There are two kinds of "executive privilege." One calls for the exemption of the Chief Executive of his nation from the duty to respond in his person to subpoenas from either the legislative or judicial branches of government. I believe, as Jefferson said, that this is a valid and necessary attribute of the presidency. I do not, however, believe that it extends beyond the person of the President to include those of his aides who happen to hold office in the White House itself, incidentally, without the advice and consent of the Senate.

The other form of "executive privilege" is concerned with the right to conceal data from the legislature, the judiciary, and even that newly created monarch of monarchs, the press. Here, too, I believe that such a privilege exists, but that it is confined either to materials whose publication would endanger the safety of the nation or to confidential communications about matters of state. I do not think that it affords limitations on access: 1) to non-confidential communications or, 2) to confidential communications that are external to the actual business of government, such as campaign activities, or 3) to evidence of illegal behavior. The last, of course, may be protected by the privilege against self-incrimination, but only by the affirmative invocation of the Fifth Amendment. The hard question, the answer to which I do not pretend to know, is how it is to be determined whether material properly falls within the privileged area. I am certain that the mere ipse dixit of the executive is not enough to establish the privilege. At the very least, the President owes a reasoned explanation of why the concealed data should be accorded the privilege that he seeks for it. But, except for the impeachment process, I know of no machinery to compel him to act properly.

The questions of impeachment and executive privilege, important as they are, however, pale in significant when compared with the other constitutional issues that have been revealed by Watergate. Nor will the resolution of the former cure the deep constitutional ills from which we as a nation are suffering.

George Washington's decision not to be available for a third term as President of the United States was announced in what we have come to know as his Farewell Address. Even Macaulay's schoolboy knows of the Farewell Address. Aside from the injunction to abstain from all foreign entanglements, however, the contents of the Farewell Address have been obscured by time and circumstance. Henry Steele Commager has told us that the admonitions contained in the Address "have influenced American history far more than Washington himself could have anticipated." And yet, it must be conceded, that none of the advice so painstakingly offered has been abided. Washington warned against political parties and they have come to dominate American affairs. He advised against "overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are now regarded as particularly hostile to republican liberty." He admonished us that: "It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence."

Included among his cautions was one that it is particularly relevant to the subject of our discussion tonight. In 1796, he told us:

"It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all departments in one, and this to create, whatever the form of government, a real despotism."

We are met today with a far different constitution than that which Washington bequeathed us. We have seen the concentration of power in the Presidency that has been achieved by the usurpation of which Washington warned us, aided largely by the abdication of responsibility by the Congress. We are, indeed, threatened by that despotism which he decried, whether it be called "benevolent" or not.

The affair called Watergate, however, has brought the spectre of totalitarianism to the attention of the American public. Now, as hardly ever before, we are cognizant of the crisis that we face. For the first time in many years Congress is seeking to assert itself. And the question is whether or not it is too late to restore the constitutional balance that our Founding Fathers created.

Heretofore, crisis has been the handmaiden of presidential power. Whether the crisis was economic, as was the case when Franklin Delano Roosevelt first came to power, or a military crisis of the kind that has plagued every generation of Americans, starting with World War I, it has always brought with it exaltation of executive authority. And each time, at least until the advent of the Vietnamese War, this concentration of authority has been justified not only by our leading liberal politicians but also by our most eminent scholars, either on the ground of necessity or expediency.

Facts are to be faced, and the facts are that since Franklin D. Roosevelt's tenure all meaningful government power has been vested in the national government. And, within the national government that power has since been concentrated in the executive branch. This, I hasten to add, is not a result of the Nixon incumbency.

As Tom Wicker, certainly no friend of the President, has told us:

". . . it was "strong" Democratic Presidents who did the most to expand the Presidency to its imperial status . . . the doctrine of implied powers . . . is primarily the product of liberal Democratic thought and policy and ultimately was bound to lead to abuse.

"This is not a justification for Watergate or any other excessive use of state power, it ought to be a warning however, that liberal Democrats will not automatically end the threat to liberty inherent in the imperial Presidency merely by coming back to power in 1976."

The point I should like to make here, however, is that the dangers to American democracy and freedom against which George Washington warned lies not only in the adhesion of power to a single man, the President, but the adhesion of power to the executive office of the President: an executive office that encompasses the C.I.A., the National Security Council, the Council of Economic Advisers, and the Office of Management and Budget among its unchecked, unlimited, and unelected "guardians" of the American people. To use Mr. Heren's analogy, what we have witnessed in the Kennedy, the Johnson, and the Nixon administrations is a return to that period of English history when the power was not wielded solely by the king but by the king and his council, *i.e.*, to the period that led up to the American Revolution.

A startlingly perceptive and insightful work, Professor Bernard Bailyn's *The Ideological Origins of the American Revolution*, published in 1967, demonstrates that the intellectual case for the American Revolution was based not so much on those simplifications about George III that are taught in our history courses, as on the notion that the English constitutional system on which all men's liberties depended had been perverted by the men around the Crown in conjunction with the king rather than by the king alone.

The American Revolution was a political revolution not a social or economic revolution. It was fought to restore the constitutional balance that Englishmen and Americans thought essential to the liberties they claimed. In the two centuries that have elapsed, the "corruption of the constitution" which they deplored has once again occurred. And, if our liberties are to be preserved, we should be looking to the means to restore the constitutional balance among the three branches of government.

The first step toward the restoration of our constitutional democracy is clear to me, if to no one else. It would be the abolition of the "fourth branch of government," to quote from Bailyn's sources, " a kind of fourth power that the constitution knows nothing of, or has not provided against."

I don't know yet when the euphemism "The White House" first came into use as a description of something other than the Presidential mansion at 1600 Pennsylvania Avenue. But it was exactly when the "White House" became what it now is, a fourth branch of American government, that we were committed to take the road that led to Watergate. My proposal is, therefore, that the first step back towards our constitutionally established democratic principles is to remove the powers accumulated in the so-called Executive Office of the President, to dissipate the Office of Management and Budget, the National Security Council, the Council of Economic Advisers, the czar of this and the emperor of that. Put these functions back in offices that are subject to Congressional control and public scrutiny, or in administrative agencies that could be made totally free from Executive Office corruption. It would be only a second step to attempt to abate the abuses of bureaucratic power in the old line departments and the so-called "independent agencies."

Watergate is the consequence of two kinds of corruption. The first is what I have described as the "corruption of the Constitution." The second is the corruption of the people and their leaders. In 1835, Mr. Justice Story wrote:

"Unless the people do at all times possess virtue, and firmness, and intelligence enough to reject mischievous influence; unless they are well instructed in public affairs, and resolutely maintain the principles of the constitution, it is obvious that the government itself must soon degenerate into an oligarchy; and the dominant faction will rule with an unbounded and desolating energy."

The fact is, of course, that no institutions, however perfect—and the constitutional plan of checks and balances can hardly be deemed perfect—can function without the appropriate human beings to run them. The Founders had in mind not only a concept of the Presidency but the kind of man they wanted when they prepared Article II.

Despite their great respect for Washington, they limited the executive power as no national government had ever before limited executive power. The need for a Washington was, nevertheless, pervasively felt. The problem of finding the right men for the right governmental posts has plagued us from the beginning. The distinguished French historian, Francois Guizot supplied the introduction to Jared Spark's biography of Washington. In 1837, Guizot wrote:

"The disposition of the most eminent men, and of the best among the most eminent, to keep aloof from public affairs, in a free democratic society, is a serious fact. . . . It would seem as if, in this form of society, the tasks of government were too severe for men who are capable of comprehending its extent, and desirous of discharging the trust in a proper manner."

Today we are suffering not only from a corruption of the Constitution through perversion of the institutions of government, but a corruption of Constitution because the men chosen for high office are unworthy. A President of the United States who tells us that he is "not a crook," thereby affords little reassurance of his qualifications for office, even if we could credit him with a capacity for the whole truth. It is not enough that the President of the United States is "not a crook." There is more to honor and duty than not stealing from the public fisc. The reassurances we *need* and have not received—because deeds and not words are the only cogent evidence here—is that the authority of the United States government is not expended merely to effectuate the personal whims or wishes of those in high authority nor only to benefit their personal friends and do harm to their personal enemies. Unfortunately, we live in an age when it is no longer the love of money that is the root of all evil; for our time it is the love of power that is the root of all evil. And no better evidence of this could be provided than the transcript *of* the presidential tapes to which we have recently been made privy.

A system of Presidential selection—not, incidentally, the one created by the Constitution—that leaves the voters only a choice between Scylla and Charybdis, as it did in the 1972 election and in some earlier elections, has helped bring us to this most grievous point in our history. The crisis called Watergate has provided us pain and suffering, outrage and disgust, fear and trembling. It has also afforded us an opportunity not likely to come again, to reexamine the "corruption of the Constitution" from which we have been *suffering* these many years and to try to effect a remedy before it is too late. That objective should not be forgotten as we so inexorably march to the most traumatic political event that can occur in our constitutional system, the impeachment of a President.

## SILVER JUBILEE OF THE REVEREND JOSEPH KOZLOWSKI

### HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. RONCALLO of New York. Mr. Speaker, I wish to share with my colleagues the great joy and happiness of myself and the many, many family, friends, and acquaintances of the Reverend Joseph Kozlowski of Glen Cove, L.I., who will celebrate a Mass of Thanksgiving on June 9 at 12:30 at St. Hyacinth's Auditorium to mark his silver jubilee.

Father Kozlowski, who was ordained June 11, 1949, has been pastor of St. Hyacinth's Church since 1970.

Following his ordination 25 years ago, Father Kozlowski served for 11 years as a curate in St. Hyacinth's. From 1960 to 1970, he was assigned to St. Hedwig's Church, Floral Park.

Father *Kozlowski* was born in Queens. He attended Holy Cross School in Maspeth and St. John Kanty Prep, Erie, Pa.

He studied for 1 year at Cathedral College in Brooklyn and graduated from SS.

Cyril and Methodius Seminary, Orchard Lake, Mich.

Father Kozlowski is the chaplain of the Pulaski Police Association of Nassau County and in 1972 was the grand marshal of the Pulaski Day Parade in New York City.

He is also active in several Polish, civic, and community organizations in Glen Cove.

I am proud that I will be among those present at the silver jubilee banquet to be celebrated in Father Koslowski's honor on Friday, June 7. I join with all of Congress in extending our best wishes and congratulations to Father Koslowski on this joyous occasion for his service to God and community.

## FORTIETH ANNIVERSARY OF THE ORDINATION OF THE REVEREND JOHN J. McQUEENEY

### HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mrs. GRASSO. Mr. Speaker, later this month parishioners of St. Mary's Church in Windsor Locks—the parish in which my family and I have lived all the days of my life—will honor our pastor, Father John J. McQueeney on the 40th anniversary of his ordination.

It is with a deep sense of pride and affection that I join my fellow parishioners in paying tribute to this good and decent man. His hard work and diligent efforts in the vineyards of the Lord have meant so much to the people of my hometown and other communities in which he has served. The parishioners of Windsor Locks have had the good fortune to have Father McQueeney as our pastor since 1962. His first pastorate was at St. John the Evangelist in West Hartford, while he received curate appointments earlier at churches in Bridgeport, Norwalk, and Elmwood.

Father's training for the priesthood began at St. Thomas Seminary in Bloomfield, Conn. He is also a graduate of Sacred Heart University in Bridgeport and St. Mary's College in Baltimore. He was ordained by the late Bishop Maurice McAuliffe in 1934 at St. Joseph's Cathedral in Hartford.

Father McQueeney has been a source of counsel and direction, comfort, advice and wide-ranging enthusiasm and creative thought. His parishioners speak of his zeal as an educator, a community leader, and a dedicated man of God. They know that selfless sacrifice for all mankind is a true hallmark of his long and distinguished career.

Father has served St. Mary's faithfully. Under his pastoral guidance, there have been improvements in the convent and the parish center, the formation of a parish council and the creation of a "drop-in center" for teenagers.

But his involvement does not stop with his church and its people. It extends deep into the whole community. He is a member of the Citizens Advisory Board on the Aged in Windsor Locks and of the Juvenile Review Board. In short, his energy and enthusiasm in the people's behalf make him an inspiration to all of those whose lives he has touched.

We at St. Mary's are grateful for having Father McQueeney as our pastor. He has always sought excellence in the performance of his priestly duties. His hard work and many contributions and accomplishments reflect a boundless compassion for and commitment to all those around him.

Mr. Speaker, I am delighted to honor Father McQueeney at this truly auspicious time, and to wish him continued health and happiness in God's work which truly is his own.

## THE CASE FOR A FEDERAL OIL AND GAS CORPORATION—NO. 40

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. HARRINGTON. Mr. Speaker, the American Enterprise Institute for public policy research, in a recently released analysis of the Federal Oil and Gas Corporation, presents an excellent overview of the oil and gas resources available on Federal lands.

Because the Federal Oil and Gas Corporation has as its mandate the development of resources on public lands, it is important to realize the magnitude of those resources.

An excerpt from the report follows:

ISSUES ON USE OF FEDERAL LANDS TO MEET NATIONAL ENERGY NEEDS

According to advocates of a Federal Oil and Gas Corporation, the primary task of FOGCO would be to explore for, develop, and produce the large deposits of oil and natural gas on lands owned by the federal government in order to satisfy national energy needs.

The USGS has estimated that there are almost 500 billion barrels of oil in proven indicated additional and undiscovered reserves, and almost 2,400 trillion cubic feet of proven and undiscovered natural gas reserves yet to be found onshore and offshore in the United States. Estimates of what portion of these resources is under federal lands range from 50 to 75 percent.

The Mineral Leasing Act of 1920 and the Acquired Lands Act of 1947 permit the leasing of most public and acquired lands of the United States for oil and gas development. Excluded, however, from the operation of the act are oil and gas lands in (1) national parks and monuments, (2) lands acquired under the Appalachian Forest Reserve Act, (3) lands in military, naval, and Indian reservations, (4) lands in incorporated cities, towns, and villages, and (5) lands in naval petroleum and oil shale reserves.

In his testimony before the Senate Commerce Committee, George L. Turcott, Associate Director of the Bureau of Land Management, discussed the quantity of federal land acreage and the amount of present leasing for oil and gas development:

"Exclusive of Indian reservations, there is an estimated 815 million acres of Federal land, including reserved mineral estates in the United States administered by the Bureau of Land Management. Lands within the National Park system, military reservations on acquired lands and naval petroleum reserves total approximately 65 million acres, leaving an estimated 750 million open to oil and gas leasing.

"Approximately ten percent of these lands are presently under Federal oil and gas lease. As of June 30, 1973, there was 104,218 outstanding Federal oil and gas leases embracing 74,292,109 acres. The peak leasing activity occurred in 1960 when 139,553 oil and gas leases were outstanding, embrasing 113,675,492 acres. Almost all this was due to the "gold rush" atmosphere in Alaska at the time surrounding the initial discovery of oil. In 1960 there were 16,547 leases embracing 34,908,153 acres in Alaska. As of June 30, 1973, there were only 2,443 outstanding oil and gas leases in Alaska embracing 4,509,978 acres. In addition, there are over 1,000 leases embracing about 4,400,000 acres on the Outer Continental Shelf.

"All Federal lands subject to operation of the oil and gas leasing acts are open to leasing at all times. Except for lands in known geologic structures of producing oil and gas fields, all lands are open for filing of applications to lease. Less than ten percent of all Federal lands (Naval Petroleum Reserves) are unavailable for oil and gas leasing."

Yet, federal leases have never covered more than 15 percent of the available federal lands.

The development of these resources is influenced by several factors, the determination of which involves costly and time consuming geological and geophysical procedures to see if a potential resource thought to exist does exist. The USGS has not had the funding or the manpower to adequately carry out these procedures. In addition, it has been suggested that the present system of bidding for rights to explore for and develop energy resources on federal lands is not the best means of developing these resources. Therefore, vital domestic energy supplies remain to be tapped, and they are located largely on federal lands. How these resources should be developed is now the policy issue before the United States Congress.

## BERKELEY SCHOOL BOARD AGAINST BUSING RESTRICTIONS

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. DELLUMS. Mr. Speaker, for years Berkeley, Calif., along with many other communities throughout the country, has benefited from public school busing.

Busing is one way to insure the right to education for all on equal terms. In Berkeley, despite the fears of some, busing has tended to improve the school system as a whole and to enrich the educational experience of a large number of students.

Recently the Berkeley Board of Education unanimously passed a resolution expressing its views on the value of busing. To show that busing can be a very positive thing and to counter commentary to the contrary, I place in the RECORD at this point the following resolution of the Berkeley Board of Education:

RESOLUTION IN OPPOSITION TO U.S. SENATE ANTIBUSING ACTION

Whereas, the Berkeley Board of Education protests Congress's attempts to prevent the integration of this nation's public schools; and

Whereas, we are convinced that the development of equal educational opportunity for all youngsters begins with the elimina-

tion of unequally staffed and equipped schools and the elimination of racial isolation. Busing youngsters is one way to achieve this; and

Whereas, Berkeley eliminated its ghetto schools in 1968 with a busing program, and we know it works; and

Whereas, the Berkeley Board of Education regrets that the two Senators from California chose to join a majority of the Senate in curtailing the court's efforts at redressing the profound injustice of this nation's educational practices;

Therefore, be it resolved that the Board of Education feels that the courts must continue to insist that racially-segregated school districts integrate, and Congress must not in any way restrict the options of local school districts for complying with court orders to do so.

## WARNING ON INFLATION: "FUTURE OF OUR COUNTRY IS IN JEOPARDY"

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. CARTER. Mr. Speaker, Dr. Arthur F. Burns, the Chairman of the Federal Reserve Board, warns us on inflation. I commend his remarks to this body's attention:

WARNING ON INFLATION: "FUTURE OF OUR COUNTRY IS IN JEOPARDY"

(By Arthur F. Burns)

The gravity of our current inflationary problem can hardly be overestimated. Except for a brief period at the end of World War II, prices in the United States have of late been rising faster than in any other peacetime period of our history. If the past experience is any guide, the future of our country is in jeopardy.

No country that I know of has been able to maintain widespread economic prosperity once inflation got out of hand. And the unhappy consequences are by no means solely of an economic character. If long continued, inflation at anything like the present rate would threaten the very foundations of our society.

I want to discuss briefly . . . the sources of our inflationary problem, the havoc being wrought in the economy, and the steps that must be taken to regain general price stability and thus strengthen confidence in our nation's future.

A large part of the recent upsurge in prices has been due to special factors. In most years, economic trends of individual nations tend to diverge. But during 1973, a business-cycle boom occurred simultaneously in the United States and in every other major industrial country. With production rising rapidly across the world, prices of labor, materials and finished products were bid up everywhere.

To make matters worse, disappointing crop harvests in a number of countries in 1972 forced a sharp run-up in the prices of food last year. The manipulation of petroleum supplies and prices by oil-exporting countries gave another dramatic push to the general price level last autumn and early this year. The influence of these factors is still being felt in consumer markets. Recently, our price level has also reacted strongly to the removal of wage and price controls—a painful but essential adjustment in the return to free market.

These special factors, however, do not account for all of our inflation. For many years, our economy and that of other nations has had a serious underlying bias toward inflation which has simply been magnified by the special influences that I have mentioned.

Ironically, the roots of that bias lie chiefly in the rising aspirations of people everywhere. We are a nation in a hurry for more and more of what we consider the good things of life. I do not question that yearning. Properly directed, it can be a powerful force for human betterment. Difficulties arise, however, when people in general seek to reach their goals by means of short cuts, and that is what has happened.

Of late, individuals have come to depend less and less on their own initiative and more on Government to achieve their economic objectives. The public nowadays expects the Government to maintain prosperous economic conditions, to limit such declines in employment as may occasionally occur, to ease the burden of job loss or illness or retirement, to sustain the incomes of farmers, home builders, and so on.

These are laudable objectives, and we and other nations have moved a considerable distance toward their realization. Unfortunately, in the process of doing so, governmental budgets have gotten out of control, wages and prices have become less responsive to the discipline of market forces, and inflation has emerged as the most dangerous economic ailment of our time.

The awesome imbalance of the federal budget is probably the contributory factor to inflation that you have heard the most about. In the past five years, total federal expenditures have increased about 50 per cent. In that time span, the cumulative budget deficit of the Federal Government, including Government-sponsored enterprises, has totaled more than 100 billion dollars. In financing this deficit, and also in meeting huge demands for credit by businesses and consumers, tremendous pressures have been placed on our credit mechanisms, and the supply of money has grown at a rate inconsistent with price stability.

I am sure that each of you . . . is aware that some of the troublesome consequences of inflation. The prices of virtually everything you buy have been rising and are still going up. For the typical American worker, the increase in weekly earnings during the past year, while sizable in dollars, has been wiped out by inflation. In fact, the real weekly take-home pay of the average worker is now below what it was a year ago. Moreover, the real value of accumulated savings deposits has also declined, and the pressure of rising prices on family budgets has led to a worrisome increase in delinquency rates on home mortgages and consumer loans.

Many consumers have responded to these developments by postponing or canceling plans for buying homes, autos and other big-ticket items. Sales of new autos began to decline in the spring of 1973, and so, too, did sales of furniture and appliances, mobile homes and newly built dwellings. The weakness in consumer markets, largely engendered by inflation, slowed our economic growth rate last year some months before the effects of the oil shortage began to be felt. . . .

The effect on business profits was ignored for a time because accountants typically reckon the value of inventories—and also the value of machinery and equipment used up in production—at original cost rather than at current inflated prices. These accounting practices create an illusory element in profits—an element that is not available for distribution to stockholders in view of the need to replace inventories, plant and equipment at appreciably higher prices. . . .

By early this year, a confrontation with economic reality could no longer be put off. Major business corporations found that the volume of investible funds generated internally was not increasing fast enough to finance the rising costs of new plant and equipment or of the materials and supplies needed to rebuild inventories. Businesses began to scramble for borrowed funds at commercial banks and in the public markets for money and capital.

Our financial markets have therefore come under severe strain. Interest rates have risen sharply; savings flows have been diverted from mortgage-lending institutions; security dealers have experienced losses; prices of common stocks have declined; the liquidity of some enterprises has been called into question, and tensions of a financial nature have spilled over into international markets.

Concerned as we all are about the economic consequences of inflation, there is even greater reason for concern about the impact on our social and political institutions. We must not risk the social stresses that persistent inflation breeds. Because of its capricious effects on the income and wealth of a nation's families and businesses, inflation inevitably causes disillusionment and discontent. It robs millions of citizens who in their desire to be self-reliant have set aside funds for the education of their children or their own retirement, and it hits many of the poor and elderly especially hard.

In recent weeks, governments have fallen in several major countries, in part because the citizens of those countries had lost confidence in the ability of their leaders to cope with the problem of inflation. Among our own people, the distortions and injustices wrought by inflation have contributed materially to distrust of Government officials and of Government policies, and even to some loss of confidence in our free-enterprise system. Discontent bred by inflation can provoke profoundly disturbing social and political change, as the history of other nations teaches. I do not believe I exaggerate in saying that the ultimate consequence of inflation could well be a significant decline of economic and political freedom for the American people.

There are those who believe that the struggle to curb inflation will not succeed and who conclude that it would be better to adjust to inflation rather than to fight it. On this view, contractual payments of all sorts—wages, salaries, Social Security benefits, interest on bank loans and deposits, and so on—should be written with escalator clauses so as to minimize the distortions and injustices that inflation normally causes.

This is a well-meaning proposal, but it is neither sound nor practical. For one thing, there are hundreds of billions of dollars of outstanding contracts—on mortgages, public and private bonds, insurance policies, and the like—that as a practical matter could not be renegotiated. Even with regard to new undertakings, the obstacles to achieving satisfactory escalator arrangements in our free and complex economy, where people differ so much in financial sophistication, seem insuperable. More important still, by making it easier for many people to live with inflation, escalator arrangements would gravely weaken the discipline that is needed to conduct business and government affairs prudently and efficiently.

"AN ILLUSORY AND DANGEROUS QUEST"

Universal escalation, I am therefore convinced, is an illusory and dangerous quest. The responsible course is to fight inflation with all the energy we can muster and with all the weapons at our command. One essential ingredient in this struggle is continued resistance to swift growth in money and credit. The Federal Reserve System, I assure you, is firmly committed to this task. We intend to encourage sufficient growth in supplies of money and credit to finance orderly economic expansion. But we are not going to be a willing party to the accommodation of rampant inflation.

As this year's experience has again indicated, a serious effort to moderate the growth of money and credit during a period of burgeoning credit demand results in higher interest rates—particularly on short-term loans. Troublesome though this rise in interest rates may be, it must for a time be tolerated. For if monetary policy sought to prevent a rise in interest rates when credit demands were booming, money and credit would expand explosively, with devastating effects on the price level. Any such policy would in the end be futile, even as far as interest rates are concerned, because these rates would soon reflect the rise in the price level and therefore go up all the more. We must not let that happen.

But I cannot emphasize too strongly that monetary policy alone cannot solve our stubborn inflationary problem. We must work simultaneously at lessening the powerful underlying bias toward inflation that stems from excessive total demands on our limited resources. This means, among other things, that the federal budget has to be handled more responsibly than it has been in the past.

I do not expect that the path back to reasonable price stability can be traveled quickly. Indeed, our Government will need to take numerous steps to reduce the inflationary bias of our economy besides those I have emphasized.

The forces of competition in labor and product markets need to be strengthened—perhaps by establishing wage and price review boards to minimize abuses of economic power, certainly through more vigorous enforcement of the antitrust laws, besides elimination of barriers to entry in skilled occupations, reduction of barriers to imports from abroad, and modification of minimum-wage laws to improve job opportunities for teenagers. Impediments to increased production that still remain in farming, construction work and other industries need to be removed. And greater incentives should be provided for enlarging our capacity to produce industrial materials, energy and other products in short supply.

"INFLATION CANNOT BE ELIMINATED WITHOUT COST"

But if inflation cannot be ended quickly, neither can it be eliminated without cost. Some industries will inevitably operate for a time at lower rates of production than they would prefer. Government cannot—and should not—try to compenstate fully for all such occurrences. Such a policy would involve negating with one hand what was being attempted with the other.

But Government does have a proper ameliorative role to play in areas, such as housing, where the incidence of credit restraint has been disproportionately heavy. . . . And my personal judgment is that it would be advisable, too, for Government to be prepared, if need be, to expand the roster of public-service jobs. . . . It would conflict much less with basic anti-inflation objectives than would the conventional alternative of general monetary or fiscal stimulus.

A cut in personal income taxes, for instance, would serve to perpetuate budget deficits. Not only that, it might prove of little aid to the particular industries or localities that are now experiencing economic difficulty. . . .

In concluding, I would simply repeat my central message: There is no easy way out of the inflationary morass into which we have allowed ourselves to sing through negligence and imperfect vision. But I am confident that we will succeed if the American people become more alert to the challenge. . . . This objective is within our means and is essential to our nation's future.

## TRENDS IN MINORITY BUSINESS ENTERPRISE

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. STOKES. Mr. Speaker, at the recent 34th annual awards banquet of the Cleveland Business League, I had the opportunity to hear a most informative report on the status of minority business enterprises by Mr. Abraham S. Venable, director of urban affairs for the General Motors Corp.

Mr. Venable's statement reviewed the progress of GM in this most important area, and outlined potential methods for increasing minority efforts and ownership in the business community.

I ask my colleagues to give Mr. Venable's perceptive address their closest consideration, and, accordingly, I submit it to the RECORD:

REMARKS OF ABRAHAM S. VENABLE

Thanks very much Mr. Hamilton, Congressman Stokes, Judge Whiting, Mr. Wynne, distinguished guests, honorees, members and friends of the Cleveland Business League. I'm deeply grateful for this opportunity to participate in your 34th Annual Awards Banquet. I must confess, however, that when I accepted your invitation, I did not realize that today, Good Friday, is one of the few holidays at General Motors. So, in spite of the fact that my wife has refused to speak to me for leaving town today, I do appreciate the opportunity to spend this evening with you.

This is my third trip to Cleveland since joining General Motors three years ago. As you may recall, on March 20th of last year GM quite appropriately presented a report to the community of Cleveland to outline its many activities in areas of crucial concern to members of the minority community. Let me give you the latest figures on a few of the programs in which GM is presently involved.

In the area of minority suppliers, General Motors is presently doing business with approximately 450 minority firms. Purchases from these suppliers last year totaled about $14 million.

In Motor Enterprises, GM's Minority Enterprise Small Business Investment Company, we have approved loans to 96 minority firms in 39 cities and 13 states. General Motors has loaned approximately $2.2 million and this has generated another $10.6 million in loans from other sources for a total of $12.8 million in financing assistance.

Several years ago, General Motors issued a policy that it would make bank deposits in every known minority bank. Presently 62 minority banks have GM deposits and this represents about 15% of the 403 banks with which GM does business.

In the area of minority dealerships, 88 minority individuals presently operate GM dealerships, of this number 26 are black.

In addition, 670 other minority businessmen sell and service products from AC Spark Plug, Frigidaire, and United Delco Divisions throughout the United States.

And, finally, of the 7 broker-agents handling GM's blanket property damage insurance, three are black. With the three black firms, $1½ billion of insurance have been placed with them representing almost 16% of GM's total property damage coverage.

This is merely a status report on the efforts of one company. While much remains to be done, I am convinced that the doors of economic opportunity are slowing opening, both inside and outside General Motors. On the other hand, I am not going to tell you that racism has suddenly vanished from the corporate corridors, far from it, but there are unmistakable signs of change and ripples of opportunity that could become waves of progress in the future.

In preparing my remarks for this evening, I re-read the Business Leadership Lecture given by Asa T. Spaulding at the Graduate School of Business Administration of the University of Michigan when he received the School's prestigious Award for Business Leadership in 1971.

Mr. Spaulding, who as you know is the retired president of the North Carolina Mutual Life Insurance Company, and now Chairman of the Board of Trustees of Howard University, is a man I admire greatly. In his Business Leadership Lecture, he said:

". . . despite our country's shortcomings, I still believe America provides the best soil, democracy the best climate, the free enterprise system the best incentives, and freedom the best opportunity, for the growth and development of the whole man and the achievement of the highest potentials of each individual."

This sums up my own views in spite of the fact that so much remains to be done in assuring blacks an even chance at the starting line. And, yet I know that until all minorities have the opportunity to gain a meaningful economic stake in the future of America there can be no real solution to our urban problems.

Prior to joining GM, I was the Director of the Office of Minority Enterprise at the U.S. Department of Commerce in Washington, D.C. And even though I have now been away from this office for 3 years, many of my thoughts and most of my concerns are still deeply rooted in the minority enterprise effort. The purpose of this office was and is today to promote wider ownership of business among blacks and other minorities.

It is not a new movement by any means. Ironically, this latest thrust of the civil rights movement dates back to the days of Booker T. Washington, 74 years ago. This great man's dream was of an America in which—at long last—the black man would enjoy a full measure of economic, political and social justice. The vehicle to translate this dream into reality was to be business ownership.

But that was 74 years ago—the turn of the century—and Booker T. Washington's idea was one whose time had not come. On the other hand, there were many similarities between conditions and moods of that time and today. Looking back, we see that:

Some said the solution to their racial ills lay in amassing political power—in other words, "black power".

Others said it was in amassing economic power—we call it "green power".

Some said they should work toward a fully integrated society;

Others called for a parallel, duplicating, black-owned and managed society, and so on;

Some gave up completely, calling attempts at reform useless. They turned their backs on the American dream and prepared to migrate to Africa.

The resemblances between then and now are striking. The only major difference is that today the overwhelming majority of blacks have not given up. They are not preparing to migrate to Africa. Instead, they are prepared to stand up and fight for a full and equal share of America's economic pie.

Today, almost three-quarters of a century after Booker T. Washington first issued his call for blacks to organize themselves economically, current statistics indicate that minorities constitute 17% of our population —but they own and operate less than 3% of the businesses and control less than ½ of 1% of the capital assets.

Further, a closer look shows that many black-owned businesses are still in the serv-

ice and trades industries. Operationally, they are very small, comparable to the typical, white-owned business of 40, 50, 60 and even 70 years ago. In other words, most black business today is still at the mom-and-pop store stage and it is easy to see why. Minorities were not a part of the so-called industrial and economic development of this country. As a result, minority-owned business today is still struggling to survive while—for the rest of industry—sales are higher than they have ever been in the history of the world. Black business at best is marginal and, if it ever had to pay for the free family labor that goes into it, most would undoubtedly be submarginal.

It is not surprising that many minority parents still tend to discourage their children from seeking careers in business. Too often they find that minority enterprise represents the fashionable thing to discuss but obviously not the logical thing to do. However, in spite of what appears to be a somewhat bleak picture, I don't think it would be at all fair to say that there is no hope for the future black business development. Quite the contrary, I have found that many of the seeds have been sown and there is a deep seated determination by many blacks and whites to get the show on the road—in the face of overwhelming odds and loss expectations.

In many ways this could be a new day, and while I have pointed out that there are striking—if not alarming—similarities between conditions at the turn of the century and now, I want to point out also that there are at least three new forces for change which I believe can make tomorrow better than today and eventually change a nightmare into hope for the future.

The first and most important of these forces for change are the many individuals and organizations like the Cleveland Business League that have unrelentingly, imaginatively, and constructively kept the Nation's attention focused on one of its foremost pieces of unfinished business—insuring minorities their rightful place at the starting line on the road to business ownership.

The second force for change is the result of the first. It is the majority community's realization that our entire country will prosper even more when everyone—regardless of race, color or national origin—participates equally in this Nation's economy.

The third force is the result of the first two. It came into being on March 5, 1969, when the federal government established the Office of Minority Business Enterprise.

This represented the first time that the Federal Government officially recognized, by Executive Order the role of blacks and other minorities as owners and operators of the means of production. While this does represent a significant step forward, it should be clearly understood that the Federal Government cannot, should not, and must not be relied upon solely by the black community as an all encompassing entity to plan its destiny. The role of the Federal Government can only be supportive of the desires of the people. And, while I have great hope for the Office of Minority Business Enterprise, its efforts—even if totally successful—will barely scratch the surface in resolving this monstrous problem created by years of deprivation and discrimination. Still these forces for change in my mind clearly set the tone for the future and if properly utilized will undoubtedly determine the destiny of our black entrepreneurs. We can succeed if we apply the right approaches and techniques to resolving the most critical and pressing minority business problems.

Usually most practitioners in the minority enterprise field generally agree that there are 4 ingredients necessary for a successful business.

First, the man, and he is most important. He must have the entrepreneurial juices—the stamina, the stick-to-it-iveness, the desire and the will to take a risk. If he doesn't, he has little or no chance of success.

And, next the business opportunity. And, here we are talking about a realistic opportunity which can provide an entrepreneur with a good standard of living and provide an adequate return on investment to the individual or the stockholders.

Third, the money. Too often most people consider money to be the sole ingredient for a successful business. An entrepreneur must have sufficient capital but he must first have a reasonable business opportunity for which he is adequately trained or experienced. Therefore, money is important but only as a final part of a total business package.

Last, but not least, technical assistance. Blacks in most cases have not been a part of the industrial and economic development of this country. As a result, the majority are by necessity not familiar with the most advanced business techniques that are being used in today's competitive world—to assure efficiency and profitability in business management. Unfortunately, in too many cases, most technical assistance has represented the "blind leading the blind."

And, this brings me to the key point in my remarks. I doubt very seriously if anyone in this audience this evening would question the fact that in most instances those blacks who already own and operate the many small businesses throughout the black community represent the forgotten souls of modern capitalistic advancement. We have seen that they barely make enough to survive; many are 30 to 50 years behind their white competitors in systems and procedures know-how, they are struggling to keep the tiny market that is left as table scraps by the large firms. They are weak and they are all alone.

Admittedly, there is great merit in those assistance programs which encourage blacks to establish new businesses. But, in my mind, we face a much greater problem in trying to improve the efficiency and profitability of those minority businesses already in existence. And, until we develop effective techniques to provide meaningful assistance to existing black businesses, there can be no real hope for a successful black business development effort. This represents a necessary first step in changing the basic image of black business at its lowest level.

As we all know, what most minority businessmen need is not more rhetoric or an illusion of attaining the impossible dream, but simply a foothold on the advancement ladder which has led to the prosperity of mainstream firms. For most mainstream businesses, that foothold has often been the trade association. Let me go into more detail.

The trade association concept is not a new approach nor does it depend heavily on inputs from the outside community. It is simply an organization of successful businessmen having similar interests and needs who can benefit from cooperative effort. Amalgamation allows them to retain their individual pride and freedom while discovering, through action and involvement, the merit of cooperation and mutual improvement. Together, these businessmen can achieve economies of scale in purchasing, group advertising, employe benefits, and business services. Among themselves, they can exchange information on quality standards, pricing policies, diversification opportunities, and operating techniques.

The trade association would be an ideal structure for "bootstrap" upgrading of existing black businesses—except for one very important thing: the trade association is a mainstream invention; it amalgamates basically *viable* firms.

Most existing black firms are typically not *viable* according to mainstream standards. Indeed, by strict definition, many are not even "business" entities but merely self-employed individuals who get paid for labor but do not make a profit of any kind.

As a result, very few black firms can gain membership to a mainstream trade association today just because of that fact: they are not in most cases on a par with successful businesses.

Thus, black entrepreneurs need something that is similar in structure to trade associations but radically different in level of emphasis. The black structure must do more than offer economies in purchasing, advertising, and so forth. It must stress *education* in business systems and procedures. The point may seem trivial, but actual experience has shown such education is the most vital and meaningful form of assistance we can give to the majority of existing black businessmen. For that reason, the structure I am recommending as an initial step is not, properly speaking, a "trade association' but a "Business Organization."

Most accurately described, a "Business Organization" embodies the cooperative joining of businesses engaged in similar or identical lines of activity into a trade association—and through such an association—work can begin on standardizing all operational procedures and marketing techniques. Such a sharing of experience allows the individual participating firms an opportunity to upgrade themselves in order to meet the minimum standards of operation necessary for survival and growth in the general market. The total effort of the organization is directed at maximizing efficiency and profitability. This, and only this, will give the minority businessman an equal chance at the starting line. This concept ties in the key elements and ingredients reflected in the evolution of capitalism—from the "mom-and-pop store" to the voluntary chain, to the large corporation and finally to the commercial or industrial giant.

The Business Organization concept is a tested and proven mechanism. It was first tried by Howard University in Washington, D.C. where 85 black dry cleaners were organized into a trade association. To achieve the necessary objectives, participating dry cleaners standardized their operational procedures, including such items as quality control, physical appearance or image standards, accounting methods, etc. Out of this experience came a new awakening by black dry cleaners in Washington, D.C. Not only did they purchase a building for their trade association headquarters but they reduced the cost of hangers almost 65% through group purchasing.

There were many problems, but these were expected. For nothing good comes easy.

As a tool of survival and growth, the Business Organization concept is relatively new to minority businessmen. It represents a more far-reaching and effective means of upgrading marginal businesses than programs involving guidance, counseling and training. This does not mean that these tools are unimportant. On the contrary, they are a vital part of Business Organization, with the concepts of guidance, counseling and training built-in. It provides the mechanism for the businessman to take full advantage of his training, and enables him to move up to a more efficient and productive level of operation. The Business Organization is useful in single-line operations on the local level as well as multi-line business on a regional or national level.

I am convinced that Business Organization of minority-owned businesses represent an effective means of setting in motion self-perpetuating machinery which will eventually allow the minority community to function and grow on its own as a vital part of the total business community.

Many people have stated that blacks have not taken those steps that represent a necessary pre-requisite in achieving economic

independence. In my mind, the first step must be to organize the existing business institutions in the black community at the most efficient operational level. This would include the barber shops, the beauty parlors, the dry cleaning stores, the auto repair shops, and all other small businesses which blacks operate in relatively large numbers. The potential profit and the resulting savings would astound you.

With the civil rights focus now having turned at last to the role of blacks as owners and operators of the means of production—we all must realize that the time for philosophical debate has long since passed. In essence, I am saying that if going into business is ever going to represent a meaningful goal for black people, we must recognize the problems and develop a system and procedure approach based on those techniques which the majority community has used and is using to achieve its economic goals.

So, in conclusion, the question is not whether we take those steps through which we can share significantly in the ownership of America's means of production—the question is "How?" and "When?" When are we in the black community going to work together in a concerted manner to attack the vicious problems discrimination has caused in the development of black business?

So, this evening I call upon each of you to pledge yourself to make the 70's the era of true emancipation. What Booker T. Washington attempted to do 74 years ago became little more than a dream. It is certainly far past the time that we should have awaken from that dream!

Thank you.

## THE DEMOCRATIC CAUCUS: "BLOCKING HOUSE REFORM"

### HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. MARTIN of Nebraska. Mr. Speaker, the Nation's media have been virtually unanimous in condemning the Democratic Caucus action which last month prevented the Committee Reforms Amendments of 1974 (H. Res. 988) from receiving floor consideration.

A noteworthy statement, "Blocking House Reform," appeared May 15 in the Philadelphia Bulletin.

The editorial points out that public dissatisfaction with Congress—now at an alltime high—demands that we take quick and decisive steps to improve the effectiveness of our handling of public-policy problems. The public is not easily fooled, and they are judging the caucus action for what it is; placing private convenience above public responsibility.

The Philadelphia Bulletin message is loud and clear:

House Democrats should put aside selfish interests and enact responsible committee reform.

The editorial "Blocking House Reform" follows:

BLOCKING HOUSE REFORM

House Democrats who voted in caucus to send a congressional reorganization plan back to committee, effectively killing chances of early passage, placed private convenience above public responsibility.

The relatively modest plan would have redrawn committee assignments and jurisdictions into more logical fashion, stripping such powerful bastions as House Ways and Means of control over health and trade legislation and creating a single committee to handle energy and environmental bills.

No reform is painless and this one ran into predictable opposition from Ways and Means Chairman Wilbur Mills and others who want no dilution in either their authority or number of assignments. Joining them were strong voices in labor and business, anxious to preserve working relationships with present chairmen and staffs.

The public disenchantment with Congress is not likely to be dispelled until it demonstrates its ability to conduct the public business more effectively. The proposed reforms would create greater efficiency and fairness in the handling of legislation.

There is still a chance that reform will be enacted in some form later this year. Any dilution, it needs to be said, could hurt what is already a modest proposal, one that leaves unchanged the rigid seniority system and the obstructionist Rules Committee.

House Democrats should put aside selfish interests and enact responsible committee reform.

## UNITED STATES—THE GREATEST

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. CARTER. Mr. Speaker, it becomes increasingly distasteful to read and hear discourses on gloom, doom and disaster. Last night, for instance, I heard a prominent editorialist who spoke disparagingly of the razzle-dazzle diplomacy of the Honorable Henry Kissinger and indicated that perhaps his tactics were too much on the flamboyant side.

I would remind this member of the fearless forum contributing to the Washington Star that without the astute diplomacy of the Honorable Henry Kissinger the oil embargo would not have been lifted, and this country would have been in the throes of a deep depression. How this Secretary of State of evidently great genius has accomplished so much in such little time beggars the imagination. As I have stated previously, there is no question but that he is the greatest diplomat since Disraeli, probably in history.

Instead of constantly accenting the negative, let us strike up the band and accent the positive! The United States of America is still the greatest and most compassionate nation in the world.

I include the following article for your attention:

STRIKE UP THE BAND!

Sensationalism, they say, sells more magazines, newspapers, TV shows than good cheer—but we think it's time the country got the *facts* instead of all the fright.

The media never show us the miles of pleasant homes owned by workmen; they concentrate on the slums.

They never mention our 85,000,000 jobs (still the best in the world)—they concentrate on what unemployment there is.

You never see pictures nor articles about the 400,000 and more young volunteers who man classes and clinics, working to cure drug addiction and trying to prevent youthful crime.

When have you seen an article about our thousands of hospitals and clinics to cure malnutrition and disease, or the hundreds of thousands of dedicated men and women who staff them?

The media never mention their own profits but hold up their hands in self-righteous horror at those of oil companies, never mentioning the billions necessary to build enough refineries to meet the oil crisis.

This used to be a happy country, full of reasonably happy people. But we've been fed trouble and sadness so long that that's all we can see or hear.

There's more music in America than discord!

## PRIVACY

### HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. OWENS. Mr. Speaker, nearly 50 years ago Supreme Court Justice Oliver Wendell Holmes characterized illegal wiretapping as "dirty business." In the same case another great jurist, Louis Brandeis, said that the right to be left alone—that is, the right to privacy—is so important that "every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the fourth amendment."

Ironically enough, a majority of the Supreme Court in 1928 disagreed with both Holmes and Brandeis and held that the Constitution does not protect the privacy of persons against wiretapping. Holmes and Brandeis wrote the words quoted above in dissenting opinions.

But since then the law has changed—progressed, I think—as the law so often does, and now these quoted words have become the law of the land. We have come a long way, but we have further yet to go in protecting individuals' privacy in today's society.

Many legal scholars agree that the right to privacy is one of our most basic constitutional freedoms. Yet, the word "privacy" is mentioned nowhere in the entire Bill of Rights. The reason for this can be found in the fact that life is different today from the way it was in 1789 when the first 10 amendments to the Constitution were ratified. There were no telephones, and therefore no wiretaps. There were no "bugging" devices, no data banks, no computers, no credit agencies performing investigations, no tape recorders and no hidden cameras.

With this in mind, it is clear that our Founding Fathers did indeed intend to protect citizens' privacy by writing the fourth amendment to our Constitution. It protects persons, houses, papers, and effects from unreasonable searches and seizures. Protection against wiretapping and "bugging" was secured by a necessary judicial interpretation.

As our society changes it is imperative that our rules of conduct, our laws, must change too. Today there are threats to our privacy which Jefferson and Hamilton could have never foreseen. We must make sure that our laws continue to protect us.

I am concerned with the privacy of individuals, and protecting that privacy

against Government intrusion. Of course, we must weigh the Government's right to know and use certain information, information concerning individuals, for its proper functioning. In making these judgments, however, we should consider just how pervasive and penetrating are the eyes of some of our governmental institutions:

Alan Westin in his book, "Privacy and Freedom," reported:

> At least 50 different federal agencies have substantial investigative and enforcement functions, providing a corps of more than 20,000 "investigators."

Until checked, the Army in the 1960's had more than 1,500 plainclothesmen reporting on individuals to scores of data banks.

Between 1968 and 1972, Federal, State, and local government wiretapped more than 1,623,000 conversations involving about 120,000 people.

A report from the Department of Health, Education, and Welfare said flatly last summer:

> Under current law, a person's privacy is poorly protected against arbitrary or abusive recordkeeping practices.

By far one of the greatest potential threats to our privacy derives from the technological advances in our record-keeping capabilities. Computers and data banks have created an unprecedented potential for abuse by private institutions, such as credit agencies, as well as by governmental agencies. Here again, we have to bring the law up-to-date and make sure it keeps up with advances in technology.

In his book "Databanks in a Free Society," Westin makes this very point:

> But the reality of the 1960s was that civil liberties in record-keeping was an underdeveloped area of American law. Thus, computers moved into the world of organizational record-keeping at a time when both American law and public opinion were just beginning to confront the problems of defining more clearly what rights of privacy and due process individuals should have in the various major zones of manual record-keeping that had come to exercise a major effect on the lives of individuals in the post-World War II era.

Of course, this whole issue of privacy has taken on a new aspect due to Watergate. The Watergate affair, and all the immoral and illegal activity associated with it, is not primarily a matter of privacy. But it does demonstrate that a great threat to our privacy exists from political leaders who are willing to manipulate the Government to serve their own needs. In Watergate, not only did the Nixon administration or the Nixon reelection campaign use private individuals to spy upon and wiretap others; just as harmful, they used information which the Government legitimately possessed, such as tax returns, for totally illegitimate purposes. This was a flagrant violation of the responsibilities of office and remains a potential threat to our liberties.

One answer—the most obvious one—to this problem is to elect principled leaders. Of course, this must be done. But the experience of the past few years teaches us that we also must try to restrict access to and limit the private information which the Government has in order to protect our privacy. Only with institutions and laws which are sensitive to and meet the threat to privacy, as well as leadership committed to preserving privacy, will the privacy of our citizens be adequately protected.

I support several proposals, both general and specific, which I feel meet some of the problems in this area and which embody a program to insure the privacy of our citizens is respected by our Federal Government.

I. LIMITED ACCESS TO INFORMATION

First, access to personal or confidential information submitted to the Federal Government should be strictly limited to those "who need to know" that information in order to carry out a specific, legitimate Government function. This policy should be embodied in law, and where appropriate, Agencies should be required to limit access to such information to a list of certain Government employees.

Also, transferring such information from one Government agency to another must be strictly controlled. In many cases, such transfers should be forbidden. And no transfers should ever be permitted for political purposes.

I believe this policy, firmly embedded in our Government's procedures, will aid in keeping confidential what should be confidential, whether it be tax information, confidential business information, medical records, or other categories of information which deal with individuals' personal lives.

Not only should this information be restricted to those who have demonstrated a bona fide need to know, but also non-Government agencies should never receive such information without the consent of the individual involved. Private parties, whether they are potential employers, credit agencies, insurance companies, or private investigators have no business receiving such information without the explicit approval of the person involved. This principle should also be contained in our Federal law.

II. THE RIGHT TO CORRECT

In many instances, Government files may contain incorrect or derogatory information about an individual and these errors, unknown to that person, go uncorrected. In many instances this can be remedied by allowing each citizen to inspect the Government file dealing with him or her and allowing that person to add a statement to the file and to request the Government to correct any errors. This is the surest and the easiest way to eliminate inaccurate or harmful material and to let our citizens know what about him or her is in the Government's files.

Of course, certain files, by their very nature, would have to be excluded from this "right to correct" category. For example, current criminal investigative files cannot be made available to the subject of such an investigation while it is taking place. Also, certain medical files may have to be kept confidential. However, these exceptions to the "right to correct" principle should be kept to an absolute minimum.

Indeed, we should, where appropriate, apply the "right to correct" rule to non-governmental agencies which keep files on individuals such as credit bureaus, utilities, insurance companies, and certain other businesses. These files, in private hands, can cause serious economic harm or humiliation to individuals. And of course, access to these files is not restricted. It seems only fair that people have a right to look at these files to correct mistakes which they may contain.

The "right to correct" principle will serve to do more than just correct errors. By knowing that *individuals* will have access to these files, both Government and business will be more careful in collecting information and will restrict the information which they collect to that needed for legitimate purposes in order to avoid embarrassment and complaints.

III. STATE PRIVACY RULES TO CONTROL

Recently, it has become clear that State procedures to protect privacy can be undermined by Federal programs seeking State data. For example, certain States such as Massachusetts are now battling the Federal Government to keep the confidentiality of their criminal records in the face of the federally sponsored, computer program to centralize all such information.

I believe that when a State government collects private information—whether it is tax information, health records, court records, or whatever—and the State promises to keep that information confidential, then the Federal Government should respect those protections and provide equally stringent guarantees of privacy for that information.

IV. PRIVACY IN OUR SCHOOLS

Privacy is especially important for our children. Our schools and at times, other agencies of government deal with our children as parents, and so often deal with confidential information. Because of this added access to such private information, there must be added vigilance to preserve its privacy. This has been done in many juvenile court systems, where many proceedings are kept from the press and the public. I believe such special protection should be extended to other areas.

For example, it has recently come to public attention that the Federal Office of Education has been administering questionnaires to children in order to evaluate certain of their programs. These questionnaires have contained questions about social background, family life, emotional stability, sex, and other matters which many people find offensive and intrusive. While I believe we must not cripple Government programs by unreasonably restricting the information they seek, we must be vigilant in opposing Federal efforts to gather facts from us or our children which intrude too far into our privacy.

What is particularly disturbing about these questionnaires is the fact that they were presented to children by teachers—authority figures whom the children

obeyed—without any consent or knowledge by the children's parents.

Just as important as protecting our children's privacy from questions in school, I think we must guard zealously school records involving our children. Here the main problem is school records, which often deal with disciplinary problems, emotional difficulties, and family matters. In high schools and colleges, where counseling is often available, health or mental health records may be involved. With these files, which are needed for the proper functioning of our school system, we must exercise special care, for students do not and cannot maintain the privacy of their lives, and there are many outside parties such as employers, who naturally look to such records for information. Sometimes it is an agency of the Federal Government, Federal investigators, or private parties working under a Federal grant who are seeking such data.

To protect our children, I believe that school records involving personal matters should not be released to anyone outside the school system connected with the Federal Government without the informed consent of the parents of the child involved. This simple protection will guard against any possible abuses of these records. Of course, once a child reaches 18, he or she should make the appropriate decision on release of these records.

I make these proposals today, knowing full well that they are simply a few steps to meet a potential problem. But I believe they should be taken, because our privacy is so important, and we should do everything reasonable to protect it.

We have seen what ill-intentioned leaders can do to our privacy. And we know that as our Government grows, this is an area that needs careful attention.

For these reasons, I believe we must act promptly to protect our citizens and to reassure them that their right to privacy will not be invaded or eroded by the Federal Government.

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## EDUCATION BILL CONFERENCE

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. FRENZEL. Mr. Speaker, today I voted against the motion to instruct House conferees on the education bill, H.R. 69, to insist on the House antibusing language. I voted for our bill, but see no reason why our House managers should not be allowed, as usual, to negotiate the best bill possible.

I believe it is terribly important not to deadlock this bill. We always are late with education funding. We need, and our school districts need, to pass an education bill before the school year begins for a change. Tying our managers hands could defeat this purpose.

## NEW YORK STATE COMES TO HARLEM

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. RANGEL. Mr. Speaker, on May 20, the New York State Harlem Office Building was dedicated. This impressive structure on the corner of 125th Street and Seventh Avenue will benefit both Harlem and New York City. The dedication served as an occasion for reflection on the role of Harlem in the city, its history, its growth, and its future. I insert into the RECORD the mayor's dedication statement and three newspaper articles about the ceremony. These items reflect the implications for Harlem of the completion of the modern, State office building.

REMARKS BY MAYOR ABRAHAM D. BEAME

I am especially pleased to bring you the greetings and congratulations of the entire City of New York at this dedication which is so important to the future of Harlem.

This State Office Building, providing jobs for Harlem residents and a new look on 125th Street, will be an economic shot in the arm.

And, I think we can say that not only Harlem will benefit, but also the City of New York and the State of New York.

For I believe that the destinies of all neighborhoods are linked together, and each neighborhood that grows and prospers contributes to the well-being of the entire City.

I believe that the new office building is the forerunner of a new Harlem.

I can assure you that the City government, along with the State, will work closely with Harlem officials and Harlem businessmen to bring about that Renaissance here of which this new State building is a herald.

I am glad to be here to join all of you in these exciting ceremonies.

For what is good for Harlem, is good for the entire city.

Thank you.

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[From the Amsterdam News, May 18, 1974]

WELCOME!

We at the Amsterdam News take pleasure this week in welcoming the new State Office Building to Harlem as it opens next Monday with businessman Kenneth Sherwood serving as master of ceremonies.

Initiated in controversy, the State Building has, as it rose under the hands of Black craftsmen, reached a point today where few, if any, find dispute with it being located in Harlem, and the vast majority of Harlemites see it as a milestone of economic rebirth for our area.

The building stands today as a blend of the faith of the oldtimers who visualized it, and the belief in the future of the younger men who threw their weight behind the work of the older ones.

Therefore, while we pay credit to men like Hope Stevens and Charles Buchanan who have always advocated the economic growth of Harlem, we also pay tribute to the younger men who joined them.

Men like Kenneth Sherwood, Jack Wood, Charles Vincent, James Dowdy and others. And certainly must offer credit to former Governor Rockefeller under whose administration the entire project was planned.

The Albany Mall may be bigger in space and size than the State Office Building, but it cannot match the enduring legacy which the State Office Building brings to Harlem.

We are naturally interested in the development of the eastern half of the site on which the State Office Building is located and we will aggressively support the right of the businessmen who were forced to move, to have first claim on returning to the site.

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HARLEM HAILS OPENING OF STATE OFFICE BUILDING

(By Simon Andkwe)

Performing his first official function in Harlem since succeeding Nelson Rockefeller, Governor Malcolm Wilson opened the $36-million, 20-story Harlem State Office Building at 125th St. and 7th Ave., Monday afternoon, amidst memories of the confrontation which delayed the construction of the project announced Sept. 17, 1966.

"This is an historic occasion," the Governor said. "For there has never been, in the history of our Nation. Black participation in a project on this scale in terms of jobs, investment, site designation, selection of architect, contractors, subcontractors and training programs for Black people of the community."

MAINLY BLACK

Flanking the Governor as he spoke from the dais facing 125th St. were high federal, state and city officials as well as distinguished men and women from the community. Seated facing him on the cemented courtyard was another distinguished group, mainly Black, seated along an inverted E without the midstroke.

"It is a monument to the Harlem community—and to the State's confidence in the future of Harlem," the Governor said.

"That confidence was inspired by the spirit of cooperation which developed between the community and the State during the building's planning and construction," he said.

There was cooperation from the start but initially it was essentially with the community's business, professional and church leaders. A committee of these recommended the actual site to Governor Rockefeller Dec. 5, 1966, their focus being on the economic revitalization of Harlem that would follow such state involvement in the community's future.

OUTFLOW

But as Governor Wilson said at the opening, "this project once was a subject of intense controversy." Initially, it was a group of young Black activists who in effect asked "economic benefits for whom?" and expressed fears that the planned revitalization would merely increase the outflow of dollars from the hands of Harlemites and out of the community.

And at the height of the ensuing controversy, the younger people "liberated" the site by christening it "Reclamation Site No. 1" and pitching their tents there. They issued "The People's Choice" which would consist of low cost housing, educational and cultural complex commercial area and day care center.

At Monday's opening, all parties emphasized the need to press on with the cultural complex at the east end of the block. More than that, the confronation led by the young people, produced other results.

HISTORIC

"I believe the State's response to the original criticism has been both understanding and positive," Gov. Wilson has said. "For we did provide more jobs for Blacks in the construction of this building. We did provide for Black participation in the management of this building."

Thus the youthful opposition spurred Black participation to the level that justified its being termed "historic" by the Governor. "In short," he said, "we acted in good faith and in a spirit of cooperation.

"I want to see that trust and that spirit

continued . . ." so that the ceremony will be "the beginning of a new era for Harlem . . .".

At the dedication, State Athletic Commissioner and businessman Kenneth N. Sherwood was master of ceremonies. Miss Carol Ann Taylor led the singing of the national anthem; and then with the I.S. 201 Instrumental Company under the baton of Cliff Lee, "Lift Every Voice and Sing," came out loud from an audience that almost whispered the anthem.

Introducing first the dais guests, and later on others in the audience, Mr. Sherwood mentioned the following Blacks:

Congressman Charles Rangel, Manhattan Borough President Percy Sutton, State Senator Joseph Galiber and Sidney Von Luther; Assemblymen Mark Southall, George Miller, Jesse Gray; City Councilman Fred Samuel; Rev. Wyatt T. Walker, Col. John Silvera; Attorney Hope Stevens, Dr. John Holloway, Fred Eversley, Omar Ahmed, Mrs. Whitney Young Jr.; Civil Service Chairman Ersa Poston, Commissioner Lucille Rose; and Commissioner Betty Granger Reid.

SPECIAL GUESTS

Also Dr. C. B. Powell, Clarence Jones, Lewis Michaux, Dorothy Gordon, Jeff Greenup, Bruce Llewellyn, Dick Kennard, Dick Campbell, Jack E. Wood, Rev. James Gunther, Rev. M. L. Wilson, Rabbi Judea Anerson, Rose Morgan, Charles Kenyatta, and Elaine Parker. He also mentioned some who had passed away: Adam Clayton Powell, Whitney Young, Marcus Garvey, J. A. Rogers, Harold Burton, Dr. Thomas Matthews and Bishop O. M. Kelly.

Some others present included William R. Hudgins, Reuben Patton; Conrad Johnson and George Hanchard, architects for the building; Raymond L. Dean, Marshall England, Lloyd Douglass, Judge Herbert Evans, William Del Toro, Sam Roberts, Jim Houghton, L. Joseph Overton, Enis Francis.

Heading the line of speakers who followed was Rev. Walker, was an aide to Governor Rockefeller. He and Col. Silvera had been the link with the community in the development of the project. He called the building the catalyst for the revitalization of Harlem.

ADJUST

Mr. Sutton noted that he had opposed the building as a potential "colonial outpost." He had held that the state should not construct a building to which only Harlemites would come. All sides had shown flexibility and adjusted to change.

Mr. Rangel termed the structure "the symbol of our dreams." He urged that all work together to make Harlem a safe place to live "and bring our friends with pride." Mrs. Margaret Young, widow of Whitney Young read a letter from Vernon Jordan, excusing himself because he had to attend a National Urban League conference.

Attorney Stevens drew long applause from the dais when he urged both state and city officials to come forward with "a strong program of housing for our people, without which this monument would be a mockery."

ENDURING

And Mr. Michaux delighted the audience as he told how he "left the pulpit for the snake pit;" and how he has tried to instill into the youth that while "Black is beautiful" it is knowledge that is power. Senator Robert Garcia said that like Mr. Sutton he had opposed the project and hoped the coming years would prove him wrong.

Harlem Urban Development Corporation President Jack E. Wood, Jr. paid tribute to Mr. Young and others who supported construction of the project. He termed it a "testimony to the enduring strength of the people of Harlem and a reminder that Blacks and other minorities are determined to be involved in sharing" the benefits of redevelopment.

Spreading the benefits around was the key in a statement made by Mr. Ahmed in which he urged a reaffirmation and commitment by the Governor to the "continued economic development of Harlem particularly the eastern half of the State Office Building site."

THE RETURN

He also urged Mr. Wilson to assist in the development of a market place on 125th St. for the Harlem Street merchants; the information of an advisory committee to pursue the integrated development and completion of the project and the return to the site of Mr. Michaux's National Memorial Bookstore.

Charles Kenyatta, a former opponent of the project, noted that the building had become a reality. It would bring good to the people of Harlem if local residents are recruited to work there, rather than the agencies bringing up people from outside the community. If the latter became the case, then the office building would indeed prove to be a Trojan horse, Kenyatta said.

In addition to the Governor, Mayor Abe Beame and State Attorney General Louis Lefkowitz also spoke. Commissioner A. C. O'Hara paid tribute to the efforts of Ms. Dorothy Gordon, who as director of the affirmation action program, had made it possible for a large number of Blacks and Puerto Ricans to be trained and employed on the project.

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[From the New York Times, May 21, 1974]

STATE OFFICE BUILDING IN HARLEM IS DEDICATED: "HISTORIC OCCASION" ATTRACTS 1,000—SOME PROTEST

(By Charlayne Hunter)

In a quiet ceremony tinged with irony, paradox and anticlimax, the State Office Building in Harlem, one of the largest and most controversial projects in a black community, was dedicated yesterday.

A thousand people—black and white—sat quietly under sunny skies in the outdoor mall of the $36-million building, while more than 100 dignitaries, including Governor Wilson and Mayor Beame, participated in what Mr. Wilson and others termed "an historic occasion."

The block-square site, bounded by 125th and 126th Streets and Lenox and Seventh Avenues, was in 1969 the scene of bitter controversy. And yesterday, although the voices of protest were somewhat muted, they were not altogether silent.

Manhattan Borough President Percy E. Sutton, for example, said that, "like a number of people on the dais," he had originally opposed the building, and had once called it "a colonial outpost." But "there is flexibility in all of us" and "a maturing in all of us," he said. "I now see this building as a focal point around which much can be built.'

But Artis Brown, 15 years old, of 212 West 129th Street, disagreed.

"What about the jobs? he shouted periodically to the dais. "They're talking about how many jobs this building's gonna have, and when you come to look for one they tell you they can't get none," he told a reporter. "It's just taking up space, far as I'm concerned."

It had been almost eight years since former Gov. Nelson A. Rockefeller first announced the project, which will house 20 government agencies and 600 employs. He declared that the building would "mark the first surge of new development, the rebirth of this great part of our city."

Those sentiments were echoed yesterday by many who had been in on the planning of the project from the start.

The Rev. Wyatt Tee Walker, who was an aide to Mr. Rockefeller in his Office of Urban Affairs during the planning stages and later said the project marked "the first time in any state or city of this nation that a major government facility has been planted in the heart of the ghetto."

PROJECT WORKERS LISTED

Among the black concerns involved in the project were the architects, Ifill, Johnson & Hanchard (Percy Ifill died before the building was completed); Jenkins Electric, Inc., which had the largest contract, $4-million, and Finley and Madison, structural engineers.

The general contracting were a joint venture between Lasker Goldman, a white concern and Trans Urban, a black concern. Gerald Roberts, a vice president of Trans Urban, was general superintendent. Fred Pendleton was the state engineer in charge, demolition and Byron Coleman, who is also black, was the state engineer in charge of construction. Mr. Coleman will now be manager of the all-electric building.

Mrs. Dorothy Gordon, a black woman who ran the state affirmative-action plan established for the project, said more than 70 men acquired full union status during the work, some of which involved training at Manhattan Vocational School.

SOME OPPONENTS ATTEND

Deans Protective Agency, the black-owned security outfit that provided protection for the area during construction, was awarded a contract for continued services.

Few of those who predicted that the state building would never rise in Harlem had anything to say at the ceremony. Some of the people who occupied the site and delayed construction for three months in 1969 because they felt Harlem had greater needs than an office building were around, but not demonstrating. One, Omar Ahmed, occupied a seat on the dais and was introduced by Kenneth N. Sherwood, the master of ceremonies and a prominent Harlem businessman, as "a candidate for the [72d] Assembly District."

PLANS FOR REST OF SITE

There was speculation among many who attended the ceremony that the relative silence of opponents of the project had to do with future plans for the eastern portion of the site—two and a half acres on which community facilities may be built. Most of that part has been cleared.

That portion, which was cut from the original state allocation, is expected to be developed by a local group in conjunction with the Harlem Urban Development Corporation. And it is expected that many of the original demands of the demonstrators—including demands for a cultural complex and for office space for businessmen displaced by the state building—may be realized there.

The Governor said $2-million had been set aside in the supplemental budget to finance the start of a massive redevelopment program under the auspices of the Harlem Urban Development Corporation. And according to reliable sources, Mayor Beame has pledged to provide matching funds, subject to approval of the City Council and the Board of Estimate.

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## RESULTS OF MATHEMATICAL ANALYSIS OF APPORTIONING SEATS IN HOUSE

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## HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. DELLUMS. Mr. Speaker, I wish to present, for the benefit of my colleagues, a mathematical analysis of various methods of apportioning seats to the House of Representatives completed by Henry F. Kaiser, professor of education at the University of California at Berkeley.

Dr. Kaiser's analysis proves the fact that the method of equal proportions for congressional apportionment is the most accurate. It is essential that each congressional district include an approximately equal number of voters if Congress is to give fair and equal representation to all Americans. This analysis is especially important in light of the recent study of the average population of congressional districts within each of the 50 States done by the Library of Congress.

I urge all of my colleagues to give careful consideration to the results of this analysis. The analysis follows:

A NOTE ON CONGRESSIONAL APPORTIONMENT*

(By Henry F. Kaiser)

The purpose of this note is to provide a small piece of additional evidence that the method of equal proportions for congressional apportionment—the method currently used—is quite likely the best of known procedures for the problem.

According to Schmeckebier,[1] there are five modern methods of apportionment, the methods of: Greatest Divisors; Major Fractions; Equal Proportions; The Harmonic Mean; Smallest Divisors.

For each of these methods an apportionment is carried out by establishing a priority number for all states' $k$th representative, found by multiplying the state's population by $M_k$, where $M_k$ is the $k$th "multiplier" for the method (different methods have different sequences of multipliers). The next representative apportioned goes to the state with the highest priority number. For more detail, see Schmeckebier.[2]

Now, for a given method, $M_x > M_y$, where $x$ and $y$ are integers greater than one, $x < y$. ("Greater than one" because, according to the Constitution, a state's first representative is given automatically—it is not apportioned.)

It is of interest to form ratios, $R_{y,x} = M_y M_x$, for a given $x$ and $y$, $x < y$, for the five methods. For example, $R_{3,2}$ for the five methods is: Greatest Divisors, .6667; Major Fractions, .6000; Equal Proportions, .5774; The Harmonic Mean, .5556; Smallest Divisors, .5000.

$R_{3,2}$ establishes a hierarchy among the methods. It may be shown (the mathematics is long and tedious) that this same hierarchy holds for any choice of $x$ and $y$.

What is the meaning of this hierarchy? A little thought indicates that, for a given $x$ and $y$, the larger $R_{y,x}$, the greater is the apportionment favoritism to large states; the smaller $R_{y,x}$, the greater the apportionment favoritism to small states. Schmeckebier[3] gives examples.

Above it was said that all states' first representative is given automatically, so that a given method does not need a multiplier, $M_1$, for its first representative. But it is of interest to determine $M_1$ for each of the five methods, ignoring for the moment the Constitutional provision of each state's being given its first representative automatically to see if a given method naturally complies with this Constitutional provision.

Taking limits where necessary to avoid divisions by zero, $M_1$ for each of the methods is: Greatest Divisors 1; Major Fractions 2; Equal Proportions $\infty$; The Harmonic Mean $\infty$; Smallest Divisors $\infty$.

Since $M_2$ for all methods is finite, we observe that the last three methods, complying with the Constitution, apportion all states their first representative before any state gets its second, while the first two methods do not. To comply with the Constitution, we conclude that a method of apportionment must have an infinite $M_1$ to be acceptable.

Now, how do we choose among methods with infinite $M_1$? Tentatively, we suggest that the method with the largest $R_{y,x}$ for a given $x$ and $y$; $x > 1$; $x < y$, is best. This conclusion is based upon noting that, historically, the method of major fractions was actually used (after first arbitrarily assigning one representative to each state) in the first part of this country and, following Schmeckebier's[4] arguments for the method of equal proportions, we want a method which is neutral in its favoritism for large versus small states, and such neutrality appears to occur when $R_{y,x}$ is large, given $M_1$, infinite.

Thus, it is suggested an ideal method of apportionment should surely have infinite $M_1$ and perhaps have maximum $R_{y,x}$ for a given $x$ and $y$. Of presently known methods, the method of equal proportions best fulfills these two characteristics.

* This research was supported in part by the Office of Computing Activities, National Science Foundation.

[1] Laurence F. Schmeckebier, *Congressional Apportionment* (Brookings, Washington, D.C., 1941).

[2] *Ibid.*

[3] *Ibid.*

[4] *Ibid.*

## MAINE FIRMS HONORED

## HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. COHEN. Mr. Speaker, 37 firms from my home State were recently cited by the United States Department of Commerce for their efforts to conserve energy, while at the same time maintaining high efficiency and productivity. In this time of national energy shortage, this is an achievement of both real and symbolic significance. I believe that these Maine companies deserve the respect of all Americans.

I am sure that my colleagues will want to join me in paying tribute to these 37 firms that have set an example of energy conservation all of us would do well to emulate. I, therefore, insert in the CONGRESSIONAL RECORD at this point a list of the Maine companies honored by the Commerce Department with SavEnergy citations:

MAINE COMPANIES

District A (York County)—five firms—Prime Tanning Company, Inc., Berwick; Fiber Materials, Inc., Biddeford; and New England Division Maremont Corp., Saco; E/I Corporation, Sanford; and Shape, Symmetry and Sun, Biddeford.

District B (Cumberland County minus Brunswick)—nine firms—Burgess Fobes Paint Company, Portland; John J. Nissen Baking Company, Portland; Southworth Machine Company, Portland; Circus Time, Inc., South Portland; Hannaford Brothers Company, South Portland; Pine State By-Products, Inc., South Portland; L. C. Andrew, Inc., South Windham; Union Mutual Insurance Company, Portland; and Maine Oil Dealers Association, Portland.

District C (Knox, Lincoln, Sagadahec and Waldo Counties plus Brunswick)—eight firms—Seapro, Inc., Rockland; Maplewood Poultry Enterprises, Belfast; Marine Colloids, Inc., Rockland; Sprowl Brothers, Inc., Searsmont; Truitt Brothers, Inc., Belfast; Fisher Engineering, Rockland; Granite Paving Company, Brunswick; and Hunt Brothers Lumber, Inc., Damariscotta.

District D (Androscoggin, Franklin and Oxford Counties)—two firms—Gardiner Shoe Company, Inc., Lewiston; and Robinson Manufacturing Company, Oxford.

District E (Kennebec and Somerset Counties)—one firm—North Anson Reel Company, North Anson.

District F (Penobscot and Piscataquis Counties)—seven firms—Banton Brothers, Inc., Newport; Dexter Shoe Company, Dexter; Snow & Nealley Company, Bangor; Beaudry Lumber, Inc., Greenville; Pepsi Cola Bottling Company of Bangor, Brewer; Smith Timberlands, Inc., Dover-Foxcroft; and R. Leon Williams Lumber Company of East Eddington.

District G (Hancock and Washington Counties)—two firms—Addison Packing Company, Prospect Harbor; and Stinson Canning Company, Prospect Harbor.

District H (Aroostook County)—three firms—Houlton Farms Dairy, Houlton; Maine Potato Growers, Inc., Presque Isle; and Cyr Brothers Meat Packing, Inc., Caribou.

## GOOD WORKS OF SACRAMENTO'S MAMA MARKS

## HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. LEGGETT. Mr. Speaker, more often than not the day's headlines have been telling of venality, deceit, and hypocrisy at the highest levels of Government. In contrast, I think we will all be heartened by the story of a woman whose entire life is devoted to helping people just because she enjoys doing it.

Margaret Marks of Sacramento, Calif., has raised 31 foster children. She has organized and operated for 4 years a program that provides free meals for 60 to 100 people every weekend—people who otherwise would not eat. Every weekday, in coordination with the Sacramento Area Economic Opportunity Council, she prepares 125 lunches for schoolchildren. In the evenings, she tends the vegetable gardens that provide some of the food for the free feeding program. And what does she feel is missing in her life? She says:

I wish I had me a great big old house with a bunch of children right now.

I think you will all enjoy my friend Margaret "Mama" Marks' story as much as I do. I insert reporter Sigrid Bathen's account from the Sacramento Bee of May 26, 1974, in the RECORD at this point:

[From the Sacramento Bee, May 26, 1974]

ANGEL OF ASBURY

(By Sigrid Bathen)

The huge, hand-lettered sign, written in the unmistakable style of small children, extends across one wall of the Asbury United Methodist Church in Sacramento's Del Paso Heights.

Its gentle message of thanks comes from "Mrs. Crenshaw's kindergarten class, McClellan School, room 20," and is painstakingly signed by Richie, Rhonda, Violet, Robert and their friends in room 20.

"Momma Marks," it says, "we want to thank you for everything you have done for us."

The object of this affection is a 60-year-old Margaret Marks, known to all as Mama Marks, who for the last four years has been feeding the hungry of Del Paso Heights—every weekend, free meals at Asbury to between 60 and 100 persons.

She's doing it, she says, because she had

a dream in which "I wanted to feed hungry people." Most people, she recalls, "laughed at me and said I was crazy."

But today, the dream is a reality, made that way by Mama Marks' dedication, by donations of food, space and labor by her friends.

On a bulletin board in that Asbury room are congratulatory letters from government officials, awards from a variety of civic and humanitarian groups, photographs of Mama in the kitchen cooking, in a park distributing Easter candies to children, and at the groundbreaking of a community health center.

Meantime, a man in a green sweater hungrily eats a heaping plate of spaghetti at one of the long tables covered with brightly colored cloths. It is nearly 2 o'clock on a weekday afternoon, and the man is just one in a long stream of hungry people who have been fed, cheered and perhaps even counseled by Mama Marks.

Mama and her five assistants serve the daily meal in the church's Sunday School room from noon "until,' she says, "just until . . ." On special holidays she takes over a local clubhouse and serves 500 to 600 persons, doing the cooking in advance at the church kitchen. In addition, she and her assistants fix 125 lunches each weekday for children at the McClellan Elementary School as part of the Sacramento Area Economic Opportunity Council's children's feeding program.

"In the morning when I get up, I fall out of bed," she says with a laugh and a slight grimace. "But after I get up, I stay on my feet most of the time. I come here (to the church) about 7:30–8 o'clock. I used to say I would close at 3 or 4, but now we're here till 6 or 7."

In the evenings, one might find her at gardens planted by the community's children on land donated for growing vegetables for the free feeding program.

Produce from the garden will also be sold by young people in need of summer money.

Before her current program started she made sandwiches for hungry children and distributed them at the Del Paso Heights Community Clubhouse.

Her dream was helped to reality by Evelyn Dooley from NDP (the Del Paso Heights Neighborhood Development Project) who helped Mama find a place, the church.

"I spoke with church officials, and they asked me what I wanted. I said I want to feed everybody who's hungry. They asked me how I would get the food. I told them not to worry about that, and they gave me the key.

"I went right out and got 100 cases of soup from Campbell's, rice from the rice growers, bread from the bakeries, meat from the packing companies. Now if I don't call for my donations, they call me."

Everything in Mama Marks' vast free feeding program is donated, from her labor and that of her assistants to the meat, bread, canned goods, fruits and vegetables that go to fix the huge, savory meals she cooks just about every day. The church donates the space and pays the utilities, and financial donations come from various sources. Before the Sunday School room was given over to the feeding program, Mama said she moved the pews in the church proper to make room for her hungry constituents.

She is constantly in need of donations of all kinds and is trying now to get a minibus to pick up people who can't get to the church and to take meals to persons confined to their homes.

"Whatever we get," she says of donations, "we can use."

Mama and her chief assistant, Helen Bell, do the cooking. Mrs. Bell has been with Mama since shortly after the Asbury program's inception. "We're like sisters," Mama says. "People call her the second Mama Marks." A former beautician who suffered a stroke in 1968, Mrs. Bell spends as much time and works as hard on the program as Mama Marks. Somewhere in between, she finds time to help with a local preschool and to care for her three young sons.

Mama has no intentions of limiting the size of the program. "The more people I have," she says, "the better I feel. We feed all kinds of people. There are a lot of hungry children, and we have quite a few kids come here for lunch. I refuse to turn anyone away."

With food costs rising and unemployment rates high, particularly in Del Paso Heights, Mama and Mrs. Bell say there are more hungry people to feed now than ever before. "We had a couple of people come for lunch the other day," Mrs. Bell recalls, "and we had some old rotten bananas in the garbage. We found them eating the bananas out of the garbage can."

During her tenure in Sacramento (she came here from her native Louisiana in 1940), Mama Marks has been the recipient of just about every award and accolade available, from the NAACP's community service award to the National Enquirer's Good Samaritan award. Politicians seek her support, and her presence is requested at all variety of civic functions.

While devoting much of her time to helping others in one way or another, Mama has also found time to work as a beautician and a nurse's aide, and to raise 31 foster children. Thinking of the children, she smiles and chuckles softly in that inimitable deep and throaty voice:

"I wish I had me a great big old house with a bunch of children right now."

## HON. HERMAN BADILLO ON BILINGUAL EDUCATION

### HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. COHEN. Mr. Speaker, in a recent appearance before the House General Subcommittee on Education, I testified to the urgent need for greater Federal support for bilingual education. My immediate concern is for the thousands of Franco-Americans in Maine whose children's progress in the schools is held back by unfamiliarity with the English language, although the need is nationwide and for many nationalities.

The Bilingual Education Act of 1967, now title VII of the Elementary and Secondary Education Act, is designed to provide Government funds for bilingual instruction for these youngsters—of French, Hispanic, Italian, Greek, Chinese, or any other ethnic background—in whose homes English is not spoken as the mother tongue. By making it possible to have teachers conduct classes in their native language while simultaneously beginning the teaching of English, this program enables children of limited English-speaking ability to learn with the same opportunity afforded their classmates. And importantly, by including instruction in the history and culture of the particular ethnic group, it helps instill pride and a sense of identity to replace the social isolation so commonly the lot of these children in the classroom.

Far more money is needed for bilingual/bicultural education if we are to meet the needs of the estimated 5 million youngsters in this country with deficiencies in English. My colleague from New York City, HERMAN BADILLO, has been a leader in the congressional drive for greater Government involvement, not only from Washington, but also at the State and local level.

In order that the American promise of equal educational opportunity not be denied children with this type of learning disadvantage when they enter our schools, Mr. BADILLO summed up the case in a recent speech at the International Conference of Bilingual/Bicultural Education in New York City. I commend to my colleagues his suggestions for Federal, State and local involvement as a blueprint for specific actions to advance the right to a meaningful education for so many neglected American children.

ADDRESS BY REPRESENTATIVE HERMAN BADILLO

I am pleased to have the opportunity to appear at this Annual International Conference on Bilingual/Bicultural Education. The cause that brings us together here today is a unifying one, and it is my profound hope that the enthusiasm generated by these four days of speeches and seminars will be carried into every community in America in the months to come.

By now you have been through an exhaustive survey of virtually all of the problems and potentialities of bilingual/bicultural education. While it is useful to gauge the progress we have made to date, it is critically important that we focus on the distance we have yet to go before we achieve the lofty goal expressed in the recently passed House version of the education bill, quote:

"The Congress hereby declares it to be the policy of the United States of America that every citizen is entitled to an education to meet his or her full potential without financial barriers and limited only by the desire to learn and ability to absorb such education."

Despite these sentiments, bilingual/bicultural education is still neither widely understood nor accepted by the public in general and by public officials in particular. All of our efforts from here on must be geared toward spreading the message that equal educational opportunity will never be a reality in this country until the specific needs of every child with an identifiable learning disadvantage are met in the schools. Inability to understand the language of instruction is surely one of the most severe handicaps that any child can be burdened with in the normal classroom situation.

Our goals are identifiable and practicable. First, we must always emphasize the bicultural component of bilingual education, for without instruction in the history and culture of the nationality or ethnic group from which the non-English-speaking child derives, we will not provide him with the self-esteem and reinforcement he needs to succeed in the shool and later in society.

Second, we need to prepare many more teachers, not only in a second language but with a comprehensive grounding in the culture and background of the students to be taught. This is a critical area. Not only do we need many thousands of newly trained teachers, but we must deal with the fact that many of the individuals presently teaching bilingual classes are woefully inadequate for the job.

Third, we need to ensure that *all* children of limited English-speaking ability are served. While we are all aware that only a small percentage of Chicano children in the

Southwest and Puerto Rican children in the major cities are enrolled in bilingual classes, we also learned in recent hearings in Washington and here in New York City that there are no programs at all for many nationalities—Italians, Greeks, Albanians, some American Indian tribes, and perhaps others we have not heard from.

And fourth, to implement all of the above goals, we need to push relentlessly for more funds for bilingual/bicultural education. Money alone does not guarantee adequate implementation, as is so clearly illustrated in some of the ongoing programs today, but if we are to accomplish the training of teachers and paraprofessionals, if we are to supply the curriculum materials needed, our task will be impossible without greatly increased funding, not only from the Federal government but from State and local agencies as well.

The United States Senate is debating an education bill with the most comprehensive bilingual package ever to receive serious consideration in the Congress. If enacted, its provisions would enable us to take a giant step toward the goals I have outlined. Your help and support will be needed if we are to get it, or any portion of it, enacted into law.

The Senate amendments include a comprehensive definition of what constitutes true bilingual/bicultural education; places great emphasis on the training of teachers and paraprofessionals; authorizes the creation of a Bureau of Bilingual Education within the U.S. Office of Education to give the program greater weight within the bureaucracy; increases the authorization to $145 million next year and $10 million more per year thereafter; authorizes up to 500 fellowships for prospective bilingual teachers; provides a bilingual vocational training program for persons not presently enrolled in the schools; and has many other fine features that would upgrade and enhance the Federal government's role in support of bilingual/bicultural programs.

I had prepared similar amendments to be offered when the House of Representatives debated the education bill earlier this year. In a colloquy with the chairman of the Education and Labor Committee on the floor of the House, I won agreement that if I withdrew my amendments at that time, they would be given serious consideration when House and Senate conferees meet to work out an acceptable compromise to the differing versions of the bill. Realistically speaking, we will probably get only a portion of the Senate package into the final legislation, and the remainder we will have to work for in the months and years to come.

Political action on behalf of bilingual/bicultural education is important no matter where in the United States you live. A Census Bureau survey has shown that of 417 Congressional Districts for which data are available, 155 United States Congressmen have a constituency with more than 20 per cent who speak a mother tongue other than English. In an additional 118 Congressional Districts, from 10–20 per cent of the population are not native-English-speakers. And only 144 Districts, largely in the Deep South, have less than 10 per cent, although no Congressional District in the country has none.

These are significant findings. What they tell us is that every Member of Congress should be alerted to the needs of these particular constituents and, as a public official standing for re-election, he must be asked to support an expanded Federal role in bilingual/bicultural education. Do not be deceived by promises of a vote for higher authorizations for the program, because it is in the critical appropriations process that the life or death of every program is determined. I have found that the public has too little knowledge of how funding decisions are arrived at, and the special interests who have learned where the action is are not anxious to share their knowledge.

It is the function of the legislative committees of the Congress to outline and define programs that they believe will be in the public interest. They are responsible as well for indicating in every bill involving expenditures from the Treasury what the authorization, or maximum allowable outlay, shall be for the program in any given year. Then the appropriations committees of the House and Senate decide how much money should actually be spent on each Federal activity and report accordingly to their respective chambers with funding bills that are rarely amended or overturned.

Thus, the person who lobbies members of the Education and Labor Committee for more money for bilingual /bicultural education and comes away satisfied because he has found agreement and even seen a large authorization figure put into the bill, has really done only part of his work. For, as I have indicated, the final appropriation rarely comes close to the authorized amount, and sometimes programs that we have approved literally pass into limbo for lack of funds.

It is no secret that the appropriations committees are constituted largely with conservative Members of Congress, for whom vast outlays of money for military needs are far more congenial than even small expenditures for health, education, and welfare.

The history of the Bilingual Education Act is typical. From the initial $7.5 million appropriation in 1968 to the $35 million allocated in fiscal 1973, the gap between authorization and actual spending has grown considerably wider. This grievous underfunding has kept the Act from even approaching the goals originally envisioned for it.

The $35 million in 1973 provided Federal support for bilingual services for only 110,000 children out of a nationwide population estimated at five million who need such instruction to attain true equal educational opportunity. We have now joined battle with renewed intensity over this issue of funding, and the main point I would like to leave with you today is the urgent need for your involvement in this critical struggle for adequate support of bilingual/bicultural education, at the Federal level, obviously, but also most urgently with your State and local governments as well.

I believe very strongly that the responsibility is not solely that of the U.S. Congress. State and municipal governments have a clear obligation to encourage and support the development and operation of bilingual education programs. Educational development is a joint venture and bilingual programs are no different from any other.

You must understand that bilingual/bicultural education does not depend on an act of Congress alone and that the Federal government is not the sole governmental level which must be concerned with it. Using the Federal legislation and programs as models, you should initiate efforts to have your state legislatures enact measures to provide for programs and the appropriation of State and local funds to effect those programs.

Therefore, you should not only demand an accounting from your U.S. Representatives and Senators for their support—or lack of it—for bilingual/bicultural education, but you should also call upon your State legislators and your local boards of education for their active support and participation. I am certain, for example, that the New York State Education Department and the New York City Board of Education could both take steps to provide sizeable financial underwriting for the program. I am equally confident that similar action can be taken throughout the country.

In fact, the landmark *Lau* v. *Nichols* decision of the Supreme Court on January 21 mandated local school districts to provide this essential educational service wherever needed. In *Lau* v. *Nichols* the Court ruled that the San Francisco school system's failure to provide special instruction to students of Chinese ancestry who have difficulties with the English language constitutes discrimination under the Civil Rights Act of 1964.

I quote from the recent report of the U.S. Commissioner of Education to the Congress:

"Lau does not mean only that San Francisco must provide special instruction for non-English speaking Chinese children so that they can participate more fully in the district's educational program. It means that every school system with minority group children who do not speak English are under a duty to provide similar instruction."

The command of the Court was clear and unequivocal. Yet today, nearly four months later, the budget prepared for New York City by its mayor gives no recognition to the edict in *Lau* v. *Nichols* and proposes no improvement in this local government's woeful inadequacies in the critical area of providing bilingual/bicultural education for thousands of children of limited English-speaking ability. This is unconscionable, and I will seek redress. I call on all New Yorkers concerned for the future of this city and its people to join me in this effort.

There are approximately 150,000 students in the schools of this municipality who have serious deficiencies in English, yet a budget has been drawn up that will continue to ignore the needs of these youngsters and crucially affect their future success or failure, not only in the public schools but in society as well.

Those of us who live in this city and are concerned over its problems must come to grips with this budgetary neglect immediately. Even without *Lau* v. *Nichols* it is heartless and shortsighted to deny to a significant part of our school population the right to a meaningful education. But with the Supreme Court decision as a prod and a legal foundation, we must now proceed to make clear to the appropriate officials of this city—and every city in America—what their obligations are under the law and the demands of human decency. Certain basic rights are inalienable in this country. Equal educational opportunity is one that must be implemented with dispatch, in New York and throughout the land, both for the public welfare and because we believe this to be the right course of action.

We have been able to win a skirmish or two in the Congress this year, but we will never win the war without a demonstration of strong grassroots support from concerned citizens around the United States. One small triumph came through the dedicated efforts of a great champion of bilingual/bicultural education, Senator Joseph Montoya of New Mexico, when an additional $20 million over the budget figure was tacked onto the supplemental funding bill for this fiscal year. If the House concurs, those funds will be available until December 31.

Prior to this, we challenged the Administration budget request of only $35 million for bilingual education for fiscal 1975, a cutback from the 1974 appropriation. In recent hearings in the General Subcommittee on Education, of which I am a member, we heard from witnesses from around the country—education organizations, state bilingual program directors, ethnic groups, Indian school board members, and representatives of the New York City Board of Education. At the conclusion of five days of expert and compelling testimony, HEW officials appeared to testify on the final day of the hearings that they would seek an additional $44.5 million for bilingual/bicultural education in the 1975 budget.

Such small advances must be built upon. Political action could not be more timely than it is today. I urge each and every one

of you to go home from this conference and contact your United States Senators to urge their support for the bilingual amendments in the education bill they are now debating. Then write to your Congressman as well. The vote on the education bill for this year will come soon, but this is a long-range effort we are engaged in, and whether we can keep the Senate provisions in the final legislation or not, we need to keep the pressure on over the long term.

The responsibility is ours. If each of us can in some way contribute to increasing public sensitivity to the educational needs of children with an English-language deficiency, we will be on our way to carrying out the promise that America has always held for the diverse nationalities reaching its shores—equal opportunity to rise to the utmost of one's individual ability and desire. Working together, I believe we can give substance to that dream.

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## STATEMENT OF REPRESENTATIVE JOEL T. BROYHILL OF VIRGINIA ON A BILL TO AMEND TITLE XI OF THE SOCIAL SECURITY ACT TO REPEAL THE PROVISION FOR THE ESTABLISHMENT OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS TO REVIEW SERVICES COVERED UNDER THE MEDICARE AND MEDICAID PROGRAMS

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. BROYHILL of Virginia. Mr. Speaker, I am introducing legislation today to amend title XI of the Social Security Act to repeal the provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs.

Specifically, this bill would repeal section 249F of Public Law 92–603 which establishes a network of Professional Standards Review Organizations to see that appropriate professional standards are practiced by our Nation's doctors. Further, the Secretary of Health, Education and Welfare is authorized to establish norms of health care and to assist the Secretary in the development of these norms, employees of the 193 regional PSRO's will be permitted to enter physician's offices and inspect the private medical records of all patients. Presumably, norms will then be used to determine the necessity of hospital admissions, length of stay, nature and number of medical tests, type of treatment, and what pharmaceuticals a physician may prescribe. I submit this type of meddling in our private medical delivery system can only lead to standardization of medicine, a decline in quality medical care and a serious invasion of privacy coupled with violation of doctor-patient confidentiality.

Mr. Speaker, that section of Public Law 92–603 which would be appealed by this bill was added by the Senate to H.R. 1, the Social Security Amendments Act of 1972, and was accepted in conference. H.R. 1 was then brought to the floor of the House on the very last day of the 92d Congress under closed rule. In essence, the House never debated nor did the House pass a PSRO provision.

Mr. Speaker, our Nation's physicians have done an outstanding job of maintaining high professional standards and we simply do not need Federal intervention with the doctor-patient relationship, and I urge early and favorable consideration by my colleagues of this bill which I have proposed today.

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## CLEARCUT

### HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. TIERNAN. Mr. Speaker, for several decades the United States has witnessed the attack upon our national forests by private companies interested in sustaining or increasing their timber supplies. The U.S. Forest Service, a Federal agency which is supposed to safeguard our national forests for multiple use, such as recreation, watershed, wildlife, and fishing, has often acted more in the interest of the timber companies than in the national interest. In a book entitled "Clearcut" Nancy Wood chronicles the onslaught upon our forest resources by both industry and government, and the devastating role the Forest Service played in that onslaught.

The fight to preserve our forests is still being carried on—not by the Forest Service, but rather by conservationists such as the Sierra Club. In January 1970, the club and the Sitka Conservation Society filed a complaint in U.S. district court at Anchorage, Alaska, against the Secretary of Agriculture, the Chief of the U.S. Forest Service, and the regional forester of region 10 for the sale of 1 million acres of the Tongass National Forest of southeast Alaska.

The sale was made in 1965 to the Champion International Corp.—formerly U.S. Plywood Champion Papers, Inc.—and was the largest single timber purchase in the history of the United States. Since that time the Sierra Club has been attempting to block the sale of Tongass because in their opinion:

It represents the single largest act of wilderness destruction ever contemplated.

If the Forest Service contract with Champion Paper is allowed to stand and Champion is allowed to build its mill, then the entire Tongass National Forest, comprising almost the whole of Southeastern Alaska, will b destroyed . . . The entire production of the Champion mill is committed to Japan, so there would not even be any compensating benefit to the American people, save those few who are directly connected with the mill.

Mr. Speaker, I think it would be well for all of us to read the article I am submitting on the sale of the Tongass Forest and judge for ourselves the merits, if any, of this enormous purchase and eventual destruction of one of our national forests.

HERITAGE IN PROBATE: OUR TONGASS FOREST

(By Julie Cannon)

The American public holds title to a remarkable forest: the Tongass of southeast Alaska. Established as a unit of the National Forest System in 1902, today the Tongass includes more tnan 16 million acres, covering most of the panhandle that runs southward between the sea and British Columbia. Its spectacular mountains, the finale of the famous inside passage from Seattle to Alaska, rise abruptly from the Pacific to elevations of nearly 9,000 feet, their profiles reflected in deep, nordic-like fiords. In the morning shadow of this range lie its partially submerged western foothills, the islands of the Alexander Archipelago.

Despite the glaciers imbedded in the mountain sides and the piedmont ice sheets that have ground their way to the sea, the coastal climate of southeast Alaska, thanks to the moderating influence of the ocean, is mild compared to the continental interior. Dense hemlock-spruce forests belt the rugged, sinuous coast and encircle the islands in a band extending from tidewater to elevations varying from 1,000 to 2,000 feet above sea level. The timberlands are rich in wildlife: bear, deer, wolves, beaver, otter, mink. The American bald eagle nests here, and wintering species include the extremely rare trumpeter swan.

In 1965, the U.S. Forest Service put more than a million acres of the Tongass on the block—the largest timber sale in the history of the United States. The resulting contract is a license to clearcut 416,000 acres of western Admiralty Island, 528,000 acres across Stephens Passage on the mainland, and 146,000 acres at Yakutat, northward along the mainland coast. Admiralty, which provides prime habitat for the giant Alaska brown bear and nesting grounds for a major part of the remaining population of the endangered American bald eagle, is considered by conservationists to be the most important wilderness in southeast Alaska. Nevertheless, of the 8.75 to 9 billion board feet of commercial timber (which, in this case, means virtually *all* the timber) thought to be available on West Admiralty and the two neighboring areas, the Forest Service sold 8.75 billion board feet. In other words, if these terms were carried out, almost no timber whatsoever would be left standing as wildlife habitat, or wilderness, or for recreational purposes. Calling the Juneau Unit Timber Sale the "single largest act of wilderness destruction ever contemplated,' the Sierra Club joined with Alaskan conservationists in a court action to challenge the legality of the sale.

Two factors played a crucial role in the biggest timber sale in U.S. history. Following World War II, the Forest Service became involved in promoting a local timber industry in Alaska at the expense of such other lawful forestland uses as wildlife, recreation, wilderness, and commercial fishing. In line with this policy, the terms of the million-acre sale stipulated: "Purchaser proposes to establish a new industrial development of Alaska." The purchaser was required to construct and operate a pulp and saw-mill complex near the site. Production quotas were set. When the Forest Service offered the million-acre harvest to Champion International Corporation, the second factor came into play. The Japanese, having grossly overcut their forests during World War II, are importing almost the entire yield of the Alaska forest industry. Champion negotiated an agreement to sell the first 15 years' worth of the pulp and timber production of the mills to the Kanzake Paper Company of Japan and then signed the Juneau Unit Timber Sale contract on September 12, 1968.

Two months before the deal was completed, Sierra Club President Edgar Wayburn arrived in Juneau for what was becoming an annual pilgrimage to urge the Forest Service to protect the unique wilderness areas of southeast Alaska. When the Wayburns first visited the Region 10 office the year before, they learned the Forest Service had no plans to dedicate any Alaskan wilderness. This time, Howard Johnson, the regional for-

ester, reported that the regional organization had held two major meetings and was recommending several areas for study as wilderness or national recreation areas. But the outlook was not good: Johnson went on to rule out protected status for areas with timber resources. "I'm not personally inclined to put on ice considerable areas of commercial timber," he told Wayburn.

According to Wayburn, Johnson discussed the coming Champion sale "which he was quite optimistic about." "He told us," Wayburn said, "that the overriding factor in the sale and its scheduling was its economic benefit to Juneau."

" 'I like to have the local community benefit,' " Wayburn quoted the forester as saying.

"I proposed that the Forest Service reconsider the entire matter of Admiralty Island," Wayburn continued, "that they treat Admiralty as a special case and declare it either a wilderness area or combined wilderness and recreation area." When he returned home, he re-emphasized these views in a letter to the regional forester on August 16, 1968: "We strongly urge the Forest Service to reconsider the areas of the virgin forest that remain intact in terms of their national significance as an unmatched scenic resource for the American people."

"We went back to Alaska again in 1969," Wayburn said, "and had a growing sense of outrage at the way the U.S. forests, which belong to all the people of the United States, and which, by law, are to be managed for multiple use, were instead being managed for local economic interests as the regional forester interpreted them." At the time of the Wayburns' 1969 trip, Champion had organized a "blue ribbon" team of university ecologists to guide all phases of mill construction and the lumbering program, and several company officials and team scientists were already in Juneau.

"We discussed with them what would happen if the panel of ecological advisers should suggest that the company modify its plans or turn down the sale," Wayburn recalled. "My remembrance is that they said, 'Well, that would be one of the options then that we would have to consider."

The Club waited for Champion to assess the ecological findings and evaluate its options. In December, 1969, the lumber company announced its site selection for the mill: Berner's Bay on the mainland about 30 miles north of Juneau. It appeared that the contract would indeed go forward.

The January 5, 1970, issue of *Industry Week* carried a brief news item headlined: "Placate Conservationist by Getting Him Involved." The article said, "Opposition from conservationists can easily scuttle plans for a new plant. Executives at U.S. Plywood Champion Papers Inc. (now renamed Champion International Corporation) faced and solved the problem in planning a new lumber mill in Alaska." The article explained how the company set up a panel of experts to help in site selection and in advising the firm on plant design and construction. " 'We were taking quite a risk,' admits the firm's official, 'because they could have made recommendations unacceptable to us.' " *Industry Week* concluded: "However, the plan worked. The site and construction recommendations were acceptable to the company, and the conservation groups were pleased with the final plan. Construction is scheduled to begin in 1970."

But contrary to this article, conservationists were, in fact, *not* pleased with the final plan. In January, 1970, the Sitka Conservation Society and the Alaska Chapter of the Sierra Club wrote jointly to the Sierra Club Legal Committee: "If the Forest Service contract with Champion Paper is allowed to stand and Champion is allowed to build its mill, then the entire Tongass National Forest, comprising almost the whole of Southeastern Alaska, will be destroyed. . . . The entire production of the Champion mill is committed to Japan, so there would not even be any compensating benefit to the American people, save those few who are directly connected with the mill."

Nor was the Sierra Club pleased with the plan. The lawsuit had already been drafted, and in mid-January, Donald Harris, then chairman of the Legal Committee, announced that the Sierra Club and the Sitka Conservation Society were filing a complaint against the Secretary of Agriculture, the chief of the U.S. Forest Service, and the regional forester for Region 10 in the U.S. District Court at Anchorage for failing "to furnish a continuous supply of timber for the use and necessities of citizens of the United States" and for failing to follow the Multple Use and Sustained Yield Act, which requires that uses other than logging—such as recreation, watershed, wildlife and fishing—must also be given proper balance in the use of the national forests.

Outlining the unprecedented dimensions of this million-acre sale, Harris emphasized: "The chainsaw will continue unabated until the year 2022 to destroy major recreational resources of the United States." He called attention to two other long-term timber sales made in the Tongass within the last decade. "Indeed, our experts tell us that these timber sales irrevocably commit the Forest Service to an inflexible schedule of harvesting substantially all of the operable virgin growth forests in Southeastern Alaska to the exclusion of all other legitimate uses." The Sierra Club and the Sitka Conservation Society "have thus filed this lawsuit as a necessary step to protecting these invaluable resources. The ultimate winners will be the people of the United States."

The issue was joined. Warren E. Matthews, an Alaskan attorney and a member of the Executive Committee of the Sierra Club's Alaska Chapter, was retained to try the case. Karl E. Lane, a Juneau resident and a professional registered guide who conducts hunting, fishing, sightseeing, and photography trips into the timber sale area, joined the Club and the Sitka Conservation Society as plaintiffs. On the other side, Champion and the State of Alaska both intervened as co-defendants with the Forest Service. The trial was set for November, 1970.

Gordon Robinson, the Club's consulting forester, was dispatched to Alaska to assess the Forest Service's timber management plans for the Tongass and to examine the logging practices already underway in southeast Alaska. Robinson's findings showed that the Forest Service was not managing the timber resource, which it was concentrating on, any better than it was managing the watershed, wildlife, and other resources, which it was ignoring, Robinson found the following:

(1) The Forest Service, by several methods, including using a very loose definition of "commercial forest" when compiling the inventory from which the allowable cut is determined, was authorizing itself to permit *excessive cutting*. Robinson's surveys showed that insufficient timber exists in the Juneau and Yakutat units to fulfill the Champion contract under a plan of sustained yield management.

(2) *Overcommitment:* Construction of the Champion mill will bring the annual mill production capacity on the Tongass to 945 million feet. The present allowable cut on the Tongass is set at 824 million feet annually.

(3) *Destructive logging practices:* in recent years the Forest Service has adopted the practice of wholesale clearcutting on the national forests of Alaska. Areas where the humus layer and topsoil are removed through careless logging are not regenerated for 20 to 30 years. When slopes exceeding 50 percent are clearcut, the landslides that often follow make the forest-recuperation process take even longer. Robinson said that 31.6 percent of the commercial forest land within the sale area on Admiralty Island is situated on slopes that exceed 50 percent.

(4) *Below-market values:* After reviewing over 50 recent timber-sales transactions in southeast Alaska, as well as log prices in the Pacific Northwest over the past decade. Robinson established that the value of timber in the initial cutting area as of the date of the contract was $33 per 1,000 board feet for spruce; $8.50 for hemlock. The Forest Service awarded the spruce to Champion for $6.54 per 1,000 board feet and the hemlock for $5.10. Alaskan spruce, incidentally, is the finest remaining old-growth softwood timber in the world.

As the Club continued to amass evidence of the mismanagement of the Tongass timber resources, Reginald Barrett, a graduate student working under Professor A. Starker Leopold of the School of Forestry and Conservation at the University of California, Berkeley, began a wildlife survey in the timber sale area. As a member of Champion's team of ecologists, Leopold had been asked to assess the impact of the proposed logging program on wildlife, with particular emphasis on the Admiralty Island operation. Barrett arrived at Admiralty in the late summer of 1970 and remained until the following July, making aerial and ground surveys of wildlife and habitat conditions throughout the sale area in general and on the South Hood Bay watershed in particular.

Leopold and Barrett investigated the characteristics of the winter range of the Sitka deer, a significant species on the island. The deer are migratory, spending the summer at high elevations and with the onset of winter descending to the lower elevations in advance of the snow line. Key winter ranges are situated in mature conifer stands that provide shelter from the bulk of the snows and allow the growth of browse plants. The winter of '70–'71 was a severe one on the island, and Barrett observed the deer band together in the dense, mature timber near sea level. The scientists knew that it takes well over 100 years for a climax forest and its understory of browse plants to fully recover from logging. It was clear that, once eliminated, the deer would be gone for a century. They reported to Champion, "the only practical way to preserve key deer winter ranges is to refrain from cutting them." The outlook was worse for smaller wildlife species with their more restricted ranges.

Winter passed into spring on Admiralty Island. The bears began to emerge from hibernation on the high slopes, sliding down the snowfields in search of forage at the lower elevations. Barrett watched the bald eagles in their tree perches above the rocky tidelines scan the channel for the herring runs. The eagles, along with the other species on the island, had young to feed. The needs of wildlife during this season suggested additional problems that would result from the extensive logging of Admiralty. Barrett had begun to monitor the migration of the blue grouse from their upland winter range to their breeding grounds throughout the South Hood Bay logging site, when, on May 20, 1971, the District Court announced its final judgment:

Yes, the Forest Service has made an "overwhelming commitment of the Tongass National Forest to timber harvest objectives in preference to other multiple use values." Nonetheless, the court ruled that the evidence presented failed "to impeach the record provided by the Forest Service by showing that the administrative decision-makers either lacked actual knowledge or failed to consider the myriad reports and studies available to them. The court must presume, therefore, that the Forest Service did give due consideration to the various values specified in the Multiple Use-Sustained Yield Act." No one in the courtroom heard the drumming of the blue grouse on Admiralty that day; nor did they know that Leopold

and Barrett had found that the hens and their broods require the understory vegetation that grows in partnership with mature conifer stands.

The Club's Alaskan co-plaintiffs, the Sitka Conservation Society and the Sierra Club's Alaska Chapter, immediately put themselves on record as strongly supporting an appeal. Quoting a remark attributed to an Alaskan state legislator, they wrote to the Clubs' headquarters in San Francisco: "Let's make a mistake on the side of conservation for once; it's so much easier to correct." When the Club filed its notice of appeal on July 16, 1971, other Alaskans were not so jubilant. The *Southeast Alaska Empire* editorialized: "America's record of ecological successes is very dismal. Alaska's is not. Alaskans have always taken great pains and care to maintain the beauty and ecology of the Great Land." The paper accused the Club of locking the door on the economic growth of Juneau and throwing away the key. The paper's major premise was wrong. The Club was not suing Alaskans; it was suing the U.S. Forest Service for importing to the federally-owned forests of southeast Alaska the same management practices that indeed had contributed to America's dismal ecological record.

The appeal, prepared by Angus MacBeth of the Natural Resources Defense Council for the Sierra Club and its co-plaintiffs, was presented in oral argument before the Ninth Circuit Court in September, 1972. The Sierra Club argued:

(1) The contract violates the Multiple Use-Sustained Yield Act of 1960 by failing to give due consideration to non-timber resources: outdoor recreation, range, watershed, wildlife and fish purposes. The Club stated that the Forest Service had insufficient knowledge of soil conditions, water quality, and fish and wildlife inventories on the Tongass to draft a viable multiple-use management plan for the sale area. In the absence of such a plan, the Forest Service had overwhelmingly devoted the Tongass to timber harvesting. When the preliminary award of this timber sale was made, only 1.6 percent of the commercial timber area on the Tongass was formally reserved from cutting.

(2) The contract calls for cutting almost all the timber in the million acres within 50 years, even though it takes 120 years for timber to regenerate in Alaska. Thus, the contract is in blatant violation of the Multiple Use-Sustained Yield Act, which requires that the forests be administered to provide a sustained yield, a regular, even flow of the various renewable resources.

(3) the contract is invalid because in exporting all the timber to be cut the contract fails to meet the requirements of the Organic Act for the National Forests, one of which is "to furnish a continuous supply of timber for the use and necessities of *citizens of the United States*."

(4) The contract is invalid because timber from a national forest cannot be sold for the purpose of providing local economic development. No U.S. statute gives the Forest Service the power to engage in the program of industrial location envisioned in the primary processing provisions of the Champion contract. The Club argued that the Forest Service must redetermine, solely on the provisions of the Organic Act and the Multiple Use-Sustained Yield Act, whether or not to enter into this contract.

(5) The contract violates the Organic Act of 1897, which requires that before being sold, trees shall be individually marked and designated for removal from the national forests. The Club charged that the Champion contract not only allows the designation of large cutting units without the marking of individual trees, but the designation is to be largely done by the lumber company.

(6) The Forest Service initially violated the National Environmental Policy Act by not preparing a detailed environmental impact statement before issuing a use permit for the pulp-mill site at Berner's Bay. The Club pointed out that the use permit for the mill constitutes a major federal action affecting the environment because the effluent from the mill will contain a biological oxygen demand equivalent to the untreated sewage of a city larger than Juneau. Its smoke emissions into the atmosphere will reach the level of 250 pounds of sulphur per day. Subsequently, the Forest Service filed a three-page, after-the-fact environmental impact statement, which the Club rejected as "plainly inadequate."

On January 23, 1973, one of the Club's key arguments was confirmed. Leopold and Barrett released their report, "Implications for Wildlife of the 1968 Juneau Timber Sale," prefaced by a note from their employer to the effect that the opinions expressed were not necessarily those of Champion. Now it was clear that the Forest Service had not had sufficient knowledge upon which to judge the impact on wildlife of the million-acre timber sale. The two wildlife consultants for Champion supplied research findings and field studies to support their conclusion: "The 1968 timber sale contract between the U.S. Forest Service and U.S. Plywood Champion Papers, Inc., seems to us to imply a level of timber removal in southeast Alaska that is unrealistic by present-day standards of ecological acceptability. To achieve the timber harvest implied in this contract would require clearcutting of perhaps 95 percent of the presently accessible commercial timber, and this cut would have to be made in a single operation within each unit or compartment."

Leopold and Barrett added that "the days of massive clearcutting of whole watersheds have passed. Particularly on public lands, timber harvest schemes must take account of the full spectrum of social values." They offered a program of deferred cutting under which no more than one third of the timber in any given locality would be cut at one time and considerable areas would be permanently reserved from cutting "to protect critical scenic and ecological sites, shoreline timber, key deer winter range, estuary borders, eagle nest trees and other subsidiary values."

The Sierra Club and its co-plaintiffs saw in the Leopold-Barrett report confirmation that the million-acre timber sale represented a total default by the Forest Service of its duty to manage the National Forests. The Club turned first to the Forest Service, asking Chief John R. McGuire to reevaluate the contract in light of this new information concerning the sale's impact on the public lands and wildlife under his management. He refused. James Moorman, executive director of the Sierra Club Legal Defense Fund, on February 5, 1973, petitioned the Appellate Court to remand the case to the District Court for consideration of the newly discovered evidence.

He told the court:

"The Forest Service has by contract given the management for 50 year of a million acres over to U.S. Plywood Champion Papers, Inc., with a charter to cut all the timber regardless of the consequences. It has even delegated the study of environmental impact to the company. Now two of the company's own environmental consultants have actually gone out and studied the forest and have learned what the Forest Service should have known before it entered into this contract: that this timber sale will destroy all other values of the million acres.

"Most shocking, the Leopold-Barrett report reveals that the destruction is not necessary. A more reasonable cutting schedule would save the forest. Under any standard of review it is clear that the decision of the Forest Service to enter into the contract in its present form is irrational, arbitrary, and an abuse of discretion within the exact meaning of those phrases."

"We conclude that the motion should be granted," the Court of Appeals responded, finding that "what is here at stake is of such import as to call for the consideration of the District Court." Concerning the Club's contention that the Forest Service had not given "due consideration" to the non-timber values of the Tongass, the appellate court noted that the earlier district court ruling had concluded "that some consideration was sufficient." "For the purposes of this order," the higher court said, "we accept this interpretation, with the caution that 'due consideration' to us requires that the values in question be informedly and rationally taken into balance. The requirement can hardly be satisfied by a showing of knowledge of the consequences and a decision to ignore them." With this, the Court of Appeals granted the Sierra Club leave to seek a new trial, and the Club's motions are now on file in the trial court awaiting decisions.

The Club's litigation to force the Forest Service to account to the public for its actions on the Tongass—actions that present an extreme example of the agency's abuse of the public lands under its care—has been a long battle. Its final outcome remains unclear. One thing, though, is clear: should the suit fail, the Forest Service will find itself with nearly limitless administrative discretion to dispose of million-acre parcels of the public forest. "The management of the National Forest System will be largely beyond the control of the law," Moorman states. The Club believes that the facts available in the Leopold-Barrett report, combined with the precedent set by the Legal Defense Fund's recent landmark victory ending clearcutting on the Monongahela National Forest, may well cancel the nation's largest timber sale. If so, the American public will have reclaimed its title to the Tongass and reasserted its right to determine the future of the national forests.

## SISTERS OF ST. DOMINIC CELEBRATE GOLDEN AND SILVER JUBILEE

### HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 5, 1974*

Mr. RONCALLO of New York. Mr. Speaker, I wish to share with my colleagues the joy and happiness of the Sisters of St. Dominic in marking the golden and silver jubilee of those of their order. Those celebrating their golden jubilee are: Sister Estelle Gilmartin, Sister Colette Juras, Sister Rose Margaret Chapman, Sister Leontina Hampel, Sister Raphael Sobieraj, Sister Catherine Therese Giroux, Sister Bertilla Klong, Sister Mary Redemptrice Mack, Sister Benigna Consolata Sobieraj, Sister Salvatore Behringer, Sister Florence Gabriel Schroeder, Sister Charlotte Lake, Sister Josephine Clare Hickey, Sister Mary Louis Hecht, Sister Angelita Farrell, and Sister Adrienne Marie.

Among those celebrating their silver jubilee are: Sister Francis Benedict McVeigh, Sister Julia Mary Murphy, Sister Maria Carmel Wirsching, Sister Benedicta Fisher, Sister Maryaline Zierle, Sister Helen Butler, Sister Alphonse Louise Gendron, Sister Jeanne Theresa Puff,

Sister John Regis Milhaven, Sister Rose Anthony Walshak, Sister Katherine Gee, Sister Joan Quinlan, Sister Mary Erica Burkhardt, Sister Helen Anthon Novak, Sister Maureen Conway, Sister Mary Christine Conetta.

I join with my colleagues in extending the Sisters of St. Dominic our congratulations and best wishes on this joyous occasion for their service to God and community.

## PREVENTION OF DRUG-INDUCED DEATHS

### HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. LEGGETT. Mr. Speaker, I have recently been astounded to hear that the number of drug-induced deaths in American hospitals runs from 60,000 to 140,000 annually. This exceeds the annual highway carnage, and it exceeds the total number of Americans killed in Vietnam. It does not include deaths caused by intentional abuse of such addictive drugs as heroin or cocaine.

In an attempt to reduce the unnecessary deaths from inadvertent improper drug use, paid prescriptions—a nonprofit prepaid drug program—is introducing a pilot program in Seattle. This program will pay a fee to pharmacists who can demonstrate that they prevented an inappropriate drug dispensation. If it is successful—70 to 80 percent of these cases should be preventable—I hope to see the program expanded nationwide.

I insert in the RECORD a report on drug-induced deaths from the San Francisco Chronicle of May 21, 1974, and excerpts from an article describing the program in the May 15, 1974, issue of Voice of the Pharmacist newsletter:

[From the Voice of the Pharmacist, May 15, 1974]

PILOT PROJECT DESIGNED TO PAY PHARMACISTS FOR PREVENTING ADVERSE DRUG REACTIONS

In the pilot program a pharmacist would be paid a professional fee if he could document that he had prevented a potential drug-drug interaction, prevented an inappropriate use or an adverse drug reaction by not dispensing another unneeded prescription and alerting the prescriber of the hazards of unnecessary medication. This is a revolutionary concept in third party drug programs—paying the pharmacist for his knowledge rather than the dispensing function.

THE PILOT PROGRAM

The purpose of the pilot program is to provide community pharmacists and prescribes with the ability to identify potential adverse drug reactions and to prove that the pharmacist is knowledgeable in proper drug usage and the clinical aspects of pharmacy care, and is capable of intervening to make meaningful decisions for the benefit of the patient. Adverse drug reactions are qualified as being unintended, unanticipated, and undesired effects on a patient from both prescribed and OTC drugs. ADR's may take the form of drug-drug interactions, potentiation of drugs, duplication of medication, abusive drug use, or known drug sensitivity.

PATIENT PROFILES REQUIRED

Pharmacists will be required to maintain and properly utilize drug profiles on patients of this study and to inquire about proper drug usage. When a potential ADR is recognized, the pharmacist is to communicate this information to the prescriber with full documentation and request his consultation concerning the appropriate action to be taken. Of course, some physicians could take this action as a personal affront and for this reason pharmacists in the program are discouraged from taking a critical attitude and to regard all incidences as only potential reactions which may or may not require alteration of therapy.

CONTINUING EDUCATION PROVIDED

The success of this pilot program will depend heavily on the pharmacist's ability to keep up-to-date in the areas related to adverse drug reactions. For this reason Paid Prescriptions, in conjunction with the clinical faculty of Washington State University will provide a series of continuing education programs and a drug information service to provide background information necessary to document ADR's. A mechanism such as this is one of the few which stimulate more pharmacists to attend CE programs by combining economic benefits with patient benefits. Hopefully more programs of this nature wil be established once the pilot study is shown to be successful.

PEER REVIEW INCLUDED

One of the most important parts of this pilot study is the activity of the Peer Review Committee. A selected group of local practicing health professionals will review patterns of drug utilization in a program in which they participate, establish parameters of current practice based on computer reports, determine variances from accepted local standards which should be researched, and for the pilot program at least, prepare guidelines of proper drug utilization. By a constant process of review and study the Committee assumes as its prime objective the achievement of high standards of patient care through the promotion of rational drug therapy. Rational drug therapy was considered by the HEW Task Force on Prescription Drugs to mean: ". . . prescribing the right drug for the right patient, at the right time, in the right amounts, and with due consideration of relative costs."

The impact of the complete documentation of a patient profile on practicing professionals cannot be over-emphasized. It is difficult for practitioners to ignore the persuasive prodding by their peers when problems are identified and displayed.

[From the San Francisco Chronicle, May 21, 1974]

ESTIMATE UP ON HOSPITAL DRUG DEATHS

WASHINGTON.—A controversy over the extent of adverse reactions to medicines intensified yesterday with a disclosure that two California scientists have drastically increased their estimates of drug-induced deaths in hospital from 30,000 to between 60,000 and 140,000 annually.

Even the 60,000–140,000 range is "probably extremely conservative" because data was lacking on such deaths in ambulatory and nursing home populations, Marc F. Laventurier and Dr. Robert B. Tallen said in a letter to the journal of the American Medical Association.

Senator Edward M. Kennedy (Dem-Mass.) released the letter at a Senate hearing at which the Nixon administration announced support of major elements of proposed legislation to reform the advertising and promotion, marketing, use and testing of medicines. Abuses in these areas have been blamed for much of the toll from fatal drug reactions, of which 80 per cent are said by experts to be preventable.

The dispute over the number of adverse reactions began in 1972, when Talley, a physician, and Laventurier, a pharmacist, combined a computerized survey of records of the San Joaquin Medical Foundation with other data and then extrapolated a yearly toll of 30,000 drug fatalities.

While Kennedy repeatedly cited the estimate, it was ridiculed as vastly inflated by the Pharmaceutical Manufacturers Association and the AMA. Neither submitted alternative calculations.

The AMA, in testimony on May 3, cited a report in its journal showing that of all patients admitted to University of Florida hospitals, 2.9 per cent had drug-induced illnesses, and that of these patients, 6.2 per cent died.

As the AMA saw it, these rates showed that the estimate of 30,000 was excessive. But the same evidence now has been cited by the Californians in contending the 30,000 figure is far to low.

The over-all mortality rate that can be "directly attributed to adverse drug reactions" in the Florida study is .18 per cent, the scientists said in their letter. This was almost double the .1 rate that, when applied to 2 million hospital admissions in 1971, yielded the 30,000 figure, they said.

Moreover, they said, a far higher mortality rate, .44 per cent, has been reported among hospitalized patients in a Boston survey.

Consequently, the incidence of lethal reactions can be estimated "from a low of 60,000 (.18 per cent incidence) to a high of 140,000 (.44 per cent)," Talley and Laventurier said. Their letter, dated May 13, has not yet been published by the AMA.

## DR. RAY BLASTS IGNITION-INTERLOCK SYSTEM

### HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. O'BRIEN. Mr. Speaker, I recently received a poignant letter from a constituent, Dr. Richard E. Ray, of Kankakee, Ill., who has become exasperated by the latest, federally mandated, safety device on automobiles—the ignition-interlock system. Writing as a physician, Dr. Ray explains that this new safety device can be especially frustrating, and perhaps hazardous, to arthritic and other disabled persons.

During this period of low public esteem for Congress, I believe it is time for responsible action tuned to the needs of our citizens. In a recent interview with U.S. News & World Report on May 6, 1974, New Hampshire Senator NORRIS COTTON, retiring after 20 years of Senate service, issued these words of warning that should be heeded by all Members of Congress:

> The government is into too much, [it's] in everyone's hair . . . it takes a while to discover the impracticality of trying to correct all ills by law.

Automotive safety is a desirable objective but the mandatory ignition-interlock regulation is a perfect example of "too much Government" trying to "correct all ills by law." It is a blatant case of a Federal governmental agency overstepping its bounds of authority and unnecessarily interfering in the private lives of our citizens. To add insult to injury, the National Highway Traffic Safety Administration of the Depart-

ment of Transportation, which promulgated this regulation, did not even hold public hearings on it.

I urge prompt action on a bill which I am cosponsoring, H.R. 10664, a bill to abolish this inane Federal regulation. I believe Congress could show a good faith effort at constructive legislation by prompt action on this measure.

Dr. Ray's letter follows:

PEDIATRICS, LIMITED,
*Kankakee, Ill., March 15, 1974.*

Representative GEORGE O'BRIEN,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. O'BRIEN: I feel that I should bring this to your attention especially since you are concerned about the safety mechanisms in the new cars. I feel quite intent about this particular problem and I will explain what has happened over the past few months.

I recently purchased a new Chrysler station wagon, which was complete with all the safety mechanisms and etc., etc. However after ten minutes in which I drove to a gas station to fill the tank, I found that I could not start the car. As people were lining up behind me, I finally figured out how to get the safety belt working. This was the first episode and by that time I was ready to turn my new car for the one I had just traded. However, more was to come.

About two weeks later, I being a physician after a hard day's work, went out to my car only to find that the car would not run. I spent perhaps twenty minutes calling different people and finally found there was a button under the hood which released the safety belt mechanism and, of course, this solved my problem. However, the significant factor is that if I would have had an emergency in that twenty minutes, I am sure the patient would have expired.

In addition to the above problems, I have also found that anyone who is accompanying me in the passenger seat must be an old hand at operating the seat belt device since otherwise, of course, the car will not run. In my frustration, I have frequently told my passengers that they will have to ride in the back seat.

I also have found in my contortions to connect the safety belt I have torn buttons off my clothes. In my contortions, I can see no way a person with arthritis or other disablement could operate such a device.

In conclusion, I certainly am not against safety devices. But I do believe that this current law requiring that safety belts be connected before the car will run is entirely too much. I also believe that it is an invasion of privacy and strongly urge you to repeal any such law on the books. I wish to thank you sincerely for listening to my prolonged complaints and I appreciate whatever you can do in straightening this problem out.

Sincerely,

RICHARD E. RAY, M.D.

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## U.S. FOREIGN POLICY WITH REGARD TO AMERICANS MISSING IN ACTION

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### HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. COHEN. Mr. Speaker, I rise to commend the House for its action on House Concurrent Resolution 271 expressing the sense of Congress that U.S. policy shall be to cease all consideration of aid, trade, diplomatic recognition, or accommdation with North Vietnam or the Vietcong until they have complied with binding agreements respecting our servicemen missing in action. Unfortunately, I was unable to be present to join my colleagues in their support of this resolution and wish to declare my strong support for this measure at this time.

It is a tragedy that North Vietnam and its allies have failed to account for a single one of our missing men. Their refusal to live up to the obligations stated in the Vietnam and Laos agreements reinforces my conviction that no progress on economic assistance negotiation or other forms of accommodation can even be discussed until we have obtained a satisfactory accounting.

Furthermore, I support the dedication of trees as a living memorial in honor of those who are missing in action by national officals and civic leaders. While such service will not bring back these sons, brothers, and husbands, it is a symbolic recognition of our continuing responsibility of these men and their famliies, and it will serve to remind us of the strength, the straightness and the sacrifice of our young men who are still missing.

To the still suffering families, especially the six families resident in my State, of those men unaccounted for, this resolution demonstrates my deep concern and appreciation for their sacrifice.

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## MORE FUNDS FOR OPEN SPACE PRESERVATION AND OUTDOOR RECREATION ACROSS AMERICA

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### HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. STEELMAN. Mr. Speaker, on May 23, I introduced a bill, H.R. 14999, designed to amend the Land and Water Conservation Fund Act of 1965, so as to authorize significantly increased funding for outdoor recreation programs across the country.

The Land and Water Conservation Fund Act is a product of the Congress, enacted almost a decade ago. It has since constituted the basic Federal source for the funding of Federal, State, and local outdoor recreation-oriented land acquisition programs, and State and local development programs for outdoor recreation across our land.

With a current annual fund ceiling of $300 million, it is all too apparent that the demands for funds greatly exceed the supply. The backlog cost of authorized, but as yet unacquired, Federal outdoor recreation lands alone, reaches to nearly $2 billion. In addition, hundreds of millions of more dollars will be required in the immediate future to purchase proposed new Federal outdoor recreation lands. The backlog of proposed development on Federal recreation lands runs into the billions, though this aspect has never been funded from the land and water conservation fund.

The greatest part of the fund, however, goes to the States for use in State and local open space preservation and outdoor recreation projects. The demands for increased outdoor recreation space and facilities here is even greater than that supported by the Federal side of the fund, and projected needs here run into the billions.

Mr. Speaker, as a result of the increasing conflicts of competing uses bearing down ever more strongly on our finite land base, we are all aware of the rapid escalation which occurs in the price of land. Moreover, and perhaps more important over the long run, is the need to preserve certain lands for outdoor recreation use before other competing uses take over the land and permanently preempt that alternative forever.

Mr. Speaker, currently the bulk of the financing of the Land and Water Conservation Fund is drawn from revenues received from sales on the Outer Continental Shelf. It has been projected that revenues from this source will move into the billions of dollars annually. It would seem only logical, as these public resources are withdrawn and converted into dollars, that a portion of those dollars be reconverted into some other form of direct public benefit. What could be more appropriate, and what could benefit more people more permanently, than the further conversion of Outer Continental Shelf revenues over to tangible public resources in the form of parks, preserves, and related outdoor recreation resources—resources that can endure, and be used and enjoyed forever.

Mr. Speaker, my bill would increase the current annual ceiling of the Land and Water Conservation Fund by greater than threefold. It further provides, over a short period of 7 years, for a greater percentage of matching Federal funding to the State side of the fund, as an added incentive for the States to make even stronger efforts to generate matching dollars from State and local sources, and thus significantly increase the total funding for State and local projects. The current law provides for a dollar match of State money for each dollar of Federal money. Even with this match ratio, some States have difficulty generating sufficient State funds to match the available Federal share. My bill would change the match ratio, for a period of 7 years, to a 70-Federal/30-State match for land acquisition dollars and a 60-Federal/40-State match for development dollars, after which time the match would revert to 50-Federal/50-State for both activities.

Mr. Speaker, an overall funding increase of the magnitude advanced in my bill is an absolute must if we are sincere and serious, and honest with ourselves over the prospects for saving much more of America's fast disappearing open space. At the rate we are now going, we are plainly too late with too little. Waiting until later to move aggressively on this matter is foolhardy, as not only will the land be greatly more expensive, but much of it will no longer exist at all; cost will then not be a relevant consideration. Moreover, the availability of more dollars now to buy park and recreation lands

rapidly, once the areas are authorized, would be of great benefit to the landowners whose lands are to be purchased. Owners can then be promptly paid for their lands, without having to wait years for the money to come through, as is so frequently the case now. It is very unfair for landowners to have their lands included in new park boundaries, without funds coming along promptly to pay them off.

We owe it to ourselves, and certainly to the future generations yet to come who have no voice, to move forcefully and aggressively now to secure and preserve more of what little remains of our precious natural outdoor heritage. I hope that many of my colleagues will join and support this most worthy cause of significantly increasing the size of the Land and Water Conservation Fund. I know that sympathy is already strongly here now with many. I can think of few efforts on the part of the Congress which would result in such lasting benefit to so many. But we must act without further delay.

## STUDENTS FLOCK TO VOCATIONAL COURSES

### HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. MEEDS. Mr. Speaker, vocational education traditionally has been the "poor relation" of education. On the one hand, vocational education has come out a poor second best when it comes to dividing up the educational dollar. In the not-so-distant past, we were spending 85 percent of the education dollar for academic education, while only 20 percent of those students really needed baccalaureate degrees for their careers. On the other hand, vocational education has been a second choice, attracting principally students who, for one reason or another, felt they could not make it in the academic tract.

I am glad to note that this is no longer as true as it once was. Changing attitudes on the part of administrators help, but the biggest change is with the students themselves. Status concepts, college just for the sake of college, the sanctity of the white-collar job—these are being challenged by the present generation of students.

The following article from the Washington Post of June 3, 1974, illustrates the shifting focus:

STUDENTS FLOCK TO VOCATIONAL COURSES

(By Ron Shaffer)

Paul Farmer, 15, is one of those high school students who doesn't like the classroom. He is interested in welding, not English literature.

Starting in September, Paul will be able to spend two hours a day studying welding, among other construction techniques, at a new $4.6 million career education center in Arlington. The center is one more response by a school system to the growing number of students who want to leave high school with a start toward a career that does not require four years of college.

"Kids aren't going to college any more just for the sake of it" explains Thomas E. Smolinski, director of the career center. "They want more of an idea in high school what they're going to be doing in later life, rather than waiting to get to a university to do their exploring."

Consequently, school officials in the Washington metropolitan area report, participation in vocational courses has doubled or tripled in the last few years, and local public school systems are rapidly expanding the number of career orientation programs and specialized vocational training.

One of the moving forces in this trend, educators say, is a change in attitudes of youth toward blue collar work.

No longer are students as conscious about status as they once were, and this is breaking down old perceptions that there are so-called "good jobs", like doctors, and "bad jobs", like bricklayers, local educators say.

School officials also are working to remove the traditional stigma attached to jobs involving physical labor by offering more vocational courses, and a career education program from kindergarten on designed to show how different jobs relate and how each can be valuable and satisfying.

This program includes hands on tools in kindergarten; role playing in the elementary schools where youngsters act out both white-collar and skilled labor jobs and visits to work sites where students are encouraged to study the worker as well as the product.

In junior high school the study becomes more intense, with students focusing on the connection between a range of jobs in fields such as transportation, health sciences, communication or marketing.

Then, those students in high school who have a strong interest in a job can choose from a list of vocational training courses that is being expanded annually but still is not meeting the demand.

More than 1,000 students already have signed up for the Arlington career center courses, and there are waiting lists for most classes.

"Traditionally the adage was, 'Get good grades and stay in school or you'll have to go to work,' but more and more students are disregarding that," says Dr. N. Edwin Crawford, director of career education for Prince George's public schools. "Youngsters are opting to go to work; they want to go to work, to get involved."

In developing their vocational curriculum, administrators note also that jobs stemming from vocational training often pay more than so-called white collar jobs available to college graduates, and that the Department of Labor predicts that three out of four new jobs between now and the end of the decade will not require a college education.

One of the ironies of the present high unemployment rate is that there is a shortage of workers in construction and maintenance-related fields. "Try to get something fixed in your home—a television, plumbing, electrical work—and you can't get it done," says Dr. Crawford.

"In the past we've channeled kids into what we thought was good for them; we told them these (blue collar) jobs were bad and nobody went out to work them," he said. "Now kids are more intelligent. They're looking for something meaningful and relevant to them and they're not letting this older generation impose their values on them."

Critics of the trend toward career education and increased vocational training, Dr. Crawford says, "complain we're trying to lock kids into an early choice. But in career education we're simply trying to give kids more information with their career options. It begins in kindergarten and covers not just blue-collar jobs, but all jobs."

For instance in the Prince George's County police department, Crawford said, there are 450 jobs other than being a patrolman. "These are jobs that kids know nothing about. Many are high paying and very interesting. That's what career education is, trying to let kids know about these other jobs."

Paul Farmer, a sophomore at Washington-Lee High School, says he figures the Arlington career center is what he's looking for.

"In the first year (general construction) you get to arc-weld, and the second year you get further training in welding. That helps getting into a union," he says. "A journeyman welder makes good money, and that's something you can always fall back on if you want to try something else."

Paul's two older brothers are iron workers, his mother explains, and Paul is tired of school already. We're not your 9-to-5 office family type; Paul likes getting outdoors, so this (program) will be great for him."

Arlington, like the other Washington area school systems, will allow students to spend up to half their classroom time training in courses such as hotel-motel management, fashion design, carpentry, masonry and child care, with the rest of their time devoted to the standard academic construction at their home high schools.

In Alexandria junior high school students now can watch a butcher carve meat in the classroom; in Montgomery County high school students can intern as say, a congressional aide or work part time in data processing; and in Fairfax County students build houses.

As part of their high school vocational training experience, students in some Washington area school jurisdictions repair—at cost—cars, radios, televisions, and heating and air conditioning products brought in by the public. They set hair, cut hair or give manicures in cosmetology and barbering classes and build prefabricated sheds, raise nursery products and repair lawnmowers.

One of the unusual vocational projects the area is the home in Annandale built entirely by Fairfax County high school students.

The project took 18 months; boys did most of the construction and girls planned the interior design and the color-coding, and together they marketed it.

The home sold for $73,000 last fall to television newscaster Wes Sarginson. "It has been an outstanding home, with many fewer problems than you would expect in a new house," Sarginson told a reporter this week.

His previous, smaller home cost $69 a month to heat, Sarginson said; the larger, student-built home cost $32 a month. "That gives you an idea about how much tighter the new home is."

The quality of student work, Sarginson said, can be further evidenced in the repair job they did on a car owned by his friend and coanchorman, Fred Thomas.

"He had a Volkswagen van that was a moving junkpile, an embarrassment to ride in," Sarginson said. "The floor was rusted through, no body shop would touch it." Students in an auto mechanics course at George Marshall High School near McLean tore the car down and refurbished it to near-new quality, Sarginson said. The cost was parts and $1 for labor.

Construction students from all 22 Fairfax County high schools are now involved in building a complex of eight structures at Hemlock Overlook Regional Park near Clifton. This project, built with Northern Virginia Regional Park Authority money, is to be an environmental campus where students can take overnight field trips for nature study.

About 50 of the students are at the work site all day and have their English and social studies classes in the woods.

While Arlington is the first to consolidate vocational programs in one complex, Alexandria has plans to follow suit in 1976 with a vocational complex at T. C. Williams High School, and the District of Columbia is mov-

ing toward opening some area vocational centers that will include programs of study in one area, such as transportation, health services, marketing, and construction.

Some of these are due to be opened next fall, and gradually will replace the traditional vocational schools in the District, which offered its special training only to those students in the school.

The high school vocational programs are structured to provide the basics for continued study specialized at area junior colleges and technical schools. Often one or two years beyond high school is required to enter skilled jobs.

"We don't want students to have to spend four years in college to find out what they want to do," Dr. Crawford said. "We want to let them know what options are open to them early on, and have them know about different types of work and become involved in appropriate technical training and academic instruction that will prepare them for jobs.

"One high school girl told me she wanted to major in medical research in college," Dr. Crawford said. "I asked her why and she said she had picked that field out of a college catalogue. She didn't know anything about it—the hours, the pluses and minuses, the requirements or whether she even had the aptitude for it.

"My own son decided in high school to be an economist because he read where it was one of the highest paying jobs. But he didn't know what the job entailed until his last two years in college. It's a sad story but it happens all the time."

His son went on to get a master's degree in education, Dr. Crawford added, but now works as a paint foreman because that pays better than work he could find in his college major.

## A RESOLUTION COMMENDING WILLIAM PADFIELD

### HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mrs. HOLT. Mr. Speaker, I would like to take this opportunity to introduce in the RECORD, a Maryland Senate resolution which commends William Padfield, a constituent of mine from Glen Burnie, Md.

Mr. Padfield has spent his lifetime in service to his Nation and his community. He was a member of the Coast Guard for 24 years, and following his retirement, Mr. Padfield provided 28 years of compassionate service to his community. His contribution to Maryland through his work in children centers, and his advice and counsel on numerous commissions has been a strengthening influence to his fellow citizens. His remarkable career is a source of pride and satisfaction to Marylanders, and I submit the following resolution in support of this:

[Senate of Maryland]

SENATE RESOLUTION No. 122

A SENATE RESOLUTION CONCERNING WILLIAM PADFIELD

*For the purpose of commending his ability and dedication as a community leader*

Whereas, When he retired from the U.S. Coast Guard 24 years ago after 28 years of service, William Padfield decided to devote his time to the improvement of his community, Glen Burnie, Maryland; and

Whereas, Over these many years, he has been honored with the well-earned title of Unofficial Mayor of Glen Burnie and has been an advisor to government officials including the President of the United States, the Governor of Maryland and the Anne Arundel County Executive; and

Whereas, Many honors have been bestowed upon him because of his work with more than 40 organizations, including 23 years as President of the Glen Burnie Improvement Association, 22 years as President of the Glen Burnie Health Center, and 26 years as President of the Glen Burnie carnival that since 1908 has earned thousands of dollars annually for the improvement of Glen Burnie; and

Whereas, His many activities also include being an informal advisor to President Nixon on community contributions by volunteers; appointment by Governor Millard W. Tawes as Vice-President of the Maryland Children's Center and Vice-President of the Waxter Children's Center; appointment by County Executive Joseph Alton to several importance commissions and boards; and

Whereas, He has served on a wide range of other organizations benefitting citizens from children through senior citizens; now, therefore, be it

Resolved by the Senate of Maryland, That William Padfield be commended as an able and dedicated community leader, for his unusual contributions to the community of Glen Burnie, and for his many good works which will benefit the people of Glen Burnie for many generations to come, and be it further

Resolved, That a copy of this Resolution be sent to Mr. Padfield, 410 Delmar Avenue, S.E., Glen Burnie, Md. 21061.

## WILLIAM RANDOLPH HEARST REVISITED

### HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. LEGGETT. Mr. Speaker, a few weeks ago I delivered a statement that was somewhat critical of the intellectual acuity displayed by Mr. William Randolph Hearst on the question of impeachment. I now find occasion to modify my views.

In a more recent column, which I insert in the RECORD at the conclusion of my remarks, Mr. Hearst appears to have reversed himself. Where before he seemed to feel that impeachment of Mr. Nixon would violate the concepts of government envisioned by Washington, Jefferson, Hamilton, and others, he is now impressed by "how impossible it would have been for any of the Founding Fathers or for Abraham Lincoln to have tolerated 2 minutes" of Mr. Nixon's cynical indifference to the national interest.

What has caused Mr. Hearst's change of heart?

I suspect that he has begun to read his newspapers.

The article follows:

A FACING OF FACTS

(By William Randolph Hearst, Jr.)

NEW YORK.—This is a very tough column for me to write, but events this week make it imperative. The essence—or lead as we say in the newspaper business—is that President Richard M. Nixon has made it impossible for me to continue believing what he claims about himself in the Watergate mess.

That's about the most reluctant statement made here in the last 20 years. It probably will disappoint, surprise and maybe even shock a lot of people. If so, they will have nothing on the disappointment, surprise and shock I have felt in reading those transcripts of the White House tape recordings during the past few days.

Now any more or less regular reader of these weekly editorial comments knows how consistently the President has gotten my backing—and properly so. Even his worst enemies now have to admit that his strategy for ending the Vietnam War was correct. And absolutely no one can fail to praise his many remarkable initiatives toward a more peaceful world.

It also was proper—certainly in my book—to continue to back and defend the President as strongly as possible when the Watergate scandals began leaking all over the place. As a loyal American, to me it seemed only natural and necessary to be loyal to the nation's elected leader; to accept his explanations and deplore the excesses of his accusers. At the very least, like everyone else, he should be presumed innocent until proven guilty.

That was my consistent position, expressed here many times and in many ways. Not that it was easy. In my heart I often felt he probably knew a lot more than he admitted. And it certainly became obvious, despite his claims of executive privilege and national security, that he was far from being as forthright as the people and the Congress had a right to expect.

The real reason for his uncooperative stalling tactics is now abundantly and terribly clear. It is all in the tape transcripts he finally was forced to make public. Even in their heavily edited and possibly inaccurate form, the transcripts add up to as damning a document as it is possible to imagine short of an actual indictment.

Maybe, technically, the President still is justified in claiming he knew nothing in advance about the Watergate break-in, or of the initial cover-up efforts. The point is that those shameful tapes reveal a man totally absorbed in the cheapest and sleaziest kind of conniving to preserve appearance, and almost totally unconcerned with ethics.

The man seems to have a moral blind spot. To me it is simply astonishing that he would make the transcripts public with the avowed belief that they would exonerate him. They may not actually amount to a conviction of criminal behavior. Perhaps the kindest way of putting it is that they amount to an unwitting confession, in which he stands convicted by his own words as a man who deliberately and repeatedly tried to keep the truth from the American people.

I am not being heartless or simple minded about this. Over the years I have known quite a few Presidents and am very much aware of the often ruthless—even deplorable—actions made necessary by the pressures of their awesome power. But I have never heard anything as ruthless, deplorable and ethically indefensible as the talk on those White House tapes.

The voices on the tapes, even the censored parental guidance version, comes through like a gang of racketeers talking over strategy as they realize that the cops are closing in on them. Scene after scene sounds like a corny old movie. How can we cover up this and that? How much dough do we need to pay off so and so? Who's going to take the rap for this and that?

An odd fact is that the Boss in these sessions—to this reader, at least—fails to radiate even a whiff of the authority of Edward G. Robinson in the movies, or even Chicago's Big Bill Thompson in real life. Instead the other members of the gang all clearly felt free to keep coming up with tricky ideas and chew them them around with as much apparent authority as the chief.

In this sharing of power, this speaking as equals, the atmosphere was solely one of intrigue and self-protection. If any of the participants—ever—gave any consideration to

what was right for the nation instead of themselves, then I must have missed it in the thousands of words I have waded through.

Think how impossible it would have been for any of the founding fathers or for Abraham Lincoln to have tolerated two minutes of it.

I also think of Eisenhower—as easy-going a President as we ever had. He instantly chopped off his strong right arm, Sherman Adams, the man who was running the country for him, when his chief aide committed the impropriety of accepting gifts from a man seeking business with the government.

To Lincoln, to Ike, and to most of our Presidents, the White House itself had to be just that—a house of pristine integrity, both in reality and appearance.

The symbol of America's faith in its government is sullied beyond measure when it is used as headquarters for a gang whose main concern is the maintenance of personal power—at any cost.

As was declared in the opening paragraph, this is a tough column for me to have to write. Perhaps some of what has been said is overly tough. Certainly it is not my intention to join the persecutors of Richard Nixon.

All the same, honesty and a natural concern for my country's dignity compel me to face the facts. This is something that Richard Nixon, unhappily for both himself and the nation, has repeatedly refused to do in the Watergate affair.

As noted, it is amazing to me that he doesn't seem to realize how damning those tape transcripts are. Even more amazing is the fact that an astute politician, which he is, failed to realize that cleverness is no match for demonstrable truth.

From the very beginning of Watergate I thought he would sit tall and straight in the saddle. His White House cleanup at least partially confirmed my expectations. But then he proceeded, in one razzle-dazzle move after another, to show that he was going to resist Congress and the press in their every effort to get the full truth.

Practically all of his troubles, including the impending threat of impeachment, would have been avoided if he had only had the honesty to tell the whole truth right away. Lacking that, he certainly should have stuck by his original contention that nobody has a right to examine the intimate records of the presidency.

Over a year ago, in this column, the opinion was expressed that only the Supreme Court has the authority to decide whether such records may be opened or not. It was the President's steady retreat from defiant positions, plus the suspicions and renewed attacks each retreat created, that finally compelled him to release at least part of them.

He released them only because he had to, finally, and because he somehow thought the censored versions would do him some good with the public. God knows what the unexpurgated tapes would show.

Incredible? It sure is.

Sickening? Just read the transcripts.

Today, sitting here in a kind of stunned sorrow, it is hard for me to imagine why any informed person would not see the inevitability of impeachment.

## PROHIBIT SMOKING IN COMMON CARRIERS

### HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. McKAY. Mr. Speaker, I am introducing a bill today that would require the Secretary of Transportation and the Interstate Commerce Commission to prohibit smoking in common carriers except in areas designed for that purpose.

Cigarettes are hazardous to the health of those who smoke. It has recently been found that cigarette smoke also can be hazardous to the health of those who must breathe it second-hand. In the confined space of an airplane, a train, or a bus, the air pollution due to cigarette smoke can impair efficiency, can cause discomfort, and can be an irritation. The nonsmoker should not have to breathe his neighbor's cigarette smoke for prolonged periods as the price of traveling in a public carrier.

It is a curious contradiction that we have committed ourselves to the complex task of improving environmental air quality, without taking action to remove ourselves from the most prevalent form of air pollution—the smoke-filled room.

This bill is a reasonable first step in the direction of recognizing our rights to clean air, indoors, as well as out. It would give to the nonsmoker minimal protection against the dangers and the unpleasantness of cigarette smoke in the closed environments of interstate transportation systems.

## U.S.S.R. DRAFTS CITY RESIDENTS FOR FARMWORK

### HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. HUBER. Mr. Speaker, the perennial problem that haunts the Communist nations of the world is an adequate supply of food. The standard practice of collectivizing the farms always brings a decrease in production. There is no incentive to produce, except on any small plots of land, permitted by the government, that can be privately worked. Farm people in the Soviet Union are treated as second-class citizens. They are not normally issued the internal passport, which every Soviet citizen carries for travel within the country. They are issued temporary passports for up to 6 months or even just 3-day passes in order to leave or travel from the farm to which they are assigned. In addition the pay is low and the rewards are few. Thus, it is with great interest that I recently read that the world's most powerful Socialist state was drafting city dwellers in order to bring in the harvest, even as Fidel Castro does with Cuba's sugar harvest. The article from the Journal of Commerce of May 14, 1974, follows:

SPRING CROP PLANTING BEHIND IN THE U.S.S.R.

Moscow.—The Soviet Union, behind schedule with its spring crops because of bad weather, has decided to draft city dwellers into emergency agricultural work, Pravda said recently.

The newspaper said the party central committee has issued a decree authorizing governments of the various Soviet republics "to employ able-bodied members of the populations of cities, settlements and villages in agricultural operations as an exceptional measure during 1974.

Similar measures were authorized last year to help bring in the harvest.

Soviet officials have said recently that unexpectedly cool spring weather has delayed the planting of spring crops and delayed the growth of winter wheat that is still being harvested. Normally, 60 per cent of the Soviet grain crop is planted in spring.

## HOME RULE PROTECTION UNDER THE LAND USE PLANNING ACT

### HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. MEEDS. Mr. Speaker, citizens of States with strong political and constitutional traditions of home rule have voiced some concern that land use decisions historically made at the local level would—under provisions of H.R. 10294—be made instead by officials of State government.

The measure under consideration, however, guarantees that there will be relatively little alteration of the traditional delegation of land use control to the smallest units of local government.

Analyses of past and present land development practices reveal that public or private decisionmakers can, in fact, exercise judgments which affect citizens living beyond their local jurisdictions. The true meaning of our democratic process—of grass roots participation—dictates that some resolution of the conflict between communities planning their own development—and citizens of adjacent areas who will be impacted by that development—must occur if major land use crises are to be avoided.

Local governments have grappled with the issues of land use, growth and development for decades. Chicago and Cincinnati, for example, developed smoke control laws nearly a century ago—long before the issue of air pollution gained national prominence. By 1912, 23 of the 28 cities in the Nation with populations over 200,000 had similar laws. Automobile emissions were regulated only after Los Angeles officials discovered in the early fifties that cars are the chief source of urban smog. While the problem of air pollution cannot be characterized purely as a local issue, responsibility for enforcement of air quality standards remains largely under control of local jurisdictions.

City governments also led the way in establishment of protection for sources of drinking water as well as the treatment of liquid wastes. At the time of the Federal entry into the water quality control scene in 1948, local governments had outpaced all other levels of government in these efforts. Local jurisdictions traditionally have been—and likely will continue to be—the agencies most responsive to new demands and areas of citizen concern.

Local regulation of land use has existed—at least in the urbanized portions of most States—for a number of years. Historically, local systems of zoning and subdivision control have proved adequate for controlling most types of development in urban areas. Yet at a time of increasing land use demands and

the need for more effective public participation and community control, the value of supporting local decisionmaking wherever possible is obvious.

Land use planning partnerships among the various levels of government can and should be developed—procedures which allow each level to represent its constituency without unnecessarily usurping powers needed at another level for responsible decisionmaking.

As the Nation moves toward an increased level of State involvement in land use decisionmaking, adequate provisions must be developed to assure that the State role is related in a logical manner to the continuing need for local participation. The tendency to bypass existing systems of local control must be avoided.

This historical tradition of local control of land use decisions is desirable and should be maintained. But the need to provide some form of State or regional participation in those decisions transcending single jurisdiction boundaries must also be recognized. How can this best be done? How can the successful aspects and independent traditions of home rule be protected as new mechanisms for State assistance in decisions that transcend local boundaries are developed?

Regional and State participation in land use judgments must be guided by a policy that assures their involvement only in those issues impacting more than one community. Control over the great majority of matters which are only of local concern should remain in the hands of local government. Although the problem of defining the extent of land use impact in advance is not an easy one, the Land Use Planning Act currently under consideration provides clear protection for home rule concerns.

Until recently, the delegation of State power to local governments as the agencies best able to exercise regulation of land development had been accepted with little question. However, increasing attention in the past several years has focused on a number of well-publicized problems which demonstrate the need for a return to State or regional participation in the control of land use.

In New York, the consumers face power shortages; local opposition to new generating plants has stymied both private utilities and State agencies. In New Jersey, failure of local interests to agree on a plan for use of the Hackensack Meadows has stalled development of this important area for many years.

Several States have adopted varied forms of land use controls to address these types of local conflicts—regulations that maintain home rule safeguards. Although the increased level of State interest is welcomed in most cases, involvement must be channeled so it deals effectively with important problems without unnecessarily increasing the costs of the land development process. Inefficient, time consuming procedures involving State or Federal approval of locally oriented decisions of minor importance could have serious social and economic consequences, especially in industries where cost is a key factor, such as housing.

The American Law Institute's report, "A Model Land Development Code," states that 90 percent of land use decisions currently made by local governments have no major effect on statewide or national matters. In addition, most of these decisions can be made intelligently solely by people familiar with the local social, environmental, and economic conditions. The decision whether a motel or a drugstore should be located on a particular corner in Charlotte, N.C., for example, can be made most effectively in Charlotte—not in Raleigh or Washington.

Better coordination of decisions affecting land use activities beyond local boundaries clearly is needed today. Many examples of harmful land use activities exist to counter arguments that "nothing needs to be done." Individual jurisdictions can do little about such problems, because local government land use planning activity ends at the city line. A wider overview of the simultaneous impact of large-scale development on several communities is vital.

Facing this issue poses the challenge: How can an equitable mechanism be devised that guides development having multicommunity impact while concomitantly protecting local government control of intrajurisdictional decisionmaking? H.R. 10294 carefully blends these requirements. It guarantees that local land use decisions will continue to be made locally—while judgments affecting projects impacting more than a single community will be reviewed by State governments.

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## BEEF IMPORTS INTO THE UNITED STATES

### HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. MARTIN of Nebraska. Mr. Speaker, I am today introducing legislation to provide for a 6-month freeze on beef imports into the United States. At a time when our domestic livestock market is such that U.S. producers are suffering losses of $100 to $200 per head, it is imperative that action be taken to restore a sound market. If we are to continue to have the best and most abundant supply of food of any nation in the world, we must insure that our livestock industry survives.

There is no other way of handling the current problem, in any existing law, so I am calling on my colleagues to support this legislation and ask that it be given swift hearing and be reported to the House for passage as soon as possible.

Mr. Speaker, the imposition of a 6-month freeze on meat imports would be a healthy act for the U.S. economy, and a vital shot in the arm for the ailing cattle industry. Most economists agree with the current agricultural policy of increasing production of food to meet strong domestic demand and to satisfy foreign market opportunities. At the same time, while agreeing that this is a legitimate and worthwhile policy, we cannot sit idly by and ignore the short term severe and immediate problems that threaten the stability of our important livestock industry.

Current livestock prices threaten the livelihood of tens of thousands of families along the entire length of the production and marketing chain. At least part of this low price situation is due to the folly of last summer's meat price freeze and the lifting of meat import restrictions.

The current dip in retail beef prices widely heralded by the American housewife, may turn out to be a boomerang. If low livestock prices are allowed to continue, the producers and feeders will be driven from the marketplace and a red meat shortage in a matter of months could drive prices to new record levels.

The bill I am introducing today would temporarily restrict the import of beef into the United States for a period of 6 months in order to help the industry return to its normal stabilized pricing procedures which were thrown out of kilter last year.

During the fall of 1972 and early spring 1973 the cattle industry achieved an orderly and reasonably stable market situation. Cattle numbers by category remained steady. As fat cattle were finished in feedlots and slaughtered, feeder cattle were available for lot replacements. This replacement procedure continued back along the supply chain to the cow-calf producer.

In 1973, the picture turned around. Domestic demand for beef had been growing significantly. This increased domestic demand continued as grain and other feed prices rose to all-time highs. The dollar devaluation contributed an increased foreign demand for U.S. grain. Cattlemen in the Midwest and West were hit with the worst winter weather in memory, and an estimated half-million head of cattle perished in the winter. Beef supplies fell short of demand and prices responded by rising sharply.

At this point, cattlemen were making money. The cattle prices were once again reaching levels of 20 years ago. Livestock producers planned expansions of their cow herds. In time the increased prices would have enabled production to catch up with demand. But, consumers grew alarmed at the dramatic price increases. They demanded more beef at lower prices. Consumer boycotts were organized across the Nation, and, reacting to political pressure from consumer advocates, the Federal Government placed price controls on beef.

The price controls on beef were lifted last fall, but we are not out of the woods yet. A truck strike in February produced further erratic price behavior in the marketplace. Right now, cattle feeders are losing $100 to $150 per head. Their losses to date are estimated by the Agriculture Department at well over $1 billion. Live cattle prices have dropped dra-

matically. They appear to have stabilized somewhat in the range of the mid $30's per hundred pounds—but at these prices, producers are suffering huge losses.

The deteriorating cattle market in February and March of this year forced many cattle feeders into financial loss positions which discouraged orderly marketings of cattle for slaughter. Overfinished cattle have had a major price depressing effect in the past several weeks on both the live and the retail markets.

There were 8 percent fewer cattle on feed on April 1 in the 23 major cattle feeding States than a year ago, according to the Agriculture Department. The sharpest decline was in the Corn Belt, which had 9 percent fewer cattle, while those in western feedlots were down by 5 percent.

Cattle feeders expected to market only slightly more cattle in April through June than they did a year ago although on April 1 they had 8 percent more cattle on feed in weight groups that normally would supply most of the spring quarter marketings. This indicates that the problems that go along with overfinished cattle are not yet solved.

A 6-month respite from the market impact of imported beef would go a long way toward helping the U.S. cattle industry get back to normal, allowing the visible strength in consumer demand to lift the price of choice steers at Omaha back to the mid $40's per hundred pounds early this summer. A year ago they averaged $46.

From the steady, orderly market of 1972–73, we have come full circle, to surplus followed by shortage. Price controls were a terrible price to pay for the irreversible damage to our strong cattle industry.

Mr. Speaker, I am sure that my colleagues in the Congress can appreciate the fact that the livestock industry is one of the only segments of our economy not burdened with heavy Government regulation, controls and programs. But, if we fail to act to help the industry now, we may one day rue the fact if we have to provide huge Government subsidies to insure sufficient supplies of meat for the people of our Nation.

The beef industry will reestablish its traditional market stability if we give it the opportunity. The bill I have introduced will provide that opportunity, and I urge my colleagues in the House to support the bill and request swift hearings so that the bill can be reported and acted on as soon as possible.

## COURT DECISION ON RELEVANCY NEEDED

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. WYMAN. Mr. Speaker, even a decision by the High Court on the Jaworski petition relating to evidence sought in the Ellsberg prosecutions will not settle the continuing question of relevancy that plagues the House Judiciary Committee's impeachment investigation. The President declines to produce subpenaed materials contending irrelevancy. The list sought is specific.

What is needed to clear the air and get proceedings on the right road toward an end to the interminable delays and confusion is an application to the Federal courts for a court order to produce designated materials subpenaed. Such an application would almost certainly result in a court order to produce the materials for examination by the court in camera for the purpose of ruling whether relevant or not. Thereafter, those items found relevant would be required to be turned over to the committee.

While such a procedure is admittedly subject to the delays involved in appeals, if taken, it is the preferable course to achieve a final proper resolution of conflicting claims. Once finally adjudicated, it is inconceivable that the President would refuse to comply with the final order of the court after appeals have been exhausted.

In this connection, an editorial appearing in the Wall Street Journal for June 5, 1974, is of interest:

IMPEACHMENT AND THE COURTS

We do not see how Congress can vote on the substance of a case for impeachment unless it first encourages the courts to handle questions of evidence and executive privilege, which otherwise will be intractable procedural snarls. While the House Judiciary Committee has so far refused to seek adjudication, we hope and trust the matter is not yet closed.

As one straw in the wind, we note that Senate Majority Leader Mansfield has asked the Supreme Court to forgo its usual summer recess, holding itself ready to decide questions affecting Watergate. In allowing Special Prosecutor Leon Jaworski to skip the usual appellate level and scheduling a July hearing on his subpoena of Oval Office tapes, the Court not only took the majority leader's advice but expressed its own willingness to involve itself in Watergate proceedings.

We are at a bit of a loss to understand the Rodino committee's adamant opposition to invoking the court. But we have been increasingly impressed by its general handling of the impeachment probe, and we would be far from surprised if it yet decided to go to court in the face of presidential refusals to yield more evidence. Surely the committee can understand that the nation deserves a vote on the substance of alleged presidential wrongdoings, not on the prerogatives of Congress versus the prerogatives of the Executive.

The committee's refusal to go to court would be easier to understand if it had been less careful generally, for the quickest explanation is that it feels it needs the procedural issue to make a case against the President. The House could find no grounds on which to impeach Andrew Johnson, for example, until it forced him into an impasse on prerogatives. Similarly, we now learn, when Tammany Hall Democrats impeached and removed a threatening New York governor, the grounds were campaign fund violations and refusing to cooperate with the impeachment panel.

As we have said before, we think the committee's demand for further evidence is entirely justified by the ambiguity of the transcripts so far released; we think the President ought to accede or at least ask the courts to rule and accept the outcome. But it is also true that by demanding more and more the committee can keep the procedural issue alive forever, regardless of any issue of substance. It can unilaterally create its own grounds for impeachment.

If the committee allowed the courts to arbitrate. procedural issues would be grounds for impeachment only if the President decided to defy both branches. In that case they would be good grounds indeed. But by allowing the courts to impose limits on its demands, the committee would lose the one option through which it can assure itself of grounds for impeachment. No doubt a fear that the substantive case alone will not be enough is the reason some partisans paint the whole idea of adjudicating as something of a Nixon plot, but the committee itself ought to be above that kind of thinking.

There are of course more solid fears about involving the court, as the discussion nearby shows. To rule on evidence, the courts would have to decide in their own minds what constitutes an impeachable offense. But surely the argument that they cannot do this without asserting the power to overrule Congress' eventual decision strains at gnats and swallows elephants.

We also doubt that the Congress really wants to argue that the courts have no place because impeachment is a purely political matter anyway. It is of course true that public opinion will eventually be decisive, but the public is too sensible to see the impeachment issue as one of prerogatives of the branches of government. We should think that all branches should try to meet the real issue, which is whether or not the President is guilty of wrongdoing.

Obviously a great many people have already made up their minds, both pro and con, on the President's guilt. But there are also those of us who find the current evidence quite ambiguous and are interested in trying to establish the truth about so serious a matter. The truth will not be established by impeaching the President for refusing subpoenas or citing him for contempt of Congress. Going to the courts is the best route for forcing out the relevant evidence; Congress' function is to then render its judgment on where the truth lies.

In accepting the Jaworski appeal, the Supreme Court has moved some way towards accepting its part of those tasks, though the issues in that case will still be far from those that would arise in the full context of an impeachment probe. Congress' next step ought to be a suit putting the issue squarely, even at the risk of giving up sweeping but ultimately empty claims of unilateral jurisdiction. In deciding whether to take that course, Congress needs to ask which is more important, rhetorically defending its prerogatives, or arriving at the truth about Watergate.

## MAO'S STRATEGY

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. HUNT. Mr. Speaker, yesterday two different communications regarding Communist China came to my attention and both are most disturbing. The first is the latest edition of U.S. News & World Report, and the second is a secret document, published by the Chinese Communist Kunming Military Region and

obtained and released by intelligence sources in Taipei.

As both articles are quite lengthy, I am not going to go into a lot of the detail of either, but rather I have picked out a few of the contrasting points in each.

Let me quote first from U.S. News:

There is plenty of excitement in U.S. business circles about a "boom" in trade with mainland China. In two years the exchange of goods between the two countries has gone up 10 times.

Then they go on to say:

In addition, U.S. traders—instead of selling "oil lamps" as their forebears did a century ago—are signing contracts with Peking to deliver aircraft, communications equipment, fertilizer plants, oil drilling and mining rigs, and machine tools.

In addition to all this Mr. Speaker, Boeing Corp. has sold 10 of its 707's to mainland China, and the training of Chinese pilots took place in the United States, using interpreters provided by Peking.

Mr. Byron Miller, Boeing's director of international sales for Southeast Asia and Australia said:

We had to start from ground zero and give them a complete rundown on the development of the 707 aircraft up through the 727, 737, and 747. We tried to cover the waterfront.

This is all pretty cozy, Mr. Speaker, and looks good perhaps on the corporate balance sheet. But I should like to offer now, some excerpts from the secret report I made reference to earlier. First some comments regarding the President's trip to China and the reasons for it:

If you don't talk to him, it is impossible for you to get in (the U.S.), nor is it possible to have your influences brought into the United States, much less the possibility of doing a good job in the work of the people and of making a publicity of Marxism-Leninism.

Especially noteworthy was the tremendous impact resulting therefrom, when people in the United States and West Europe and North America saw the spiritual aspects and the actual situation of the people of our country. Thus, the U.S. lies slandering China in the past were all shattered by facts, and our international influences were expanded.

Mr. Speaker, the report cites the increase in travel between both countries, the exchange of artistic groups, and the now famous ping-pong match. But, according to the report this was done for publicity for Communist China. It states that—

Our influences have now reached the United States. Revolution has already triumphed in China. If revolution triumphs also in the United States, it will create a tremendous impact on the whole world.

Our invitation to Nixon to visit China proceeds precisely from Chairman Mao's tactical thinking of exploiting contradictions, winning over the majority, opposing the minority, and breaking them up one by one. And this by no means indicates a change in our diplomatic line.

I shall conclude this with one last quote from this most lengthy and informative report:

The two main enemies facing us are U.S. imperialism and Soviet revisionism. We are to fight for overthrow of these two enemies. This has already been written into the new party constitution. Nevertheless, are we to fight these two enemies simultaneously, using a same might? No. Are we to ally ourselves with the one against the other? Definitely not. We act in the light of changes in situation, tipping the scale diversely at different times.

Are we going to continue to let ourselves be suckered by the Communist line, or are we going to remain strong and firm in our dealings with them? Détente to the Communists, Mr. Speaker, is just another step in their overall strategy of world conquest. That we are contributing to this goal is most disturbing.

## POLICE HARASSMENT IN THE SOVIET UNION

### HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. NIX. Mr. Speaker, many of us are concerned about the continuing repression of human rights in the Soviet Union. Recently I wrote to Secretary of State Kissinger asking for a report on an incident in which several American citizens, along with a group of Soviet Jews, were subjected to harassment by Soviet police.

I believe that it is essential that the United States make it clear to the Soviet Union that we will not tolerate the use of Soviet police-state methods on American citizens.

I insert my letter and the reply of the State Department in the RECORD at this point:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., May 15, 1974.*

Hon. HENRY KISSINGER,
*Secretary of State, Department of State, Washington, D.C.*

DEAR MR. SECRETARY: I am deeply upset about recent news reports concerning the harassment of American citizens in the Soviet Union. I refer specifically to news reports appearing on May 11 of an incident near Moscow in which 10 American citizens who were preparing to have a picnic with a number of Soviet Jews were apparently subjected to searches, intimidation, and insults by a large number of Soviet plainclothes police. It was also reported that anti-Semitic insults were shouted at the group.

It is shocking to me that American citizens can be subjected to such police state tactics for attempting to have a picnic with Soviet friends. It is my opinion that if the Soviet Union wishes to be considered a major nation and a part of the world community, it must be expected to abide by at least the minimum standards of civilized nations. If we cannot prevent the Soviet Union from harassing its own citizens, we can certainly prevent them from harassing citizens of the United States.

Please send me, at the earliest possible time, the State Department's assessment of the incident I have described. Also, please inform me of what steps, if any, the United States Embassy in Moscow has taken to insure that American citizens in the Soviet Union will not be subjected to future harassment and intimidation by Soviet authorities.

Sincerely yours,

ROBERT N. C. NIX,
*Member of Congress.*

JUNE 4, 1974.

Hon. ROBERT N. C. NIX,
*House of Representatives, Washington, D.C.*

DEAR MR. NIX: The Secretary has asked me to reply to your letter of May 15, in which you ask for information about the reported harassment of American tourists in Moscow on May 10.

Our Embassy in Moscow was informed of this matter on May 11 by a Western journalist who had encountered the American tourists involved in the incident. The tourists themselves did not contact the Embassy, and the Embassy's attempts to locate them were unsuccessful.

On May 11 the Embassy received an account of the incident from one of the Soviets who was present as a guest of the tourists. According to this account, the incident involved a picnic reportedly organized by a couple from Florida who had been corresponding with Soviet Jews in Moscow prior to their visit to the USSR. This couple and several of their fellow tourists from Florida were joined by several Soviet Jews on a Moscow city bus bound for a picnic site near the city.

According to the Soviet source, the bus was halted by Soviet militia at the outskirts of Moscow, and all passengers were asked to produce identity documents. Militiamen reportedly told the Americans and their Soviet guests that the bus was headed for an area off-limits to foreigners. The group started to walk toward the picnic area but was again stopped by militiamen who repeated that the area was closed to foreigners. The group then went to a nearby field and held a picnic.

The Embassy's source said that the group was surrounded by plainclothes policemen, some of whom took photographs. Some residents of the area also appeared and cursed at the group, using anti-semitic language. The group departed peacefully after finishing its picnic. There were no arrests either then or later.

One of the major functions of the American Embassy in Moscow and the American Consulate General in Leningrad is to assist American tourists who encounter difficulties with Soviet authorities. We would be prepared to consider raising this incident with appropriate Soviet officials, once we receive a full account from the Americans who were involved. To date, neither the Embassy nor the Department has been contacted by the Americans who participated in the picnic.

I hope you will call on me if you have further questions regarding this matter.

Cordially,

LINWOOD HOLTON,
*Assistant Secretary for Congressional Relations.*

## CAPITAL GAINS TAX REFORM

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. HANRAHAN. Mr. Speaker, the House Ways and Means Committee has been working extensively on tax reform measures. One issue of concern is the tax on long term capital gains. For the benefit of my colleagues, I wish to insert the following article which recently appeared in the Chicago Tribune:

CAPITAL GAINS TAX REFORM

American industry will need about $1.4 trillion in new capital by 1980 and $4 trillion by 1985 to finance industrial expansion, cre-

ate new jobs, and meet future energy needs from new sources.

Unless the U.S. tax laws—particularly the tax on long term capital gains—are liberalized to encourage investments, the nation could fall short of its capital requirements. The penalty for this failure would be a lower standard of living for all Americans.

Capital gains are paid on the increase in the value of an asset, such as stock or real estate, between the time it is purchased and when it is sold. At the present time, short term capital gains—on investments held for six months or less—are taxed at the same rate as ordinary income. Long term gains, those held more than six months, are taxed at half the ordinary rate up to a maximum of 35 per cent.

Investment capital traditionally has come from the savings that individuals invest in American business by buying securities. Because of low stock prices, unstable economic conditions, government crises, and high yields on savings and other fixed-income investments, investors—large or small—are staying out of the stock market, and corporations are finding it difficult to raise the money they need.

The Securities Industry Association, made up of investment bankers and stock brokers, cites what it terms a "capital drought." The number of new stock issues has dropped from 1,460 in 1972 to 440 last year. The number of new bond issues slipped from 470 to 248 in the same period.

Moreover, hundreds of billions of dollars in capital are "locked in" because stock holders are reluctant to sell them and thus become liable for the capital gains tax. The Treasury Department believes that between $233 and $558 billion in long term investments are thus immobilized. This, in turn, reduces federal revenue because investors would rather hold onto their securities than face a tax that could amount to more than one-third of their profit.

There have been a number of suggestions for liberalizing the capital gains tax. One has caught the attention of some members of Congress and is being pushed by Chairman Wilbur Mills of the House Ways and Means Committee. It calls for a sliding scale: The longer an investment was held, the lower the tax rate would be.

Mr. Mills has offered no specific figures. The Securities Industry Association, however, has suggested a scale ranging from 100 per cent when assets had been held for three months to 10 per cent for assets held 20 years or more.

S.I.A. estimates that for every billion dollars in securities unlocked by the sliding scale, the treasury would realize $260 million in additional tax revenues. More important, however, the lower tax rates would encourage investors to shift their assets, thus making money available to new industries.

Inflation has made the present capital gains tax confiscatory. It devoured 27 per cent of any profit acquired over a period of 10 years and nearly 50 per cent of the profit earned on an investment held for 25 years. Add the tax and there is very little left. Many family businesses have to be sold when the owner dies merely to pay the capital gains tax.

Some self-styled reformers would do away with the capital gains tax entirely, and tax investment profits at the higher rate applied to ordinary income. This, they contend, would enable government to redistribute the nation's wealth from the haves to the have-nots.

This is the sort of nonsense that appeals to economic illiterates. Such a tax would destroy any incentive to invest risk capital. It would invite industrial stagnation, jeopardize our standard of living, and inevitably lead toward socialism.

The sliding-scale proposal for capital gains is the most promising we've seen. We also like a proposal by Mr. Mills to exempt from taxation the first $10,000 in capital gains earned over a taxpayer's lifetime. This, we believe, would encourage lower income groups such as wage earners to participate in the free enterprise system and help provide the capital that will be needed in the years ahead.

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## CONGRESSMAN LANDGREBE OBSERVES A TIMELY POEM

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. LANDGREBE. Mr. Speaker, I would like to pass on a poem which strikes me as a particularly timely and sensitive expression of how one citizen perceives the sincere efforts of our President to provide a better life for all. The message comes from Amy von Maur Morse, who is a constituent of Congressman WILLIAM S. BROOMFIELD, the Representative from the 19th District in Michigan.

Perhaps the real beauty of the poem is the eloquence and depth of feeling that are clearly represented in the presentation, a presentation that expresses the views of many conscientious Americans today. At any rate, I feel that such talent should not go unnoticed, and I hope my colleagues will find the following poem inspirational:

STOP IT!!!

(By Amy von Maur Morse)

The tumult and the shouting died
An awesome silence, like the eye of a tornado, fell over the frenzied multitude.
Cartoons, suddenly alive, leered back at their creators.
Ink from venomous pens of the press fell in black blots on thirsty paper.
Comedians paled and swallowed their hatefully cruel jokes.
Guilty news-casters stood still in shame.
"Stop it! Stop it! Stop it!!!'
No single body housed the words.
No eyes discerned the form.
But deep within the hearts of all, the furious, anguished cry tore forth.
In mind they saw before them their single, bloodied prey.
They saw him being stoned; they saw him being torn to shreds
The sight was not a pretty sight to see!
"What did he do?" a bewildered child asked.
And none could tell him, exactly, for sure.
Was it the *language* he might have used when the stress was too much?
(Oh woe is me if every word I spoke was to be heard!)
Was his sin *this* great, to cover others wrong?
(How often have I defended those I loved!)
Or was it a vague, gross "image" eloquently painted by an adept media?
Painted in our hearts and burned into our gullible, impressionable minds?
"He brought us peace . . . he brought our boys back home . . .
Did we forget to thank him?
Two years ago we gave him all our hearts
Now we've stained his name and broken his heart to bits . . .
Is this the way we show our thanks?
The magazines, the press and T.V. too
Day in day out for weeks then months then years
Compete to bring us all the bad
But hold back mightily on all that's good
And good there is as millions of us know
Because we've personally witnessed some
Then later, shocked, we've heard or read reporter's lies.
Not only government, but the *media* is here on trial!!!
Yes, the tumult and the shouting died in this our hour of truth.
Some dropped their stones in weary shame and vowed to be more fair.
*Some* picked stones up, for those on whom they blamed their guilty shame.
"We're like a mob of animals!" they whispered to themselves.
Animals? Ah no! Torture is only allowed in man's civilized state!
But torture has a cost which, also, is known to man alone.
The gnawing sense of guilt born of the knowledge that
We accorded more fairness to murderers, dope peddlers and traitors
Than we did to the President of our own country.
This will put us in debt, for the rest of our lives.
And History will so testify.
Before it is too late
Before the cost becomes too great
Let's face the future with intelligent poise and fairness.
Let the media deal in facts . . . both pro and con . . .
And let "we the people" demand of those who deal in hate, to
"Stop it!!! Stop it!!! Stop it!!!
I dedicate this to my President, in grateful appreciation for his efforts to bring peace to the world and a better life for all Americans.

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## BIG JIM FARLEY

### HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. HANLEY. Mr. Speaker, recently a truly great American celebrated another birthday. It was his 86th, and although chronology suggests this to be old, not so in the case of this human dynamo who, despite his four-score-plus, continues to "do his thing" on a day-to-day basis and, I might add, do it well. I refer to the late President Franklin D. Roosevelt's chief mentor, former Postmaster General, and former Chairman of the Democratic National Committee, the very lovable Jim Farley.

For some years now Jim has maintained an executive position with the Cocoa-Cola Co. and will be found each day working away in his office in New York City. Along with his interests in the private sector he continues to maintain a deep interest in the affairs of the great State of New York, and for that matter, the affairs of our Nation.

Recently, an excellent editorial appeared in a Rochester, N.Y., newspaper, the Times-Union. I feel that my colleagues would enjoy reading it:

BIG JIM FARLEY

Big Jim Farley gets bigger every year. The former top Democratic political strategist and postmaster general of the early Roosevelt years, who later broke with F.D.R., is active as always and even more honored.

"In time of difficulties," wrote the Chinese revolutionary leader, Chairman Mao Tse-tung, "we must not lose sight of our achievements."

Pursuing that thought, in times when the air is filled with charges and countercharges of gravest character affecting those in high stations, it's comforting to focus on contrasts.

Almost regularly, it seems, the Coca Cola executive, who at 86 may be seen breakfasting at 7:30 a.m. or earlier regularly in the New York City hotel where he lives alone, is honored by some group. And the citations seem likely to be in about the same key on all such occasions.

At the most recent, arranged by officers and executives of McCann-Erickson and of the Coca-Cola Co. which honored Farley on April 17 in New York City, a Thomas Jefferson letter to John Adams was quoted:

"The whole of government consists in the art of being honest."

The citation continued:

"If ever there was a time when this Jefferson principle needs to be shouted from the housetops it is today. If there is among us a man whose public and private life always reflected his unswerving commitment to rugged honesty, it is the honorable James A. Farley.

"We meet with him today in a spirit of warm friendship and great respect. We salute him for a lifetime of great accomplishment in the art of being honest, human and a vigorous advocate of all that is good and true in American life, politics and business."

## TRIBUTE TO HON. JOHN ROONEY OF NEW YORK

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 6, 1974*

Mr. EVINS of Tennessee. Mr. Speaker, earlier today the distinguished gentleman from Texas (Mr. MAHON) paid tribute to our colleague, the gentleman from New York (Mr. ROONEY) who earlier had announced his retirement from the Congress—and I wanted to join with Mr. MAHON in commending and congratulating JOHN ROONEY on the 30th anniversary of his election to the Congress.

JOHN ROONEY is a most valued member of the Committee on Appropriations—a senior member—and chairman of the Appropriations Subcommittee on Justice, Commerce and the Judiciary, three Cabinet-level departments that come before Chairman ROONEY for funding.

JOHN ROONEY has no peer as a legislative craftsman—he is a master of legislative skills, resourceful in debate, a most effective legislator with a warm personality.

JOHN ROONEY is a great American—a traditional American in the truest and classic sense—the son of Irish immigrant parents who settled in Brooklyn more than 100 years ago.

We know that he has been in ill health for some few weeks and we all wish for him the recovery of his health and much happiness in his richly deserved retirement.

# SENATE—*Friday, June 7, 1974*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

### PRAYER

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

Eternal Father, for this quiet moment, before the pressing duties of the day move in upon us, wilt Thou lift us above the stress, the contention, and the baffle-ment of these difficult days into the healing calm of Thy presence. Grant us the peace of those whose minds are stayed on Thee. May all who labor for the people here be patient in debate, charitable in judgment, and slow to anger. Give us wisdom and courage to uphold what is just and true. Grant us to know Thee, that we may truly love Thee, and so to love Thee, that we may freely serve Thee, for the rule of righteousness in the world, and the honor and glory of Thy great name. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., June 7, 1974.*

*To the Senate:*

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
*President pro tempore.*

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 6, 1974, be dispensed with.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

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

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

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 15155) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1975, and for other purposes, in which it requests the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 73) authorizing the printing of additional copies of a committee print of the Senate Select Committee on Nutrition and Human Needs.

The message further announced that the House had agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 201. A concurrent resolution to reprint the brochure entitled "How Our Laws Are Made";

H. Con. Res. 445. A concurrent resolution authorizing additional copies of oversight hearings entitled "State Postsecondary Education Commissions";

H. Con. Res. 454. A concurrent resolution to authorize the printing as a House document "Our Flag," and to provide for additional copies;

H. Con. Res. 455. A concurrent resolution to provide for the printing as a House document "Our American Government. What Is It? How Does It Work?"; and

H. Con. Res. 474. A concurrent resolution authorizing the printing of additional copies of a report issued by the Committee on Foreign Affairs.

## HOUSE BILL REFERRED

The bill (H.R. 15155) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1975, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

## HOUSE CONCURRENT RESOLUTIONS REFERRED

The following House concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 201. A concurrent resolution to reprint the brochure entitled "How Our Laws Are Made";