Illinois, Mr. KEMP, Mrs. BOGGS, Mrs. CHISHOLM, and Mr. RONCALIO of Wyoming):

H. Res. 1192. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. VEYSEY:

H. Res. 1193. Resolution to authorize the Committee on Government Operations to conduct an investigation and study of the feasibility of consolidating into one Federal agency all existing Federal Establishments concerned with the immigration of individuals and the importation of goods into the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

505. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the tax-exempt status for 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 Ms. ABZUG:

H.R. 15621. A bill for the relief of Antoni B. Wojcicki; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland:

H.R. 15622. A bill for the relief of Anthony Mohamed Kaikai; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

452. The SPEAKER presented a petition of the Board of Commissioners, North Redington Beach, Fla., relative to the Veterans' Administration hospital at Bay Pines, Fla.; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

UTILITY CONSUMER BILL OF RIGHTS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 25, 1974

Mr. METCALF. Mr. President, the Michigan Public Service Commission adopted a "utility consumer bill of rights." It is an excellent statement. I ask unanimous consent to print it in the Extensions of Remarks.

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

MICHIGAN PSC ADOPTS UTILITY CONSUMER BILL OF RIGHTS

The Michigan Public Service Commission has taken final action to put into effect a consumers bill of rights for all Michigan residential gas and electric utility customers.

The Commission approved final rules which will bring the relationship between the customer and the utility into the 20th century.

The comprehensive rules cover customer-utility relationships including payment of bills, late charges, security deposits and complaint and termination procedures.

The rules, first issued in November for public comment and hearing, must first be reviewed as to form and legality, and then sent to the Joint Administrative Rules Committee of the Legislature for final approval.

The Commission strongly urged the legislative committee to take prompt action prior to adjournment to enable the Public Service Commission to put the rules into effect.

The new rules, which represent the first revision of consumer standards since 1944:

Require each utility to give a customer 21 days to pay his bill.

Require the utilities to eliminate all late payment charges and discounts.

Require each utility to extend utility service to a customer without a deposit until he proves himself to be a bad credit risk.

Eliminate all standards for deposits except the customers failure to pay his bill and to refund current deposits that do not meet the new rules.

Require each utility to publish and distribute a comprehensive pamphlet which in layman's terms fully describes the customers rights and responsibilities.

Establish complaint procedures which will insure prompt, courteous and effective handling of all customer inquiries, service requests and complaints.

Require each utility to set up hearing procedures which will give each customer a due process right to challenge a utility's decision to cut off service prior to termination.

Require the utilities to hire hearing examiners to conduct hearings and prevent them from performing any other services for the utility.

Prevent the utility from discontinuing utility service when a medical emergency exists.

Require the utility to offer a customer a reasonable settlement agreement to pay his bill in installments when financial emergencies occur.

Require the utility to follow strict procedures prior to physically terminating utility service.

Require the utilities to file comprehensive quarterly reports concerning relationships with customers.

Permit the newly established Consumer Services Division to constantly monitor and review all utility-custom activities.

The Commission stressed that the relationship between the consumer and the utility company has been affected by our changing society. It is abundantly clear that basic utility services are necessities of life, and services that millions of consumers depend upon to function and exist in our society. It is, therefore, essential that this relationship be governed by rules and regulations which adequately reflect the realities of the 1970's.

The Michigan Public Service Commission has the statutory responsibility to insure that every consumer in the State of Michigan has an equal opportunity to obtain and receive adequate and safe utility services under reasonable conditions. In the opinion of the Commission, the proposed rules establish fair and practical standards guaranteeing basic rights to every Michigan gas and electric utility consumer.

In essence, the rules reflect one essential theme—fairness to the utility customer:

A fair opportunity for ratepayers to pay bills within a reasonable time without penalty.

A fair opportunity for all ratepayers to obtain utility service without deposits or guarantees unless and until they establish unacceptable credit.

A fair opportunity, as embodied in the concept of due process of law, to protest incorrect charges or practices at the company and Commission.

A fair opportunity to be informed of utility practices, rules, conditions of service and complaint procedures.

The Commission believes that these rules, when formally enacted, will provide Michigan utility customers with the most effective and advanced set of standards ever implemented by a regulatory commission.

The Commission stressed that while the new rules establish fair service policies for all gas and electric customers, they also encourage the utilities to improve collection procedures and take prompt action when customers refuse to pay bills without legitimate reasons.

While utility bills have increased due to inflation and higher fuel costs, the rules do not relieve every customer of the responsibility to pay in full all legitimate charges for utility service.

The rules represent the culmination of the work of the Commission staff under the direction of Carl H. Kaplan, Deputy Director of Policy. The utilities, consumer groups and the general public have all contributed a great deal of effort in formulating the rules and are commended by the Commission for their contributions.

TELEVISION AND IMPEACHMENT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 25, 1974

Mr. METCALF. Mr. President, in a commencement address at Northwestern University, Fred W. Friendly made a compelling argument for responsible broadcast coverage of impeachment proceedings—should such proceedings occur—in the U.S. House and Senate.

A former president of CBS News, Mr. Friendly concluded that the American people will demand "a first-person, unbridged view of so historic an event" without having it strained and filtered through even the most responsible press and broadcast observers.

He told graduates of the Medill School of Journalism—

None of us here today can know whether such a trial will take place, but I can assure you that neither history nor the American public will accept surrogate witnesses to so momentous an event.

Most signficantly, Mr. Friendly warned his audience that in any such coverage of impeachment proceedings, journalism in general and broadcast journalism in particular will also be on trial. The danger, he said, is that broadcast journalists in their competitive drive will permit production values to overwhelm the event—"and suddenly the atmosphere of a political convention will prevail."

To avoid this trap, which he said could set broadcast journalism back a generation, Mr. Friendly recommended a series of guidelines for television coverage should the impeachment process occur.

Mr. President, I believe all of my Senate colleagues will wish to have an opportunity to read Mr. Friendly's thoughtful presentation, and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the address

was ordered to be printed in the RECORD, as follows:

IMPEACHMENT AND TRIAL? TEST FOR THE PRESIDENT AND TELEVISION

(By Fred W. Friendly)

Freedom in a Rocking Boat is the title of a book by Sir Geoffrey Vickers who in that single phrase sums up the predicament of much of the planet and all of America.

Our boat *is* rocking in a troubled, turbulent sea. It is crowded and befouled. Our reserves of food and water are down, and our fuel supply is low. Morale can best be described as sullen but not quite mutinous although there are certain pockets of unrest which threaten to flare up.

The Captain at the tiller is remote and clearly rattled, with confidence from passengers and crew rapidly deteriorating. The balance between survival and freedom is sometimes strained almost to the breaking point. Although no one is ready to send out S.O.S. signals, some quiet prayers "certainly wouldn't hurt."

To maintain freedom in a rocking boat—reliable information is crucial. In desperate hours the journalist's task is to provide "a picture of reality on which men can act" to take bearings and sightings—to detect the immediate reefs and shoals; to perceive hazards beyond the curvature of the earth; to know where we are, and what we must do to get where we must go.

That's always been the journalist's mission and it has always required stamina because the freedom to report has always been one of the first things that someone wants to sacrifice when the ship of state starts rocking. It's an ironic conundrum—you can't rechart your course or stabilize the situation until you know where you are, and how bad it is. The liberty to do that effectively is what nervous politicians often want to deny. To the extent that journalists fail, democracy falters. A lazy press and a responsible government have about as much chance to co-exist as a totalitarian government and a free press. The interface between a responsible press and a responsive government is the very mortar which gives each its resilience.

James Madison understood that when he wrote, "In framing a government which is to be administered by men over men . . . you must first enable the government to control the governed, and in the next place, oblige it to control itself." The Bill of Rights, particularly the First Amendment, was Madison's device for protecting that delicate circuitry. "The whole art of government consists in the art of being honest," as Jefferson put it. The journalist's job from Lincoln Steffens to Ed Murrow to Woodward and Bernstein is to keep that government honest.

Less than two centuries ago, not quite 183 years ago, when the Bill of Rights amended the original Constitution, none could have dreamed of the massive stress to the system which would be triggered by the nightmare chain of events, which began two years ago this Monday at a place called Watergate.

Whether impeachment charges are brought against the President, no man can yet say, but the traumatic shock of impeachment proceedings might well overload that delicate circuitry. Never before in the short history of mass communications have journalists grappled with a challenge of such magnitude. This is not a trip to the moon; it's not a political convention; not a coronation or a state funeral. It is unlike any event since the birth of radio and television. It is the impeachment of the President of the United States of America.

It will be a testing time not only for the President but for the media which, beginning with The Washington Post and climaxing with the television hearings of the Senate Select Committee, played such a vital role in flushing out the dark secret of the Oval Office.

It is no overstatement to say that when Chief Justice Burger calls the Senate to order, if it comes to that, journalism, and particularly broadcast journalism, will also be on trial. Indeed, while President Nixon will probably elect not to be in the dock, the broadcasting industry will be, and the manner in which it conducts itself and the public verdict on that performance may be, in its way, as historic and decisive as the drama it is reporting from the floor of the Senate.

Currently the debate is over whether cameras and microphones will be permitted. Senator Mansfield says yes—"there is no other means to convey the gravity of the proceedings;" Senator Buckley says no—"It will turn the trial into a circus." The Washington Post says television, yes; The New York Times says no. Reston is against it; Cyclops and Newton Minow vote yes.

Recently I told the Senate-House Joint Committee on Congressional Operations that the argument is an academic one, that may provide good Op-ed Page material—but at the end of the day the American people will make the decision—they will require a first-person, unabridged view of so historic an event without having it strained and filtered through the eyes and ears of even the most responsible newspapers and broadcast observers. None of us here today can know whether such a trial will take place, but I can assure you that neither history nor the American public will accept surrogate witnesses to so momentous an event.

The New York Times has stated that, "the very nature of reporting a legislative body inevitably favors the printed word—just as the nature of reporting a rocket take-off to the moon, a Presidential inaugural or a football game gives the TV screen an edge over the newspaper." That reasoning carried to the ultimate would preclude newspaper coverage of such events but more relevant, does the Times really believe that its coverage of the Army-McCarthy Hearings, Vietnam, or the Ervin Watergate hearings could ever have had the comprehensive impact of the broadcast experience? Try transplanting the Welch-McCarthy encounter into copy, or think of what we missed when cameras were barred from the 1964 debate over Tonkin Gulf when two lonely Senators opposed the resolution that was to affect all our lives, to say nothing of the lives of millions of inhabitants of Southeast Asia.

If Mr. Reston's thesis that television pictures of impeachment around the world will so debase the nation's image is true, then that is a reason to vote against impeachment proceedings—but not to ban the image of that reality which an enlightened public opinion will require. Without live TV coverage "the spectacle" that Reston and Buckley fear, will be sketched, described secondhand in corridors, re-enacted and distorted around the world; with it, the whole world will be watching our system of justice work, and almost as important, how our system of broadcast journalism works.

The opportunity and challenge to report the proceedings, perhaps the most critical drama in the history of the Presidency, will not be without pitfalls for the broadcast media. My purpose now is to warn my colleagues in commercial and public broadcasting because those traps if not avoided could set broadcast journalism back a generation and rekindle the ugly torch so recently carried by Spiro Agnew.

The crucible for television will not be the usual challenge of enterprise and ingenuity but of restraint and understanding that it is a vital part of a due process that will bring most citizens closer to the heartbeat (and heartbreak) of government than they have ever been before.

The danger is that broadcast journalists in their competitive drive will permit production values to overwhelm the event and suddenly the atmosphere of a political convention will prevail.

I do not mean to suggest that responsible executives and correspondents at the networks have not concerned themselves with such hazards. Richard Wald, President of NBC News recently warned his staff:

"It is the biggest event of our times and we were drawn into news because we wanted to deal with history, with events greater than ourselves, with the issues and the men that are important.

"But therein lies a problem that worries me. We tend at times like this to get manic, to fall into that form of excitement that sustains us in the small hours of an election morning and makes the problems seem worthwhile. The deadline pressure and the story carry us along, unthinking, on a crest of activity.

"I do not want us to become part of the story. We are not hounds chasing the hare. The excitement is in the event, not in us. What begins in journalistic energy must not end in predicting, or reaching or guessing."

Mr. Wald's sober sense of awe and responsibility is to be commended but it will just be rhetoric unless some specific guidelines are articulated in advance and announced to the public.

It is not the chief reason for doing it, but letting those Senators and Congressmen, who are apprehensive of television's presence, know the high sense of purpose and restrained preparations with which broadcasters approach these proceedings, may have much to do with the ultimate decision on access.

Some recommendations (should the impeachment process occur):

1. The technicians should keep light levels at a minimum. The values of color transmission of this kind of event are marginal and black and white cameras require far less light and space. Their presence can be minimized particularly if call letters and the redundant red lights are removed. Obviously it will be a pooled event with a maximum of four or five pooled cameras, all in fixed unobtrusive positions.

2. The networks should not station anchormen in the House or Senate auditoriums nor utilize rear screen projection to achieve the same effect. Cronkite, Chancellor, Smith and Reasoner are consummate professionals who, unless they are goaded by zealous production ambitions, will not wish to intrude themselves into a situation which will be traumatic enough for all. If impeachment becomes a "You Are There" contrived spectacle it will become a completely different event for the television audience of millions that for the 500 citizens in the gallery. What the viewer will require is not the presence of a host or anchorman to place a network's imprimatur on it but the kind of expertise that comes from having lived with the Watergate story and the central players in the drama for the past 18 months. Washington reporters such as Bruce Morton, Carl Stern, Fred Graham, Dan Schorr, Leslie Stahl, Sam Donaldson, Paul Duke, can identify all the participants, from the backbenchers to the staff assistants, to the committee investigators, without a score card or a "spotter." They have encyclopedic memories on every phase of the Select Committee hearings, the Special Prosecutor's investigations, the House Judiciary hearings, the White House tapes and the statements. The urge to replace their unique skills with high visibility anchor stars from New York will have to be requested. In fact, if I know these anchormen as well as I think I do, they will consider it more important to stay with the flow of national and world news enabling them to give the impeachment and trial the perspective it will

surely require. These thoughtful practitioners will need some small distance between the event and the perspective Americans will expect of them each night.

3. There should be no floor, cloak room or entrance reporters. The Senate and House rules will probably restrict the former but the button-holing of members in the usual competitive drives, particularly in an election season could be a destructive mockery. Such restraint will require an agreement on ground rules and self-discipline but the first time Congressman X turns the House hallway into his own impeachment chamber, broadcasting will have altered the solemn reality of the event. It must be remembered that one-third of the Senate and all of the House must stand for election this November. The temptation to respond to or even seek out an open mike or a hot camera will be almost irresistible. In fact, the political advisors to many candidates will be seeking devices to manipulate the event for the exposure of their man. For example, how many of us realized that Congressman Jerome Waldie was a candidate for the Democratic Gubernatorial nomination in California while he was daily holding forth outside the House Judiciary hearings.

4. No editorial commentary or interpretive reporting while the gavel-to-gavel coverage is in progress. It is not a matter of the broadcaster's rights or even the defendant's as much as the citizen's right to hear and see and draw his own conclusions. Historical perspective and commentary on the rules of the chamber are in order but if news analysis includes evaluation of certain evidence or testimony as being "very damaging to the President" or "helpful to his cause," the broadcasters may have influenced the outcome of the trial every bit as much as if they had intruded their views into a jury room.

In fact, the Grand Jury in impeachment and the jury in the Senate trial cannot be sequestered. The members will be hearing about what is broadcast but far more important will be the impact of such commentary on the ultimate jury—the American people and they certainly cannot be sequestered. No doubt many of the Representatives will vote their consciences but they will also be listening to their constituents. Those citizens no less than their Representatives deserve to witness the raw event, unseasoned by even the most knowledgeable expert opinion on how the trial is going.

The nightly newscasts are different as are the newspapers and the news magazines. There is some isolation from the event itself and the viewer or reader is aware that he is being exposed to something *after* the event. But in the experience of live or comprehensive taped coverage it is virtually impossible for even the most sophisticated viewer or listener to know where the proceedings of the actual trial begin and end and where the reporting and observations of the commentators begin and end.

5. Filling time during recesses, stage-waits and other delays: This may not be quite the problem it was during the Ervin Committee and the McCarthy Hearings of two decades ago. Because the impeachment and eventual trial if they come to pass will be the only event going on in the House and/or Senate, there will be no interruptive buzzers for roll-call votes requiring endless commentary or excessive commercials. Conversely the absence of honest interruptions will require discipline on the use of commercials. To fight for the right to cover these momentous proceedings and then to interrupt them for station identification or some other excuse for inserting the backed-up commercial schedule would be an unacceptable intrusion. It will interfere with the public's right to know as much as if commercials interrupted evidence in a courtroom. Broadcasters had better make up their minds before they commit to these events that they are going to be expensive in lost revenues and there will be no respectable way to make them up. This time the overused, misused phrase, "in the public interest" must literaly mean, the public trust.

6. The rating battle and promotional campaigns: The first time a network runs a full page advertisement proclaiming "Network A had more than twice the audience of all other networks combined" the broadcast industry will have impeached itself. To turn these solemn, sad events into a rating war as has been the accepted practice for nominating conventions, landings on the moon, and a few state funerals is to proclaim that in broadcast journalism, nothing is sacred. Worse than that, if the rating game is permitted to escalate there will not only be bizarre promotional campaigns in newspapers and in huckster spots on the air, but the performance of journalists will be vulnerable to all the excesses which may or may not boost audiences. No more who has ever been associated with convention coverage will deny that too often the important but sometimes dull proceedings are sacrificed for the dynamic but irrelevant spectacle. How many times has a nervous producer left the convention floor for a manipulated demonstration on the boardwalk or a disturbance in the parking lot.

Obviously it would be unthinkable and probably a violation of the First Amendment. But I wish no one, especially the newspapers and trade journals, would publish any comparative rating statistics until the impeachment and trial are over. No single act of statesmanship would improve the level of serious coverage as much.

As suggested by others, the prospects of rotation among the three commercial networks probably makes sense. In the past, particularly with the Senate hearings on Vietnam, I have resisted rotation because it lessens the competitive drive and because some viewing areas have only one or two network stations and rotation can deny access to the concerned public in those markets.

In the event of impeachment proceedings, the Public Broadcasting Service has announce that it will carry unabridged, gavel-to-gavel coverage at night. One would also hope that where rotation denies live coverage because all three networks do not have affiliates, there would be an agreement that one station in each area would transmit the impeachment proceedings regardless of the originating network.

The compelling reason for rotation is not to save the stations money, although that will be the motivation for many of them, but the implications of a captive audience should many continuous weeks and impeachment and trial surfeit tens of millions of viewers in an endless and sometimes boring spectacle they might otherwise choose not to watch. Committed as I am to making every moment of the impeachment proceedings available, it cannot be force-fed. One station at a time and public broadcasting at night, plus the network specials in prime time will do the job.

Again, the dialogue and decision on this should be out in the open with the public engaged in the decision, rather than a trade decision made at the various network offices.

It is not rotation that is reasonable in itself, but such an approach minimizes the temptation to play the rating game with all the accompanying excesses.

I have no doubt that my position on the coverage of impeachment and trial will be unpopular with many, particularly the advocates of the new journalism or those who simply believe that Watergate is journalism's finest hour and that impeachment and trial are the climactic act of that drama.

The flaw in that reasoning is that it confuses journalism with that transcendental moment when history overrides news values. Carl Sandberg once loaned me a ticket to the impeachment of Andrew Johnson and we speculated at the time on what it would have been like to sit in that gallery. In 1974, television's credential for admittance will be the justified claim that it can provide a reserved ticket for every American who wants a front row seat in that spectators' gallery. The citizen with such a seat is entitled to his privacy, even his solitude without some well-meaning sightseeing guide or expert whispering in his ear. The citizen has the right to an unobstructed view with the option to search out his own judgments and reach his own conclusions. Freedom to watch and listen without overproduced intrusions or unwarranted advertising and other clutter is what he has a right to expect and overzealous broadcasters who get between the citizen and this momentous event will do so at their own peril.

Thus far my critique, advance as it is (but the only kind of survey which can be constructive for an event which hopefully will not occur again in this century), has been directed at potential errors of commission and "overkill." Now let's turn to errors of omission and underreporting. While effectual journalism will be judged by its restraint during the actual transmission of impeachment and trial, it has a heavy responsibility prior to those events and in regularly scheduled news programs as well as specials to provide background and documentation of the long train of events that began when Frank Wills noticed the tape on that Watergate apartment door.

A year ago, CBS producer Les Midgley and reporter Dan Rather, contributed several first-rate hour-long documentaries on Watergate, as did Bill Moyers on Public TV, CBS and NBC provided hour-long specials at the time the edited White House tapes were published, but generally the coverage, other than the Ervin Senate hearings, has been restricted to the nightly news. Mike Wallace's interviews with John Ehrlichman, Dita Beard and Charles Colson were not only news beats, but genuine contributions to public knowledge revealing the potential of the medium. *The New York Times, The Washington Post, The Los Angeles Times* and other newspapers, including those in Chicago performed an important public service in printing the edited White House tapes. Public television, which came of age during the Senate Watergate Hearings with its gavel-to-gavel coverage, abdicated its responsibilities when it failed to commit the air time and energies to the kind of comprehensive reading of the White House tapes that National Public Radio had the foresight to broadcast.

The kind of reporting that the public requires now as a background to impeachment proceedings is not just the response to news breaks but some primers on the meaning of impeachment from the Duke of Suffolk in the 15th Century through the deliberations of the Founding Fathers in the 18th Century, through the Andrew Johnson trial after the Civil War in the 19th Century, and including Congressman Gerald Ford's recent attempt to impeach Justice William O. Douglas in the 20th Century. The debate between the President's counsel, James St. Clair and Constitutional authority Raoul Berger, among others, is whether a President can be removed only for criminal offenses, or whether he must be judged on his entire conduct in office.

Article 2, Section 4 of the U.S. Constitution says, "The President . . . shall be removed from office on impeachment for and conviction of, treason, bribery, and other high crimes and misdemeanors." Journalism's job is to provide historical insights into the means and the machinery by which the Senate and House will examine such charges and make their findings.

The verdict on Defendant Nixon will not involve treason, but will depend on the question of high crimes and misdemeanors. That question makes impeachment every bit as

much a political exercise as a trial under law.

In lieu of a charge to the jury, the Congressmen, the Senators, and the final jury at home will need to think hard on what the Founding Fathers purposely left vague but what on the the final roll call will have to be specific.

Did the framers of the Constitution intend to confine impeachment only to "indictable offenses?" The President and his defense will claim that's all they meant and there will be many scholars to support that. Other legal authorities and the prosecution will probably argue that all that Congress must establish is that the President's conduct has subverted the orderly processes of government and as General Telford Taylor says, "brought his high office into disrepute."

Because this will be the substance of the trial debate the American people will require a depth of understanding far more complex than simply the brutal band of raw facts. For journalists to explain this, they will have to understand it and then they will have to raise the constitutional consciousness of the citizenry as a great teacher does—not during or on the eve of an examination, but as a continuing experience.

As I suggested earlier, Watergate and reporters are forever welded together in a crucible that will be the severe, searching test for the profession of journalism as well as for the President. Some cheerleaders call Watergate journalism's finest hour. I call it *The Washington Post's* finest hour and with very few exceptions, one of journalism's worst hours. Many newspapers did not play *The Washington Post's* initial investigative reporting prominently, including some subscribers to *The Washington Post, Los Angeles Times* News Service. Ironically, there was almost a blackout on Watergate information until late in the Campaign when CBS News did two reports on the Cronkite broadcast which utilized *The Washington Post* and some research by Dan Schorr. Only then did newspapers elevate Watergate to the front page prominence it deserved. I guess you could call that electronic agenda setting.

In recent months there has been criticism, not just from Nixon supporters but from others, that the press and broadcasters have gone beyond the function of uncovering and reporting and have assumed the role of judge and now executioner. I reject that argument but I suggest that the temperature reading of the crucible will take a quantum jump when and if Speaker Albert and Chief Justice Burger solemnly rap for order.

Nothing like it has ever happened in the history of television. Doing it well means a demonstration that the electronic media can bring "the great commanding theater of the nation" to the citizenry on a continuing basis. It has been the dream of some Senators, Representatives and most broadcasters for years. The responsible, restrained use of television and radio to bring this event, the whole event and nothing but the event, will be a major breakthrough that might eventually persuade the Supreme Court and other high courts of appeal to realize that the public is entitled to an electronic seat in their courtroom. I'm not talking about criminal trials with juries and defendants present on the witness stand but the arguing of constitutional issues where the presence of cameras would not likely affect the performance of jurist or lawyer.

But if impeachment and trial take on the atmosphere of a political convention or anything remotely like it, the cause of serious broadcast involvement will be set back incalculably.

I began by talking about freedom in a rocking boat. I came here today to help welcome you aboard—not to be piped aboard to the accompaniment of a brass band or even a boatswain's whistle, but more on a boatswain's chair in choppy seas with gale winds. God knows, you're needed.

I shall not extoll you and proclaim that the future belongs to you, nor quote all the bromides of journalism like, "Print the news and raise hell," or "The newsman's job is to comfort the afflicted and to afflict the comfortable." It's more complex than that.

I have chosen to talk to you about your profession's past and its tortured but vital present. Rather than its "promising future" I have chosen to talk to you as one professional to another about the most formidable challenge it has ever faced. Only a few of you will participate in it for now, but you will all witness it.

You will soon observe that one of the foibles of your new profession is that it is plagued by second guessers and Monday morning quarterbacks. My remarks through you to that profession are intended to forestall some of those recriminations which could be yet another self-inflicted wound from Watergate. The medium, all due respects to Professor McLuhan, has never really been the message but in the event of impeachment and trial the instruments of communications must constantly bear in mind that man is the message and the man in this instance is Richard Milhouse Nixon—what he did and did not do.

The verdict of guilt or innocence whenever it comes will also be a judgment of how the trial was conducted. Television will be as much a part of that process as the prescribed rules and procedure of the two chambers. The producers and correspondents almost as much as the presiding officers and the parliamentarians will hold in their hands the delicate balance between fair trial and free press.

The image at the end of the tube no less than the deliberations in the Senate Chamber may determine what history will eventually judge to be a mistrial or justice.

Order in this courtroom will be maintained not only by the rules of conduct and the procedure established by judges and lawyers but by the men and women who control the means and temper by which this ordeal will reach the American people. To fail would be in contempt of the public trust and their own calling.

THE OLD CHARLEY PONZI CON—ADD WINE

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. DENT. Mr. Speaker, when I was younger I heard a story—a true story I might add—about an old Italian barber who was so busy making money that he hardly had time to cut hair. The story goes like this.

His name was Charley Ponzi, and he was an old immigrant with a one-chair shop in Boston. Charley was considered dumb by many—his thick Italian accent must have contributed heavily to that myth—yet he came up with a scheme that netted him millions before people figured out what was up.

Charley Ponzi's scheme was simple. With the stock market operating as it did in New York the idea of investing was attractive even to those who had not the money to invest. So Charley gave the poor immigrants who were his neighbors the chance at investment at any amount they might have. They could invest in Charley's barber shop.

At first, the investments came in slow. After all, people would say, what kind of investment is that, putting your money in a one-chair barber shop? But then Charley started to pay dividends, quite large dividends really, to those who had taken a chance and put money into his business.

Then the investing picked up, to the point where Charley was literally making thousands a week. Where once he walked to his shop, now he was chauffered. Certainly this was a marvelous businessman.

Actually a marvelous con man. Charley Ponzi quit paying dividends, but continued to encourage investments. There was no business in his barber chair, thus the initial dividends were only seedings. And Charley almost got away with a million dollars.

I tell this story simply because, quite by accident I noticed the 1974 version of the old Charley Ponzi con in an article dated June 21, 1974, in the Washington Post. Instead of hair cuts the nonexistent product was wine. And this time the con took in some of our banking wizards in Virginia.

The Washington Post article is as follows:

FOUR VIRGINIA BANKS FACE LOSS IN WINE SCHEME

(By Donnel Nunes)

The Virginia State Corporation Commission said yesterday that four Virginia banks face the possibility of substantial losses from more than $6 million in loans made to persons who subsequently invested the money in a wine investment scheme the Securities and Exchange Commission has called fraudulent.

Virginia State Corporation Commissioner Junie L. Bradshaw, who estimated the total amount of the loans, said that in virtually all cases the loans were secured by promissory notes made by the wine importing firm, notes that the SEC now says may be worthless.

None of the banks ever tried to verify that the wine importing firm, Ridge Associates of McLean, had contracts it claimed to have with major food processing companies that supposedly bought the wine, Bradshaw said, nor did the banks ever investigate the firm itself.

The United Virginia Bank-First & Citizens National of Alexandria faces the largest possible loss, Bradshaw said in response to a question. But he declined to name the other banks, two more in Northern Virginia and the fourth in Norfolk.

The SEC has charged in a complaint that Robert Dale Johnson, 39, a McLean businessman, lured new investors with promises of high rates of return on their investment and then paid off older investors with the new money. At least $26 million has been invested in the wine investment scheme, the SEC has charged, and only about $6 million can now be accounted for.

"I would say that all the banks can absorb the loss," Bradshaw said. "It's not a question of solvency but of liquidity. Some of them may have to sell loans to get more money to cover their loans (to the investors)."

Bradshaw said that there were probably other banks which made loans to investors in the scheme, but he said that the number of those loans was much smaller than those made by the four banks.

"The smallest single loan (to an individual to invest in Johnson's scheme) we've found

so far is for about $25,000," Bradshaw said. He estimated that at least 50 persons received the loans, but noted that complete tabulations had not yet been received by the state commission.

"Most of these things (assurances to the bank from Johnson about the existence of the wine contracts) were verbal," Bradshaw said. He said that Johnson would use the wine contracts to guarantee the loans made to investors, and that the loans would be additionally secured with company promissory notes. Bradshaw said that the contracts apparently did not exist, and the SEC contends the promissory notes may be worthless.

According to Bradshaw, Johnson told bank loan officers that he had contracts to sell industrial wine—wine used in the preparation of salad dressings, for example—to food processing companies such as Heinz and Kraft's. "Kraft's was the favorite," Bradshaw said.

The loans made were generally short-term loans, "made for only a few months," he said. "The question is whether many of the people who got the loans planned on paying them off out of the profit they made from the investment. If that's the case, many of the banks could have trouble recovering the money."

While officials at Alexandria's United Virginia Bank-First & Citizens National continued efforts to determine how much money they lent to investors, a Richmond official for the bank's parent company, T. H. Flinn, said yesterday. He said that almost all loans made by the company had been made by a single loan officer.

Officials refused to comment on what measures, if any, the bank was considering taking against the unnamed loan officer, saying only that a public statement would be made within the next few days.

In another development, the president of a major Washington stock brokerage firm, Johnson Lemon & Co., confirmed reports that the company had discharged a stock counselor on Monday for introducing persons to those selling the unregistered wine investment promissory notes.

President Harvey B. Gram Jr., said that Robert H. McKinley Jr., was discharged because he "violated company policy" in making the introductions without clearing the investments with company officials first. "You cannot offer unregistered securities," Gram said.

Efforts to reach McKinley were unsuccessful.

OLD-TIME FIDDLERS JAMBOREE SET IN TENNESSEE AS JULY 4TH CELEBRATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. EVINS of Tennessee. Mr. Speaker, on July 4–6, the Chamber of Commerce and merchants of Smithville and DeKalb County, Tenn., are hosting the third annual Old-Time Country Fiddlers Jamboree and Arts and Crafts Exhibits.

This unique event is modeled after Independence Week celebrations, the traditional backbone of rural American entertainment, and features 18 categories of keen amateur music competition.

More than $1,500 in cash prizes will be awarded for old-time fiddlers champions including fiddle string band; bluegrass band; square dancing; old-time and bluegrass banjo; harmonica; mandolin; dulcimer; folk and gospel singing; guitar; dobro; buckdancing; spoon clacking; musical jug blowing; Jew's harp; Ozark mouth bow; washboard rubbing; and other novelty and comic arts.

Amateur country and bluegrass musicians, dancers and singers from anywhere in the country are invited to compete.

Special, noncompeting guest performers will be: America's most renowned harmonica concert artist, Larry Logan, public relations ambassador for Nashville's first American National Bank, and and the globe-trotting notable Rutherford Square Dancers of Murfreesboro, Tenn.

Especially featured this year will be approximately 100 booths of authentic mountain and contemporary arts and crafts exhibits and sales. Craftsmen and artists from all over America are coming to display and sell their products.

Over 1,000 foreign students and faculty members from 18 American universities will be special guests at this unique occasion.

Last year over 30,000 spectators, including a 6-man television crew from the British Broadcasting Co. of London, England, who will be back this year, attended the Smithville Jamboree. A larger crowd is expected this year. Ten camping grounds have been provided near the public square. There is no charge for admission to the show or any of the camping grounds.

Certainly all America is welcome to this annual 4th of July Jamboree and Folk Festival celebration.

CONGRESS TAKES DECISIVE ACTION IN CONTROLLING GOVERNMENT SPENDING

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. HEINZ. Mr. Speaker, last week, I introduced into the RECORD part I of a three-part series of excerpts from the National Journal concerning H.R. 7130, the Budget and Impoundment Control Act. This legislation, a vital proposal to reassert congressional power of the purse, has now been approved by both Houses of Congress and sent to the President for his signature. Hopefully, following final approval of this legislation, Congress can begin to utilize the proper tools in evaluating the financial needs of our Nation, and bring coherence to our appropriations process.

The second of these excerpts from the National Journal follows:

CONGRESS TAKES DECISIVE ACTION IN CONTROLLING GOVERNMENT SPENDING

House: The compromise reached by the House on the membership of its budget committee was proposed by Whitten. The Democratic Caucus and the Republican Conference will choose 23 members according to this formula: five from Appropriations, five from Ways and Means, 11 from the legislative committees and one each from the Democratic and Republican leadership.

No one can be a member of the House Budget Committee for more than four years in any 10. Whitten said he inserted this provision to allay the fears of some Members that the budget committee would become a "superduper committee" and that its chairman would become a "budget czar."

Senate: The Senate departed even further from the joint study committee's recommendations. The 15 members of its committees will be chosen by the party caucuses, without regard to other committee membership. Beginning in 1977, budget committee members must belong to only one other major committee, and many will have to resign from one of their committees.

"It is not intended that the budget committee diminish the responsibilities of any other committee," the Rules and Administration Committee said in its report on the bill. It added that the budget committee will allow the Appropriations and Finance Committee to operate more effectively.

An effort by Sen. Gaylord Nelson, D-Wis., to make the Senate budget committee's membership rotating was defeated 24–56 on the Senate floor. Ervin said: "If rotating the members of the committees had been desirable, it would have been done sometime between 1789 and the present date."

Chairmen: Neither version of the bill makes provisions for choosing budget committee chairmen. So the chairmen will be selected by the majority party, presumably according to seniority.

In the House the chairmanship will rotate just as the membership will. In the Senate, staff members have speculated about the possible budget chairman.

At the top of the list is Sen. John O. Pastore, D-R.I., the most senior Democrat without a committee chairmanship and a member of the Appropriations Committee. Also mentioned is Muskie, one of the most senior Democrats without a committee chairmanship among those who helped write the budget reform bill.

BUDGET STAFF

Both the House and the Senate expanded on the joint study committee's recommendation that the new budget committees have a joint staff.

Makeup: The House bill would establish a Legislative Budget Office, which would play a limited role in assisting Congress as a whole. The budget committees would have no additional staff.

The Senate bill would create a Congressional Office of the Budget as an agency of Congress on a basis somewhat comparable to the General Accounting Office (GAO). The budget Office would assist all congressional committees and Members when its services were not required by the budget committees. The two budget committees would have their own staffs in addition to the budget office.

The staff group working for the conference committee is leaning toward the Senate version of the budget office, although possibly with the House bill's title of Legislative Budget Officer Bolling said he has no basic objection to the Senate's approach.

Duties: The budget office will have broad powers to obtain budgetary information from agencies of the executive branch. The Senate bill provides that the budget office report to Congress each spring on the economic impact of alternative levels of revenues and spending for the coming fiscal year.

Sen. Jacob K. Javits (R-N.Y.) amended the bill on the Senate floor to provide for an annual report by the budget office on recommended national goals and priorities. Staff aides for the conference committee said a watered-down version of this provision probably will remain in the bill.

Staff members who helped draft the Senate bill said they intended that the budget office staff number no more than 100, compared with 650 at OMB. However, Muskie said

he hopes the budget office eventually will help Congress conduct OMB-style review of individual federal programs.

BUDGET CYCLE

The bill finally adopted by Congress probably will establish a congressional budget cycle that will begin every November and end just before or even after—the new fiscal year begins the following Oct. 1.

The Senate's budget return bill spells out a much more precise timetable for congressional action on budgetary items than the bill passed by the House. The House puts deadlines only on the key events such as passage of the first and second budget resolutions. The Senate adds deadlines on actions by committees and individual houses.

"It's fine to have a statement of principles, but the key is a timetable that will make those principles work," Percy explained in an interview.

Drafters of the House bill feel the timetable in the Senate bill is so specific that Congress could not meet it. "The Senate approach is meat and potatoes for people who want to make Congress look silly," said one House staff aide.

Fiscal year: The current July 1 date for the beginning of the fiscal year was adopted when Congress usually accomplished all its work in the first six months of each year. But in recent years Congress has passed most of its appropriations bills months after the new fiscal year has begun.

The House Rules Committee considered three new dates for the beginning of the fiscal year: Aug. 1, Oct. 1, and Jan. 1. It discarded August because it offered only one additional month, and it feared that the budget-making process would get caught up in national elections and the adjournment rush if Jan. 1 were the date.

The Senate, adopting a recommendation of its Government Operations Committee, also chose Oct. 1 to begin the fiscal year. It decided that a Jan. 1 date would guarantee that Congress would be in session until Christmas every year.

Current services: The Senate bill requires the President to submit a "current services budget," detailing the cost of all current programs if they were continued in the next fiscal year, by Nov. 10. Percy said the current services budget would allow congressional staff to begin planning the next budget while Members were away for the fall election campaign and Christmas recess.

House Members have expressed no serious opposition to this provision, and it is likely to be in the final bill.

President's budget: The House bill requires the President to continue to submit his budget message for the upcoming fiscal year during the first 15 days of each session of Congress. The Senate bill gives the President until Feb. 15.

The Senate version is a concession to OMB Director Roy L. Ash, who told the Rules and Administration Committee that March 15 would be the earliest date that would allow OMB to use final data from the previous fiscal year if the fiscal year ended on Sept. 30.

However, the House version is likely to prevail. Conference committee staff aides said Congress will need all the time it can get after the President submits his budget to implement its new budget making procedures.

Committee reports: Both the House and Senate bills provide for the budget committees to receive reports early each year from appropriations, tax and legislative committees. The reports are to contain information pertinent to the budget for the coming fiscal year.

The House bill calls for these reports to be transmitted by March 1: the date in the Senate bill is April 1. The outcome will depend on the determination of other key dates in the budget cycle.

First resolution: The radical change in the new congressional budget process is the requirement that Congress each spring pass a concurrent resolution—not requiring Presidential signature—that spells out Congress' spending and revenue targets for the coming fiscal year. The budget resolution is to originate in each budget committee.

Contents—As provided for in both the House and Senate bills, the first budget resolution will contain:

Appropriate levels of total outlays and budget authority for the coming fiscal year.

These totals broken down by the budget's 14 major functional areas, (national defense, health, etc.);

Estimated revenue;

The recommended budget surplus or deficit.

The Senate bill also provides that the budget committee reports accompanying the resolution break down the spending totals among the legislative committee and appropriations subcommittees that have the power to recommend outlays and budget authority for the coming fiscal year. The purpose of this provision is to assist an annual debate on national priorities. The House, at Bolling's urging, rejected this approach because it feared Congress would get bogged down in debates over individual programs before the Appropriations Committees had a chance to hold their hearings.

A possible compromise under discussion by House and Senate staff would leave the committee-by-committee spending totals out of the budget committee reports on the resolution, but include them with the conference committee report.

The Senate bill requires that if the conference committee on the first budget resolution becomes deadlocked, it should split its differences arithmetically. This provision may or may not survive in the final budget reform bill.

Timing—The House bill requires that Congress pass the first budget resolution by May 1; the Senate bill gives Congress until June 1.

The Senate provided the later date so that Congress would have a better idea of its budgetary requirements for the coming year. The House went with the earlier date to allow more time for the subsequent appropriations process.

The likely compromise would require passage of the first budget resolution by May 15.

Authorization bills: Both the House and Senate versions of the budget reform bill recognize that late passage of authorizing legislation is one reason that Congress usually passes appropriations bills after the fiscal year begins.

The House placed a March 31 deadline on the enactment of all authorizing legislation for the coming fiscal year, with a waiver for individual bills if approved by a majority of the House. The Rules Committee said this date was a compromise between recommendations ranging from Dec. 31 to June 30.

Rep. F. Edward Hébert, D–La., chairman of the House Armed Services Committee, which is traditionally late with its annual authorizing bill, tried on the House floor to change the date to June 30. He was rejected by 106–300.

The Senate decided that the March 31 deadline would be unworkable, especially in the first year of a Congress, when committees often are not organized until March. The Senate bill requires only that the legislative committees report their authorizing bills by May 15, with a waiver similar to the one in the House bill.

This could be a difficult issue for the conference committee. But Muskie said he feels the conferees will find a solution because the issue is pragmatic, not philosophical.

Spending bills: Both bills forbid either chamber to consider appropriations bills or other spending bills on the floor until passage of the first budget resolution. But because the targets in the first resolution are not binding, spending bills may exceed these targets.

The House bill prohibits the House Appropriations Committee from reporting any bills to the floor until it has marked up all 13 of its annual bills. This requirement, which will remain in the final bill because it applies only to House procedures, could cause a logjam if any of the Appropriations subcommittee is late.

The House bill puts a deadline of Aug. 1 on completion of congressional action on spending bills. The Senate bill's deadline on enactment of spending bills is Aug. 7 or five days before the August recess.

The Senate would send all spending bills to the President for signature, although Congress could vote later to rescind some outlays and budget authority already enacted. The House would send only those bills that fell within the targets of the first budget resolution; other bills would be held for possible later cuts.

The conference committee staff is leaning toward the Senate approach. The House version is a remnant of the joint study committee's recommendations, and Ullman said he would keep fighting for it because it strengthens the first budget resolution. But Ullman is not a conferee.

Backdoor spending: Legislative committees in Congress have found ways to require that money be spent without the permission of the Appropriations Committees. These are the so-called "backdoor" spending bills.

One form is borrowing authority, such as the student loan guarantee program, which permits borrowing from the Treasury to back up private loans. Another is contract authority; the government is allowed to enter into contracts to build public housing and provide other services. A third is the entitlement, which guarantees federal aid to such groups as veterans and welfare recipients.

From fiscal 1969 through 1973, while appropriations bills cut Presidential budget requests by $30 billion, backdoor spending bills increased the budget by $30 billion. Both the House and Senate versions of the budget reform seek to close the back door to the legislative committees.

Both bills require that new legislation providing contract and borrowing authority be effective only to the extent that money is set aside in subsequent appropriations bills.

The House bill applies the same provision to entitlements; the Senate bill requires that new entitlements approved by legislative committees be referred to the Appropriations Committee for 10 days for the possible adoption of limits on spending authority. The Senate bill also makes new entitlement programs effective only with the beginning of the next fiscal year. The conference committee staff is leaning toward the Senate version.

Sen. Abraham Ribicoff, D-Conn., tried on the Senate floor to weaken the entitlement provision in the Senate bill. But Percy said Ribicoff's amendment would create a big loophole for big spenders, and the amendment lost 31–55.

Nevertheless, both the House and Senate bills exclude social security trust funds and other trust funds that are at least 90 per cent self-financing from backdoor controls. The Senate bill also exempts all extensions of general revenue sharing.

Second resolution: Both bills provide Congress with an opportunity in September to pass a second budget resolution, reaffirming or revising the figures in the first resolution. The second resolution would let Congress take into account changing economic conditions and congressional action on individual spending bills since passage of the first resolution.

The second resolution could direct the Appropriations Committees to report legislation rescinding spending authority in appropriations bills already enacted. It could require the House Ways and Means Committee and the Senate Finance Committee to report new tax legislation.

In addition, the Senate bill provides that the second resolution could require legislative committees to make recissions in their backdoor spending bills. The Senate version is likely to prevail in conference.

Reconciliation bill: According to the Senate version, the budget committee in each chamber will fashion a single "budget reconciliation bill" out of the recommendations of all the committees called upon by the second budget resolution to make changes in legislation affecting the budget.

The Senate bill puts a Sept. 25 deadline on completion of congressional action on the reconciliation bill; the House bill has no deadline. Both bills forbid Congress to adjourn until it has adopted a reconciliation bill.

Both the House and the Senate considered a provision that would make all spending bills ineffective until they were triggered by passage of the reconciliation bill. They rejected such a provision as an unnecessary complication of a new process that will be complicated enough without it, although the Senate bill allows Congress to approve a triggering provision in its first budget resolution.

Further resolutions: At any time after passage of the second budget resolution and the reconciliation bill, Congress may revise the budget further. But first it must pass a new budget resolution revising the figures in the previous one.

OUTLOOK

There is no real doubt that Congress will pass budget reform legislation. The big question now is how it will work—if it works at all.

Style: The new procedures are sure to have profound effects on how Congress operates.

Members will be confronted every spring and fall with questions of how much money the federal government should spend and whether it should operate at a surplus or a deficit. Legislative committees will have to report their authorizing legislation earlier than ever before, and the Appropriations Committees will have to finish work on their spending bills earlier than ever before.

"Most Senators don't appreciate the extent to which senatorial styles are going to be changed as a result of this bill," said Muskie.

Reconciliation: What will Congress do in the fall if its spending exceeds the targets it set for itself in the spring? Will it lift the targets and increase the deficit? Or will it reverse earlier decisions to spend money?

These are questions that most Members are not prepared to answer. Muskie said the answers will depend on many unknown factors: the nature of the issues, the state of the economy, the stance of the Administration.

"I consider this the beginning of an experiment," said Bolling. "The members of the budget committees are going to be plowing new ground and I just don't know how it will turn out."

Missed deadlines: Hardly anyone expects Congress to meet all the deadlines it will set for itself in the budget reform bill.

Muskie said it will be no calamity to miss the Oct. 1 deadline for wrapping up the congressional budget making process. Congress does not now complete action on the budget before the beginning of the fiscal year on July 1, and the government limps along on continuing resolutions that provide authority to keep spending money.

"No matter what happens, it's got to be an improvement," said one House staff aide.

Will it work: The last time Congress tried new budget making procedure was in 1946, when it passed the Legislative Reorganization Act (60 Stat. 812). That act required Congress to set a spending ceiling four or five months before the beginning of the fiscal year.

In 1947 Congress failed to adopt a ceiling. In 1948 it adopted a ceiling but ignored it in appropriations bills. It never tried to use the new procedures again.

Sen. McClellan and Rep. Harrington and some other Members fear the same fate awaits the 1974 congressional budget reform bill. They believe the new procedures are so complicated that Congress either will ignore them or fail miserably to meet all their deadlines. The bill's sponsors are determined to prove that Congress is more disciplined than the bill's critics think.

"The enactment of this piece of legislation is just the beginning of the beginning," said Bolling. "We won't be doing something historic by passing this damn thing. We'll be doing something historic if we succeed in making the new process work."

STUDENT SCORES DROP IN TESTS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. HUBER. Mr. Speaker, on several previous occasions, I have noted the disturbing trend in test scores of our young people. The most recent revelation is that science knowledge and skills of American students ages 9, 13, and 17 are declining. These test results, coming on top of a 10-year decline in SAT scores for college-bound students should give us all pause to think. As the article recalls, the launching of "Sputnik" by the Soviet Union in 1957 generated a great deal of activity to bolster our national spending on science education in particular and education in general. Evidently, money alone is not the answer. The article from the Washington Star-News of June 22, 1974, follows:

SCIENCE: STUDENTS' SCORES DROP IN TESTS

(By John Mathews)

Science knowledge and skills of American students ages 9, 13 and 17 are declining on the average, according to preliminary results of a nationwide sample of about 100,000 students tested over a three-year interval.

The decline raises the prospect that intensive efforts during the 1960s to improve science teaching in the schools—a direct reaction to the 1957 Soviet Sputnik launch—may be faltering this decade.

While the drop only amounts to less than two percentage points between the 1969–70 and 1972–73 school years when the tests were given, it is considered significant and more than just a statistical quirk.

The National Assessment of Educational Progress, a federally funded project of the Education Commission of the States, released the preliminary science results today at a Miami meeting. Since 1969, the assessment has completed tests of young Americans in science, reading, writing, music, citizenship, social studies and literature. Over the next two years, results will also be issued for mathematics, art and for a career survey.

Although some of the subject areas have had two rounds of tests, science is the first with results comparing tests over a span of time. The pair of tests are comparable, but not exactly similar, in order to avoid cheating.

Overall, the new science results show declines in just about every knowledge and skill area tested. Some questions were repeated in the second test with the result that student performance dropped on two-thirds of the repeated questions and rose on only one-third.

Results of the seven tests completed during the last five years show a composite picture on student performance which most teachers have generally suspected without firm evidence.

The results demonstrate that children who come from the Northeast, live in the suburbs, who have better educated parents and are white do better on the tests than children from other regions or those who live in rural areas or inner cities, or who have less educated parents and are black.

Family wealth and parent education have a greater positive effect on student performance on the tests than race or the geographic region where a child resides. Race results show that being white does not guarantee significantly better performance, but that being black—which often also means being poor and from a less educated family—results in lower test performance.

Over the seven tests, 17-year-old black children perform from nearly 20 percentage points below the national average in writing and 16.4 points below in reading to 5.7 points in music.

In reading, a 17-year-old—regardless of race—whose parents have had no high school education performs 11.1 points below the national average, while a 17-year-old whose parents have gone to college rates 5.6 points above the national standard.

Students from wealthier suburban families also significantly outdistance rural and inner city 17-year-olds. In reading, the typical suburban 17-year-old performs 5.6 points above the national average. The rural child is 2.6 points below and the inner-city child 7.7 points under the national scale.

The dramatic gaps in performance between children based on race, economic level, and family education also hold true for 9 and 13-year-olds tested in all seven subject matter areas.

Geographic regions shows the Northeast slightly ahead of the Central and Western regions of the nation, while the Southeast is significantly lower than the national average and the other sections.

ANTHONY M. YELENCSICS: DISTINGUISHED HEALTH LEADER

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. PATTEN. Mr. Speaker, on Sunday, June 23, 1974, I took part in the dedication of the expanded John F. Kennedy Medical Center in Edison, N.J. Besides praising the contributions and efforts of many persons and organizations, I commended the superb leadership of Anthony M. Yelencsics, chairman of the center's board of trustees.

I have inserted the remarks I made at that expansion ceremony, so I can send a copy of the CONGRESSIONAL RECORD containing the speech to Anthony M. Yelencsics, a distinguished health leader and a cherished friend. The remarks follow:

REMARKS BY CONGRESSMAN EDWARD J. PATTEN ON DEDICATION OF EXPANDED JOHN F. KENNEDY MEDICAL CENTER, EDISON, N.J., ON SUNDAY, JUNE 23

Ladies and gentlemen, this notable achievement we are celebrating today—expanding a 205-bed medical institution to a 415-bed complex—was made possible by the abilities and contributions of many people. They deserve the thanks of not only the 400 patients who enter this center every month, but the gratitude of thousands more who will use its efficient and modern facilities in the future to enjoy what Emerson called, "The First Wealth," which is, of course, good health.

I believe, however, that of all the many wonderful individuals and groups who helped convert this expansion dream to reality, one person—perhaps more than any other—deserves a special kind of appreciation for his deep interest, for his rare devotion, and for his truly great leadership: The chairman of the center's board of trustees—Anthony M. Yelencsics.

Tony Yelencsics' distinguished life can be described in four beautiful words: He cares about people. Whether he was mayor of Edison township during its most dynamic period of growth, whether he was active in civic affairs in positions of major responsibility or whether he provided the vigorous leadership that has helped make the John F. Kennedy Medical Center one of the finest and most respected in the east, Tony was there to help—and to lead. He is more than a popular leader and lover of mankind. Tony also has what Aristotle called, "excellence of character."

However, as we observe the dedication of this $13 million expansion project, I hope we will remember all of the persons who made their contribution, regardless of whether it was in finance, service, or in leadership. They all helped make this unforgettable day possible—and I salute them.

This medical center, which not only advocates, but practices, medical care that is efficient and compassionate, was named after a President millions of Americans will always admire, even cherish. During his brief, but memorable life, John F. Kennedy expressed many beautiful thoughts—and one of those that came from that highly cultivated mind was written on February 7th, 1963, in a special message to Congress on the importance of improving the Nation's health.

In that urgent message, President Kennedy expressed one of the Nation's most critical needs:

"Good health for all our people is a continuing goal. In a society where every human life is precious, we can aspire to no less. Healthy people build a stronger nation, and make a maximum contribution to its growth and development," President Kennedy declared.

Appealing to the imperative need of working together, the President with the promise of greatness reminded us that—"This national need calls for an effort which involves individuals and families, States and communities, professional and voluntary groups, in every part of the country." Ladies and gentlemen, even though over 11 years have passed, for some reason, I remember the day that message was sent to Capitol Hill by the late President. Even though he is physically no longer with us, I always feel inspired and refreshed by just thinking of him—what he tried to do, what he represented, and for what he would have achieved if he lived.

The dedication of the expanded John F. Kennedy Medical Center is an example of what can be achieved with the spirit of cooperation cited by President Kennedy in the past and now practiced by another great health leader, the chairman of the Senate Health Subcommittee, Ted Kennedy. He's leading the fight in Congress for national health insurance along with Rep. Wilbur Mills and Rep. Paul Rogers and I support their strong efforts as we seek a solution to one of our most serious domestic problems—the health field.

For despite our growing emphasis on the importance of providing better and more economical health care, America, the most powerful nation in the world, ranks poorly with less resourceful countries in effective health care. Although the quality of health care is not easy to measure, we know this: America ranks first among industrial nations in what is spent for health, but continues to trail in effective health care. The anomaly has aroused deep concern in Congress—and I share that concern.

The United States, for example, ranks 23rd in male life expectancy, which is incredible to me. Female life expectancy is also poor, ranking 10th, and our infant mortality rating is higher than in 13 other countries. Something has to be done to improve these disgraceful ratings. America should be preeminent in health and I firmly believe that national health insurance offers our best hope for achieving that preeminence.

Ladies and gentlemen, I'm very happy—and proud—to participate in this ceremony, because I know that this expanded center will help provide "good health for all our people" in the Middlesex County area—the kind of health envisioned by the late President Kennedy.

This has been the policy of this outstanding medical facility since it opened its doors—and its heart—to people in need of medical help in August, 1967. And I know that with your continued assistance and leadership, that policy will continue in the challenging, but bright and promising years ahead.

Now, from time to time, we hear the charge that there is a surplus of bed space in some hospitals—and that may be true in some cases. But I think that those who make that charge should consider the growth factor for the future—and the Middlesex County area is one of the most rapidly-growing in the east. This naturally means that as the population increases, the need for hospital beds increases.

Listen to these figures and you will be proud of Middlesex County's future:

In population, we had 584,000 persons in 1970. By 1980, Middlesex County will have about 709,000 people—an increase of 125,000! And by 1990, our population will probably reach 841,000—an increase of 44% since 1970.

In another important area, jobs, there will also be tremendous growth: The 1970 census showed there were over 236,000 jobs—and that by 1990, there will be 363,000—an increase of almost 54%!

I think that's wonderful. We've had a fine past and present and I know that we're also going to enjoy a great future. And one of the reasons I have faith in the future is because of people like you. In my lifetime, many persons have dreamed about building a hospital, but very, very few have succeeded, because there are many problems. But because of persons like Tony Yelencsics and you people, that dream has become an achievement. You've given your time, your minds, your hearts, perhaps even part of your souls—and I love you for that—and so do many others who have visited your marvelous medical center, which will continue to grow with the years.

I want to give you this assurance as I close:

As a Member of the House Health and Education Subcommittee on Appropriations, I'm going to continue to work—and fight—for increased appropriations so we can do the work that is vital in the most important field of all. We have to do more in the battles against cancer, heart disease, stroke, and other areas that affect millions of our people.

I also promise you that I will continue to be active in the fight to restore Federal aid for hospital construction, and medical schools, which has been eliminated by this administration in Washington that says so much but does so little. I want to see the fellowships and grants that have been eliminated, restored. There is so much more to do to improve the health of our people and you will always have a strong and active supporter in Ed Patten. Thank you very, very much.

MONSIGNOR FLANAGAN DAY

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. YOUNG of Illinois. Mr. Speaker, the headlines of our news media and our newscasts daily tell us of the ills and problems of our society. It is not news to talk about all of the good things that are happening in America since the great majority of our Nation are law-abiding, God-fearing, and responsible citizens. Now and then, however, it is necessary, proper, and appropriate to call to the attention of my colleagues and the people of the United States the accomplishments of some of our outstanding citizens. These individuals are often little known and little heralded outside of their own communities.

I would like to commend Mayor Nicholas Blase and the village of Niles, Ill., for officially proclaiming Sunday, June 30, 1974, as "Monsignor Flanagan Day":

MONSIGNOR FLANAGAN DAY

Monsignor Flanagan is the founding pastor of St. John Brebeuf parish—a Catholic community of more than 3,000 families. Though remaining in residence, he is retiring as pastor, effective July 1.

ORDAINED IN 1931

Monsignor John Flanagan was ordained to the priesthood of the Archdiocese of Chicago by His Eminence George Cardinal Mundelein, April 11, 1931. His education was at Epiphany school, Quigley Prep Seminary, and St. Mary of the Lake Seminary in Mundelein.

Before his appointment to Niles, he served as associate pastor at St. William's, Resurrection, and Our Lady of Solace parishes in Chicago, and at St. Hugh's parish in Lyons, Ill.

On June 29, 1953, His Eminence Samuel Cardinal Stritch appointed Monsignor Flanagan to form a new parish in the rapidly-expanding Village of Niles. Here, with a handful of families and some vacant property on Harlem avenue, the life of the parish began, with St. John Brebeuf, one of the Jesuit North American martyrs, as its patron.

In that year, 1953, Monsignor Flanagan had a dream—a dream to build a city of love. Now, 21 years later to that date, that dream is being realized. He is spiritual leader of more than 3,000 families. The buildings and grounds of St. John Brebeuf parish, on a 19-acre quadangle campus, are dominated by the church building, dedicated in 1966.

GROWN TOGETHER

Under the spiritual leadership of Monsignor Flanagan, St. John Brebeuf parish and the Village of Niles have grown together. With a school of enrollment of over 1100 students in 36 classrooms, more than 15,000 Niles students have been educated in St. John Brebeuf school. The parish's most famous event, the annual festival, attracts some 6,000

members of the community. The contribution of parishioners to the Niles Blood Program is outstanding.

Monsignor Flanagan has served the church and community well.

BEAN COUNTING

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. PRICE of Texas. Mr. Speaker, the conventional and most universally accepted method of describing the relative military strengths of the United States and the Soviet Union is to quantify the various military weapons systems by program, measure the defense expenditure of each, and then assess the relative military balance between the two. Sometimes called bean-counting, this rather useful and dynamic process results in an equation against which one can apply increases or decreases in military programs or expenditures to determine the impact on the military balance.

The major flaw in this system is the emphasis on quantity of weapons systems with only tangential reference to the quality of the systems. Admittedly, any measurement of qualitative characteristics is imperfect at best, but it is critical to the strategic equation. The utility and value of a weapons system is in direct proportion to the amount and level of research and development—R. & D.—a nation is willing to expend, and a major breakthrough in technology, which would significantly increase the quality of a system, is critical to the military balance. This fact can best be illustrated by our recent experience with the first Strategic Arms Limitations Talks—SALT—signed in May 1972.

This SALT agreement, concluded and formalized during President Nixon's visit to Moscow in May of 1972, gave the Soviet Union a quantitative edge over the United States in nuclear delivery systems. This asymmetry was accepted by the United States because our qualitative lead was considered sufficient as the necessary hedge against the quantitative advantage given to the Soviets. The U.S. edge was in the multiple independently targeted reentry vehicle—MIRV—which we were placing on our Minuteman missiles. We accepted the numerical asymmetry in nuclear weapons systems because of our qualitative lead. What we did not know, however, was that the Soviet Union was near completion of research and development on MIRV systems, which have since been tested aboard three or four totally new ICBM's. This "technological surprise" made our first SALT agreement less palatable, and the negotiations presently under way with the Soviet Union, referred to as SALT II, are bogged down in that qualitative quagmire.

The specific R. & D. programs which have enabled the Soviet Union to field many new weapons and demonstrate new technologies are unknown, primarily because of the closed Soviet society; but the aggressive modernization program undertaken by the Soviet Union is impressive and formidable. In the past year alone the Soviets have flight-tested four new ICBM's and have developed their first multiple reentry vehicle—MRV—launched from a submarine. Three of the four new ICBM's have been tested with the MIRV, which requires advanced computer technology, and all of the new ICBM's tested have demonstrated improved accuracy. Only through an aggressive R. & D. effort could results such as these have been achieved. The uncertainties of the Soviet R. & D. effort are frightening. For example, we do not know the degree of success the Soviets have had with the development of lasers as a weapons system, with new radar technology, new surface-to-air missiles, computer systems, or chemical and bacteriological warfare technology. The Soviet R. & D. effort is roughly twice that of the United States. We have reduced our military R. & D. program by about 21 percent since 1968, while the Soviet's R. & D. effort has remained vigorous and constant.

While the present defense budget before the Congress proposes several strategic R. & D. programs, designed as hedges against the uncertainties of SALT II, they are programs working with known technology and not pure research designed to delve into the unknown. This is one of the problems with our system. As the budget is reduced and the dollars get tight, we tend to invest more of our R. & D. dollars into programs in which there is certainty of achievement, rather than in areas of exploration.

One essential element in the strategic equation is the invisible level of Soviet R. & D., which poses a significant threat to our national survival. We can ill afford to be surprised by a weapons system developed by the Soviets against which we have no defense. This could be a real possibility if our R. & D. efforts continue to slide. We must have a broad-based continuing R. & D. program in basic research which cuts across the scientific spectrum in order to find new and advanced technology to insure our Nation's defense remains second to none.

IF YOU THOUGHT THE SQUEEZE SEASON WAS OVER, LOOK AGAIN

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. DENT. Mr. Speaker, I am curious to know, of course, where it all started, but I am more frightened to know where it is all going to end.

The other day in the New Republic I saw another warning of the newest trend in commodity retaliation—the Jamaican bauxite squeeze:

NOW THE JAMAICANS

The appointment of Arthur Goldberg as chief negotiator for the American aluminum companies in their running dispute with Jamaica—prime source of their bauxite—may defuse an explosive issue. Justice Goldberg is an experienced labor negotiator and a long-time acquaintance of Jamaican Prime Minister Michael Manley, who previously headed the National Workers Union, which includes Jamaica's 9500 bauxite workers. The former Supreme Court justice and US ambassador to the United Nations will be a prestigious advocate whose recommendations may be expected to carry weight with the powerful aluminum interests who have hired him.

The simmering quarrel with Jamaica, which has just announced its intention to up its annual "take" from approximately $25 million to around $200 million—comes at a time when the Nixon administration is still highly sensitive to anything faintly resembling another "economic war." The Arab use of oil as a weapon during and after last autumn's Yom Kippur war, and especially its sudden shock effect on a complacent American society, left ripples that still can be perceived. Recent—somewhat confused—efforts by seven Latin American banana-producing countries to levy unilateral export taxes on fruit mainly for the US market; moves by the world's six chief mercury producers to organize to hoard output and boost prices; formation in Conakry, Guinea in March of the International Bauxite Association, headquartered in Kingston, Jamaica—all these are worrying trends.

It is not the true "cartel" that concerns administration economists so much as sporadic actions by less developed producer countries determined, in some cases for domestic political popularity, to offset rising prices of vital imports by "soaking" buyers of their products. The true "cartel" is highly disciplined: it maintains tight control over output; it keeps reserve stocks on hand; it discourages competition from rival producers; it discourages its customers from switching to substitutes; it keeps prices high. The diamond producers—and to a lesser extent the gold and platinum producers—are true cartels. But the cartel implies orderly production and distribution. The Arab-inspired oil "embargo" was temporarily disruptive of economies in the US, West Europe and Japan but essentially it was disorderly. Some OPEC members cut back production (Saudi Arabia, Libya); others expanded to reap windfall profits (Iran, Iraq, Nigeria, Indonesia among others); some "embargoed" oil shipments to the US; others winked at lucrative violations.

The Arab example has served to stimulate some of the less sophisticated raw material producers to link price rises for their exports to price rises for their vital imports. The fledgling banana "cartel," for instance, already seems to be marching off in different directions. Costa Rica, the bellwether, plus Honduras and Panama have imposed a one-dollar tax per 40-pound crate of bananas for the US market. But Ecuador, now waxing rich on new oil strikes, is hesitant, as are Colombia, Nicaragua and Guatemala. Few seem to have been galvanized by the defiant threat of Panama's strong man, Omar Torrijos, who boasts that if the Americans refuse to buy bananas at the higher price he will "throw the bananas into the Panama Canal."

In the early 1950s—10 years before Jamaica won its independence from Great Britain—the American aluminum companies, headed by Reynolds, began buying bauxite reserves in Jamaica. By the 1960's Kaiser, Alcoa, Revere and Anaconda—plus Canada's Alcan—had moved in, too. Inexperienced and compliant, Jamaican governments arranged easy taxes solely on "profits" which, because the companies owned the ore and were merely

transferring it or its second-stage, alumina power, to parent companies in the US or Canada, were remarkably light. In recent years Jamaica has been netting about $25 million yearly for 15 million tons worth of bauxite or alumina worth on the US market $175 million to $350 million. One ton of bauxite costs about $15 (it is rising to $22 shortly) but finished aluminum ingot, for example, is now selling at more than $600 per ton.

Two years ago the cost of living in Jamaica rose five percent, last year, 20 percent. Oil imports—used largely for processing bauxite into alumina—soared from $50 million to $150 million. Wheat imported for the vital US-Canadian tourist trade rose from $2.25 a bushel 18 months ago to six dollars and now is settling at around three dollars to $3.50. Other imports rose accordingly.

To offset price rises in imports—over which it had no control—Prime Minister Manley's government decided to raise the yield from the foreign aluminum companies whose activities it could control. Last year Manley suggested talks. His words fell on deaf ears. In mid-March this year, when talks finally began in Kingston, aluminum negotiators were slow at first to get Manley's message. By mid-May when the talks deadlocked, however, the aluminum giants had agreed to raise overall payments from $25 million to $80 million—but the Jamaicans refused to drop below the additional $200 million that they estimate they will have to pay the oil and other industrial producers this year and every year as far as anyone can see.

Manley has got approval of Parliament (where he has the votes) for legislation to: boost aluminum royalties and taxes to around $200 million; link these payments not to "profits" (which turned out—on paper at least—to be virtually invisible) but to the finished aluminum ingot prices in the US; fix minimum yearly production at 14 million tons. In addition he intends to win a "stake" or equity participation for Jamaica in each company, whether by stock transfers or the issuance of new stock. "Jamaica is the only bauxite producer in the world," said one Jamaican official "that doesn't own a penny of its own chief industry. Bauxite provides 40 percent of our foreign earnings—twice what we can earn from tourism."

Like so many sun-splashed, palm-fringed tourist meccas in the Caribbean, Jamaica is a tinderbox. Nearly half its two million inhabitants are 14 or younger. Population is growing at three to four percent yearly and every year sees tens of thousands of young men and women jamming into a labor market with virtually no chance of jobs. Crime—especially teenaged crime—is rising and the Manley government has responded with tough new gun laws and "gun courts."

From the US viewpoint an open break with Jamaica over "money" issues would be serious. The ripple effect would be grave throughout an already sullen Caribbean where Jamaica's example is closely watched. Talks are due to resume in Kingston soon and the hope is that Manley, a respected, moderate figure (and the son of Sir Norman Manley, a pioneer of Jamaican independence) will exert his considerable influence for a friendly settlement.

So that is what it means for the Jamaicans and the Alcoans and the Anaconcians, but what about us Americans? Read on:

JAMAICA RAISES PRICES ON RAW MATERIALS—ALUMINUM'S GOING TO COST MORE

(By Ed Craig)

NEW YORK.—Prices of a wide range of household items will rise as a result of a move by a small Caribbean island to boost its income.

Pots and pans, toasters, ranges and range hoods, screen doors, lawn furniture—anything made of aluminum—presumably will be slapped with higher price tags when the island of Jamaica applies higher taxes and royalties on the bauxite it produces. Bauxite is a major component in the production of aluminum ingot.

Such basic economic areas as home building, autos, airlines and space vehicles also would be affected.

FOREGONE CONCLUSION

A bill increasing levies eightfold—from the present $25 million a year to $200 million—already has passed the Jamaican Parliament at request of Prime Minister Michael Manley. Its approval by the Senate is said to be a foregone conclusion.

While spokesmen for aluminum companies in the United States were reluctant to estimate the filtering down price effect on everyday items, the consensus was that it would mean an increase to two to three cents a pound in products made of aluminum.

Jamaica ships about two-thirds of its annual production of bauxite—approximately 13-million tons—to six U.S. and Canadian firms. They include Reynolds, Kaiser, Aluminum Co. of America (ALCOA), Anaconda, Revere Jamaica Alumina Ltd., and Aluminum Co. of Canada (ALCAN).

Kaiser has estimated its increased costs would jump $46 million a year. Alcoa and Anaconda said they would be paying an additional $22.5 million and $12.5 million, respectively.

"And we would have no choice but to pass on these hikes to the consumer," a spokesman for one fabricating firm said.

Using the yardstick of two to three cents a pound more, this would mean that a two-pound roll of aluminum household foil would cost another four to six cents at the local supermarket.

Aluminum foil, misnamed "tinfoil," consists almost totally of aluminum. More than 200-million pounds of foil is used every year in U.S. homes, institutions and elsewhere.

MORE COSTLY

The workingman, sprawled on a chaise lounge in his backyard with a beer can tilted to his lips, would find the experience more costly.

About two pounds of aluminum goes into a 24-can case of beer or other beverages. The average aluminum lawn chair weighs about seven or eight pounds, exclusive of the webbing.

Replacing a 10-pound screen door would mean another 20 to 30 cents added to its cost. A set of aluminum screens weighing a total of 20 pounds would go up another 40 to 60 cents.

Covering wood and frame houses with aluminum siding also would be more expensive, even if the increase would seem infinitesimal compared to the total cost—which ranges from between $2,000 and $3,000.

One industry spokesman estimated that it takes about 200 pounds of aluminum siding for the average Cape Cod house. Thus its cost would rise $4 to $6.

About one quarter of the annual aluminum output in the U.S. goes into the building and construction industry—more than 3 billion pounds. Producers of autos, trucks and airplanes use more than 2.2 billion pounds.

The average standard size automobile uses approximately 90 pounds of aluminum. The added cost with an aluminum price increase would run to more than $2.

An aluminum industry spokesman said the price of aluminum by the time it reaches the consumer level "is affected by many factors" and that to assume the added cost to the consumer would be a matter of "a few cents a pound" is "somewhat simplistic."

"Chances are the cost at the consumer level would be well above this in the end."

A spokesman for the Architectural Aluminum Manufacturers Association suggested that a 10-pound aluminum screen door "would cost what the traffic would bear.

"The housing industry is in pretty much of a slump these days, but even so screen door distributors would hardly boost their prices by a matter of a few pennies. The increase probably would be at least 15 per cent of the current price."

As to whether aluminum producers would look elsewhere than Jamaica for their bauxite, the Aluminum Association in New York pointed out that Australia is No. 1 in the industry. But shipping costs from Australia range up to $15 a ton; the cost of shipping bauxite from Jamaica comes to $3 to $4 a ton.

Probably the only good coming out of it all will be the mixed blessing of less aluminum cans cluttering the environment and more aluminum workers out of work. And what kind of a blessing is that?

CITIZEN OF THE YEAR AWARD

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. BURKE of Massachusetts. Mr. Speaker, it is indeed my pleasure to call to the attention of my colleagues a noteworthy distinction bestowed upon a constituent of mine, Mr. Laurence Curtin of Quincy, Mass. The Citizen's Association of Quincy has honored Mr. Curtin with the "Citizen of the Year" award. As the following excerpt from the June 20 Quincy Sun explains, Mr. Curtin has served his community as a public spirited citizen for over 50 years. These long years of devoted service to the community through various organizations and civic affairs have prompted the Quincy Citizens Association to name their annual award after Mr. Curtin. I would like to congratulate Mr. Curtin in being the first recipient of this award and for setting such a high example for citizen participation in public affairs.

The text of the article follows:

The Quincy Citizens Association recently presented its first annual "Citizen of the Year Award" to the man whose name will be perpetuated by the award—Laurence J. Curtin.

"Henceforth," stated QCA president Pat DiStefano, "the award will be known as the 'Laurence J. Curtin Citizen of the Year Award'."

One of the founders of the QCA in 1967, Curtin has served the city of Quincy for more than fifty years in various church, civic and fraternal organizations.

When he graduated from Boston College in 1922 he was told by one of his Jesuit instructors to "go out into the community and become a part of it." And that is exactly what he did.

Curtin was a teacher for four years before he entered politics. In his first attempt at elective office he was defeated for Ward Three Councillor, but he came back two years later to be elected Councillor-at-large. He served in that position for six years and as City Council President for two. He lost in a

bid for Mayor, but again, two years later was elected Councillor-at-large where he served for another four years. He was an unsuccessful candidate for Mayor in 1941 and then in 1957 when Quincy returned to Plan A government after eight years under Plan E (city manager).

Curtin was an outspoken opponent of the Plan E form of city government and as chairman of the Citizens Committee for Plan A, he was eventually successful in restoring the strong Mayor type of government to the city. Quincy has operated under the modified Plan A charter for the last 17 years.

"The real policy of Plan E was to borrow and spend," Curtin noted. "The city debt almost tripled in the first five years under the plan," he said.

But in addition to the costs, he voiced opposition to Plan E because it removed the local government further from the people. All councillors were elected at-large and the city manager was appointed and not subject to the will of the people. The "Mayor" was elected by the City Council and his functions were mostly ceremonial.

Curtin continued this philosophy of bringing government closer to the people by helping to organize the QCA. In its statement of purpose, Curtin wrote that the QCA was established to . . . "stimulate in the citizens of Quincy an active interest in governmental affairs, to increase the efficiency of popular government, to provide a forum for discussion of local, city-wide and other governmental affairs, and to provide our elected officials with the sentiments of the people on public affairs."

In short, Curtin wrote that, "not only should government be brought closer to the people, but the people should be brought closer to the government."

Curtin again tried to involve citizen participation when the city was recently rezoned. He served as presiding chairman of the Advisory Committee on Proposed New Zoning at its public hearings in 1970, and worked with community leaders from across the city on zoning recommendations.

Curtin has also been active in the Knights of Columbus, where he is an honorary life member. He joined Quincy Council No. 96 in 1926 and was named Knight of the Year in 1973. He is also past Grand Knight, former District Deputy and holder of the Meritorious Service Award for 1971–72.

A native and life-long resident of South Quincy, Curtin resides on Dale Ave. with his wife of forty years, the former Margaret Brown. He has two sons, Peter Curtin of Texas and Laurence Curtin, Jr. of Braintree, and seven grandchildren.

A man of principle and a man with a philosophy of government, the Curtin Award will be presented by the QCA to persons who measure up to the standard set by its first recipient—Laurence J. Curtin.

FINANCIAL DISCLOSURE

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. WALSH. Mr. Speaker, in accordance with a promise I made several weeks ago, I herewith make public my financial statement for inclusion and publication in the CONGRESSIONAL RECORD of June 25, 1974:

My total gross income for 1973 was $60,648. The adjusted gross income was $55,975 and I paid a total State and Federal income tax of $12,480.

The income is derived from my congressional salary, plus income from a New York State pension, fees as a member of the board of trustees of a local bank, interest on savings, and interest on mortgage on a home I formerly owned. The State pension is based on 36 years of membership in the New York State retirement system during which time I made contributions to the fund.

I serve as a member of the board of directors of Maria Regina College and Elmcrest Children's Center for which I receive no fees.

I do not accept honoraria for speaking engagements.

My assets include real estate valued at $54,000, a modest savings account, a $5,000 car and a $2,500 station wagon.

I have liabilities of approximately $12,000.

The full details have been filed with the Clerk of the House of Representatives as required by law.

ENERGY AND THE ENVIRONMENT

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. RUPPE. Mr. Speaker, the following editorial which appeared in today's Wall Street Journal is a commendable statement on the responsible manner in which the House Committee on the Interior and Insular Affairs acted in writing H.R. 11500, The Surface Mining Control and Reclamation Act of 1974. It demonstrates some of the misconceptions presently held as to the contents and effects of this legislation. I direct my colleagues attention to this article and, especially, the section dealing with "approximate original contour":

ENERGY AND THE ENVIRONMENT

You wouldn't know it from all the ruckus, but the administration and the House Interior Committee are not all that far apart over the strip mining control and reclamation act soon scheduled for debate in the House.

There is a lot of public clamor, to be sure, with the administration claiming and the committee majority denying that provisions in the bill could reduce total coal production by as much as one third. But essentially, both sides agree that federal minimum standards are necessary to balance important national environmental and energy needs. Now it remains for them to work out the details so that a genuine balance is preserved.

Perhaps the major drawback of the House Interior bill is that it tries to be all things to all people. To cite just one example, the decision to earmark the millions of dollars for research and training in mining and mineral extraction, to be carried out by private firms and at one public college or university in each state, appears to have been dictated as much by political as engineering considerations.

Nevertheless, overall the bill strikes us as a reasonable attempt to reconcile conflicting viewpoints, particularly since some of its principal sponsors recognize imperfections in it and appear willing to compromise. Some members say privately they have no real objection to extending the interim compliance section, which as written requires mining companies to meet environmental standards almost immediately during the 36-month transition period. Other members are inclined to agree with the administration that the proposed 30 cent-per-ton reclamation fee may be too high, although they insist that some sort of fund is necessary to reclaim abandoned coal mines and rehabilitate the land and streams damaged by earlier coal mining.

But the House proposal is saddled with misunderstanding and even misinterpretation. For example, industry critics say the requirement that mined land be restored to its approximate original contour would require digging "another hole nearby, two or three times as large, without removing the coal—and thus disturbing two or three times as much land in the name of protecting the environment." Industry and the administration also insist that the "approximate original contour" provision precludes more desirable post-mining land uses. But the bill specifically exempts such foolishness.

Moreover, it specifically permits planned and controlled subsidence (or "longwall" mining). This means that fears about millions of tons of coal being taken out of production, in the belief the bill would be interpreted to prohibit orderly subsidence, have no real basis in fact. In any event, the administration and Interior Committee basically agree on this issue, so all that remains is to rewrite the provision in mutually acceptable language.

Like the Senate strip mining bill, the House Interior version will impose changes on the coal industry. Some will be merely pro forma, others will be annoying. Still others, like the approximate original contour provision and provisions regulating highwalls and spoil on downslopes, will require major changes in coal mining procedures. Ultimately they will raise costs for consumers.

The alternative to federal legislation is to leave standards to the states, which largely lack the means to enforce them and which generally don't require adequate planning and financing of rehabilitation. But a federal law would provide a legal framework within which companies could mine coal with a clear understanding of just what is and what isn't allowed. That would spare the industry the agony of doubt and indecision, and at the same time it would express the national concern about protecting the environment while we search for solutions to the energy shortage.

UNITED STATES IS KEEPING ITS WORD

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. SPENCE. Mr. Speaker, the Jane Fondas and Tom Haydens of this country have not yet given up their dream of a Communist victory in South Vietnam. For years we have suspected that what they meant by "peace" in Indochina was the laying down of the arms of one side—the side of our allies—and unified rule from Hanoi. The evidence is accumulating that this is what these people had in mind all along.

The syndicated political columnist, Mr. Nick Thimmesch, recently pointed this out in the Baltimore Sun of June 6, 1974. This experienced commentator noted that:

James R. Schlesinger, the Secretary of Defense, was right when he said the U.S. is committed to send South Vietnam the

tools for self-protection for one simple reason: because we said we would. The same point could be made about continued military assistance to Israel—we must do it, because we promised we would.

Mr. Thimmesch went on to write that—

The effort to cut funds for South Vietnam was carefully laid out last October by the "Indochina peace campaign", representing 15 organizations, and spurred by Tom Hayden, husband of Jane Fonda. Mr. Hayden had already met in Paris with officials of the Viet Cong's Provisional Revolutionary Government, thus suggesting a well-coordinated plan.

Mr. Thimmesch continues:

The October meeting, ended with a "united campaign to pressure Congress," and the view that "the antiwar movement now has the objective capacity to actually force an end to U.S. aid to the Thieu government" and to Cambodia.

Mr. Speaker, I hope all of our colleagues will read this very perceptive column by Nick Thimmesch and I insert it into the RECORD at this time:

U.S. SHOULD KEEP ITS WORD TO SAIGON

(By Nick Thimmesch)

WASHINGTON.—Of the lesser priorities in most Americans' thinking these days is what happens to South Vietnam. Most people want to forget that ordeal. But a struggle continues in Congress over whether the United States will keep its word and help the Saigon government remain strong.

James R. Schlesinger, the Secretary of Defense, was right when he said the U.S. is committed to send South Vietnam the tools of self-protection for one simple reason—because we said we would. The same point could be made about continued military assistance to Israel—we must do it, because we promised we would.

Yet, it has become popular among some aspiring politicians in this town, Senator Edward Kennedy (D., Mass.), for one, to join the pro-Hanoi lobbying group against South Vietnam. Their line is that President Nguyen Van Thieu's government is corrupt, the war and the killing go on, there is brutality toward political prisoners, and our support costs billions. Therefore, the U.S. should sharply cut, or eliminate, military and economic aid to Saigon.

The anti-Saigon lobbyists had fair success. The Nixon administration asked for $1.6 billion in military aid to South Vietnam for 1975. The House finally okayed $1.1 billion, and the Senate will soon vote on a $900-million recommendation by its Armed Services Committee. An administration request for $775 million economic aid in 1974 was trimmed to $650 million. The administration asks for $910 million in 1975.

The effort to cut funds for South Vietnam was carefully laid out last October by the "Indochina peace campaign," representing 15 organizations, and spurred by Tom Hayden, husband of Jane Fonda. Mr. Hayden had already met in Paris with officials of the Viet Cong's Provisional Revolutionary Government, thus suggesting a well coordinated plan.

The October meeting ended with a "united campaign to pressure Congress," and the view that "the antiwar movement now has the objective capacity to actually force an end to U.S. aid to the Thieu government" and to Cambodia.

A "spring offensive" was promised, and it came in March with an anti-South Vietnam meeting in a House office building conference room arranged for by Representative Ronald V. Dellums (D. Calif.).

Miss Fonda and Mr. Hayden toured the country, appearing on TV and radio talk shows, and giving newspaper interviews about the bad old United States to anyone gullible enough to listen. Their rule was they would not allow guests on the programs to challenge their views. Indeed, they even appeared on Martin Agronsky's Evening Edition, a public broadcast TV program from Washington, holding Mr. Agronsky to their no-challenge rule.

The reality of South Vietnam is that President Thieu, while not a democrat by American standards, is about as good as any ruler in Indochina, has held the country together, and has an army which has successfully repulsed the Viet Cong and North Vietnamese forces.

The North Vietnamese are as wanton and ruthless as ever, killing village leaders, burning homes of resettled refugees (Wonder why Senator Kennedy never speaks of that?), and violating the Paris agreements.

Henry A. Kissinger, the Secretary of State, responded to Senator Kennedy's challenges on Indochina with a short letter and a long statement, and was expected to do more this week before Congress. The gist of Dr. Kissinger's argument is that the U.S. will continue to provide "material assistance and political encouragement" to the Indochinese governments so that they can determine their own futures.

Dr. Kissinger noted that casualties in South Vietnam have been substantially reduced since the 1973 ceasefire, but that "the fundamental problem is that the North Vietnamese are still determined to seize political power in the South, using military means if necessary . . . [with] continued widespread terrorism against the population."

THE STATUS OF SOVIET JEWRY AND THE PRESIDENT'S TRIP

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. BADILLO. Mr. Speaker, later today the President will embark upon a trip to Moscow, ostensibly to further the cause of détente between this country and the Soviet Union. However, the foundation upon which détente is being created is seriously jeopardized by the attitude of the Soviet Government toward the Jewish minority in the U.S.S.R. and, in particular, by the ill-conceived moves taken to stifle the voices of legitimate dissent in the Jewish community and to deny the freedom of emigration to many Jewish citizens.

The outrageous action of the Soviet Union in arbitrarily arresting and imprisoning some 50 persons associated with the movement to provide freedom for Soviet Jews a few days in advance of Mr. Nixon's visit is a blatant violation of basic human rights and deserves the strongest possible condemnation by our leaders. Silence on this pressing issue cannot be maintained and a meaningful détente cannot be achieved if the Soviets persist in these untoward acts which defy international agreements to which both of our countries are parties.

On the broader issue of freedom of emigration and the protection of the basic rights of Soviet Jews, the United States must make its position crystal clear to Secretary Brezhnev and his officials. The President's journey would be a most appropriate occasion during which this pressing matter could be fully aired with Soviet leaders with a view toward securing a meaningful commitment that the long-standing campaign of harrassment and intimidation of the Soviet Jews will cease and that they will be guaranteed the right to travel freely and to emigrate to other lands should they so desire.

Yesterday, 39 of our colleagues joined with me in writing to the President, urging him to raise the issue of the status of Soviet Jews with Communist Party Secretary Brezhnev and to express the deep concern of this country over the problem of the Jews' emigration rights. I want to thank this bipartisan group for joining in the letter to the President and I insert it herewith for inclusion in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 24, 1974.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you are about to embark on your important mission to the U.S.S.R. we respectfully urge that you raise with Secretary Brezhnev and other Soviet leaders, at the earliest possible time, the long-standing and very troubling issue of the status of Soviet Jews. We are especially anxious that you impress upon the Soviet officials our very deep concern, and that of our constituents, over the various forms of repression and intimidation of Jewish citizens by the Soviet Union and the unconscionable campaign by that government to deny the freedom of movement and emigration to many of its citizens.

We understand that the Soviet Union claims that its emigration practices are solely an internal affair. It must be clearly noted, however, that the freedom of movement and the right of a person to leave any country is universally recognized as a basic human right and upheld by international law, including the Universal Declaration of Human Rights.

While some Jewish citizens have been fortunate in receiving official permission to leave, the Soviet government has reduced emigration by almost 40 percent this year and at the present time there are estimated to be some 135,000 Jews who are awaiting permission to emigrate. May recorded the lowest monthly emigration figure in over two and a half years. This fact certainly defies the Soviets' claim that the number of applications have declined and that most of those applying for exit visas have received them.

In adhering to the United Nations Charter the U.S.S.R. supported that body's basic principles of ". . . promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; . . ." However, its actions and policies toward the Jewish minority would surely seem to belie such a commitment. Those who have the courage to apply for exit documents are economically, socially and culturally isolated and are singled out for especially prejudicial treatment. Some have been arrested and imprisoned on trumped-up charges and others are fired from their positions and live in a state of constant fear and apprehension.

The Congress has clearly indicated its position on this critical issue by its overwhelming support for the right of individuals to freely emigrate. Thus, we believe that the leaders of the Soviet Union must be reminded of our firm resolve on this matter and of our strong disapproval of the inhumane tactics employed against Soviet Jews. We feel it is incumbent upon you to express to them America's moral concern and indignation

over the problem of the emigration rights of Jews in the Soviet Union and earnestly hope that you will do so.

Sincerely,

HERMAN BADILLO,
Member of Congress.

OTHER SIGNATORIES

Bella S. Abzug, Bill Archer, Frank Brasco, George E. Brown, Jr., Mendel J. Davis, John J. Duncan, Donald M. Fraser, Sam Gibbons, Ella T. Grasso, Ken Hechler, Marjorie S. Holt, Clarence D. Long, Charles A. Mosher, Claude Pepper, Thomas M. Rees.

Joseph P. Addabbo, Alphonzo Bell, Jack Brinkley, Hugh Carey, Robert F. Drinan, Hamilton Fish, Jr., Bill Frenzel, Benjamin A. Gilman, Bill Gunter, H. John Heinz III, Norman F. Lent, Elizabeth Holtzman, Edward J. Patten, Peter Peyser, Peter W. Rodino, Jr.

Angelo Roncallo, Paul S. Sarbanes, Lester Wolff, Andrew Young, Jack Kemp, Benjamin S. Rosenthal, Charles Vanik, Antonio B. Won Pat, Gilbert Gude.

THE PRESIDENT SHOULD NOT ATTEND THE SOVIET SUMMIT MEETING

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. RONCALLO of New York. Mr. Speaker, 50 Russian Jews have been arrested, some severely beaten, in anticipation of the President's trip to the U.S.S.R. This trip is not worth the brutalizing it might continue to cause to innocent Russian Jews. It is necessary for each of us to publicly raise our voices in protest at this latest barbaric threat to Soviet Jewry. I have cosponsored a resolution calling upon President Nixon to intervene on behalf of the 50 arrested Soviet citizens and to forgo the Soviet summit meeting until Russian leaders give their assurance that the President's visit will not be used as an excuse for the persecution of Soviet Jewry.

The resolution follows:

DRAFT OF RESOLUTION

Whereas we along with all Americans and freedom-loving people throughout the world are outraged over the Soviet Union's arrest in advance of the summit meeting of fifty Soviet dissidents involved in the movement to free Soviet Jews, and

Whereas many of these persons involved have been severely beaten, harassed, and imprisoned, and

Whereas such oppression is contrary to international morality and the sanctity of basic human rights, and

Whereas Soviet leaders have consistently stated that political harassment is outside Soviet law, and

Whereas no successful détente can be established without assurance of the preservation of fundamental human rights which are basic tenets in the American tradition: Therefore be it

Resolved, That it is the sense of the Congress that the President not attend the summit meeting until Soviet leaders provide assurances that this visit will not be used as an excuse for intensified persecution of these heroic people struggling for basic human rights; and be it further

Resolved, That it is the sense of the Congress that the President immediately intervene on behalf of these fifty persons and demand both an end to these injustices and the immediate release of all those involved.

COSTS OF ELECTRONIC SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. KOCH. Mr. Speaker, I am appending material from Prof. Herman Schwartz' article entitled "A Report on the Costs and Benefits of Electronic Surveillance—1972" for the information of our colleagues:

COST OF ELECTRONIC SURVEILLANCE

1969

With the arrival of the Nixon administration, federal wiretapping and eavesdropping began. It started slowly in 1969, but by 1971 the federal government became the single most extensive eavesdropper. The states did not slack off, however, and as a result 1969 saw a sharp increase in the overall rate of law enforcement surveillance.

1. Federal surveillance.

a. Authorizations and installations.

The federal government made only 34 applications for electronic surveillance authority, of which 33 were granted and 30 installed.

b. Offenses.

Authorizations: G, 22; [1] D, 5; [1] H, 0; K, 1; O, 5.

Installations: G, 20; D, 4; K, 1; O, 5.

This predominance of gambling—67%—with drugs a weak second, has continued and indeed increased, as the summary shows.

c. Place.

Six of the 30 installations were in New York, and 6 in New Jersey—thus 40% were in just two states, a concentration that is repeated in the state figures.

d. People.

The Appendix figures indicate that some 4,256 people were overheard, an average of about 147; again the Admin. Off. Rep. is somewhat different, but the differences are not great—an average of 152 and a total of 4,308. What is especially interesting, however, are the averages per installation, by offense:

G, 101; D, 145; K, N.I.; O, 332; All, 147.

As will appear below, these contrast very sharply with the State averages, which are much lower.

e. Conversations.

Adding up the conversations reportedly overhead as individually described in the Appendix, we get an overall total of 41,929, and an average of 1,446 conversations per installation, a few thousand conversations less than the 44,442 total derived from the Admin. Off. Rep. average of 1444.4 for the 30 installations.

The breakdown of average number of conversations per installation, by offense, is as follows:

G, 1,512; D, 1,778; K, N.I.; O, 921; All, 1,446.

It will be noted that in 1969 more was overheard on drug installations than on gambling. This pattern shifted radically in future years, without any apparent explanation.

f. Duration.

Of the 30 installations, some 20 were less than 20 days—generally, the average period of time, including extensions, has been some 13 days. However, 3 of the gambling installations, 1 drug and 2 others were from 20 to 29 days, and 3 installations were from 30 to 59 days.

2. State surveillance.

a. Authorizations and installations.

By December 31, 1969, some nine states had authorized use of wiretapping, though Massachusetts did not report any usage in 1969; the other states were Arizona, Colorado, Florida, Georgia, Maryland, New Jersey, New York and Rhode Island. These states obtained 269 authorizations and made 260 installations; there were 189 extensions. Here again, the Admin. Off. Rep. has a much lower figure for installations: again this is because the Administrative Office improperly considers installations for which there are no reports of conversations and persons overheard, as not installed.

b. Offenses.

The relative proportions begin slowly to move toward an increase in gambling and a corresponding decrease in the rest, particularly drugs. The 1969 individual Appendix figures show the following:

Authorizations: G, 79; D, 85; H, 19; K, 1; O, 85; All, 269.

Installations: G, 78; D, 80; H, 19; K, 1; O, 82; All, 260.

c. Place.

Again, New York accounts for the bulk of the interceptions, this time with New Jersey a distant but clear second: 191 orders were granted in New York and 45 in New Jersey. Within New York, a preponderance in some areas appears again. This time, Queens had 51 orders and some 49 installations; Brooklyn and the Bronx dropped to 19 and 23 respectively, from the prior year's 68 and 33, even though the time period was twice as long. Elsewhere, Maryland had 15 orders and installations, Arizona had 8 orders of which at least 5 were installed, Georgia had 5 orders and at least 2 were installed, Colorado and Florida each had 2 orders and 2 and 1 installed, respectively, and Rhode Island had one.

d. Persons.

There is a very great disparity between the figures computed from the Appendix and those in the Admin. Off. Rep. The 1971 ACLU Report indicated that some 26,876 people were overheard—this is the difference between the average number of people overheard, multiplied by the total number of installations for all 1969 surveillances ($116 \times 271 = 31,436$) less the federal average multiplied by the federal total ($152 \times 30 = 4,560$). But adding up the total of the individual reports in the Appendix produces only 8,590 for some 214 installations, or an average of only 40, not the 112 indicated in the Admin. Off. Rep. Even if the 40 is extrapolated to all 260, the total is still only 10,400.

The 40 figure seems the more plausible, since the 1969 figure was only 25 and, as will be seen below, the 1970 and 1971 state figures from the Appendix are 43 and 34 respectively, and from the Admin. Office, 39 and 33 respectively. For this reason, the overall average for all installations is not likely to have been 112, as the Admin. Off. Rep. indicates, but about 50. As a result, the original 1969 state figure in the ACLU report was overstated by about 16,000.

The breakdown of averages of people overheard per installation by offense is as follows:

G, 48; D, 27; H, 16; K, 19; O, 54.

e. Conversations.

Here, the Appendix and Admin. Off. figures are close. The Appendix figures show 126,452 conversations in 228 installations, or an average of 555 per installation, broken down by offense as follows:

G, 525; D, 405; H, 1,100; K, 21; O, 615; All, 555.

Extrapolating this 550 average to the 260 installations, one arrives at 144,300, or about

[1] The Admin. Off. Rep. summaries show 23 gambling and 4 drug applications, but this seems wrong, according to the individual statistics in the Appendix.

15,500 more than the Admin. Off. Rep. figure of 128,771 which is arrived at by deducting from the total (641×271) the federal total (1498×30).

f. Duration.

Again, the surveillances were for very lengthy periods. Out of 229 installations for which time reports were filed, four were over 200 days, 5 were from 100–199 days, 37 were 60 to 99 days, 70 were 30–59 days, and 47 were 20–29 days. 116 out of 229, or over 50% were 30 days or more, and 46/229, or 20% were 60 days or more.

In New York, 60 days was very common, and in Manhattan, devices were in operation for as long as 200 and 120 days; in Queens there were two 220-day installations and several for about 100 days.

1970

1. Federal surveillance.

a. Authorizations and installations.

Federal surveillance began to move into high gear with 180 installations on 183 applications, all of which were granted; in addition, there were 43 federal extensions. No federal applications were turned down.

b. Offenses.

The federal pattern became clearer, as it switched overwhelmingly to gambling.

Authorizations: G, 121; D, 40 [2]; H, 0; K, 0; O, 22 [2]; total, 183.

Installations: G, 120; D, 39; O, 21; total, 180.

c. Place.

Fifty-three out of the 180 were in New York or New Jersey, with another 29 in Pennsylvania. Thus, 3 states accounted for almost half the total installations.

d. Persons.

The total number of persons overheard, according to the appendix statistics was 10,158, broken down by offense as follows:

G, 6,746; D, 2,234; O, 1,178; All, 10,158.

This is very close to the total obtained from multiplying the federal average for 1970 (57) by the 180 installations, which comes to 10,260; the averages are also similar to those of the Admin. Off. Rep., which has an overall average of 57;

G, 56; D, 57; O, 56; All, 56.

There are huge drops from the 1969 average figures. For example, the drug average drops from 145 to 57 (the state average in 1969 was 31), and there is an enormous drop in the Other, from 332 to 56 (the state average in 1969 was 54). Since the 1970 averages are close to the 1971 figures, it seems likely that the 1969 figures are unusually high or unreliable, or both.

e. Conversations.

Here, the figure is very close to that computed from the Admin. Off. summaries: 143,508 from the Appendix as against 142,780. The breakdown here is:

G, 120,645; D, 17,453; O, 5,410; All, 143,508.

The averages per installation by offense are:

G, 1,006; D, 448; O, 271; All, 797.

The Admin. Office average is 821.

f. Duration.

The average duration again seems to be between 10 and 15 days (105 were 1–19 days) but 30, or 1/6 were 30 or more days, with the balance from 20–29 days.

2. State surveillance.

a. Authorizations and installations.

Some 414 authorizations were granted to law enforcement officers in 11 states. These resulted in 410 installations; the Admin. Office reports only 403, probably for reasons similar to those already discussed.

b. Offenses.

These authorizations and installations break down as follows:

Authorizations: G, 205; D, 86; H, 20; O, 96; N.I., 7.

Installations: G, 204; D, 84; H, 20; O, 95; N.I., 7.

It will be noted that gambling has gone way up, accounting for 50% of the total, that drugs have dropped to 20% from about 30% in 1969 and 42% in 1968; this corresponds to the federal movement.

c. Place.

Again, New York accounts for the single largest proportion—213 authorizations—but this time with New Jersey close behind with 178. Together they accounted for almost 85% of the installations. Sixteen other states granted their police wiretapping authority, but seven did not choose to exercise it.

d. People.

The number of people overheard on these state surveillances was 15,654 (the Admin. Off. Rep. reports a similar figure, 15,392). The breakdown is:

G, 5,836; D, 3,383; H, 185; O, 6,240; N.I., 15.

The averages per installation by offense, and for all offenses are:

G, 29; D, 53; H, 11; O, 82; All, 43.

The overall average of 43 is quite close to the Admin. Off. Rep. average of 39 and to the computed 1969 average of 40, and supports the soundness of that figure as against the 112 figure in the Admin. Off. Rep. The averages per offense vary sharply from the 1969 and 1968 figures, however, with a very sharp reversal in the drug and gambling averages.[3]

e. Conversations.

The total from the Appendix figures comes to 230,255 which is somewhat lower than the Admin. Off. Rep. figure of 234,085. The breakdown per offense, and the relevant averages are:

G, 82,481; D., 28,363; H, 23,974; O, 33,616; N.I., 61,122.

G, 408; D, 476; H, 1,351; O, 566; N.I., 10,187; All, 665.

The overall average of 665 is much greater than a figure of less than 500 in the Admin. Off. Report.

f. Duration.

Again, the state surveillance was very lengthy. Eleven were between 100–199 of which 2 were 200–299 days; 22 were 60–99 days, and 55 were 30–59. Thus, 88 were 30 or more days, or over 20%. Out of 170 gambling installations for which permits were reported, 127 were 0–19 days; on the other hand, 32 out of 62 Other installations were 30 or more days, with 17 over 60; the two 200–299 were in this category. The drug installations were evenly scattered among the three first time categories (0–19, 20–29, 30–59) with six lasting for 60 or more days.

[2] The Admin. Rep. has 41, but it should be 40; #5 may have been counted as a "drug," though listed only as "conspiracy."

[3] An annual comparison of the averages will appear in the summary to this section.

WITHDRAW RECOGNITION FROM SUDAN

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. LEGGETT. Mr. Speaker, I have never felt that recognition of a foreign power should depend upon our evaluation of its domestic policies. I favored establishment of relations with mainland China back in the days when Mr. Nixon would have called me a traitor had he known my views. Today I do not advocate withdrawal of recognition from repressive dictatorships such as Greece, Brazil, and Chile, no matter how repugnant their governments and no matter how disgraceful our policy of supplying them with the economic and military support necessary for them to stay in power.

Nevertheless, I believe it is clear that Sudan has forfeited its right to our aid and to our recognition. Two of our official representatives were killed on its soil and the murderers were captured; yet, today they are free, returned to the organization which directed their murderous activities.

Since our diplomats do not enjoy the protection of the law in Sudan, we cannot continue to send them there. Withdrawal of recognition—and, more importantly, of aid—is necessary both as an act of justice and as a deterrent to other nations which may be tempted to follow a similar course should a similar atrocity occur on their soil—as we can be sure it will if we continue business as usual in Sudan.

ELECTRIC UTILITIES—BUSINESS AS USUAL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. HARRINGTON. Mr. Speaker, one fact of the energy crisis that has not received the attention it deserves is the tremendous hardships it has inflicted on the majority of Americans. Skyrocketing petroleum and electricity prices have fueled our double-digit inflation. Millions of Americans at the lower end of income scale, and those on fixed incomes and social security have been hardest hit by the tremendous increase in the cost of basic energy resources.

Yet the Nation's utilities have paid little or no attention to the hardships they have helped foster. The fuel adjustment clause, which insulates the utility from rising costs at the direct expense of its customers is the most notable example to the utility industry's response to the energy crisis.

In a perceptive article in the New York Times of June 23, Edward Cowan describes the "business as usual" attitude of our electric utilities, both public and private.

Until the utilities recognize that they must accept some responsibility for the hardships they are creating by their skyrocketing rates, and begin to act to alleviate some of the burden on their less fortunate customers, then the anger and outrage that has been directed toward the utilities in the past months will continue to grow in the months ahead.

I commend this article to the attention of my fellow Members:

SOCIAL IMPASSE IN ELECTRICITY RATES

(By Edward Cowan)

WASHINGTON.—There was a disturbing flavor of business-as-usual when W. Bonham Crawford, president of the Edison Electric Institute, discussed the electric utility industry's problems here the other day.

An Annapolis graduate and former vice President of Consolidated Edison, Mr. Crawford heads an organization that says its 193 member companies serve 78 per cent of the country's electricity consumers.

To be sure, Mr. Crawford came to the National Press Club to speak and to answer questions with the express purpose of showing that business is not as usual, that his industry is experiencing genuine problems and needs help from government. Yet Mr. Crawford seemed essentially to be talking about "profits" and "growth," a rather narrow lens through which to view a national energy problem.

The industry "faces real financing difficulties," the chief spokesman for privately owned utilities said. And what did he prescribe to cure these ills? "More adequate, more expeditious rate relief," Mr. Crawford said.

There may be a measure of realism in that. After all, the utilities, like everyone else, are paying more for coal and oil. So they have to charge more, right?"

But they already pass along higher coal and oil prices as a "fuel cost adjustment," shown separately on the electric customer's monthly account. If there are other major cost increases that justify a general plea for additional rate relief, Mr. Crawford didn't make much of them.

More disturbing was his tone on other issues. He did not deal directly with a question that suggested utilities weren't promoting conservation aggressively because they feared the revenue loss. He acknowledged "an adverse effect" and then went on to befog the issue by saying piously that "it is not in anybody's interest to promote wasteful use" of power.

Mr. Crawford seemed to imply that the industry already has done its bit for conservation. In the first 20 weeks of 1974, he said, national power consumption climbed by a thin 0.5 per cent, as against pre-1974 expectations of 6 to 7 percent annual growth.

He went on to forecast that electricity would expand its share of the energy pie and that consumption would return to its former growth rate—or more.

That led (no surprise) to his assertion that the industry must earn profits of 12 to 13 per cent on equity, instead of a recent 9 per cent, to be paid by customers in addition to the "fuel cost adjustment." The public must accept, that the "days of cheap energy are a thing of the past," Mr. Crawford argued.

He was not so keen about breaking with the past, however, on the question of rate design. Someone asked how the industry could justify continuing the "quantity discount"—charging lower unit prices to big users.

The president of the Edison Electric Institute attacked "quantity discount" as a euphemism, then went to demonstrate that it is literally accurate. Power prices should reflect power costs, he said.

That did not, however, lead him to discuss proposals for charging penalty rates to peak-load customers, who are said by some analysts to account for more than their proportionate share of costs. Such customers might be factories, stores and households—anyone using power during the hours of peak demand.

Would it be fair, he asked rhetorically, "to charge General Motors the same price" paid by its employees at home? He thought not. And he warned that "discrimination against industrial customers" could have "job and incomes ramifications."

But wouldn't rate inversion (raising the price per kilowatt-hour as consumption rises—or at least flattening rates that now decline) promote industrial efficiency, someone asked.

Mr. Crawford replied that, sure, it was possible to manipulate rates to achieve some presumed social purpose" but that it was "a question of who is to be discriminated against, who makes the decision."

He seemed to be saying, that the utilities cannot imagine themselves making policy decisions by anything other than the traditional economic calculus.

That is true not only of privately owned utilities according to a spokesman for the publicly owned variety.

"Our members feel rather strongly that they don't want to get into these judgments," said Alex Radin, general manager of the American Public Power Association.

Mr. Radin, who heard Mr. Crawford's speech, said the utilities feared that "they might be sued by a large industry for being discriminatory" if they inverted their rates. He also said that his constituents would adopt peak-load pricing "if it follows costs" and that they have sought ways "to better balance loads and spread out the peaks."

There is a cost case to be made for inverted rates, but not the kind that can be adduced from the utilities' books. As Mr. Crawford suggested, it is a case that rests on social values that go beyond profit-and-loss. It is a case that takes account of the wider costs of energy gluttony—environmental damage, balance-of-payments drain, weakened foreign relations, choked roads and too little exercise.

To judge from the remarks of spokesmen like Mr. Crawford and Mr. Radin, the managers of the nation's electric utilities are unlikely to embrace bold, innovative measures, especially if the basis is social cost. As Mr. Crawford seemed to be suggesting to the National Press Club, it looks like a job for government.

REVENUE SHARING

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. LAGOMARSINO. Mr. Speaker, I include the following letter in the RECORD as an example of what revenue sharing can do:

FILLMORE, CALIF.,
June 20, 1974.

Congressman ROBERT J. LAGOMARSINO,
U.S. Congress,
Washington, D.C.

DEAR SIR: We feel that our expenditures of Revenue Sharing Funds are being used for very outstanding programs which we could not have had without these funds. Following are examples, illustrated by our Entitlement No. 5 expenditures:

1. Fire Truck—$15,000.00. We have been saving $2,000.00/$5,000.00 per year over the past few years for this much needed equipment. Now, because of Revenue Sharing, we will have our truck at least five years sooner than we had planned.

2. Youth Employment Service Program—$7,320.00. Prior to Revenue Sharing this was impossible; now it is a reality.

3. Dental Care Program—$500.00. This program allows underprivileged children to have necessary dental care which has not been available to them before.

4. Audit Fee—$500.00. For audit of Revenue Sharing.

5. Summer Recreation Program—$500.00. This expenditure is in addition to our monies from our General Fund and this is a great program.

6. Office Equipment—$531.00. This will be expended in addition to funds from our General Fund for specialized equipment.

7. Lease for Mini-Bus—$15,600.00. This bus program is probably one of the most successful programs of its type in the United States. The elderly and underprivileged particularly appreciate this service because before now they could not conduct their normal responsibilities independently as they had no transportation. Now they are much more independent and happy, thanks to Revenue Sharing. These people especially appreciate what we are doing for them and they let us know of their appreciation.

8. Tennis Courts—$14,000.00. This is a form of recreation that we have not really been able to enjoy. The School District asked for this joint venture so the students can utilize the courts during school hours and the public can enjoy them during non-school hours.

The decisions for Revenue Sharing expenditures are made through public inquiry and public meetings.

The saving of costs for administering Revenue Sharing as opposed to administering grants is at least 1000%. We can utilize the Revenue Sharing funds for what we feel they are intended and not have to spend so much time filling out some of the most ridiculous forms you can imagine.

The economic vitality has been taken from a very negative attitude toward an active positive outlook on the government because of their involvement with these monies and making programs "people oriented".

We do feel the distribution formula is not in our best interest as we are being penalized because of our tax effort. We have more services for the people without special districts, etc., but we have had to work hard, hard to keep taxes down and now some of our neighboring cities who took the attitude "let the taxpayer pay" are being rewarded for their tax effort. Consider the Parkinson's law of economics and I believe you will agree that the taxing effort is in reverse.

The purpose of this letter is to express our appreciation of what Revenue Sharing is doing for our people and our city. Thank you from the entire City of Fillmore.

Yours very truly,
R. WESLEY NICHOLS,
City Manager.

WATERGATE—REQUIEM FOR A PRESIDENT

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. HANRAHAN. Mr. Speaker, the following article by Mr. Ted Weckel appeared in the News—a local paper in the Chicago area. This article was sent to President Nixon and I have also inserted his reply. I believe this will be interesting to my colleagues:

WATERGATE—REQUIEM FOR A PRESIDENT

(By Ted Weckel)

As I sat watching "The Making of a President" last week on my local T.V. outlet, namely my family room couch, I could not help from reflecting how far a man could come back from adversity and conversely how far a man could sink to the brink of ruin, all within a decade.

For those of you who were not privileged to have viewed the show, it was the documentary of John F. Kennedy's campaign for the Democratic nomination for President, as well as his campaign for President against R. M. Nixon in the memorable election of 1960, I am referring, of course, to one Richard M. Nixon, our now embattled President elect who is not only fighting for his political life but who well may be serving, as our president, his last few months in office.

Tomes of words have been written about the many faces of Dick Nixon. Most of which our readers are more than familiar with, but where did it all start and why did he allow it to happen. These are the questions that

are uppermost in the nation's minds. This writer, being a neophyte in the great game of politics, will not speculate on the why's or how's of Watergate, for I will leave these observations and comments to the professionals who make a living at their trade.

I would like, if I may, to take a quick look at the human side of our President. Yes, good people, he is a human being just like you and me and I think the humaness of our President has somehow been lost in the overwhelming lust for certain factions of our nation who are seeking to destroy not only the man but the office of President as well.

Unfortunately for President Nixon, and for those who will follow, our political system is not that sophisticated that any one man can possibly control the myriad of committees and their particular functions on an 'in depth" capacity, that surrounds the highest office in the land. Consequently, due to the humaness of any President, he must choose and select people who he believes will operate their particular segment of a campaign in an honest and forthright manner. Now, no matter how sage a human being may be, the margin for error in judgment in selecting a number of "bad apples", in this vast multitude of workers, is extremely prevalent. Needless to say, in the "Watergate Horror", this has never been more evident.

Now the question has been posed—so many, many times—can a President be held accountable for the actions of these "Bad Apples" that have been "caught with the goods"? But let's take that supposition a wee bit further. Can any President be held accountable for being "caught in the act" of a system that we, the people of the U.S. of A. have created? How many public officials have not been caught. That is the question. How can we as a nation, and more specifically, the "uncaught" public officials now have a "Holier Than Thou" attitude, when the quarters and dollars are still hanging from the sides of their mouths from their daily trips to the trough. No—two wrongs don't make a right and I hope they never will, but all of this self righteousness and goody-two-shoes" attitude that is being displayed by the politicians on both sides, as well as the Press and Television, just has to be the height of hypocrisy.

I somehow feel that Mr. Nixon, at this point in time, is "Taking the Pipe" so to speak, for all of the past Presidents' sins and errors, from good old George Washington down to L.B.J. I somehow get the feeling that we are all about to witness an old fashioned lynching. The unruly and unthinking crowds, worked up to a fever pitch, are about to take the prisoner from the jail, throw the rope over the old Oak tree and proceed with the hanging. After it is all over, the crowds look in sullen silence, hang their heads and shuffle off, each to their own thoughts. Most wondering whether it was the right thing to do.

I will not sit in judgment of Dick Nixon, for some day all of us will be judged on our own individual merits, from the leaders of the world to the lowest caste of India. All will be judged accordingly and in their proper perspective. But for those who cry "Impeach, Impeach"—let them cast the first stone—but perhaps a more proper epitaph for the Presidency of Richard M. Nixon might read—"Father forgive them—for they know not what they do."

PRESIDENT NIXON ACKNOWLEDGES "NEWS" EDITORIAL

THE WHITE HOUSE,
Washington, D.C., June 7 1974.

DEAR MR. WECKEL: Mrs. Weckel kindly sent me your column, "Watergate—Requiem for a President," with the thought that I would find it of interest, and I did indeed. It's not easy, in the intense an impassioned atmosphere that has gripped Washington the last months, to bring a responsible measure of perspective to the situation. But your column may well have done that for many of your readers, and I did want you to know that it is deeply appreciated here as well.

With best wishes,

Sincerely,

RICHARD NIXON.

GARDENING PROPOSALS BY REPRESENTATIVE JAMES A. BURKE ARE RIPE FOR HARVEST

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. BROWN of California. Mr. Speaker, one of our colleagues has recently been getting considerable attention for an idea he is cultivating concerning home gardens. I am pleased to support our colleague from Massachusetts, the Honorable JAMES A. BURKE, in his efforts to encourage and assist home gardening. Judging by the publicity his modest proposals are getting, I would guess his legislation will be promptly acted on by this body.

I have an interest in encouraging gardening for reasons beyond those of fighting inflation. I believe there is positive human value in planting, and tending gardens, and the simple, inexpensive steps to begin this activity are ones that should be within reach of anyone who has access to suitable land.

The Washington Post of June 25 had an article on Representative BURKE's proposal and in it a Department of Agriculture spokesman stated that more land should be made available in urban areas for gardening, and the Burke bill was not that useful. I disagree with his assessment of the Burke bill, but I do agree that more land should be made available.

Mr. Speaker, this may seem trivial to some, but unless we can slow down enough to recognize a positive action and program when one comes along, we will miss much of the valuable parts of life. I insert the Post article in the RECORD for my colleagues to appreciate:

BACKYARD SEEDS AND SUBSIDIES, BUT WILL AGRIBUSINESS COTTON TO IT?

(By William Greider)

A congressman named Burke is cultivating an idea he thinks is as ripe as sweet corn in August.

All these years, Burke figures, the rural congressmen have been legislating big federal handouts for their farmers back home. So why can't a city guy take care of his folks? With a little agricultural subsidy for the backyard gardeners of America?

"These hobby farmers and these big corporate farmers get all these tremendous tax breaks," said Rep. James A. Burke, the second-ranking Democrat on the House Ways and Means Committee. "There wouldn't be any harm in giving the home gardeners a little nibble at the cake."

The Boston congressman talks grandly of germinating a "back-to-the-soil movement" that would eclipse the Victory Gardens of World Wars I and II, drive down food prices and feed the nation in times of shortage.

"It would also give the American family a chance to find out what a real tomato tastes like," he said.

The congressman, who represents close-in Boston suburbs, discusses his movement with sort of an Irish wink, but he is as serious as fried eggplant.

For starters, Burke has asked the House Agriculture Committee to enact a bill distributing free vegetable seeds to home gardeners, three packets to a family. Then he persuaded his colleagues on Ways and Means to approve tentatively a 7 per cent investment tax credit for backyard garden equipment.

"The Home and Family Garden Tax Credit Amendment," as he styled it, would let gardeners subtract up to $7 on their income-tax bills if they spend up to $100 on hoes, rakes, wheelbarrows, spades, pitchforks and such.

"White potatoes—$4.65 a peck; lettuce—85 cents a head; onions—69 cents a pound," Burke wailed. "Take a look at the people in the supermarket. It's bad enough, the look of despair when they go along the meat counter, but then they go to the vegetable counter and all they hit is these high prices."

Burke has been talking up the idea among the serious gardeners in the House of Representatives, tillers of the soil like Reps. Wayne Hays (D-Ohio), Silvio Conte (R-Mass.) and Richard Bolling (D-Mo.).

"I told Jim I think it's a helluva idea," said Rep. Frank Annunzio (D-Ill.), a producer of peppers, corn and tomatoes in the 39th Ward of Chicago. "We got to go back to garden farming to get the prices down. If people will think they're doing something patriotic, it will go."

Rep. Hays who gardens a sixth of an acre on his farm near Belmont, Ohio, will go along with the tax credit, but he's skeptical about free seeds. "The governmen used to do that," he said. "I got my doubts about how many of them got planted."

Congressman Burke, who remembers with considerable nostalgia the Victory Garden produce he raised as a boy, no longer gardens himself. He calculates that $6 million in free seeds from the government would yield $380 million in homegrown produce at retail prices. Congressman Hays, who does garden, knows that sometimes it doesn't work out so neatly.

"The year before last," Hays recalled, "I supplied half of the Hill with cucumbers. I must have had 25 or 30 bushels. Last year, my cucumbers got blight. I don't guess I had a bushel of cucumbers."

Hays gardens on weekends, tomatoes, peas, beans, corn and so on, but this is an election year which means he can't keep up with the weeds the way he ought. Personally, he has been more upset by the rising price of flowers than inflation at the vegetable counter.

"I usually put in geraniums around the house when the tulips are finished," Hays said. "This year, geraniums went out of sight. I planted marigolds instead."

Rep. Conte, from Pittsfield, Mass., gardens at home in Washington, onions, three kinds of lettuce, squash, chicory, herbs, and four dozen tomato plants.

"I planted the garden originally when I was fighting the big-time corporate farmers on subsidies," Conte said. "I called it my protest patch."

Over the years, Conte and allies have won most of what they were seeking in limits on cash subsidies to large cotton and sugar growers. But he kept his garden for non-political recreation. In the evenings, he wanders through the rows, with a drink in hand, picking suckers off his four dozen tomato plants.

Conte likes Burke's backyard subsidy. "It's not giving anybody something not to plant crops," he said. "And we'd drive these prices down."

Who could be against it? Well, the Department of Agriculture for one. The department is opposed to Burke's seed dis-

tribution bill and, while it hasn't taken a position on the tax credit, a department horticulturist expresses a dim view of the proposal.

"The department takes the position," said horticulturist Robert Wearne, "that seed is readily available and people can get seeds with their food stamps if seed is a need . . . The logistics of sending out seeds would be almost prohibitive."

According to the department archives, the government distributed free seeds to home gardeners until 1923 when it was discontinued, partly at the behest of seed companies. The packets were sent to citizens through congressional offices, a gratuity that has been supplanted by the popular Agriculture Yearbook, which the department publishes and congressmen distribute.

Wearne said the tax credit for tools probably wouldn't have much impact either. According to one survey, he said, about 30 million American families have some sort of home garden already but the biggest obstacle isn't tools or seeds but land.

"If Congress were going to do something," Wearne suggested, "it could make a lot of land available for gardening in urban areas—highway right-of-way, vacant lots of urban renewal projects, school lots."

In any case, Wearne is dubious that home gardening will do much to bring down inflated vegetables prices. "A lot of people start into it thinking gardening is easy," he said. "Then they run into flea beetles and cut worms and one thing or another. They find out there's a lot more to it than planting a seed and watching it grow."

Meanwhile, says Congressman Burke, his gardening friends plan to lobby Congress this summer with baskets of ripe tomatoes and other homegrown delights.

"It's difficult," he said, "to get a bill like this through in the wintertime."

THE LITTLE RED HEN

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. SYMINGTON. Mr. Speaker, my good friend, Mr. George Weber of Eureka, Mo., recently shared with me the following speech written by his wife, Roberta. Mrs. Weber's remarks won first prize in the speech contest held by Council I of the Ozark Region of the Toastmistress' International, which was held in St. Louis on April 13, 1974. The speech also won first prize in the Ozark Region contest held in Kansas City, Mo., on May 25. Mrs. Weber will again present her prize-winning speech next month at the 33d annual convention of Toastmistress' International in Honolulu, Hawaii:

THE LITTLE RED HEN

SPECULATION

The sky is falling in! The sky is falling in! Run and tell the king! Most of you were brought up on simple stories as I was. Stories such as Chicken Licken, The Three Little Pigs, and of course my favorite, The Little Red Hen. Suppose these stories had been written today, how much would the dialogue and plot have to be changed to relate to the modern world? Chicken Licken might have to run around crying, "The market is dropping! The market is dropping! Run phone your stock broker!" And the Three Little Pigs couldn't possibly have built those houses, because they would never have met the building codes of today. As for the Little Red Hen, well, she would have run into all sorts of problems. One of the biggest would have been finding a place to have wheat ground into flour. Actually I wonder if the story could have been written today. So let's bring the Little Red Hen into today's world and see what happens to her.

Once upon a time, there was a Little Red Hen, who consistently laid Grade AAA jumbo size eggs. Her profits were so good, that for tax purposes, an investment was indicated. Now Little Red Hen was such a timid chicken, she decided to seek the expert advice of her friend the Cow. On her way to the cow's pasture, she passed the house of the Three Bears.

"Hello Little Red Hen!" called Papa Bear. "Come in for some Metracal. We're celebrating the extra large dividends from one of our blue chip stocks that came in today."

"Oooh, I didn't know you played the stock market!" said the Little Red Hen.

"Oh, I don't;" replied Papa Bear. "I'm an economist, and all economists are bearish where the market is concerned you know. Let me give you some advice, Little Red Hen, don't ever invest in anything that will drop off sharply because of outside conditions. You'll risk your money investing in things that have iffy propects. Go into something solid!"

"I'll remember what you said; promised the Little Red Hen, as she went on her way.

Cow greeted her little friend enthusiastically, "Hello, Little Red Hen, You certainly came to the right place for advice. Why I've made a fortune in the Dairy Commodities. Of course I had an advantage of knowing when to sell, since I am connected with the business. And my husband is a commodity broker. All commodity brokers are bullish you know! Now let's see . . . There have been a lot of floods in the river bottoms, and drought and dust in the southwest, plus that commitment for wheat promised to Russia. . . . Yes, I think you should invest in wheat futures, Little Red Hen.

"But what about blue chip stocks?" asked the Little Red Hen.

"Oh, they're solid enough, but the money is in commodities," counseled the cow. "That's where you can make some fantastic profits! You have a lot more leverage. Why for five hundred dollars you can control five thousand bushels of wheat, so for five thousand dollars you control fifty thousand bushels!"

So the Little Red Hen put all her money into wheat futures. That week she read the daily market report avidly; and when wheat went down the limit for the day, she'd fly over to the Cow for reassurance. For a solid week and a half, wheat futures dropped the limit each day, coming under heavy selling pressure on the Chicago Board of Trade.

"Sell! Sell!" cried the Little Red Hen.

The Cow warned, "You bought long, so you'll be selling short. Hang in there, prices will go up again. Harvest time is almost here, and there was reported crop damage due to tornadoes at the close of trade today."

The Little Hen sobbed, "I don't care, this pressure is just too much for me! My egg production is being affected by this. Since I went into this I've only laid Grade A Large."

So the Little Red Hen turned chicken and sold her wheat futures at a loss. Something solid, Papa Bear had advised. What could be more solid than pure silver, that had been a precious metal since the beginning of time. Solid silver, delivered right to the nest! A sadder but wiser little hen settled down in her nest with her silver. "That will teach me to always keep a nest egg for a rainy day!" thought the Little Red Hen. But do you know what happened today? Silver dropped thirty cents an ounce. The Little Red Hen had forgotten that you can't put all your eggs in one basket. Poor Little Red Hen, I don't think her story can be written today either.

FEDERAL RULES OF CRIMINAL PROCEDURE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. HUNGATE. Mr. Speaker, on Monday, June 24, the Judiciary Committee, by unanimous vote, favorably reported H.R. 15461, a bill to secure to Congress additional time in which to consider the proposed amendments to the Federal Rules of Criminal Procedure transmitted to Congress by the Supreme Court on April 22, 1974. The proposed amendments, some of which have been worked on for over 4½ years, make changes in 10 existing rules and establish 3 new rules. The proposed amendments, therefore, affect roughly 20 percent of the Federal Rules of Criminal Procedure.

The amendments are significant not only in terms of number, but also in content. Reaction to the proposed amendments has been received from Federal judges, Federal prosecutors, defense attorneys, and professional organizations. These comments from responsible segments of the legal profession raise issues regarding the wisdom and constitutionality of nearly all of the proposed amendments.

The time given to Congress to study the proposed amendments, 90 days, is not enough, given the number and scope of the proposed amendments. Rules that took over 4½ years to write cannot effectively be reviewed in 3 months. Support for the committee action has come from such diverse parts of the legal profession as the Justice Department, the American Civil Liberties Union, and the Public Defender Service for the District of Columbia. I am inserting at this point in the RECORD copies of letters received from these organizations supporting a postponement in the effective date of the rules:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., June 17, 1974.

Re Proposed Amendments to Federal Rules of Criminal Procedure.

Hon. WILLIAM L. HUNGATE,
Chairman, Subcommittee on Criminal Justice, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The views of the Department of Justice have been requested by the House Judiciary Subcommittee on Criminal Justice concerning the proposed amendments to the Federal Rules of Criminal Procedure which are scheduled to take effect on August 1, 1974, unless rescinded, modified or delayed by Congressional action.

The Department has thoroughly reviewed these proposed amendments and has received comment thereon from substantially all of the U.S. Attorneys in the federal districts.

It is the conclusion of the Department that there are significant objections to the following:

1. the amendments to Rule 16 which would (a) specifically mandate disclosure of the names and addresses of government witnesses, and (b) make discovery mandatory and upon request rather than controlled by the court's discretion invoked by motion;

2. the amendments to Rules 4 and 9 which would provide that upon the filing of a complaint, indictment, or information a summons, rather than an arrest warrant, will

issue unless the government establishes a "valid reason" necessitating a warrant.

The proposed changes to Rule 16 are of grave concern to the Department. The potential threat to the safety of witnesses and the harmful impact on effective law enforcement are matters that deserve additional consideration before these amendments are implemented. The disclosure of the identity of a potential witness may not only endanger the life and property of the witness but such disclosure may have a chilling effect on the willingness of potential witnesses to step forth and cooperate with the U.S. Attorney in the prosecution of criminal cases.

The mandatory discovery change in Rule 16 may well embroil trial courts in additional litigation fostered by parties over whether each side has fully complied with its mandatory and continuing disclosure requirements.

The suggested amendments to Rules 4 and 9 would make the summons the routine preferred process for all cases. These changes are likely to encourage the following results:

1. increased number of fugitives among defendants charged with serious federal crimes,

2. Increased opportunity for the secretion and destruction of evidence and the fabrication of alibis by defendants prior to apprehension,

3. an increased usage of warrantless arrests by law enforcement officers as a countermeasure to preserve evidence, and

4. substantial additional delays in the administration of criminal justice.

The U.S. Attorneys of the Department of Justice have been asked by the U.S. Attorneys Advisory Committee whether they favor delaying the implementation of these rules until August 1, 1975. Ninety of the 94 U.S. Attorneys have responded indicating concern that the proposed changes will be injurious to the effective administration of justice.

The Department of Justice had the opportunity to comment on the preliminary drafts disseminated by the Judicial Conference but the final drafts submitted to Congress did not receive a review and consideration by this Department.

I appreciate your Committee's consideration of the Department's views on these proposed amendments and request that Congress delay the effective date of these rules until August of 1975.

Yours very truly,

WILLIAM B. SAXBE,
Attorney General.

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., May 31, 1974.

Hon. WILLIAM L. HUNGATE,
Chairman, Subcommittee on Criminal Justice, Committee on the Judiciary, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN HUNGATE: This is in reference to your announcement (appearing at 120 Cong. Rec. 12794, May 2, 1974), concerning the amendments to the Federal Rules of Criminal Procedure.

The ACLU opposes the automatic implementation of these Rules on August 1, 1974. The reason for our stand is that the Rules as presently drafted contain serious constitutional defects involving erosion of the Fifth Amendment right against self-incrimination. In addition, there are serious drafting and technical defects throughout the Rules which require careful Congressional scrutiny.

Briefly stated, our specific objections are as follows:

1. Rule 12.1. The defendant who intends to raise an alibi defense should not be required to notify the government of the place where he claims to have been at the time the crime was committed. It lies at the foundations of our criminal jurisprudence that an accused must be assumed innocent until proved guilty. Moreover, the provision violates the privilege against self-incrimination, and the Sixth Amendment guarantee that an accused shall have compulsory process for obtaining witnesses in his favor. In doing so, it nibbles away at the adversary theory of justice to the defendant's disadvantage, a theory that should be changed—if at all—only by deliberate and intensive examination, not by fragmentation.

2. Rule 16. Under amended Rule 16, the government can discover a defendant's entire case prior to the trial, thus forcing him to incriminate himself in violation of the Fifth Amendment. The government can obtain not only all documentary and tangible evidence from the defendant but can secure his list of witnesses as well. This would permit the government to subpoena these witnesses before a grand jury and find out their testimony.

Such an amendment in the Federal Rules effects a virtual revolution in the way in which a criminal trial is held. Such a radical change should not be made without careful evaluation of the Fifth Amendment rights involved.

We do not believe that it is any answer to say that the defendant has a reciprocal right of discovery. The government has the most powerful and efficient engines of discovery in the form of the grand jury and police investigators and informers. The defendant starts so far behind the government in discovery that granting each party reciprocal rights does not overcome the disadvantage.

3. There are serious drafting and technical problems in the Rules. These include the following:

a. *Rule 11(e)(6)* prohibits the use of plea-bargaining negotiations at the trial. However, there are no similar prohibitions against the use of a notice of alibi under Rule 12.1 or a notice of insanity defense under Rule 12.2. Does the absence of a prohibitory clause mean that these notices can be used against the defendant at trial if he changes his mind and does not rely on an alibi or insanity defense? The problem is compounded by the fact that such notices must be filed very early in the proceedings.

b. *Rule 16(a)(1)(B)* requires that the government furnish the defendant such copy of his prior criminal record "as is then available to the attorney for the government." *Rule 16(a)(1)(E)* requires that the government furnish the defendant with records of prior felony convictions of its witnesses which are "within the knowledge of the attorney for the government." Why are two separate tests applied? Are they supposed to encompass the same duty on the government?

c. The definition of work product, *Rule 16(a)(2)*, is totally inadequate. The cases have determined that legal memoranda and opinions of counsel are not subject to discovery. See e.g. *United States* v. *Mackey*, 36 F.R.D. 431 (D.D.C. 1965); *United States* v. *Harrison*, 265 F. Supp. 660 (S.D. N.Y. 1967). As a result government counsel often interweave factual matters which are subject to discovery and legal memoranda and opinions which are not. A distinction should be made between the two so that factual matters will be made subject to defendant's discovery.

The National Conference of Commissioners on Uniform State Laws have drafted very precise rules on the work product exception [see Rule 22(b)(1) of the proposed Uniform Rules of Criminal Procedure]. These are far preferable to the confused definition found in amended Rule 16(a)(2).

We will be happy to testify in greater detail about each of these matters and others at your convenience.

We would urge that Congress not permit the Rules to become effective without a careful examination of their constitutional limitations.

Sincerely,

HOPE EASTMAN,
Associate Director.
LEON FRIEDMAN,
Staff Counsel.

PUBLIC DEFENDER SERVICE
FOR THE DISTRICT OF COLUMBIA,
Washington, D.C., June 18, 1974.

Congressman WILLIAM L. HUNGATE,
Chairman, Subcommittee on Criminal Justice of the Committee on the Judiciary, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN HUNGATE: In reply to your memorandum of May 8, 1974, relating to the proposed amendments to the Federal Rules of Criminal Procedure, please find enclosed copies of two letters which I have sent recently to Chief Judge Greene of the Superior Court of the District of Columbia. Both of these letters deal with the views of the Public Defender Service concerning the proposed Rule amendments.

The letters reflect our belief that there are a number of problems with the proposed amendments as drafted, and accordingly we favor delaying enactment of the Rules until these difficulties are corrected. If you or members of your staff have questions about positions of the Public Defender Service expressed in the enclosed letters, I trust you will not hesitate to let me know.

Very truly yours,

NORMAN LEFSTEIN,
Director.

PRIORITY CONSIDERATION NEEDED NOW FOR THE HUMAN RIGHTS OF THE PEOPLE OF THE CAPTIVE NATIONS OF THE WORLD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. ROE. Mr. Speaker, as the President prepares for his summit meeting with officials of the Soviet Union, I join with many of our colleagues here in the Congress in seeking a prominent place on the agenda for discussion of the vital issue of the responsibility of human rights and the policy to be adopted by the U.S.S.R. in adjudicating and resolving the long standing usurpation of the states and fundamental rights of the "captive" oppressed people of Lithuanian, Estonian, Armenian, Latvian, Ukrainian and Jewish heritage whose religious and cultural freedoms as well as their right to emigrate are being rejected by an unjust and cruel exercise of authority.

On June 15, 1974, the 34th anniversary of the forcible annexation of Estonia, Latvia, and Lithuania by the Soviet Union, commemorative services were observed by freedom-loving people throughout the world in reaffirmation of the right of self-determination for the people of the Baltic Nations.

During the 86th Congress Public Law 86–90 was adopted in condemnation of the imperialistic policies of communist Russia which subjugated the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Rumania, East Germany, Bul-

garia, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Udel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, Cuba, et al. The President was also authorized and requested by this congressional resolution to issue a proclamation each year designating the third week of July as "Captive Nations Week" until such time as freedom and independence is achieved for all of the captive nations of the world.

The 89th Congress adopted House Concurrent Resolution 416 proclaiming the rights of the Baltic peoples of Estonia, Latvia and Lithuania as well as all other peoples to self-determination and national independence.

Mr. Speaker, no matter how we equate or measure our investments—by whatever standard applied—in our sense of values and our constant quest for excellence, it is fundamental that investment in human values is paramount to our mutual endeavors and responsibilities.

In the final analysis the integrity and destiny of the future of all peoples throughout the world depends on the solid foundation of the cornerstone laid by the founders of our democracy which provided, first and foremost, for justice on behalf of the inalienable human rights of the individual.

Here in America we can hope to assure the people of the captive nations of their identity as a people and continue to strive to assist them through never relenting on our concerted endeavor to attain universal understanding and sympathy from the worldwide international community of nations. I trust that our congressional recognition of the seriousness of their plight will help to provide human justice essential to the solution that will remove Soviet domination, unjust treatment, discrimination and oppression of the human rights of the individual that is practiced in these occupied states by the U.S.S.R. and achieve national sovereignty for the states of these courageous people and insure their rightful place in international communion with all nations and all peoples throughout the world.

POLAND'S SITUATION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. DICKINSON. Mr. Speaker, a most interesting and informative article written by the Ambassador of the Commonwealth of Poland-in-Exile has come to my attention. I would like to share these thoughts on the situation of Poland with my colleagues, therefore, the article follows:

THEY ARE STILL WAITING

It was 183 years ago on May 3, 1791 that Poland declared its own Constitution. The Polish Constitution, declared only fifteen years after the Declaration of Independence of the United States of America, is still considered the most democratic Constitution.

The Polish Constitution and its counterpart, the United States Constitution have by the people, for the people to ensure the people's freedom and equal rights. Both were many things in common. Both were designed created at a time when their countries were threatened by foreign powers—the United States of America by England and Poland by Russia as their respective main enemies.

The American people, joined by people from other nations, have fought long for their independence and for the implementation of the principles of their Constitution and to this day, they have been victorious. The Polish people are still fighting for their independence, and in doing so, they are joined by other East Central European nations who also have been enslaved by Soviet Russian imperialists since the Potsdam Protocol.

May we quote here the words of the late Ambassador of the United States to Moscow, William C. Bulleitt broadcast on February 12, 1944 in which he stated:

"We know that friendship is not a one-way street and that cooperation means mutual consultation and give and take. We know also that—as in the year of 1939—the case of Poland is the test case which will determine the fate of the smaller nations of Eastern, Southeastern and Southwestern and Central Europe. We know, therefore, that if there is to be peace after this war, the case of Poland must be decided not on the basis of force but on the basis of justice and fair play—the principles of the Atlantic Charter. We do not want this war to be the preface of World War Number Three. Therefore, we are vitally interested in the resurrection of Poland as a genuinely free and independent power, neither engulfed by any other nation nor dominated by a Quisling Government imposed by any other power. Poland cannot be wiped out of the hearts of the Poles. He who attempts to ensalve Poland prepares only war."

We do not believe either that world peace can be built upon the slavery of all those nations, including Poland, who were never given the right and opportunity to choose their own governments and their own way of life.

It will be proper and of interest to the President of the United States, to the members of Congress and to the American people at large to recall this fact and mention it, so that the free world continues to be aware of the support by the United States of the fight of his nation, which 183 years ago, ratified the most democratic Constitution.

On behalf of the Government of the Commonwealth of Poland-in-Exile, we pledge to support this struggle of our people until independent Poland can join the family of the free nations for the benefit of world peace.

We ask all those people who are interested in justice and peace for our children to come to support our fight wherever they can.

On behalf of the President of the Commonwealth of Poland-in-Exile, Count Juliusz N. Sokolnicki.

ALEX. OSTOJA STARZEWSKI,
Ambassador of the Commonwealth of Poland Exile.

UNEMPLOYMENT AND THE "GNP GAP"

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. BADILLO. Mr. Speaker, it is a well-documented and accepted fact that this Nation has been in the midst of long-standing crisis in unemployment and that the situation will considerably worsen before the end of this year. Although various economic devices have been utilized in attempts to stem the flow of unemployment and underemployment, they have all been singularly unsuccessful and we are faced with the very real prospect of more than 5 million fellow citizens being out of work within a matter of a few months. It is particularly tragic that this unemployment crisis has hit the minorities—the blacks, the Spanish-speaking, women, youth, Vietnam veterans, the elderly, the impoverished, and disadvantaged—especially hard and has seriously exacerbated a variety of challenges with which they are already confronted.

Directly related to the extraordinarily high rate of unemployment is the general malaise of the economy, the lack of economic growth, and the seemingly endless inflationary spiral. This situation is carefully reviewed in the current issue of the monthly economic letter of the First National City Bank of New York. Predicting that economic growth is expected to lag for some time to come and that the rate of unemployment will continue to rise, this timely and perceptive article draws an interesting relationship between the GNP gap—the difference between the economy's production potential and what is actually being produced—and the unemployment level. It observes that the GNP gap and the unemployment rate move in parallel directions as both measure deficiencies in resource utilization.

I believe careful attention should be given to this article—especially as we will be considering appropriations legislation later this week which will have a direct bearing on the unemployment crisis—and I insert it herewith for inclusion in the RECORD:

UNEMPLOYMENT: THE WORST IS YET TO COME

The GNP gap is a statistical yardstick, useful in forecasting unemployment. And the gap shows signs of growing—which means a period of higher joblessness ahead.

In this era of gaps—whether missile, generation or credibility—there is one little-known statistical interspace that's important to everyone. It's called the GNP gap, the difference between what the economy is capable of producing in any given time period and what it actually turns out. The gap has been widening since early 1973 and is expected to spread further during the remaining quarters of 1974. Indeed, the width of the gap may reach a degree not seen since the 1960–61 recession. And as the gap widens, unemployment will probably rise to about 6% by year-end.

A number of signals have been foreshadowing the latest cyclical rise in unemployment, which began with a half-percentage-point jump in the first quarter. The manufacturing work-week and overtime hours both peaked early in 1973 and have eased steadily downward ever since New hires and the "accession" rate—which includes rehires—in manufacturing also reached their highs in the first half of 1973, while manufacturing layoffs, an inverse indicator that rises in recessions, have been increasing since late-summer, early-fall of last year. This latter series excludes service employees, such as airline personnel, who suffered layoffs due in part to energy problems. All of these series are officially classified as "leading indicators" by the National Bureau of Economic Research. They have performed well in foretelling developments in employment as well as in the general economy. Moreover, the employment indicators, unlike others, are not measured in

dollar terms and are therefore, not directly distorted by inflation.

LEADERS AND OTHERS

As they curtail production, businessmen initially seek to reduce the size of labor input in man-hours with a minimal disruption of employment levels. This is particularly true with respect to overtime, which can be reduced with no effect on unemployment. Other adjustments cushion the unemployment from abrupt changes, but still contribute to unemployment. As new hires decline, for example, there is no loss in employment, but people seeking work will be less successful.

Thus, the unemployment rate itself is considered a coincident, not a leading indicator. As the economy withdraws further from its inherent upward path, the unemployment rate will rise step by step, lagging just a few months behind the GNP gap.

The reason the GNP gap and unemployment rate move in parallel is that both measure deficiencies in resource utilization. The unemployment rate is a measure of labor underutilization while the GNP gap measures the underutilization of both labor and capital. The GNP gap is most meaningful when expressed as a percentage of the economy's real potential output, since economic growth will widen the actual dollar gap over time.

The concept of real potential gross national product was popularized in 1962 by the Council of Economic Advisers. It is intended as a gauge of the level of real GNP that would prevail if available resources were fully employed. Estimating the level of potential GNP requires the use of some admittedly arbitrary assumptions, such as the unemployment rate assumed to represent full employment—traditionally, at 4% rate has been used.

In addition, since potential GNP is intended to reflect changes in the labor force, hours worked, the capital stock, technology and labor skills, it cannot be expected to grow in a steady, smooth fashion. But because it can't be measured precisely, smooth rates of increase have been projected. The CEA has estimated that potential real GNP grew at a 3½% rate in 1952–62, 3¾% in 1963–65 and 4% from 1966 to the present.

Computational difficulties notwithstanding, the calculation provides a useful tool for economic analysis. Whenever real GNP grows less rapidly than the potential growth rate and the percentage gap widens, it is an indication that business conditions are softening. And when actual growth exceeds the potential growth rate—as in post-recession periods—it is both a sign that slack is being taken up and a warning of possible inflationary demand pressures. Over the years, the percentage gap has averaged between 3½% and 4%, corresponding to an average unemployment rate of 4½–5%.

The unemployment rate is a slightly more slippery notion because changes in its numerator, the number of unemployed, are intertwined with developments in its denominator, the labor force—the number of people working or seeking work—and because growth in the labor force is quite volatile as opposed to the smooth tracking calculated for potential GNP. Most notably, labor-force growth appears to respond to changes in the real wage rate. In the late stages of expansion and heading into a recession, the typical softening in the labor markets and in real wages often produces a reduction in labor-force growth. This restraints the rise in the unemployment rate, but not enough to prevent it from performing cyclically anyway. There is one further aspect of the GNP gap-unemployment rate mutuality to consider: lags. And this introduces a more quantitative analysis.

Arthur Okun, an erstwhile member of the Council of Economic Advisers and later its chairman during part of the Johnson Administration, was the first economist to describe econometrically the relationship between the percentage real GNP gap and the unemployment rate. He suggested that each percentage point difference above the 4% full-employment target was associated with a 3% decrease in real GNP over the course of the year. This approach was subsequently refined and reestimated to provide a model linking changes in the unemployment rate to changes in the GNP gap. Its most recent redefinition indicates that if real GNP were to remain flat for a year the unemployment rate would rise by between 1.2 and 1.4 percentage points.

DRAWING A FORECAST

One form of the model that is more useful in forecasting correlates the current level of the unemployment rate with the levels of the percentage gap in both the current and previous quarters. In fact, the influence of the gap in the previous quarter is three to four times greater than that in the current one, reflecting the factors that make the unemployment rate a coincident, rather than a leading indicator.

Linking this model with the outlook for the economy sketched in the first article in this issue of the *Letter* produces the forecast of a rise in the unemployment rate. Until real GNP begins to grow at a 4% annual rate, the GNP gap will continue to increase. Real GNP is not likely to rise this strongly until the end of 1974 at the earliest. It appears probable, therefore, that the unemployment rate will rise at the end of the year to the neighborhood of 6%.

Employment, however, should remain relatively steady, with most of the increase in the unemployment rate reflecting labor-force growth. With the exception of the 1948–49 recession, the percentage decline in employment has consistently been smaller than that in output.

HE WHO GETS STUNG

A rise in the overall unemployment rate will not affect different age-sex groups uniformly. All rates will rise, but those for adult females and teenagers will not rise proportionately as much as that for adult males. Plotted on the chart are the ratios derived by dividing first the female and then the teenage unemployment rates by the rates for males. They show a very clear cyclical pattern, turning down in advance of a recession and then dropping sharply as it runs its course. In addition, an examination of the percentage-point difference, or spread, between the female and teenage rates and the male rate suggests that, at least for women, it also narrows during bad business times. This is in marked contrast to the experience of black workers, for example, in which the ratio of black-white unemployment rates remains fairly stable at 2:1 while the absolute spread increases.

The reasons for this variation in relative rates of unemployment are not entirely clear. In part, the answer may be purely statistical. Since the unemployment rate for adult males is typically at a much lower level when recession begins, the proportional rise in the rate tends to be large. But there are also more substantive reasons.

The labor force can be divided into those workers who are strongly committed participants and into another group for whom participation is one option in a choice of life styles. The first group is composed largely of family breadwinners while the spouses and teenaged children of those breadwinners make up a goodly proportion of the second group. When a member of the first group is laid off or otherwise out of work, he or she joins the ranks of the unemployed until a new job is found. Some members of the second group, however, leave the labor force when jobs are lost and potential members don't enter the labor force when jobs are scarce.

Since the adult women and teenage segments of the labor force comprise a larger proportion of people in this second category, this helps to explain why unemployment rates for these groups don't rise proportionately as much as they do for adult males when recession strikes. The converse is that, at such times, participation rates for these groups are subject to wider variations from trend than the rates for adult males.

While the dimensions of the prospective rise in unemployment are not up to the colorful projections heard during the chill of the oil embargo, they project the most serious dose of unemployment since 1961. The recent decline in the jobless rate—down 0.2 percentage points from January–February to 5.0% in April—cannot be treated as a harbinger of things to come, and must be discounted. Economic growth is expected to lag for some time yet, and this means a period of uncomfortably high unemployment.

SANDMAN APPEALS TO LAW OF SEA CONFAB MEETING IN CARACAS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. SANDMAN. Mr. Speaker, I have appealed directly to the U.S. delegation to the international Law of the Sea Conference now underway in Caracas, Venezuela, to achieve a negotiated extension of our fisheries jurisdiction from 12 to 200 miles from our coast-line.

This important conference opened last Thursday, June 20 with some 150 nations of the world represented. It will last until August 29.

I asked the leader of the U.S. delegation, Ambassador John R. Stevenson, to press for specific and permanent solutions to the problems that have been created by the virtual invasion of foreign fishing fleets into the fishing grounds that lie off my congressional district in the Atlantic Ocean.

Specificaly, Mr. Speaker, I have urged that a 200-mile fisheries jurisdiction be achieved through negotiations at this conference and, if necessary, through subsequent treaties to be ratified by the Senate.

Many Members of the House, well over 100 at last count, are joining me and Congressman NORMAN F. LENT (Republican of New York) in sponsoring legislation to establish a contiguous fishery zone of 200 miles from shore.

There are nearly a dozen different versions of this legislation, Mr. Speaker, but they all recognize the urgent need for action to protect the domestic fishing industry of the United States and to preserve the fish resources of adjacent Ocean areas which are being raided unmercifully by foreign fleets.

Within the coming week, it is my intention to circulate among other Members with a letter encouraging the U.S. delegation to press for the 200-mile extension at the Law of the Sea Conference in Caracas.

I think we can all agree that of the two ways there are to achieve our goal, the best is through international negotia-

tions and treaties instead of through a simple, unilateral declaration of Congress that could set off a chain reaction of repercussions around the world.

Should the conference fail to achieve meaningful progress, I submit that the effort to achieve the unilateral declaration of a 200-mile limit will gain considerable momentum.

In fact, the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Merchant Marine and Fisheries Committee is midway through a series of field hearings on this issue so that if the conference fails to act, the Congress will be prepared to do so promptly.

Mr. Speaker, I include my message to the delegates of the Law of the Sea Conference, and the news statement that was released today on the subject to be printed in the RECORD at this point:

A MESSAGE TO THE DELEGATES OF THE LAW OF THE SEA CONFERENCE FROM U.S. CONGRESSMAN CHARLES W. SANDMAN, JR.

CARACAS, VENEZUELA,
June 20, 1974.

I have requested Ambassador Stevenson to transmit my views on the need for improved international agreements to protect the fish resources of the Oceans to all of the members of the United States Delegation to the Law of the Sea Conference as it opens today in Caracus.

My Congressional District includes nearly one half of the coast of the State of New Jersey fronting on the Atlantic Ocean. Fishing grounds off my District and off New England are the most lucrative in the world, because of the confluence of currents and ready food sources. Thousands of my constituents make their livelihoods by industries related to the commercial harvesting of fish and my State's largest single industry depends on the coolness, cleanness and productivity of the Atlantic Ocean. That industry, of course, is tourism.

It is my sincere hope that this Law of the Sea Conference can deal in a specific and permanent way to solve the very critical problem that has been created by the virtual invasion of foreign fishing fleets into this productive region that lies within 200 miles of the United States coast.

I urge the United States delegation to press for a negotiated extension of the fisheries jurisdiction to 200 miles from our coast. Such a negotiated agreement would be preferable to a simple, unilateral declaration of Congress because of the possible repercussions.

Should the Law of the Sea Conference, however, fail to achieve meaningful progress to end the reckless raiding of our fishing banks, I submit that the effort to achieve the unilateral declaration of a 200-mile limit will gain considerable momentum.

In fact, the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Merchant Marine and Fisheries Committee is midway through a series of field hearings on this issue so that if the Conference fails to act, the Congress will be prepared to do so promptly.

Many Members of Congress, well over 100 at last count, are sponsoring legislation to establish a 200-mile contiguous fishery zone. I suggest to you that is a significant movement of interested officials. Let me assure you that Congress as well as the American people will be watching developments closely in Caracas this summer.

I send best wishes to the United States Delegation to the Law of the Sea Conference and want you to know that I for one am optimistic that lasting achievements will be realized.

CHARLES W. SANDMAN,
Member of Congress.

[News Release of June 25, 1974]

SANDMAN IS "OPTIMISTIC" ON 200-MILE FISHING BID

APPEALS TO U.S. DELEGATION AT LAW OF SEA CONFAB IN CARACAS

CARACAS, VENEZUELA.—An appeal from U.S. Rep. Charles W. Sandman, Jr. of New Jersey for a negotiated increase of the U.S. fishing jurisdiction to 200 miles from shore has been heard at the international "Law of the Sea Conference" here.

The veteran Congressman's message was presented through U.S. Ambassador John R. Stevenson to the delegates at the important Conference, which commenced last Thursday, June 20th.

Sandman said he is "optimistic" that the official United States government opposition to the 200-mile fishing limits "will be softened" at the conference. The Congressman also said he is "hopeful that meaningful progress will be made to protect the fish resources that exist off the coasts of New Jersey and New England."

He called on the Conference to "deal in a specific and permanent way to solve the very critical problem that has been created by the virtual invasion of foreign fishing fleets into this productive region that lies within 200 miles of the United States' coast."

Treaty approach

Congressman Sandman said that of the two ways to achieve the 200-mile fishing jurisdiction extension that is needed, he prefers that the approach of international negotiations and treaties be used rather than a simple unilateral declaration of Congress that could, in his words, "set off a chain reaction of repercussions around the world."

He said that if the international negotiations to achieve the 200-mile limit fail, Congressional sentiment to resort to the unilateral declaration will increase to a point where it may pass at least the House of Representatives this Fall despite the possible international ramifications.

Congressman Sandman has long advocated the 200-mile limit and is one of the original sponsors of legislation in Congress (HR–4247) to extend the fisheries jurisdiction to 200 miles. Sandman's legislation was introduced on February 8th, 1973 with U.S. Rep. Norman Lent (R–NY) and 21 other Members of Congress.

More than 100 Congressmen are co-sponsoring the legislation or similar measures, Sandman pointed out.

Hearings on Sandman's bill and similar legislation are now being held at various locations along the Atlantic coast. The Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Merchant Marine and Fisheries Committee has held field hearings in Portland, Maine, New Bedford, Massachusetts and at Toms River, New Jersey.

Following additional field hearings in July, perhaps in Delaware and Virginia at places and times to be announced, formal hearings at the Capitol in Washington, D.C. will be held. Rep. Sandman is the first witness to have indicated his intentions to testify at the final hearings, set sometime in August.

At the Toms River hearing, Sandman was represented by his District Assistant for conservation and environmental matters, Robert E. Jack, the former Mayor of Pennsville Township, Salem County. The Congressman was unable to personally attend because the House Judiciary Committee, on which he is fourth-ranking minority member, had a late session on the night previous in Washington.

On June 7th, Sandman greeted a delegation of legislators from Maine, Massachusetts, New Hampshire and Rhode Island called "Save the American Fisheries" as they stopped off in Cape May, New Jersey during their "Sail on Washington" trip designed to focus public attention on the need for a 200-mile fisheries jurisdiction.

In a letter to Sandman dated June 19th, the Congressman's efforts on behalf of the 200-mile limit campaign were praised by Russell A. Cookingham, Director of the Division of Fish, Game and Shell Fisheries of the New Jersey Department of Environmental Protection.

On Monday, June 24th, Congressman Sandman addressed his colleagues in Congress about the importance of the Caracus Conference. He called for a unified voice in pressing for action to achieve the 200-mile limit for protecting fish resources.

Sandman pointed out that "our fishing banks have been over-fished for the last several years to a point where several varieties of fish are on the verge of extinction with many others being dangerously depleted by reckless harvesting.

Of the nearly 2,000 fishing vessels spotted off the coast of the eastern United States this spring, Sandman said, only about 15 percent are from this country.

Presently, the United States exercises jurisdiction insofar as fishing is concerned for 12 miles from shore while other nations, notably Equador, Chile and Peru have set 200-mile limits to protect their tuna industries. Iceland has established a 50-mile limit aimed particularly at the fishing fleets of England and Scandinavian countries.

The fishing grounds off New Jersey and New England are the most lucrative in the world, with numerous edible species attracted to the area by the confluence of currents and ready food sources.

WATERLOGGED JUSTICE?

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. HANRAHAN. Mr. Speaker, the House Judiciary Committee does seem to be leaking a great deal of confidential information regarding the impeachment investigation. It does not seem fair for this evidence to be brought before the public in this manner. The following editorial from the Washington Star-News should prove interesting to my colleagues:

[From the Washington Star-News, June 21, 1974]

WATERLOGGED JUSTICE?

Justice is supposed to be blind but no one has ever suggested that she ought also to be waterlogged. But such seems likely to be the case if the House Judiciary Committee doesn't get busy and plug its leaks.

To describe what has been coming out of the committee as leaks is actually a misnomer. It's more a torrent, an almost daily outpouring of confidential material that violates the pledge by Chairman Rodino that the impeachment inquiry would be handled in a fair and even-handed manner and that the committee would guard the confidentiality of evidence in its possession until such time as deemed proper to put the material into the public record.

To be fair to Rodino, it is not he who is doing violence to his promises; it is the work of certain members apparently intent upon sinking the Nixon administration at any cost, who are laboring under the misguided notion that their cause will be helped by leaking material damaging to the President and present or past members of his administration. The alacrity with which presidential aide Patrick Buchanan denounced the leaks as coming from "nameless, faceless

character assassins" is evidence that they are playing into the White House hands.

Considering the sins, political and otherwise, that can be chalked up to the Watergate White House, Buchanan's statements might be dismissed as sanctimonious posturing if there were not a large element of truth in what he said. In more subdued language, Senate Democratic Leader Mike Mansfield made essentially the same point. Mansfield said the Judiciary Committee leaks are "creating impressions and innuendoes and speculations and rumors which ought to be considered only by the committee concerned and the courts."

The House committee is not the only one guilty of engaging in trial by leaks. Former Special Watergate Prosecutor Archibald Cox, who hardly can be listed as an administration sympathizer, denounced tactics of the Senate Watergate Committee as similar to those used by the late Senator Joe McCarthy during the 1950s. He accused the Senate committee's "staff and possibly some members" of leaking the results of incomplete investigations, of giving out accusatory inferences drawn from secret testimony, and even suggesting the guilt of men under indictment and awaiting trial. The Senate committee, as we have said before, served a good purpose in publicly exposing Watergate, but both it and the Congress are being ill-served by those who now are using their positions to get more political mileage out of an investigation that has run long past the time when it was either productive or relevant.

The House Judiciary Committee is where the action is now. It is engaged in a solemn constitutional process that has been undertaken only twice in the nation's history. To allow its impeachment inquiry to degenerate into a campaign of leaks and innuendo serves not the high cause of restoring the people's faith in public institutions—the cause for which the inquiry was undertaken—but rather undermines it.

PERSECUTION CONTINUES UNABATED IN THE CAPTIVE NATIONS

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. ANNUNZIO. Mr. Speaker, in September of last year, I brought the attention of my colleagues to an article by my constituent Tedis Zierins, in which he outlined the case of Daniels Bruveris, who had been on a hunger strike for 4 weeks because the Soviets would not permit him to leave Soviet-occupied Latvia and join his wife Rudite in West Germany.

In a letter to me dated June 23, 1974, Mr. Zierins reports that:

Because of your stand and also because of publicity in the newspapers in several Western countries, Daniels was permitted to leave Soviet-occupied Latvia at last.

Mr. Speaker, though we can all rejoice that Daniels Bruveris was finally allowed to rejoin his wife, Mr. Zierins reports:

Since Daniels Bruveris left Latvia, his relatives have been watched very closely by Soviet government officials. Yesterday morning, June 22, at 1:45 a.m., I got a phone call from Daniels' father-in-law (Daniels lives with his wife's parents). In this overseas phone call I was told that Daniels' two brothers, Pavils Bruveris, born April 10, 1949, and Olafs Bruveris, born August 26, 1947, were arrested by Soviet police on May 24, 1974 . . . they are in solitary confinement in the main KGB prison on Lenin-Engels Street in Riga, Latvia. No relatives or friends are permitted to visit them.

The State Prosecutor is the investigator of special cases of Soviet Secret Police. His name is Dembovskis. Their crime is that they had discussed with their fellow workers some needed improvements in TV programs and in everyday life. As a result of this discussion they had prepared a little opinion poll among their fellow workers. For all that they were arrested and placed in solitary confinement."

It seems the Communists were looking just for an excuse to arrest them, because Bruveris' family had been harrassed before. They are a devout Christian family. Their father had been deported twice to Siberian forced labor camps, from where he returned in poor health.

Mr. Speaker, only 10 days ago, we in Congress observed Baltic States Freedom Day to commemorate and honor those who fought and died in the illegal and brutal Soviet occupation of Estonia, Latvia, and Lithuania in 1940. That struggle for human dignity and freedom continues to this day, and our Government and each American citizen must continue their support and encouragement of these heroic individuals and captive peoples. Let us remember they are suffering persecution and sacrificing personally at this moment to show the world that they will not be intimidated by tyranny, but will struggle in defense of the nobel ideals of individual liberty and national self-determination.

A SALUTE TO THE LEGISLATIVE BUREAU OF THE SETON HALL SCHOOL OF LAW ON THE COMPLETION OF ITS FIRST YEAR OF OPERATIONS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. RODINO. Mr. Speaker, something new is happening in legal education. Something new and good for the legislative process. This development, revolutionary though it may be, is the creation of clinical programs designed to train future lawyers in the research and drafting skills so necessary for the continuance and improvement of our lawmaking institutions.

One such clinical program in the forefront of this new trend is the legislative bureau at the Seton Hall School of Law in the city of Newark, N.J.

The Seton Hall Legislative Bureau was created 1 year ago to provide law school credits for research projects completed by the student members of the bureau upon the request of State and Federal legislators.

During their first year of operations the 30 student-members of the Seton Hall Law School Legislative Bureau have completed 25 major legislative research projects, donating some 10,000 manhours of research effort to the improvement of the legislative process.

The legislative bureau also fills a much neglected educational objective—that of teaching prospective lawyers legislative skills—which, I am sure you will agree, can only help to bring more highly trained young people onto our own congressional staffs.

The newly elected editorial board for the coming year includes: Thomas S. Boyd, Jr., editor in chief; Ms. Margaret Schaffer, managing editor, publications; Mr. Steven Picco, managing editor, research; along with staff editors: Mr. Edwin Casey, Mr. John Barbour, Mr. Richard Steen, and Mr. Leon Sokol.

The faculty adviser for this program is Prof. Lawrence Bershad of the law school. Congratulations to these fine young people on their selection as editors and a salute to the Seton Hall School of Law and its dean, John F. X. Irving, for encouraging this fine innovation in legal education.

PERFORMANCE EVALUATION FOR TEACHERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. RANGEL. Mr. Speaker, in most business corporations individuals have to meet certain standards. Their performance is evaluated frequently and thoroughly. But for the people in charge of our children's education, no such evaluation occurs. At least it does not happen everywhere, yet.

Performance evaluation is not designed to banish particular teachers or to give the administrators complete control over their teachers' reputations and job futures. Rather it is intended to help the teacher, the students, and the entire school community by involving teachers in ongoing evaluation and improvement of their own performance.

I enclose, for the information of my colleagues, a useful article on the application of performance evaluation in the academic world by Robert Olds in the current issue of Compact magazine.

The article follows:

PERFORMANCE EVALUATION RATES A CLOSE LOOK

(By Robert Olds)

A comparatively quiet but spectacular development in the states recently has been the enactment of laws and regulations requiring periodic evaluation of all teachers and other professional personnel in public school districts.

One-third of the states (17 at the latest count) have taken this step, most of them during the past two or three years. Others seem certain to follow.

Why the teacher-evaluation boom?

The reason given invariably by legislators and other state officials is to improve education. School administrators and teachers also cite this as being the purposeful outcome of an evaluation program.

But what is most likely to happen—and already is happening—is that required evaluation merely will create another paper avalanche of checklists and rating forms, uncounted hours diverted to paper shuffling and the need for much more filing space for personnel records.

Many school systems appear to be extending to their entire staffs the traditional "rating game" heretofore limited mostly to probationary teachers who had not achieved tenured status.

In the rating approach, school principals judge teachers on the basis of personality traits—such as "sympathy," "professional attitude," "loyalty," etc. Probationary teachers who get low ratings are not rehired. Attempts to use ratings to fire teachers usually fail, however, in court tests.

With ratings, evidence about teachers' actual classroom performance usually is lacking. The same is true of administrative efforts to help correct claimed deficiencies. And no research has yet shown that ratings improve teachers' performance.

A sizable group of school districts, however, may be expected to reject the rating schemes in favor of a more advanced concept known as performance evaluation. This term is somewhat of a misnomer—partly because it is already being abused, but also because the evaluation becomes part of an organization's mode of planning and conducting its work. Performance evaluation might be described more accurately as an organizational approach requiring maximum involvement by the individuals chiefly responsible for the work in setting the objectives, planning and analyzing the results of that work.

In brief, the basic purpose of performance evaluation is to use a teacher's own goals to improve his job performance in specific ways. At the end of the evaluation period, both the teacher and the evaluator analyze the teacher's progress toward the goals.

Until very recently, virtually all performance-evaluation plans were developed and adopted voluntarily in school systems whose teachers and administrators were dissatisfied with the shortcomings of conventional rating plans. Many of these districts are located in states that have not yet established mandatory evaluations.

This situation parallels the development of performance evaluation in industry and other fields. Just as most educators find it difficult to think of evaluation other than in terms of ranking, grading and classifying as an end product, so have evaluators in other endeavors tended to cling to simplistic rating methods.

Dissatisfaction with ratings has been a major factor in stimulating performance-evaluation plans. There are other factors, however. The nature of work in organizations is undergoing great change, with "management by objectives," broad participation in decision making, accountability procedures, motivational techniques, the redesign of jobs and the like. Education has not been exempt from these changes. Terms such as team teaching, planning-programming-budgeting, individualized instruction, paraprofessionals, open classrooms and differentiated staffing are becoming commonplace.

Performance evaluation stresses the relatedness of organizational jobs, individual involvement in planning, feedback and sharing of performance data, as well as analyses of the results of work. All of this is contrary to the mythology that today's very complex education programs can be carried out effectively by professionals who operate in semi-isolation and are somewhat indifferent to the organization's purposes and efforts to achieve them.

Too little attention is paid in education to "What are we trying to do? How well are we doing? How can we do better?" This flaw, shared by professionals and boards of education, is at the root of much of the public disenchantment wtih education these days.

One of the great problems involved in extending any development type of teacher evaluation is the threatening and punitive connotation the term has acquired.

You can be almost certain, for example, that most sponsors of the new teacher-evaluation laws actually did not envision an evaluation program designed to raise the performance level of *all* teachers and administrators. More likely, the sponsors intended to help administrators force out substandard teachers. In fact, some of the new statutory provisions on evaluation can be found immediately adjacent to sections of the law providing for the dismissal of teachers.

The term "accountability" is being equated with "evaluation," especially by some teacher organization spokesmen. "Let's face the facts," said Albert Shanker, vice president of the American Federation of Teachers (AFT). "Teachers are frightened of accountability because it means, 'Let's go out and find which teacher is not good.'"

Raoul Teilhet, president of the California Federation of Teachers, remarked: "This anxiety factor is the source of the problem of evaluation. Teachers become extremely defensive about it."

Teachers, of course, have a unique reason for being concerned about evaluation, particularly when it resembles the same kind of rating that teachers have subjected students to for generations. On the other hand, teachers seem to find it easier than school administrators do to understand, appreciate and support a positive type of performance-evaluation program.

The AFT has traditionally maintained a formal position of hostility toward teacher evaluation ("rating"). Yet member interest has been so great that the federation's executive council has been requested to develop an "ideal" teacher-evaluation model.

The National Education Association (NEA), the largest teacher organization, has long maintained an active interest in improved teacher-evaluation methods. NEA President Helen Wise says sound performance evaluation "probably has more hope and more promise than anything we've talked about so far as teacher evaluation is concerned.

"Teachers want very much to be a part of the evaluative process," she continues. "We want good teachers in the classroom. When we have poor teachers, it is demeaning to all of us—to the entire profession. But the plan must, first of all, be cooperatively developed so that we are personally responsible for the development of the procedures. . . . We must take into consideration conditions like the readiness of children that we are teaching; the kinds of things that we're teaching, the expected learning outcomes, the objectives we have set and so forth."

Moreover, state teacher organizations have been actively involved in developing the most recent legislation and regulations requiring mandatory evaluation. Interest by organizations representing administrators and school boards has been much more passive.

Performance evaluation is used today in all types of organizations and government agencies. Probably the most intensive effort to refine performance-evaluation plans has taken place in major corporations. Generally, executive, professional and technical personnel have been involved.

Like educators, business people have become disenchanted with simple rating plans. The "superiors" rebel at being required to "play God" in making ratings and discussing them yearly with the "subordinates." On the other hand, the idea that a subordinate could be involved in setting performance targets and assume much more initiative in the entire evaluative process has been too precedent—shattering for some managerial minds. Again, the reason for many industry failures in the evaluation process has been that the purpose of the evaluation plan has not been fundamentally to improve performance levels. Some plans have been used to try to find a basis for merit pay and promotion decisions.

The best-known article about today's concept of performance evaluation was written by the late Douglas McGregor, famed professor of management at the Massachusetts Institute of Technology, in 1957. Appearing originally in the *Harvard Business Review*, the article—"An Uneasy Look at Performance Appraisal"—was so highly regarded that it was reprinted 15 years later by the same periodical.

McGregor concluded that judgmental rating schemes should be condemned as ineffective and undesirable, and that a completely new approach was in order.

"A sounder approach, which places the major responsibility on the subordinate for establishing performance goals and appraising progress toward them, avoids the major weaknesses of the old plan and benefits the organization by stimulating the development of the subordinate," wrote McGregor. He predicted that this type of performance evaluation would be more costly in terms of managerial skills and time, but that greater motivation and more effective development of those in the organization would justify the larger investment.

One of the most widely discussed teacher-evaluation laws is the California Stull Act, authored by State Senator John Stull, which took effect in 1972. It requires the regular evaluation of all professional staff members in the schools. Each school district must establish a performance-evaluation plan, including such items as establishment of "standards of expected student progress" in each study area, assessment of "personnel competence" as related to the standards, evaluation of "adjunct duties," maintenance of "proper" classroom control and preservation of a "suitable learning environment."

The language used in more recent statutes and regulations of other states is clearer. However, if a law allows full local determination of an evaluation plan, what is likely to emerge is a traditional rating program. One of the great frustrations of California educators has been to try to make a rating framework fit the performance-objectives concept. It doesn't work.

A number of perceptive school boards and top school administrators have understood, however, that the design and implementation of performance evaluation takes on sizable dimensions when properly carrying out steps of involvement in planning, communication, piloting, orientation and training. In some instances, full-time staff coordinators have been employed. Two to three years may be required to get a program fully operational. Administrators of a medium-sized district in Oregon voiced satisfaction that a performance program had become fully operational in slightly less than four years.

Although California's Stull Act initially called for evaluation plans to be operational within months after passage of the measure, new perspectives have developed. Three to five years will be required to judge the law's effectiveness, says Senator Stull. "Hopefully, districts will change their guidelines each year, adapting to difficulties and improvements as they occur."

Although three attempts to alter the California evaluation law have failed because of gubernatorial vetoes, Stull does not discount the possibility that the law might in the future be emasculated or repealed. He believes, however, that the concept will endure. "Professionals, and by that I mean people who take pride in their work, will demand it," he says.

Does performance evaluation eliminate substandard teaching? Administrators in districts which have operated plans for several years say it is far more successful than rating. Those defending teachers in formal dismissal actions on charges of incompetency are delighted to have ratings submitted as evidence. The stage is set for attacking unsubstantiated charges, in effective supervision, sloppy administration and unfair personnel practices.

Performance evaluation, on the other hand, can help provide evidence of good faith and effort to help bring about successful performance. Also, it usually leads the person being evaluated to realize that a change of assignment or position is desirable. Teacher-organization representatives, after determining that procedures have been carried out according to the ground rules, are then disinclined to become involved in defensive actions.

School administrators also point out that performance evaluation is designed to raise the performance level of everyone in the organization, not of just a few.

One of the great myths of education, faithfully subscribed to for many years by legislators, board members and educators, is that colleges and universities turn out teachers and administrators as finished products guaranteed to work satisfactorily in any school district. Supporters of performance evaluation are disbelievers. They regard formal university training as only an introduction to educational work. The real growth takes place on the job.

RATING VERSUS EVALUATION: A COMPARISON

Some of the main differences between traditional rating approaches and performance evaluation are indicated in the comparative descriptions below.

Performance evaluation

1. Developed by fully representative staff committee.
2. Used for all professional employes.
3. Objectives for improvement established by employe, in harmony with goals of the school. Objectives discussed with evaluator, who may commit administration to providing needed material and other assistance.
4. Both evaluator and employe assume responsibility for collecting and exchanging performance data. Prompt feedback may lead to modification or abandonment of original objectives.
5. Employe uses performance data to prepare self-evaluation report. Evaluator also prepares report. Reports are exchanged.
6. Performance results jointly diagnosed by employe and evaluator, with follow-up action agreed to.
7. Both evaluation and employe's objections, if any, are filed.
8. Evaluation may be used for recommendation of personnel action, including dismissal, but due process is assured.

Traditional Rating

1. Developed primarily by the administration.
2. Usually limited to probationary teachers.
3. No objectives established.
4. Brief classroom visits made by evaluator for "observation." A conference with employe may be held later.
5. Rating form filled out by evaluator, giving judgments (ranging from, say, "poor" to "superior").
6. Rating may not be shown to employe.
7. Rating placed in personnel file. Employe may not be permitted * * *
8. Rating may be used as basis for recommendation of nonrenewal of contract or dismissal.

STATE LAWS

The following states have some type of required teacher evaluation: Alaska, Arizona, California, Connecticut, Florida, Hawaii, Kansas, Montana, Nevada, New Jersey, Oregon, South Dakota, Tennessee, Texas, Virginia, Washington and West Virginia.

Most of the states simply require school boards to establish and carry out programs of teacher evaluation without specifying how. In Montana, for example, the requirement is that the boards "adopt specific policies and procedures for evaluation . . . [that have been] developed in consultation with administrators, teachers, other staff members and students."

A few states specify what should be evaluated. California has the most elaborate standards in this connection, specifying by law that the evaluations encompass "standards of expected student progress," the competence of personnel and teachers' adjunct duties, "control" and ability to sustain a "suitable learning environment."

STRIP MINING AND ITS DEVASTATING EFFECTS

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. YOUNG of Georgia. Mr. Speaker, I believe every Member of Congress received a copy of the recent letter addressed to you from the Rev. R. Baldwin Lloyd, executive director of the Appalachian People's Service Organization.

Reverend Lloyd's forceful statement needs no introduction, nor does the fine article by Washington Post columnist Colman McCarthy, which Reverend Lloyd enclosed. I simply want to join this dedicated man in urging you and my House colleagues to face the issue of strip mining and its devastating effects on our land and our people, and act to protect this country and its future by promptly enacting the kind of meaningful and effective legislation as that introduced by our distinguished colleague from West Virginia, Mr. KEN HECHLER.

We must not force our children to conclude that their fathers sacrificed the land of their forefathers to the temptation of quick corporate profits.

With permission, Reverend Lloyd's letter and the attached article by Mr. McCarthy follow:

APPALACHIAN PEOPLE'S
SERVICE ORGANIZATION, INC.,
Blacksburg, Va., June 21, 1974.

Hon. CARL ALBERT,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ALBERT: With a great sense of urgency I am writing to you to fight and vote for legislation that will put an end to the incredible and devastating impact of strip mining in our country.

For more than six years, I have come to know first-hand the terrible human and environmental cost of strip mining in Appalachia. As Executive Director of the Episcopal Church's Appalachian People's Service Organization (APSO) and director of the seventeen-denomination Commission on Religion in Appalachia's project, Operation Coal, and co-chairman of the Appalachian Coalition, I have come to know intimately people in Tennessee, Kentucky, Virginia, West Virginia, Ohio, Pennsylvania and Maryland who have suffered the ill effects of strip-mining—that has caused death (3 persons in southwestern Virginia alone), injury, incredible property damage and devastation of the environment they live in.

The real issue that every American must understand and accept is: *the full cost of mining coal,* deep or strip, *must be borne by all Americans;* industry and consumers. For too long the coal industry has passed on a major portion of the human and environmental costs of mining to the miners, and to the people who live in the region. Knowingly or unwittingly all Americans have allowed this to happen—from industry's side, in order to allow a profit; from the consumer's side, for a cheaper coal.

The argument that to do what is right will increase the price of coal is a spurious argument. The mining of coal has a total price which is always the same. The question is simply how is the total cost going to be paid and who is going to pay it? At present, when industry talks about the price of coal, it means simply minimum costs to insure maximum profit. A large portion of human and environmental costs never have been included. It is time all Americans shared equally in paying for that total cost of mining coal. It is time to end the unequal and unjust practice of passing on to some people the heavy cost of death, injury, ill health, property loss and damage and a devastated environment in which it is becoming increasingly hazardous to live.

I implore you as Speaker of the House to urge Congress to assume the moral leadership to end this evil. The time has come that Congress must act. There is ample evidence that lays before Congress the sense of urgency for strong and immediate action on their part.

I am enclosing for your information a copy of an excellent article by Colman McCarthy. I also refer you to testimony which I gave at the House and Senate hearings in March and April of 1973 in which I focused on the human costs of strip mining.

What makes it even the more incredible that we should even be faced with this issue of strip mining, is that there is absolutely conclusive evidence from industry and government sources that the overwhelming amount of recoverable coal resources are deep mineable—according to the Council for Environmental Quality, as much as 97%—but even the more conservative industry and government figures indicate enough deep-mineable coal for 300 to 500 years at present rate of use. Why, then, do we not only allow strip mining, but worse yet, encourage its acceleration and the relaxation of enforcement of the very poor existing laws? The only immediate advantage is to the vested interests of a few—with little regard for the fantastic social and environmental costs being passed on for generations to come.

Finally there is every evidence that if all strip mining's social and environmental costs were paid, strip mining for a profit would be prohibitive. England and Germany can supply us with all we need to know. In those two countries, because social and environmental costs are fully included, strip mined coal is a premium coal, even in the very best of conditions.

If the moral and just reasons why strip mining must be phased out are not enough, then perhaps a pragmatic reason may help. For those who are concerned about the survival of the Appalachian and Eastern coal industry, the phase-out of strip mining is a must. For details on this subject, I refer you to the articles in the May 14, 1974, edition of Business Week, and in the June, 1974, edition of Fortune Magazine which speak of deep mining as a bargain, and also to an article in the Sept. 27, 1973, Washington Post in which reference is made to remarks of Russell E. Train of the Environmental Protection Agency. Mr. Train points to the decided employment and clean air advantages of deep mining for now and the future.

I therefore urge again that you fight and vote for legislation that calls for a phase-out of all strip mining in this country—a bill such as Rep. Ken Hechler's HR 15000 which will be presented as a substitute for HR 11500, or for amendments that give every incentive to a speedy return to deep mining.

Not until we return to deep mining will we see an end to the incredible evils of strip mining. Also only then will deep mining in this country receive the attention required

to develop to its fullest capacity necessary safety and health measures and increased protection measures to people and the environment they live in.

Please let me know how you intend to vote and how I can be of any assistance to you.

Respectfully yours,

Rev. R. BALDWIN LLOYD,
Executive Director, APSO.

[From the Washington Post]

STRIP MINES: NEW DISASTER AREAS

(By Colman McCarthy)

In "Hillbilly Women," a valuable book by Kathy Kahn, the author tells of a W. Virginia woman who begged a coal company, with its big strip mine machinery, not to spread the spoil banks so near her home. They ignored her.

As a result, when the spring rains came, her four acres of lawn were flooded. "Then the damage comes to your house because of so much dampness. The doors won't close, the foundation sinks and cracks the walls in the house, your tile comes up off your floors, your walls mold, even your clothes in your closets. Then your children stay sick with bronchial trouble, then our daughter takes pneumonia—X-rays are taken and primary TB shows up."

From the Northern Great Plains, Carolyn Alderson, a successful Montana rancher, also fights for her way of life. She tells the strip miners: "Don't make the mistake of lumping us and the land together as 'overburden' and dispense with us as nuisances . . . Don't be so arrogant as to think you can get away with the murder of this land where tougher and better men have failed."

Such statements, when heard in the board rooms where the captains and generals of the coal-oil-utility industry see themselves as saving America from the supposedly blackmailing Arabs, can be dismissed as emotional outbursts—and from women, no less, who don't understand the economics of energy. But even if the arguments from a mountain woman and a plains woman can be dismissed—how strange that saving one's own house or own business is suddenly made remote from saving America—what can't be dismissed are the unemotional facts behind them.

Much of Appalachia has been devastated by strip mining, and now the coal rush moves West. But there is a difference in attitude this time. In the hills of West Virginia, Pennsylvania, Kentucky and other victim states, the coal, oil and utility companies seldom bothered to hide their raw intentions of abusing the land and those living on it. But in going to the Northern Great Plains, where citizens like Carolyn Alderson are braced for the ethics of strip miners, the companies present themselves as patriots at the service of the public.

American Electric Power, one of the nation's largest electric utilities, is running a $2.7 million ad campaign to sell the idea that "America has more coal than the Middle East has oil—let's dig it." In one recent ad, AEP announced in large print that "The government has something the people need but won't release it." AEP talks about the federally owned coal reserves in the West saying, "It's the people's coal, and the people need it."

Doing everything but standing on a strip mine and singing "America the Beautiful," AEP equates its own interests with those of the citizens. This will be news to citizen Carolyn Alderson. It is though the West is an open coal pit, useful for nothing better than feeding electric generators and making happy the stockholders of AEP, and never mind how the land on top of the seams is now being used or will be used by citizens to come.

The amazing presumption of the AEP is that suddenly it represents the people, with the old representative now being in the way. Overthrowing the government used to be what private enterprise accused the fanatical Eldridge Cleavers of trying to do, but here is a private company—talking from New York, not Algeria—telling the people's government to release the people's land.

AEP's may be the fanaticism of another style, muted by the dignity of a printed ad and lacking the clenched fist, but it comes from a similar brazenness: the belief that the people's collective wisdom should be suspended because Mr. Cleaver or AEP, from on high, have a better use for the republic.

A major issue of Western strip mining is land reclamation. Coal companies, generously absolving themselves of profaning Appalachia, announce they will not do the same in the West. To trust them this time is like loaning one's new car to a racing driver in a demolition derby. He vows to return your car "like new" after a few hours of smashes, bangs and crashes, even though the last car he borrowed is fit for a junk heap. On June 3, the National Academy of Sciences issued its report on the "Rehabilitation Potential of Western Coal Lands." There is small chance for rehabilitation in desert areas, the report said. In more promising areas, success "depends on an intensive, coordinated effort that has never been made anywhere in the United States and requires strong new federal and state laws. There are other difficulties. Long term experimental . . . experience and equipment are lacking . . . A standard of 'complete restoration' cannot be met anywhere, and the chances of approaching the original ecosystem are only moderate on the best of sites."

The NAS report calling for a strong federal law came only days after the Interior Department sent out a call for a weak law. The department told the House Interior and Insular Affairs committee that the latter's bill "could seriously damage the nation's energy position."

The administration's alliance with the coal-oil-utility industry continues an old pattern, except now there is the convenient specter that America teeters on the brink of an energy famine. This "Project Independence" is concocted, although evidence already suggests that this option has all the substance of earlier cure-alls for other problems: The Philadelphia Plan, The Right to Read and Operation Candor.

In opposing the House bill—which Business Week magazine calls "a sensible compromise"—the administration argues that as bad as strip mining may be, we have to do it. "That's exactly the point," says Louise Dunlap of the Environmental Policy Center. "We don't have to strip mine at all. Our coal reserves are overwhelmingly deep mineable. We are going to depend on these underground mines eventually, so to ignore them now is a foolish use of long-term capital investment."

Each week sees another 1,200 acres of land stripped. While this earth quakes, Congress nears its fourth year in leisured debate on regulatory legislation. In this session, the Senate has raised hopes by backing the view of Sen. Mike Mansfield who tells the coal operators to stay out of the West and instead "expand and perfect deep mining of coal."

But the haggling over this and other strict measures will persist, and in the end legislation may be passed that encourages stripping rather than stops it. It is as though Congress, tranquilized, persists in believing in a quick-fix solution: How else can strip mining be defined, except as quick devastation for quick corporate benefits? If Congress does ignore the many calls for strong legislation—the latest from the scientists last week—nothing remains but to create a new type of National Disaster Area, for the disaster laid upon the land not by an Act of Nature but by an Act of Congress.

AUTOMOTIVE AIR POLLUTION MUST STILL BE CONTROLLED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. BROWN of California. Mr. Speaker, I have frequently commented on the need to control air pollution from automobiles. This body and the other body have both decided to back away from the enforcement route of air pollution control and allow the automobile manufacturers more time to come up with a solution. I thought then, and think now that this was a bad decision.

The time extensions that were granted to the auto manufacturers included no specific requirements for compliance, and when the time runs out under the current extension I suspect a renewed effort will be made to further postpone the deadlines. While this process goes on, the areas of the country that have been exposed to harmful levels of air pollution continue to suffer.

The expenditures for research and development have not been increased with the increased demand for results. Instead the Federal role in developing ground propulsion systems that are clean and energy efficient has been reduced.

On June 18 the Space Science and Applications Subcommittee of the House Science and Astronautics Committee completed its 7th day of hearings on my bill, H.R. 10392, a bill to authorize NASA to conduct research and development on ground propulsion systems. The testimony at those hearings dramatically pointed up the need for greater R. & D. in this field, and demonstrated the failure of Government and industry to properly address this problem. The bill was opposed by the administration on the flimsy excuse that this type of legislation should await the coming of ERDA. The auto manufacturers were supportive or neutral on the bill, and the remainder of the witnesses were very supportive of this legislation.

Mr. Speaker, I hesitate to elaborate on my own legislation, but because there is such a need for clean and efficient automobiles, and such a colossal failure of all of our institutions to meet this need, I very strongly feel that my bill, or some comparable legislation, should be enacted by this Congress in the near future.

I intend to comment on this subject at greater length in the future. At this time I would like to bring to my colleagues' attention an article that appeared in the San Bernardino Sun-Telegram concerning local air pollution control measures in southern California. The heart of this article is the sentence, "Why do we have to do these things when the Federal Government says to the auto manufacturers, 'You don't have to do a darned thing?'"

The article follows:

HEARING BECOMES DIATRIBE ON FEDERAL FAILURE

(By Bill Rogers)

SAN BERNARDINO.—San Bernardino County Supervisors yesterday turned a public hearing on proposed new air pollution control rules into a diatribe against the federal government for its failure to clean up the automobile engine.

The county board postponed action until July 16 at 2:15 p.m. on proposed amendments to antismog rules including two new regulations aimed at preventing emissions of gasoline vapors from storage tanks and automobiles at service stations.

"Why do we have to do these things when the federal government says (to the auto manufacturers) 'You don't have to do a darned thing'?" Supervisor Daniel D. Mikesell exclaimed with reference to federal orders delaying ultimate compliance deadlines for new vehicles for two years.

Noting estimates that vapor control systems which two of the proposed rules would require about 1,200 service stations to install would cost at least $1,200 apiece, Supervisor James L. Mayfield complained

"We're attacking industry, we've attacking community development—we're attacking everything except the problem (the auto engine) that 535 congressmen are too lackadaisical to attack . . . The blame is wtih 535 congressmen, and I'm not going to sit here and be a fall-guy for them."

Supervisor Dennis L. Hansberger said that although the new control measures proposed to be required at service stations would reduce hydrocarbon emissions in the county by only three tons per day or about 1.5 per cent, he added, "That's a significant reduction, and I think it's worthwhile."

On the other hand, he said with reference to the 182 tons of hydrocarbons which are emitted from moving vehicles every day, "It still doesn't take care of the 80 per cent of the smog that comes from autos."

"What do you expect when the President got $5 million from the oil industry?" Mayfield asked.

"That's very true," Hansberger replied, "but I would hope the Democratic Congress would be willing to overrule the President, and they haven't done so."

Board Chairman Nancy E. Smith joined Hansberger in arguing the county must take every antismog step it can. But she agreed that, because local air pollution control districts are the only forms of government that have taken effective steps, it is "exasperating" to hear officials at higher levels "say that local government cannot do the job."

The board asked APCD Director Donald M. Thomas to arrange a "workshop" session to explain the proposed new rules in more detail—and the need for them—before the next hearing July 15.

The only opposition from among service station operators was voiced by George Newton, owner of a chain of independent stations in the desert area.

Newton said gas retailers already are facing a federal requirement to install at least one pump, costing $10,000, to provide no-lead gasoline for 1975-model cars, or else convert one pump to serve only those models, which he estimated will represent only one or two per cent of all cars on the road in the first year.

"Every additional fee or tax levied on a business or service station," Newton said in objecting to the proposed vapor control rule, "is a non-productive expense."

He charged the major oil companies are "promulgating" the rule because independent operators can least afford it. "Standard Oil, which made a little over $800 million profit in the first quarter, can afford it a little better than myself."

The two disputed rules would require nozzle devices to prevent the escape of gas vapors from auto fuel tanks and convey them to station storage tanks—and would require equipment to prevent the escape of vapors from station tanks and provide for gasoline trucks to collect and dispose of them.

Thomas said the rules are required by the U.S. Environmental Protection Agency and similar measures are being considered by the five other counties in the South Coast Air Basin. He conceded the EPA probably will not impose the rules within a short time if the counties do not.

Mayfield contended the desert area should not be made subject to the rules because most of its smog comes from the coastal basin. Other board members tentatively agreed the question for that area should be left up to the five-county Southeast Desert Basin Air Pollution Control Coordinating Council.

Other proposed amendments would, among other things, provide possible exemptions for the 16 smallest among 165 boilers in the county from a requirement for use of low-sulfur oil, would establish emission limits for the first time for fluorine, chlorine, bromine and certain of their compounds and would clarify and broaden industrial variance procedures.

During a discussion of second-stage smog alerts which occurred in the county late last week, Mayfield said news media reports should emphasize that such high oxidant concentrations are "damned injurious to your health."

The board approved Hansberger's motion asking the APCD and the county health officer to devise ways of making the broadcasting of smog alerts more understandable to the public.

EQUAL CREDIT OPPORTUNITY FOR WOMEN

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. KOCH. Mr. Speaker, the Consumers Affairs Subcommittee had 2 days of hearings last week on equal credit legislation. As a member of that subcommittee, I know that we are most hopeful that a bill will shortly be reported out of committee.

Recently, WNBC–TV in New York, aired an editorial supporting the end of discrimination in all matters, including credit dealings. For the information of our colleagues, I am appending a copy of that editorial:

EDITORIAL

Hearings held two years ago exposed the discriminatory practices of many major creditors against women—regardless of their ability to repay. As a result of those hearings and public awareness of this practice, fourteen States, including Connecticut and New York, have passed laws prohibiting credit discrimination against women. Now, legislation has been introduced in the House of Representatives to outlaw discrimination in credit matters based on race, color, religion, national origin, age, sex or marital status. Similar laws exist relating to housing and employment but this is the first Federal application of this principle to the area of cridit dealings.

The purpose of this bill is to require creditors to make their decisions based on an individual's creditworthiness rather than on extraneous factors. That should be the sole criteria in making a credit judgment. We support the four area Congressmen who are among the sponsors of this overdue bill—and urge its swift passage.

GRADUATION: CLASS OF 1974: NEW DORP HIGH SCHOOL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. MURPHY of New York. Mr. Speaker, on June 24, I had the honor of addressing the graduating senior class of New Dorp High School. The affair was held outdoors, and inclement weather prevented the completion of the entire program, including the remarks I had intended to make. Thus, I am inserting those remarks, including the short remarks I made in their stead, in the CONGRESSIONAL RECORD:

Faculty and Staff of New Dorp High School, the very proud parents and friends of the graduates, and especially, members of the Class of 1974:

I convey to you and your families and friends my sincere sense of pride in your accomplishments. You have achieved an honor which accompanies years of personal efforts and sacrifices and the efforts and sacrifices of your families who have helped make possible your success.

Most of you know my beliefs and my principles and New Dorp really put them to a test. I think I know your principles and beliefs and in a crowded City Hall room, you proved conclusively to me that you could see through the random dialogues that surround and confuse our electorate. The weather is now threatening and in the interest of all present, the rain particularly, I shall mail you a copy of my remarks which I am sure you will appreciate more than hearing them in this downpour.

The graduation remarks of Congressman MURPHY follow:

STATEMENT OF CONGRESSMAN JOHN M. MURPHY

The great English Philosopher, Alfred North Whitehead has correctly said that, "The vigor of civilized societies is preserved by the widespread sense that high aims are worthwhile." In that framework, the challenge for Americans today is to examine our problems and ourselves to see if we are achieving the American dream. That is the ideal which inspires us to achieve freedom *and* justice *and* opportunity for *all* individuals—not just for small privileged groups.

The American dream is based on the idea, set forth in our Declaration of Independence, of the inherent dignity of man, uniquely endowed by our creator with a soul, a spirit if you will, and with certain rights that are his and his alone. This high emphasis on the dignity and rights of man makes sense and gives reason to the system of government we call democracy. Without it, men become things—things to be manipulated and controlled, rather than respected as a democracy requires.

Respect for the dignity and the rights of all men—the poorest and the humblest—is a relatively recent development in the history of the human race.

It is also the most fragile of human relationships.

Power hungry men are always at work ready to subvert this highest form of human relationship.

The sad story presently unfolding in Washington today is proof of this.

And in this the greatest of all democracies, the ideals stated in the Declaration of Independence have never been fully reflected in our social, economic, and political system.

In the last 200 years we have only gradually extended the franchise and other civil rights and liberties to include the poor, and the racial, religious and national minorities. Full legal equality is in sight today, but we have a long way to go before the promise of social and economic justice and opportunity contained in the Declaration of Independence is fulfilled.

Yet, as painfully slow as our progress might appear in hindsight, we have come a long way in just two hundred years.

And we can do better if we can overcome some of the flaws, some of the all too human frailties, that have plagued the great American experiment.

Part of our problem is due to our successes. General prosperity and our fascination with national economic growth in the years since the end of World War II have made economic materialists of too many Americans.

President Kennedy recognized this when he asked young people to work for America. And by America, he meant *all* of the people—the poor, the uneducated, the disenfranchised and the weak. The Peace Corps was President Kennedy's extension of this idea to the poor and underprivileged of the world. To Kennedy, the growth of America meant conferring dignity on *all* of our people.

But we have too often perverted the idea of "growth" in the naive hope that ever-increasing production and income would eventually — inevitably — eradicate poverty and elevate the poor and disenfranchised into the same status as the majority of Americans.

Somewhere since November of 1963, we have lost sight of where we are "growing." Rarely have we paused to ask "growth for what?" Even when examining other societies we have tended to determine their success based on the speed of their economic growth. We should rather examine them in order to see how their growth is used to perserve not only the most, but the least of their citizens.

Only recently have we begun to question the idea that an expanding economy—more cars, more TV sets, more of everything—automatically improves the well-being of all Americans.

We have a trillion-dollar economy today, but it is painfully evident that not everyone's standard of living is improving. Nor is it evident that our public services in health, education, welfare, housing and transportation are improving either in quantity or quality, fast enough to meet very real and urgent needs.

Very little—compared to a trillion dollars—is being spent to solve the litany of problems facing millions of Americans.

Not enough is being spent on the devastating health problems of the 20th century American—heart disease, stroke, cancer, birth defects, mental illness and the like.

Not enough is being spent on the social problems of America in the 1970's—crime, law enforcement, drug addiction, poverty, veterans care, social insurrection, programs for the aged.

Not enough is being spent to solve the problems of our highly mobile country—mass transit, energy resource development, efficient and newer methods of moving people and goods.

And whenever and wherever a portion of this intricate system breaks down, it is the American that is the least privileged that suffers.

Like blinders on a horse, for too many Americans in and out of government, our attention is riveted on economic growth as the main indicator of national well-being.

Overconsumption has become a way of life for many Americans, even while other millions have continued to starve.

While it is true that changes in technology and growth patterns have made it possible to bring a rising volume of goods to more people, it is a painful fact that rising incomes have scarcely touched the large majority of the poor, particularly the elderly poor. And to make matters worse, what gains there have been are being eaten up or reversed by inflation. A Government study released just this month reports that ours is a nation "in which the wealthiest one percent possess more than eight times the wealth of the bottom 50 percent, in which the percentage of national income going to the lowest fifth of the population has remained the same for 45 years, and in which 40 million people remain poor or near poor."

The magnitude of the hunger problem is such that all the billions that are being spent on food stamps and supplemental feeding programs have been reduced to an irrelevancy. According to the report, "The food programs cannot end their poverty, and fundamentally, people are hungry because they are poor."

I must make it very clear at this point that money alone is not the answer. It is necessary, but it is only a part of the answer. The tragic lesson of the 1960's was that the Federal Government, the State government—or any government—cannot solve complex social problems simply by creating mammoth new agencies and funneling massive amounts of tax money into programs and ghetto areas that are ill-equipped and unprepared to absorb it.

Too often our efforts to deal with distress themselves increase the very distress we are trying to alleviate.

Of course, it is not only the poor who are suffering because too many Americans exhibit a single-minded attachment to growth. In our cities, that part of the economy which is supposed to make urban life agreeable or even tolerable, services such as housing, surface transportation, hospital and health services, street cleaning, police services and the courts, and other municipal services and education, are provided with increasing relative and often with increasing absolute inefficiency.

In the suburbs, with their miles of neon lights, gas stations, motels, fast food chains, and rings of highways, suburbanites are realizing all too painfully that the problems they thought they left behind them in the city are fast catching up with them. For example, air and water pollution today are costing our society $14 billion a year (damage) not to mention the immeasurable damage to our health.

Increased production and material well-being can be valuable only if it stays within reason and is not allowed to destroy or diminish the least privileged of our people. It is essential that we preserve the humane qualities of all our people and the environment in which we all must live.

More and more abundance must not give just a few of us more free time.

It must help all of us achieve a free spirit, a vision focused on the needs of all of our people or we have achieved nothing at all.

Technological growth must come second to the growth of our people and our society.

The growth and evolution of the United States must continue to be an evolution of the American dream. You young people must be ever devising, ever seeking a higher perfection for each individual.

One million young Americans—not much older than you here today—have fought and died for this dream. I am not asking that you die for it, I am asking that you develop the will, the decisiveness, to guarantee that the America for which we have fought for 200 years is elevated to the highest level in the history of mankind.

It will be a monumental triumph for your time on earth.

It will be a triumph on your collective will.

It is not enough that you have high ideals.

It is not enough that you have high aspirations.

You must have the will to see our ideals and aspirations for this country through the reverses and frustrations you will face—and you will face them.

Your will must be a commitment from this point on, on the central figure of American life—the people.

We could do well to adopt for our creed the words of Woodrow Wilson, who said, "I am all kinds of a Democrat, so far as I can discover, but the root of the whole business is this, that I believe in the patriotism and initiative and energy of the average man."

This is where you come in.

It is, for example, what the vista program is all about.

From you and from others like you throughout the Nation, Americans hope for leadership capable of bringing—

Reconciliation to millions of people who are today the victims of fear, doubt and division. Remember that where human institutions are concerned, love without criticism brings stagnation, and criticism without love brings destruction.

As you seek reconciliation between black and white, rich and poor, young and old, you must keep this insight before you.

From you, Americans hope you will bring—

Reconstruction to a Nation whose cities and rural countryside are plagued with problems of pollution, economic deterioration, dilapidated housing, inadequate health care and education. A policy of reconstruction will require that you develop a balanced national growth policy affecting both the rural and urban areas.

From you, we hope you will bring—

Reaffirmation for a people who are questioning life in these United States. With your help this country needs to reaffirm those qualities that have always been America's greatest strength—individual responsibility, creativity, willingness to take risks in great causes, sense of justice and fair play, and a compassion for the unfortunate. We need to be reunited in a common purpose, dedicated to making this country whole again.

The Federal Government, including the Congress, remains committed to doing everything possible to build a healthy society in which a better life is available for everyone. It will continue to provide advice and financial support on a vast scale. Whether we succeed or fail, however, depends on the personal commitment of individual Americans like yourselves.

It depends on your, on our determination not to allow individuals and their problems to be subordinated or manipulated as means rather than as ends. It depends on our ability to put the focus back on individual integrity and responsibility instead of cravenly delegating it to government and other powerful public and private institutions.

An America with freedom and justice and opportunity for everyone remains the promise of our people.

And if we fail even one small group, we will have failed our purpose.

We cannot say that we are all equal—but some of us are more equal than others—which means some of us are above the law.

That attitude gave us the spectacle of Watergate—and we cannot afford any more of those.

I believe we can bring the promise of the American dream to full flower in your lifetime and so do you, I think, or you wouldn't be here.

Abraham Lincoln stated America's goal eloquently in his first inaugural message. It is to continue "The struggle for maintaining

in the world that form and substance of government whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all: to afford all an unfettered start and a fair chance in the race of life."

And I repeat, if you have the will, the staggering problems facing this country today—as they have faced every generation—can be overcome.

To paraphrase a great Englishman, I come to you today with the plea that your country needs you. The years ahead may have nothing to offer but hard work, a lot of sweat and not a few tears. But it is a great and good country deserving of your very best. And I ask that your years of leadership be marked with decisiveness coupled with compassion so that one day it might well be said that this, indeed, was your finest hour.

And, in those dark hours that must come occasionally, I ask you to remember the words of a great American—a young President Kennedy who, facing an equally dangerous future, said, "I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire will truly light the world."

The endeavor was the United States of America.

The task was to help those on whose behalf I speak to you today—to raise the poor and disenfranchised out of the depths and make them truly equal.

As President Kennedy concluded in his inaugural address, "If a free society cannot help the many who are poor, it cannot save the few who are rich."

MAKING GOOD ON THEFTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. RANGEL. Mr. Speaker, with the increasing rate of crime in the United States, it is becoming imperative that new methods be found of successfully rehabilitating offenders. Recently, Time magazine reported on a new program in Minneapolis which aims for rehabilitation through restitution. This program, which shows promise, represents a possible new trend in correction. I place the article in the RECORD for the benefit of my colleagues:

MAKING GOOD ON THEFTS

With the astonished landlord trailing in his wake, the young burglar who had previously robbed the place roamed the apartment complex, suggesting a change of lock here, a sturdier door there and providing other professional advice on security. Another Minneapolis felon recently brought his disabled car to the garage where he had once passed a $123 bad check that landed him in prison. One thief now gets along so well with the shopkeeper he once stole from that he was offered a job in the store.

These three offenders are not engaged in an oddball plot to haunt their old victims. They are part of an unusual experiment in Minneapolis that aims for rehabilitation through restitution. Under the program, convicts sentenced for nonviolent property crimes live in a halfway house, take jobs and use part of their earnings to repay what they stole. Says Ron Johnson, supervisor of the Minnesota Restitution Center. "It's one thing to break into a garage. It's another to have to look the owner in the eye afterward. We're building a sense of responsibility."

Started 21 months ago, the program has so far handled 58 felons chosen at random from convicted thieves, forgers and the like in Minnesota prisons. The victim and the convict must work out a written contract. Forger Jerry Bixby, for instance, is now working to pay a debt of $643 in installments of $33 a month. When the victim refuses to cooperate, a symbolic contract establishes a set number of hours of unpaid volunteer work to make good the crime.

Once an agreement is made, the parole board releases the prisoner to the halfway house (on the seventh floor of the downtown Minneapolis Y.M.C.A.). Counselors help find a job, and initially there is an 11 p.m. curfew. Group therapy sessions twice a week continue for the first six months. Though the debt is sometimes quickly paid off, the inmates must stay in the program until they are fully released from parole.

NO RISK

The convicts are enthusiastic. "I would have spent 18 months in the reformatory," says Steve Norlund, who has been working off $417 in forged checks by assembling freezers. "I know I'll be going back if I screw up. This makes a lot more sense." Speaking for the eleven-member staff, Johnson adds: "When I was a parole agent, I would see my guys maybe once a month. Here we have daily contact." As for the victims, Garage Owner Carl Brown notes "It's no further risk to me. He's making the payments. Maybe this will straighten him out."

Of course, it does not always work that way, authorities claim only a "modest success" so far. Of the 58 "clients," as they are called, 18 have either disappeared, committed new crimes or bent the rules sufficiently to be sent back to prison. Supervisor Johnson believes that it was one of them who burgled the Johnson apartment, leaving an anonymous thank-you note. The program will now try to improve results by dropping random selection. Meanwhile, there is special pride in the thief who last month became the center's first graduate. Now completely on his own, he is working full-time as a truck driver.

HERSCHER BAND IS MIDWEST NATIONAL CHAMPION

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. O'BRIEN. Mr. Speaker, I am very proud that the Herscher High School Band has marched off with the Midwest National Band Championship for the second year in a row. Herscher is a community of 988 population in Kankakee County.

The competition was held at Rock Falls, Ill., and attracted the top-ranked high school bands from several Midwestern States.

Herscher not only won the overall competition but also took first place in field competition, second place in concert, and third place in parade competition.

In addition, Director Dale Hopper was named "Director of the Year."

I would like to congratulate Mr. Hopper and all 150 members of the band for their fine performance and wish them the same success when they compete for the American Legion State Championship July 20 and 21. The following is an account of the Rock Falls competition published in the Kankakee Daily Journal:

HERSCHER BAND CHAMPION AGAIN

For the fourth straight year the Herscher High School band has some trophies in its case from the Midwest National Championships at Rock Falls—and for the second straight year one of the trophies is the No. 1 overall championship award.

Competing against some of the best bands in the midwest, Herscher won first place in the overall competition and first place in the field competition, second in concert and third in parade, all in Class B competition.

Added to all these earnings was another award, the Herscher High band director, Dale Hopper, being chosen as "Director of the Year" at the competition.

For the successful Hopper, who has guided Herscher bandsmen to many IHSA state awards and helped keep the Herscher High music program among the tops in the state in its class, it was another in a series of honors that have come his way. Hopper, a product of old Kankakee Senior High School, was named "Jazz Band Director of the Year" at the huge Oak Lawn Jazz Festival in 1970. Last summer he was elected into the American School Band Directors Association, one of only 30 in Illinois accorded the honor. In addition, he has been inducted into Phi Beta Mu, national honorary music fraternity.

In the weekend competition at Rock Falls the 150-piece Herscher band ranked first in the field show preliminaries with a score of 76.6 while the band from Oregon, Wis., was second with 75 points and Rocori High School band from Coal Springs, Minn., was third with 71 points. In the Saturday night finals Herscher was first with 76.8, Oregon was second with 76, South Tama County of Iowa was third with 69.3 and North Judson, Ind., was fourth with 64.25.

In the Class B concert contest North Judson was first with 80.5, Herscher was second with 78, Humboldt, Iowa, was third with 77.5, Oregon was fourth with 76.66, South Tama County fifth with 64.33 and Rocori sixth with 58.33.

Rocori took first place in the parade competition with 79.5, South Tama was second with 78.8 and Herscher was third with 78.6.

The overall champion was chosen on the basis of scoring in the field, concert and parade competition. Oregon was second to Herscher and South Tama and North Judson completed the first four.

Indication of how star-studded was the Class B group is the fact that South Tama is the Class B champion in Iowa, Oregon is the Class B champion in Wisconsin, Rocori is the state marching band champion in Minnesota and North Judson was runnerup in the American Legion state championships in Indiana last year. Herscher, of course, is the reigning Illinois American Legion state champion in Class B.

Other overall winners at the Midwest championships were Dundee High School of Illinois in Class AA; Bridgeport, Mich., in Class A and Mt. Vernon, Iowa in Class C. Classes, of course, are determined by school enrollment.

This marked the fourth year Herscher has competed in the Rock Falls contest.

In its first year Herscher was in Class AA and won both the field and parade championships. Three years ago the Herscher band won the concert competition and last year it won the concert and overall titles.

Assistant band director is Terry Tomlin. Drum majors are Joyce Kroll and Paula Baylor. Color sergeants are Anita Turner and Patricia Wolles.

Hopper said he is considering entering the band in one more competition this summer before it attempts to retain its American Legion state championship July 20–21 in Elk Grove Village.

OVERRUNS IN POSTAL SERVICE

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. WRIGHT. Mr. Speaker, under leave to extend my remarks I am including the sixth in a series of investigative articles which began on June 9 in The Washington Post. The article concentrates on cost overruns on postal contracts which have taken $140 million from the pockets of American taxpayers.

The reason for the cost overruns lies in "poor management and poor planning," in the words of official of the General Accounting Office concerning the postal dilemma. However, poor decision-making is nothing new around the Postal Corporation.

A Postal Service document points out that $128 million in cost overruns were found on contracts which had not been competitively bid. The law of the land may not demand competitive bidding, but the law of economy does.

In retrospect one wonders why the Postal Service strayed from the promised path of efficiency and thrift. Certainly, it is easy to see that this agency has lost sight of its goals and objectives at the expense of millions of Americans.

How much longer will the Congress wait before it recognizes the need to rectify past errors by returning the Postal Service to the people?

The article follows:

NEW POSTAL CONTRACTS COST $140 MILLION IN OVERRUNS

(By Ronald Kessler)

The new U.S. Postal Service has spent more than $140 million on contract cost overruns since the assertedly cost-conscious policies of the new agency were adopted in 1969, a computer print-out obtained by The Washington Post shows.

The print-out shows that overruns amounting to $128 million occurred on contracts that had not been competitively bid through formal advertising. The overruns on these contracts amounted to 40 per cent of the original contract prices.

In fiscal 1973, Postal Service figures show, only about half the contracts let by postal headquarters for $5,000 or more were given after formal, competitive bidding. The items purchased without bidding ranged from fork lift trucks to carpeting for Postmaster General Elmer T. Klassen's office.

The law that created the new postal agency does not require competitive bidding. It does require it to operate efficiently. Both the postal agency and the General Accounting Office, the audit branch of Congress, have said competitive bidding is generally the cheapest and fairest way of procuring goods and services.

When it was informed of The Post's findings on Postal Service contracting, the GAO said it would begin an investigation of the agency's procurement practices.

Robert H. McCutcheon, assistant postmaster general for procurement and supply, said, "I don't feel the figures (from the computer printout) are an objective portrayal of procurement in the Postal Service." He added, "I'm not trying to cover up any messes."

McCutcheon contended that formal advertising is not the only way of securing competitive bidding. He said a different procurement method—called "negotiated" contracting—is also competitive.

Under the "negotiated" method, the agency selects companies to submit bids. The bids are not sealed, and the agency is not bound to accept the lowest one.

McCutcheon said two-thirds of the negotiated contracts let by the postal agency in a recent period were first listed in a publication that is read by potential contractors.

Asked about McCutcheon's comments, a GAO official cited by the agency as an expert in government procurement said, "Negotiation is not pure competition the way we would like to see it."

Although he was singled out by the GAO public information office as an official spokesman, the expert asked not to be named.

McCutcheon also said many cost overruns apparently had occurred because the Postal Service had changed the requirements of some of the contracts in question. He said other increases might have occurred because the agency ordered additional quantities under a contract allowing extra items to be purchased at the original price.

McCutcheon cited two examples of these contracts, but both turned out to be with another government agency rather than with a company. Those contracts were not included in The Post's analysis. A postal contracting source called the number and value of such contracts "minimal" and McCutcheon declined to cite the total amount of such contracts, saying it would require too much manpower.

In general, the GAO official said, any increase in the price of a contract is an overrun and should not occur. It does not make any difference, he said, if the increase is caused by the contractor or the Postal Service. If changes occur often, he said, "It's poor management and poor planning."

Even a price increase caused by an increase in quantities ordered may not represent efficient procurement, the GAO official said. If each quantity desired were bid as a separate contract, he said, the agency should get a better price.

Almost from its inception, the Postal Service has been engaged in controversy over its contracting methods.

For example, the postal agency chose an underwriter to handle the sale of $250 million in bonds it sold to the public in 1971 without competitive bidding.

Congressional hearings later revealed that the underwriter, Salomon Bros. in New York, hired the former law firm of President Nixon and former Attorney General John N. Mitchell to handle the legal work for the offering.

The law firm was hired by William E. Simon, then a Salomon Bros. partner and more recently federal energy chief and Treasury Department secretary. Simon has acknowledged he is a friend of Mitchell.

Another contract for $8.4 million was given without competitive bidding to the Speaker Sortation Division of ATO Inc. by a postal official who had been a paid consultant to the company.

The Postal Service official, George R. Cavel, justified giving the contract to Speaker on the grounds it had the required equipment without the need for substantial development work. The GAO later said the postal agency knew at the time that Speaker's equipment—package sorting machinery for a bulk mail facility at Jersey City, N.J.—required further development.

Indeed, the GAO said much of the equipment has continued to require modifications even after it was installed. The Postal Service refused to allow this report to see the machinery.

More recently, the Postal Service spent $32 million to buy a new headquaters building in Washington's L'Enfant Plaza because its old building on Pennsylvania Avenue was too large and inefficient. Many postal officials now complain that the new building is too small.

Just before he took over as postmaster general on Jan. 1, 1972, Klassen pledged to tighten contract procedures. "We must do something from inside to provide better controls to avoid this kind of criticism from Congress," he said.

Since that time, Klassen himself has been found to be involved in giving contracts to acquaintances without competitive bidding.

Postal Service files show Klassen instructed postal officials to give contracts eventually amounting to more than $700,000 to a New York marketing firm headed by Charles N. Burnaford, a longtime Klassen business associate.

Burnaford said recently that Postal Service auditors had disallowed $135,000 in payments to his company. "The government steps on you," he said.

Although the Postal Service's contracting manual provides that goods and services should be purchased through competitive bidding with formal advertising unless it would interfere with "prompt, reliable, and efficient postal service," a memo in the Burnaford file shows how the requirements are circumvented.

The memo, between postal contracting officers, says a $43,000 contract must be given to Burnaford without competitive bidding because of the "crash nature" of the work to be done.

The project: preparation of documentary films for the 1973 Postal Week program.

Another method of avoiding competition is illustrated by a $3.7 million contract given by the Postal Service in 1971 to Westinghouse Electric Co.

Why the job was given to an outside contractor is not clear. The job—to evaluate job positions to determine if they fit job duties—had previously been performed by postal employees.

"The feeling," said one postal official who asked to remain unidentified, is you have to cover your ass, and if you give work assigned to you to someone else (outside the agency), you can't be blamed if something goes wrong."

On the surface, the Westinghouse contract appeared to be routine. Indeed, then Postmaster General Winton M. Blount claimed in 1971 congressional hearings it had been competitively bid with formal advertising.

As a House postal subcommittee later reported, the contract was far from routine. "The evidence is overwhelming," it said, "that the Postal Service made up its mind long before the bids were solicited that the contract was going to Westinghouse."

How this happened provides a fascinating case history of procurement methods sometimes used by the Postal Service.

The House subcommittee found that more than a month before bids were solicited, the agency approached Westinghouse and began drawing up a contract to do the job. Robert W. Eidson, the postal official who gave the contract, told his superiors in a memo, "I can now say this will be Westinghouse for the contractor . . ."

The postal agency's legal department, however, blocked the attempt to give the contract without bidding.

Eidson then solicited bids from six companies, including Westinghouse. By soliciting bids, rather than advertising for them, Eidson was using the negotiatiated contract method.

The subcommittee reported that specifications in the solicitations for bids were tailored to fit the proposal already submitted by Westinghouse. It also found that the firms were given less than a week to submit bids after being told the agency's requirements.

When the bids were received, the one from Westinghouse turned out to be the highest in price. It exceeded the lowest bid by $1.8 million.

Eidson justified giving the contract to Westinghouse on the grounds it was most experienced in doing job evaluations and had the necessary qualified personnel.

However, a Westinghouse official later testified that his firm, which makes electrical equipment and appliances, had previously performed only one job evaluation. In contrast, several of the other bidders considered by Eidson to be less experienced had performed thousands of such evaluations, the subcommittee reported.

Eidson had also acknowledged before he rated the bids that Westinghouse was "not knowledgeable in the job evaluation area," according to the testimony of a former postal official, Anne P. Flory. She said Eidson told her Westinghouse would have to be trained by another firm to do the job.

Another firm was hired to train Westinghouse—at Postal Service expense. An official of that firm, Fry Consultants Inc., testified it could have performed the entire job evaluation contract for $2.2 million less than Westinghouse charged.

The official said his firm had never heard of an organization hiring a company to train another company to complete a contract.

Eidson also said the Westinghouse bid was superior because it complied with one particular requirement of the solicitation: that the contract be performed in 3,132 man weeks.

One of the bidders, Booz, Allen & Hamilton, was eliminated because it said it could do the job in about 2,000 man weeks.

Eidson acknowledged under the subcommittee questioning that he did not know how many jobs the Postal Service had to evaluate when he arrived at the requirement of 3,132 man weeks.

"Yet you come up with not an approximation, not approximately 3,000 or approximately 2,000, but you come up with a figure of exactly 3,132 man weeks?" Eidson was asked rhetorically at subcommittee hearings.

The subcommittee referred its findings to the Justice Department for "appropriate action," but no action has been taken by Justice.

Westinghouse defended the Postal Service decision to give it the contract on the grounds that its bid complied with the man-weeks requirement. In addition, Westinghouse said previous experience in job evaluations was not necessary, so long as those assigned to the job had intelligence and general industrial experience.

Eidson, asked for comment recently, declined to say why he chose Westinghouse. He then refused to discuss any aspect of the episode.

When Eidson gave the contract to Westinghouse, he was in a department headed by Harold F. Faught, who had previously been employed by Westinghouse for 21 years and continued to receive deferred compensation from Westinghouse.

Faught said in subcommittee hearings that Eidson was temporarily detached from his staff while the Westinghouse contract was being negotiated. Although Eidson knew Faught had worked for Westinghouse, and the two men saw each other often, Eidson never mentioned the contract, Faught testified.

Last summer, Faught left the Postal Service as senior assistant postmaster general to become a vice president of Emerson Electric Co., which has a $4 million competitively bid contract with the Postal Service.

Emerson's chief executive, Charles F. Knight, is the son of the chairman of Lester B. Knight & Associates, an architectural engineering firm that has received nearly $6 million in postal contracts without competitive bidding.

Faught acknowledged recently that while at the Postal Service, he had helped select the Knight firm as a contractor, but he said any claim of a connection between the contracts and his jobs is "ridiculous."

SENIOR CITIZENS' REFERRAL SERVICE

HON. ANDREW J. HINSHAW

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1974

Mr. HINSHAW. Mr. Speaker, I want to call the attention of my colleagues to how one individual can apply himself to a problem and come up with some really meaningful results. Mr. James Wilson of Oceanside, Calif., has undertaken the task of helping senior citizens in an unusual manner and the impact on the community is very visible.

To give you an idea of the type of activities involved I will quote an article from the Oceanside, Calif., Blade Tribune of May 1, 1974.

SENIOR CITIZENS' REFERRAL SERVICE

"OCEANSIDE.—When Jim Wilson said he wanted to help senior citizens, he meant it.

And proof of his intentions are very visible in the Oceanside Senior Citizens' Referral Service.

Located in the West Coast National Bank building at Mission Avenue and Horne Street, the service is a clearing house and coordination center for senior citizen services and activities.

The 68-year-old Wilson was a leader in the drive to get the service established with city funds and he has been a daily non-paid volunteer worker since its activation.

That's daily except for the eight weeks he was out with a broken leg.

He mans the office with Margaret Braden Monday through Friday, assisted by other volunteer workers. What do they do?

During the first six months of operation since the Oct. 7, 1973 opening the referral service they:

Obtained 214 volunteer workers and drivers for incapacitated seniors. These volunteers put in 1,397 hours.

Obtained the services of a tax expert who handled more than 200 income tax returns for free.

Set up a blood pressure monitoring program.

Recorded 735 telephone calls where actual assistance to the caller was rendered.

These are only some. Others include the registering of Oceanside seniors and the issuing of senior citizen identification cards.

Seniors who have received the cards have found they are good for discounts at many local businesses ranging from movies, restaurants and haircuts to banks, bowling and buses.

Wilson said that any senior with questions on these and the many other programs and services should call the office at 722-3854.

Or they can drop by anytime. He's there to help."

SENATE—*Wednesday, June 26, 1974*

The Senate met at 10:30 a.m. and was called to order by Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whose splendor fills the world, from everlasting to everlasting Thou art God and before Thee pass the generations. We bless Thee for our place in the march of life, for the fallen warriors who have gone ahead, and the singing youth who fill the ranks behind. Since we know not what a day may bring, preserve us from grumbling or complaining. Give us joyful and dauntless hearts, prepared for surprises, always ready to lay hold upon fresh opportunities to improve the lot of mankind and advance the Nation's well-being. Make us worthy of Him who in the agony of the cross could commit His spirit to the eternal.

And to Thee shall be all glory and praise. 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 26, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOSEPH R. BIDEN, JR., a Senator from the State of Delaware, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BIDEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 25, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees