By Mr. RODINO:

H. Res. 1210. Resolution authorizing the Committee on the Judiciary to proceed without regard to the second sentence of clause 27(f) (4) of rule XI of the Rules of the House, in conducting hearings held pursuant to House Resolution 803; ordered to be printed.

By Mr. ARCHER:

H. Res. 1211. Resolution expressing the sense of the House regarding a moratorium on Federal spending in excess of the Government's income; to the Committee on Appropriations.

By Mr. BINGHAM (for himself, Mr. FINDLEY, Mr. FRASER, and Mr. SEIBERLING):

H. Res. 1212. Resolution expressing the sense of the House with respect to the submission of U.S. territorial disputes to the International Court of Justice; to the Committee on Foreign Affairs.

H. Res. 1213. Resolution expressing the sense of the House with respect to the adjudication of disputes arising out of the interpretation of application of international agreements; to the Committee on Foreign Affairs.

H. Res. 1214. Resolution expressing the sense of the House with respect to establishing regional courts within the International Court of Justice, increasing the categories of parties which may request advisory opinions from the International Court of Justice, selecting judges of the International Court of Justice, and having the International Court of Justice consider cases outside The Hague; to the Committee on Foreign Affairs.

H. Res. 1215. Resolution expressing the sense of the House with respect to the jurisdiction of the International Court of Justice; to the Committee on Foreign Affairs.

H. Res. 1216. Resolution expressing the sense of the House with respect to access to the International Court of Justice; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H. Res. 1217. Resolution providing for the consideration of H.R. 14782, a bill to establish a general service pension for World War I veterans and their dependents; to the Committee on Rules.

By Mr. LAGOMARSINO (for himself, and Mr. GOLDWATER):

H. Res. 1218. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned canal zone on the Isthmus of Panama; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

507. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the World Conference on Population; to the Committee on Foreign Affairs.

508. Also, memorial of the Legislature of the State of Louisiana, relative to the establishment of a reservation for the Coushatta Indian Tribe of Louisiana; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 15745. A bill for the relief of Antonio and Rosa Corrao and children Vincenzo, Giuseppe, Michele, and Rosa Corrao; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 15746. A bill for the relief of Leslie F. Covey and his wife Karen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

454. By the SPEAKER: Petition of William E. Warden, Dallas, Tex., relative to redress of grievances; to the Committee on the Judiciary.

455. Also, petition of the Board of Aldermen, Warson Woods, Mo., relative to a constitutional amendment concerning abortion; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE RETIREMENT OF RAYMOND F. NOYES

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. HAYS. Mr. Speaker, I am keenly aware of the day-to-day and year-to-year importance of the CONGRESSIONAL RECORD Clerk to all Members of Congress and, in an especially significant way, to the Joint Committee on Printing of which I have the privilege to be chairman.

From that vantage point, it is my distinct pleasure to extend warm, personal, best wishes to Mr. Raymond F. Noyes who has just retired from 39 years service with the Government Printing Office, of which more than 16 years has been as CONGRESSIONAL RECORD Clerk.

Dedicated to efficient, responsive service to the Congress, Ray Noyes has been a tireless and effective intermediary in our interests with the production divisions at the GPO. Through diligent work, he became intimately acquainted with the applicable provisions of the printing law and the Joint Committee's regulations, thereby becoming an unusually talented coordinator and valued counselor in keeping the many thousands of varied requests which were directed to his attention safely pointed in the right direction.

Our best wishes for a happy, richly earned retirement go to him, his wife, two children, and four grandchildren.

VICE PRESIDENT ADDRESSES NAVY LEAGUE

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. HÉBERT. Mr. Speaker, the Vice President spoke to the Navy League of the United States on Thursday, June 27 at the Sheraton-Park Hotel.

I want to make his comments available to every Member of the House, therefore, I am inserting them at this point in the RECORD.

REMARKS BY VICE PRESIDENT GERALD R. FORD

President Carrere, Admiral Moorer, Admiral Zumwalt, Admiral Bender, distinguished guests, ladies and gentlemen.

It is a great pleasure and high honor for me to be present today when your great organization pays tribute to three of America's great maritime commanders who have given to this nation over a century of dedicated service. This service is not only an example to their uniformed colleagues but represents the high standard that Americans have always received from their military leaders in both war and peace. With men like these at the helm of our military services, I can fully understand why, in a recent public poll the military was rated the most respected institution in this country.

I also want to pay tribute to the Navy League of the United States, the civilian arm of the Navy. For 72 years you have contributed much to the maritime services of our nation.

As you know, I have been in the government for some 25 years and the positions I have held have given me an insight into the contributions Admiral Moorer, Admiral Zumwalt and Admiral Bender have made to this country. During my years of congressional service, I had the vantage point both as Minority Leader and as a member of the Subcommittee on Defense Appropriations that not only enabled me to observe their work but, more importantly, to learn to know them and to be aware of their dedication to the nation and goals and ambitions of their respective services. My own experience in World War II as a Naval officer, I think, added to the appreciation that I have for the service they rendered.

I might interpolate here for a moment. I got a call about a quarter of eleven this morning from General Al Haig in Moscow. Let me just condense what Al Haig told me I think to all of you because of your deep interest in national security and efforts we're making for peace. What General Haig had to report: Number 1—The NATO meetings in Brussels were the most encouraging in the five-plus years of this Administration. The NATO nations represented by the leaders of each nation showed a greater solidarity, a greater willingness to work with one another, not only in their mutual defense, but also in their approach to some of the other problems; notably economic difficulties that in some instances have weakened and caused some problems as far as one nation or another nation is concerned. So the meeting yesterday was most encouraging as the President went to Moscow, and according to General Haig, the warmth of the welcome there was encouraging. The President was leaving within a very few minutes to discuss privately for the first time in this visit the problems with Mr. Brezhnev. And I'll add one comment parenthetically, I asked about the President's health. General Haig said that there was no pain, the swelling had virtually subsided, and the President was in the best of spirits as he tackles some of our most important problems.

America has always been a seafaring nation. The sea was the avenue that led to its exploration. The sea enabled it to survive in its infant colonial days. The sea was its most important line of communication, a key element of its security, and the livelihood for millions of its citizens. The romance of the Yankee Clipper and the New England whalers shared a heritage with the river boat captain and the barges that floated down the Mississippi.

Most of the world's commerce moves on the high seas, and today—perhaps more than ever before in history—the welfare and survival of nations are tied to the free flow of goods and raw materials.

We find that we are no longer independent and we must be certain that we do not become too dependent. Rather we find ourselves in the situation where we are interdependent, and this growing inter-dependence is becoming a basic fact of national life.

The existence and future of all modern societies rely on an exchange of raw materials and manufactured goods between societies. The full extent of this inter-dependence becomes apparent only when it fails to function as expected. The recent oil embargo is a clear example. In this age of inter-dependence, freedom of the seas again becomes more than a slogan. It is vital to national survival.

The United States is an island almost surrounded by water. We are a "have not nation," limited in many of the essential raw materials. We must have use of the sea both to import and to export materials to keep our economy healthy—to continue to enjoy our way of life—and to maintain our national security.

Let me illustrate. Before World War II the United States imported only a limited quantity of minerals and fuels. In fact, the United States was a net exporter. The story today is quite different, as our reliance on imported minerals and fuels has grown steadily. For example, today the United States imports approximately 100 different minerals. We import 84 percent of our asbestos; 100 percent of our manganese—essential for steel production; 86 percent of our bauxite; and 100 percent of our chromite.

I do not have to tell an audience such as this how essential many of these materials are to national defense needs. In 1973 alone, the United States relied on 100 million tons of mineral imports and 2 billion barrels of oil to supply a critical 35 percent of our energy demands.

The sea lanes are equally needed to export the products of our farms and factories. This is essential to our prosperity, to our balance of payments, and to prevent economic dislocation that would affect 700,000 American workers in all of our 50 states.

The high seas are the streets and super highways of the world. We are among those who must use these routes in freedom and safety. As a great maritime nation we bear a measure of responsibility for ensuring that those streets are not abandoned to others whose interest does not always coincide with our own.

Secretary of Defense Schlesinger recently observed that he stated, and I quote, "One should not think about the naval balance; the question is one of naval balance in terms of who is stronger, but in terms of this question: Does the West have sufficient naval capabilities to continue to use the seas rather than being denied the use of the seas?"

I agree that we must never allow our naval forces to reach a point where the use of the seas of the world could be denied to the United States. The sea lanes must be kept open and free. Our Naval posture must be second to none.

Sea lanes in the hands of an unfriendly power give that power the option to strangle us. Should any nation ever be able to deny us world sea communications, we could not survive. Remember, over 98 percent of our international commerce moves by sea. Let us not forget that sea lanes do not end at the ports along our coasts—rather they extend deep into the heartland of America where the Great Lakes and rivers serve as the avenues for vast seaborne national and international trade.

Keeping the sea lanes open is a vital mission for the U.S. Navy and the safety of our ships is a vital mission for our Coast Guard. The need and rationale for a modern and strong Navy and Coast Guard flows from these martime requirements. We must have sufficient numbers of modern ships, capable of meeting any threat that could deny us the freedom of the seas.

It is my feeling that we need a better understanding in this country of the term "sea power" and what it means to our economic strength and our national security. I urge you to continue to speak out and serve as educators so that our fellow citizens come to have fuller understanding of the importance of the seas. They must realize that their way of life, their jobs, their basic freedom and, yes, their lives are tied to the waterways of the world.

Let me close by saying to Admiral Moorer, Admiral Zumwalt, and Admiral Bender, our country is grateful for your service.

Today we chart our own course in world affairs from a position of undisputed strength because of your many sacrifices and outstanding leadership.

You are great Americans, your are great sailors, and you are faithful servants of your country.

SUSPENSION OF HOUSE RULE XI

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. DU PONT. Mr. Speaker, we voted today on a resolution to suspend the rights of members of the Judiciary Committee to question witnesses during committee hearings as guaranteed to them by House rule XI.

Certainly, an orderly and expeditious procedure is important to the earliest possible resolution of the impeachment matter. While disallowing questioning of witnesses by committee members would speed the work of the committee, suspending the rights guaranteed to Members under the rules of the House should only be undertaken for the strongest of reasons. The question is: What overriding interest of the committee, or the House, requires suspension of a Member's rights?

While I understand the need to proceed with dispatch on the question of impeachment, I do not see that speed alone is such an overriding interest. At most we are talking about 38 members of the committee questioning 6 witnesses for 5 minutes each—about 20 hours of additional time. Last week the committee met for about 25 hours, so we are really talking about an additional week of work. The committee began work more than 6 months ago, so we are being asked to suspend the rights of the Members of the House to prevent adding 1 week to a process that has already taken 27 weeks. I think this by itself is an insufficient reason.

In addition, there are three other reasons that weigh against suspension of the rules. First, it sets a bad precedent that may be invoked in future cases. Second, while under the proposal of the committee members may submit questions in writing to counsel to be asked by counsel, no followup questions will be possible, and frequently a series of several questions may be necessary to obtain the desired facts from a witness. Finally, since I have been in Congress I have stood by the belief that all issues benefit from full and free discussion. I do not see any danger in such debate in this case. I have not voted for limitations on debate in the past, and I think the sensitive issue of impeachment of the President is a poor place to start.

Mr. Speaker, for these reasons I voted against the resolution.

CUYAHOGA VALLEY: LA SALLE, FRANKLIN, WASHINGTON, AND JEFFERSON PUT IT ON THE MAP

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. SEIBERLING. Mr. Speaker, the weekend of June 8, the House Interior Subcommittee on National Parks and Recreation held a field hearing, chaired by our distinguished colleague, Mr. TAYLOR of North Carolina, on the bill to establish the Cuyahoga Valley National Historical Park and Recreation Area. Over 70 local citizens testified at the hearing, and the overwhelming majority of them expressed their support for this important legislation.

Joining Mr. TAYLOR were members of the subcommittee—Mr. DE LUGO, Mr. WON PAT, Mr. REGULA, and myself—and our colleague Mr. VANIK, in whose district much of the proposed park lies. They toured the area by helicopter, canal boat, bus, horse-drawn cart, and foot. They saw the valley's vast green expanse, as well as its hidden beauties and historic treasures. They saw the urban sprawl that encircles the valley and threatens to consume it if we in Congress do not act soon. Equally important, they met many of the local citizens who love this beautiful area and who have labored long and hard on its behalf.

After returning to Washington, I received an interesting letter from a distinguished, longstanding resident of Akron, Mr. William Barnholth. Mr. Barnholth has been concerned with the history of the valley since the 1950's, and has published two booklets: "The Cuyahoga-Tuscarawas Portage: A Documentary History" and "Fort Island and the Erie Indians." In his letter to me, Mr. Barnholth points out some little-known, but important historical facts about the Cuyahoga Velley. These facts emphasize the significance of the area in our Nation's history and the need to preserve and interpret it for present and future generations.

Mr. Speaker, for the benefit of all of the Members, I insert at this time a copy

of Mr. Barnholth's interesting and informative letter:

Hon. JOHN F. SEIBERLING, *Congressman:*

Arlen Large in the Beacon of May 19th remarked that the Cuyahoga Valley is not a Yellowstone or Yosemite. This is true scenically, but, there are two sides to the proposed Cuyahoga National Historical Park and Recreational Area.

However, our valley has a historic and national appeal when we think of La Salle, 1669; and Cadwallader Colden's map of 1728. It is also interesting to note that our river and portage are included in a World Atlas of 1794.

Benjamin Franklin was a co-printer of a map of the middle British Colonies in America, in 1755, showing the Cuyahoga. After the revolution the Cuyahoga river was part of the national boundary between the new United States and the Indian territory to the west.

The local Connecticut Western Reserve recalls the British royal charter which in 1662 extended that state's east-west boundaries from Rhode Island across the continent to the South Sea (Pacific).

Virginia's boundary, 1609, extended west and north-west in such a way as to include Ohio in what was called its Northwest Territory. This recalls Washington's dreams in 1784 of carrying on a fur trade by means of a steam boat up the rivers of Virginia, and the Muskingum and Cuyahoga to Detroit.

We therefore suggest that a building could be erected in the valley, which would contain pictures of La Salle, Washington, Franklin, Jefferson, and the Indian chiefs Pontiac, Tecumseh and Logan, as well as documents related to them.

PAT PATTERSON: QUALITY DEALER AWARD RECIPIENT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. STARK. Mr. Speaker, I am honored to have the opportunity to pay tribute to a constituent of mine, Mr. Rolland B. "Pat" Patterson of Oakland, Calif. Mr. Patterson is the 1974 national representative for the Time Magazine Quality Dealer Award. From his contributions to the community and his keen interest in Federal highway safety efforts it is clear that he has set his own "standard of the world".

Mr. Patterson worked up from service assistant at the age of 15 to ownership of one of the Nation's largest Cadillac dealerships. He founded this latest venture, Patterson Cadillac, in 1970 by purchasing the Cadillac agency in Oakland. It is now the largest Cadillac dealership in northern California.

Mr. Patterson's interest in wide-range auto dealer participation merits recognition. He is a past president of Northern California Motor Car Dealers Association, the 1973–1974 National Dealer Council Representative for Cadillac and a past president of the Oakland Zone Chevrolet Dealers Advertising Association.

Corresponding to his fine record as a Cadillac dealer, his contributions to the community have been equally outstanding. Mr. Patterson is president of the board of directors of Children's Hospital Medical Center of East Bay. He is also a member of the board of trustees of the Children's Hospital Foundation, its fundraising arm. In addition, Mr. Patterson has been a director of the Alameda County Chamber of Commerce and past president and director of the Eldorado County Chamber of Commerce.

His devotion to public service seems to be tireless. He has served 3 years each on the boards of directors of the Alameda and San Mateo Counties Better Business Bureaus, he has served on the planning and fund-raising committees to build Marshall Hospital in Placerville—1959–1960—and he is an active member of the Oakland Boys Club.

Along with his proud wife and children, we offer our congratulations to Mr. Pat Patterson whose outstanding service to both his profession and his community are worthy of our appreciation and esteem.

FISCAL YEAR 1974 VOLUNTEER ARMY HIGHLIGHTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. STEIGER of Wisconsin. Mr. Speaker, on this, the volunteer Army's first anniversary, it is pleasing to report that the first year has been a success exceeding nearly everyone's expectations.

Secretary of the Army Howard "Bo" Callaway deserves considerable credit for that success. I received a letter from him today in which he discussed the elements that have enabled the Army to meet its manpower goals and to provide a high level of professionalism and combat readiness.

Bo enclosed an information sheet highlighting the Army's record in the first full year without induction authority. That record shows that enlistments and reenlistments, that the quality of recruits is high, that the state of discipline in the Army has steadily improved and that all 13 divisions are operational and ready for combat—compared to 4 of 13 when the last draftee entered the Army.

By almost every measure, the volunteer Army is succeeding. The first year's accomplishments have given the Army something on which to build, to become even stronger and more effective as a defense force. I am confident that with leadership of the caliber of Bo Callaway, that growth will continue. His letter and the information sheet follow:

SECRETARY OF THE ARMY,
Washington, D.C., July 1, 1974.

Hon. WILLIAM A. STEIGER,
House of Representatives,
Washington, D.C.

DEAR BILL: It is with a great deal of pride that I report to you that on 30 June 1974 your Army ended the fiscal year at its authorized manpower strength of 781,600 persons. This noteworthy achievement is clear evidence that the volunteer Army is a success.

This success is attributable to the outstanding efforts of the whole Army team; officers and non-commissioned officers in the field, civilians, and especially to the women and men of the Rrecruiting Command. Working in concert with the management of the Army, they have created a disciplined military atmosphere that has fostered record setting enlistments of new and prior service recruits, reenlistments, and minimal manpower losses. This success is a great tribute to the President, the Congress, and the American people for their positive attitudes in responding to the need for maintaining a strong Army during a no-draft era.

While the attainment of this goal is most encouraging, it does not lessen the task that lies ahead for fulfilling increased requirements for enlistments during the current fiscal year and particularly over the next few months. The immediate future will bring us into a total volunteer force as the tours of service expire for the last of the personnel drafted under the Selective Service System. To maintain authorized strength levels, we must enlist more men and women this year than we did last year. The total volunteer Army must have a steady flow of top quality accessions who are motivated to serve with pride and honor—men and women who have the capacity and desire to learn the military skills that will support a strong national defense.

Although we met, and even slightly exceeded, the Congressionally mandated personnel quality requirements last year—we must now move more forcibly into this market to insure maximum trainability, job satisfaction, and motivation. To this end, we have already taken a number of initiatives.

Our emphasis has been to increase the awareness of Army opportunities among leaders of the educational community so that they, among their other vital responsibilities, can properly represent the Army alternative to the young people with whom they are in contact. This approach has been taken on a broad front from state and local educational systems, to the high schools, to the junior and vocational colleges, to the colleges, and to the national academic accreditation associations.

A good deal of the volunteer Army's success thus far can be attributed to the enthusiastic efforts of friends like you. With your encouragement and support, the Army will continue to reach its goals.

To give you a more detailed account of the Army's present status, I have inclosed a paper which highlights our record of the first full year without induction authority.

Sincerely,

HOWARD H. CALLAWAY.

FISCAL YEAR 1974 VOLUNTEER ARMY HIGHLIGHTS

30 June 1974 marked the completion of the first full year without a draft authority and therefore is a good point at which to assess the results of efforts to make the Volunteer Army a success. The data available to the Army at this time are preliminary since the actual tabulation of final results will take a refinement of the year end results. However, these initial data indicate:

Total Strength: We achieved the Congressionally authorized Active Army manpower end strength of 781,600.

Recruiting: We recruited 196,000 men and women this year. In June alone we recruited over 24,000 new soldiers and about 2,000 soldiers with some prior service. Of the 24,000 new soldiers, almost 17,000 (about 70 percent) were high school graduates or the equivalent.

Male: Recruited 165,000 new male soldiers (all true volunteers) which is about 23 percent more than the true volunteers enlisted in FY 73 and about 85 percent of the combined accessions of the other Military Services.

Female: Recruited 15,000 females, 106 percent of our objective and 72 percent more than FY 73.

Prior Service: Recruited over 16,000 prior service men and women 113 percent of our objective and 18 percent more than in FY

73. These enlistments represent an appreciable dollar savings since the added expense of basic training is avoided.

Congressional Quality Mandate: We achieved these results within the quality guidelines directed by the Congress. Congress directed a minimum of 55 percent high school graduates—the Army achieved 56 percent. Congress directed a minimum of 82 percent of the recruits should be in the upper mental categories (categories I, II, and II)—the Army achieved 82 percent.

Reenlistments: We reenlisted over 58,000 men and women, 108 percent of our objective, and 23 percent more than in FY 73.

22,000 First Term soldiers (135 percent of objective).

36,000 Career soldiers (97 percent of objective).

Combat Arms: We recruited 37,000 new soldiers into the combat arms, one of the most difficult skills for which to get volunteers. One-third of these chose the $2500 combat arms bonus which represents enlistees who are high school graduates, upper mental category personnel, and enlisting for four years.

Training Discharge Program (TDP): Operating under the assumption that, regardless of careful screening, not every young enlistee is temperamentally suited for military life, in September of 1973 we initiated a program which permits discharges during the first 179 days for such cases. Results are encouraging—we are separating about 1700 trainees a month rather than passing them to units where they would become a burden. The program is for Active Army and Reservists alike. We are optimistic that the program lets us identify unsuitable personnel early. FY 75 loss data from units which receive trainees with the unsuitable enlistees already removed will confirm or refute that optimism.

Disciplinary Trends: Since the beginning of the no-draft era on 1 July 1973, the state of discipline in the Army has improved steadily.

The traditional indicators of discipline—AWOL, desertion, crimes against property—are down.

Crimes of violence have remained essentially the same.

While drug abuse offense rates are up, nearly all of the increase is due to use and/or possession of marijuana. The more dangerous drug offense rate remains stable.

Racial tension, of continuing concern, is generally reduced, giving rise to optimism but not complacency for the future.

In sum, the discipline of the Volunteer Army is good, and getting better in nearly every measurable area.

Delayed Entry Program (DEP): The number of new accessions (male and female) who have signed enlistment contracts in the Army but who will delay entry into active duty while completing high school, waiting for the assignment of their choice or a space in special training schools, or conducting personal business is 3–4,000 enlistments per month higher than similar months in 1973. Currently, we have over 15,000 in the DEP for FY 75 entry to active duty.

Mental and Educational Composition: Within the overall Army we have a higher percentage of high school graduates than a year ago (72.5 percent vs 71.1 percent) and a lower percentage of the lowest acceptable mental category (18.0 percent vs 18.1 percent).

Representation: At year end, the minority content of the Active Army was about 21 percent of whom 19 percent are Black. This represents an increase of about 4 percent in minority content since end FY 73. This increase is due primarily to enlistments which ran about 27 percent Black for FY 74, indicating that group's positive perception of the opportunities available in the Army.

Reserve Components: In the Reserve Components, the National Guard ended the year at a strength of about 413,000 or 9 percent above the average paid drill strength authorized. The U.S. Army Reserve ended the year at a strength of about 238,000 or 2 percent above the average paid drill strength authorized. Thus, both components have shown great resiliency in overcoming the disappearances of long waiting lists of recruits—lists that melted when the draft ended. The minority content of the National Guard was 5 percent and of the U.S. Army Reserve was 6 percent, both continuing the steady increase begun three years ago to become more representative.

Readiness: The readiness goal for all major U.S. Army forces is to achieve a combat ready posture. When the last draftee entered the Army, 4 of our 13 divisions were combat ready. Today all 13 divisions are operational and ready for combat.

DOES COMMON CAUSE SPEAK FOR THE MASSES?

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ROSE. Mr. Speaker, I would like to share with my colleagues some thoughts of mine on an organization we all know and, in some rare cases, fear. I am speaking of John Gardner's Common Cause. I bring this up because the district I represent in North Carolina, the Seventh, is strongly conservative. Certain of my constituents have protested to me that nowhere in the volumes devoted to this group has it ever been pointed out that it is a liberal organization.

Common Cause President Jack Conway has stated that his group speaks for the "masses." I deplore this form of intellectual snobbery. But, citing the group's own figures, national membership is between 300,000 and 400,000 persons. Membership in my State of North Carolina is, again, according to Common Cause figures, 4,700. I would daresay that Common Cause is wide of the mark in their claim of speaking for the "masses."

One of the main complaints I have with Common Cause is their releasing information to the press that is erroneous. I do not know how many of my colleagues have had this experience, but I have been the victim of what one of my staff members, a veteran newspaperman, calls "sloppy reporting." After I brought some pressure to bear Common Cause issued a retraction. But, again quoting my staff member, who reads the retractions, "The damage is already done."

It is interesting to note that with the exception of a story on Common Cause in the Washington weekly "Human Events" no newspaper, at least in my district, ever mentions the fact that Common Cause is liberal. But these same papers will write a story on the John Birch Society or Liberty Lobby and like ham and eggs they will immediately identify it as an ultra-conservative organization.

I would like to quote from a half-page story in the May 27 edition of the Wilmington, N.C., Morning Star entitled "Common Cause 'Fed Up' "—pointing out that nowhere in the story does it say what Common Cause was "fed-up" about. I am quoting State Chairman Cartwright Carmichael:

Another way of keeping track of the occasional gap between statement and vote, is to send out questionnaires to candidates asking them to commit themselves in writing on certain issues Common Cause is interested in. The response to this, predictably, is varied.

Carmichael said:

One legislator frankly told me he didn't want to be bound by a previous statement to vote a certain way. He seemed to feel there was nothing wrong with this, but we're trying to pin them down so they won't change their votes in the period between the time the issue arises and when the final decision is made.

Now, as we all know, what starts out to be a clear-cut issue can, in the course of time, become something else again through tacking on of amendments, and so forth. It is also possible that study of the pending legislation may show it to be flawed, too weak, or against the conscience of the legislator. Should he vote for it anyway because he has promised Common Cause he would?

Common Cause is basically interested in campaign reforms. Well, so are we. But I feel that the people are also equally entitled to know who funds any organization that purports to speak for the people, whether it is conservative or liberal, and what its real goals are.

John Gardner, who founded Common Cause in 1970, was a Republican who served in the Kennedy and Johnson administrations. His purpose in founding Common Cause was to have an organization that would speak for the "mute masses—it would fight for everyone the battles that business and labor were fighting for themselves." The latter part of that statement is a quote from a recent story in "Human Events" by William Murchison, an editorial staff writer for the Dallas Morning News. The story originally appeared in that paper.

Common Cause has championed a Federal oil and gas company, the vote for 18-year-olds, the overthrow of State laws requiring students to vote in their parents' hometowns—a rather neat way of getting a liberal bloc vote in college towns and, as I mentioned earlier, campaign spending reforms.

The 18-year-old vote was a popular issue, but it did aid the liberal cause more than the conservatives.

Now I do not care what Common Cause espouses just so long as the people know under what banner Common Cause, and that term "Common" may be significant, is working and asking them to follow.

And, in closing, I would like to ask: Does Common Cause really represent and speak for the people?

EARNINGS LIMITATION OUTLIVED ITS USEFULNESS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. FINDLEY. Mr. Speaker, although social security benefits were never in-

tended to be the exclusive source of retirement income for Americans, one of the great anomalies of the present law is that it virtually forbids senior citizens to work to supplement their admittedly inadequate benefits. Presently there is an earnings limitation of $2,400. If senior citizens earn above that figure, their social security benefits are reduced proportionately.

The original Social Security Act did not contain such a punitive provision. Rather, the earnings limitation crept into the law in later years, and it has subsequently been increased with such regularity that Congress should long ago have realized that it has outlived its usefulness.

The fact is that this section of the law actually penalizes those older Americans who choose to work for their living. Those who earn income from investments are not penalized. Income from stocks, bonds, and real estate are not subject to the earnings limitation which results in reduced social security benefits. Only those who must continue active employment must bear the brunt of this discriminatory provision of the law.

Those who have reached the age of 65 should be encouraged to continue working. The country gains far more by their labor—in productivity and taxes, even social security taxes—than it does by forcing them to quit work or suffer a reduction in their social security payments.

The bill I have introduced today will recognize the great contribution of our senior citizens to the national welfare by eliminating the earnings limitation completely.

JAMES H. SYMINGTON

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. BROYHILL of Virginia. Mr. Speaker, the passing of a wonderful friend to radio and especially Loudoun County, Va., came quietly last Wednesday evening after a long illness. Leesburg, Loudoun County, northern Virginia, the Commonwealth of Virginia and the Nation have all lost a great citizen in James H. Symington.

James H. Symington, brother of the distinguished Senator from Missouri, was born in Baltimore, Md., on April 27, 1913. In 1941 Mr. Symington and his wife came to Leesburg where he engaged in farming and later took up amateur radio as a hobby. In 1955 his hobby led him to being named one of three outstanding Ham Operators by the men of the Air Force and he received an award from Gen. Curtis Lemay for his work with his station K4KCV.

Perhaps he is best remembered by the citizens of Loudoun County, Va., as the president of Radio WAGE during the period 1962–71.

A portion of a broadcast by William Spencer, general manager, Radio WAGE, Inc., on June 27, 1974, sums up best what Mr. Symington meant to the people of Loudoun County:

While President of Radio WAGE, Jim Symington felt strongly that serving the community in its best interests was our station's first concern. Showing a profit on the financial statements came afterwards. He loved our county, its land and its people. No cause was too small . . . no effort too big . . . if it was good for our area.

WAGE, its management and staff, join the family and many friends of James H. Symington, in mourning the death of a wonderful person.

In sorrow we still give thanks for having had the privilege to know well and to work closely with him at Radio WAGE. We pledge to continue to operate WAGE with the same ideals and principles to the best of our ability.

WAGE will make no changes in our programing today.

We are sure Jim would want it that way.

ERVIN COMMITTEE REJECTS PUBLIC FINANCING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. FRENZEL. Mr. Speaker, the lead editorial in the Washington Post of this morning concerned itself with financing of elections. The editorial calls attention to some items in the report of the Ervin committee. The editorial, in pointing out campaign abuses by a number of candidates and/or their committees, makes a good point concerning the use of illegal contributions and contributions apparently given conditioned on some sort of quid pro quo.

The editorial is OK as far as it goes, but I am wondering why the Post has never editorialized or publicized very well the Ervin committee's determination to overturn a staff suggestion that it make no recommendation on public financing of elections. The Ervin committee, as I understand it, has approved language opposing public financing of Federal elections.

Selective editorializing is hardly news. Neither is selective news reporting:

MORE LESSONS IN CAMPAIGN FINANCE

The Senate Watergate Committee's mandate is not just to probe apparent crimes and abuses of power by President Nixon and his men; it is to investigate irregularities in the 1972 presidential campaign. That, properly construed, involves looking into some matters which—for your average member of Congress—come pretty close to home. Thus it was small wonder that the committee's zest for the cameras faded fast when last year's hearings turned to the subject of campaign finance. A similar diffidence has been noted in the House when anyone brings up the milk lobby's role in American politics. Now the Watergate committee staff, in the committee's final days, has drafted some reports on Democratic presidential campaign financing—reports which show, if anybody still needs to be shown, that nobody has a monopoly on suspect and illegal campaign financing practices.

The staff learned some interesting things about the handling of money in the presidential drives of Sen. Hubert H. Humphrey and Rep. Wilbur Mills. For one thing, both candidates got substantial sums from the same dairy lobbies involved in the Nixon administration's 1971 milk-price-supports deal. The reports do not argue in this case that the gifts to the Democrats were bribes in the legal sense—although obviously such donations do not exactly come under the heading of charity. But the point in this case is that some of the money came illegally from corporate funds. For instance, Associated Milk Producers Inc. (AMPI) invested $137,000 in computerized campaign services in Midwestern states, with $25,000 of this corporate largesse directly helping Sen. Humphrey. According to the report, the senator's campaign manager was a central figure in this deal. Meanwhile, the dairymen gave Rep. Mills a total of $187,000, or 43 per cent of his entire presidential war chest. Some $90,000 of this came from corporate funds, including about $50,000 used to bankroll a farmers' rally in Ames, Iowa, which Rep. Mills addressed in October 1971.

The committee staff noted other problems too. Both the Humphrey and Mills campaigns received illegal contributions from corporations and individuals later convicted of violating federal campaign laws. The report also raised questions about the funneling of more than $360,000 in stock revenues into Sen. Humphrey's campaign. Finally, the staff said that many details remain unresolved because both Sen. Humphrey and Rep. Mills have rejected committee requests for interviews; key records on AMPI's operations and the early Humphrey campaign have been destroyed; and the managers of both campaigns invoked the Fifth Amendment when called to testify under oath.

Sen. Humhprey has convincingly responded on one point. The conversion of stock from a blind trust into campaign funds was entirely proper because the money was his own and at the time there was no statutory limit on a candidate's contributions to his own campaign. Beyond that important point, however, both Sen. Humphrey and Rep. Mills have responded in all-to-familiar ways by criticizing leaked reports and professing total ignorance of any misdeeds which may have been committed by their over-zealous friends. In truth they may have known little or nothing of what was going on; many candidates have a self-protective habit of not inquiring too deeply into the operations of their money men. But that does not alter the fact that some apparently illegal things were done—any more than the strongarm money-raising of the Nixon men can be excused because President Nixon may have been unaware of it.

These new reports provide further examples of the intricate, devious ways that money moves among people of power, ambition and political designs. It is a system which fosters manipulation, covertness and a casual attitude toward the details of the law. It is a system in which all too many politicians are bound, often quite unwillingly, to rich friends and special interests by what one AMPI official called "a long history of understanding, awareness and support."

And so we get the rationale that everybody does it and therefore it is all right. But the point, the heart of the problem, is just the opposite: so many people do it, in so many campaigns, that rooting out and punishing individual violators is not enough. The whole system of funding politics ought to be changed—and that can be accomplished, if at all, by the same legislators who have let the old, corrosive methods continue for so long. The Senate has already approved sweeping revisions of the rules governing all federal elections. Within the next few weeks, the House is likely finally to have the chance to vote on some important changes, such as strict limits on giving and spending, the creation of a tough enforcement agency—and even a modest step toward partial public underwriting of congressional campaign. The outcome of those votes will show how many

representatives have grasped the real, nonpartisan lesson to be learned from the campaign financing practiced to some degree by both parties in the 1972 elections; that the price of that kind of gross abuse of the use of money in politics, in terms of the collapse of public confidence, is too high.

ANOTHER SCANDAL BREWING?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. GROSS. Mr. Speaker, a recent article by Columnist Paul Scott discusses what could grow into a major security problem for the Department of State growing out of the appointment of an alleged homosexual as Inspector General of the Foreign Service.

Since I believe that this is a matter concerning which all Members of the House should be aware, I include the article for insertion in the RECORD at this point:

ANOTHER SCANDAL BREWING?

(By Paul Scott)

WASHINGTON, D.C., June 28.—Secretary of State Henry Kissinger is being frankly told to either fish or cut bait in a growing State Department security scandal.

The House Internal Security Committee, probing a major breakdown in the government's security programs, has demanded that Kissinger permit State Department security officials discuss their adverse findings on several of his high-ranking appointments.

Pressured by letters and phone calls from hundreds of security conscientious Americans to get on with their bogged down investigation of government security programs, the lawmakers summoned G. Martin Gentile, the State Department's Deputy Assistant Secretary for Security before the Committee.

When the legislators tried to question Gentile about his security staff's findings on several of Kissinger's top level appointments, the State Department security chief literally took the "fifth amendment", stating he was under orders not to discuss individual security cases.

Gentile was then directed by the lawmakers to go back and get Kissinger's permission to discuss their findings and turn over to the Committee the security files of several of the Secretary of State's recent appointments.

One of the files sought is that of James Sutterlin, who Kissinger appointed as Inspector General of the Foreign Service. The position is one of the most sensitive in the State Department since the Inspector General investigates all corruption and misconduct among the Foreign Service Officers scattered throughout the world.

As reported in an earlier column, State Department security files and sworn testimony of Otto F. Otepka, the Department's former chief security evaluator, clearly show that Sutterlin is an admitted homosexual.

So sensitive is the Sutterlin case that Kissinger has been in contact with the White House on whether the President should invoke executive privilege in order to keep all the facts from coming out.

The executive privilege cover would allow the Secretary of State to refuse to turn over Sutterlin's security file to the Committee and would block State Department security officials from discussing their findings with congressional probers.

THE PRESIDENTIAL DECISION

Whether President Nixon will permit Kissinger to cover over his shocking breaches of security is highly debatable.

In several instances in the past, Kissinger has threatened privately to resign unless the President granted his wish and in each case he succeeded in getting what he wanted.

Lashed on all sides by his Watergate critics and the growing impeachment drive in the House, the President now relies on Secretary Kissinger more than ever before. He needs his Secretary of State to produce a series of headline making foreign policy achievements in order to drown out the increasing cries for impeachment.

Under these circumstances, government insiders now believe the President will join in Kissinger's cover-up of the Sutterlin case in an effort to keep the lid on the brewing State Department security scandal. But it is now doubtful that any cover-up can succeed if the public continues its pressure on Congress for a full-scale inquiry.

Committee members led by Representatives John Ashbrook (R. O.) and Richard Ichord (D. Mo.), chairman, say they plan to push ahead with their inquiry. The probers have Otto Otepka, the retired former chief security evaluator, under subpena and plan to obtain his information on Sutterlin early in July.

Two other witnesses, including one within government, also are available to the Committee to back up Otepka's testimony. Another State Department employee already has informed the legislators that all of the adverse information on Sutterlin was forwarded to Kissinger before he made the appointment.

NUMBER SECURITY CASES

The Sutterlin case is only one of several security cases involving Kissinger's appointments now under investigation by the Committee.

Another more alarming case involves the passage of highly classified information by one of Kissinger's appointments to an agent of a foreign government, the doctoring of his security file so there would be no information in it from government wiretaps.

Government security experts, who have watched the State Department security mess unfold, believe the scandal could easily turn into another "Watergate"—but with even graver national security implications.

The good news about the whole sordid mess is that it shows that members of Congress still respond to massive pressure from those who have the vote and take time out to either write or call them.

There is now even a faint hope that the Ichord-Ashbrook Committee will fully examine the claim of a high-level Soviet defector. He contends that 12 years ago he turned over to the Central Intelligence Agency information linking Kissinger to the Soviet's world-wide espionage operation.

Since the information that the Soviet defector has furnished to U.S. security officials in all other instances has proven out, one must now ask if the House investigators can afford not to conduct a full-scale inquiry into the "real Dr. Kissinger."

The Secretary of State's own public admission that he has twice overruled security officials and named persons to high-level governments jobs is sufficient grounds on which to launch such an investigation. The question now is whether the American people will demand it. If you want it, now is the time to contact your Congressman and give him the above information.

MAN OF THE SOUTH FOR 1973

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. MARTIN of North Carolina. Mr. Speaker, one of my constituents, Mr. William H. Barnhardt, has been selected "Man of the South" for 1973 by the editors of Dixie Business.

Bill Barnhardt has been tremendously successful both in business and in service to his community and State and well deserves such an honor. Born near Harrisonburg, N.C., he grew up as a farm boy and then graduated from North Carolina State College of Textiles with a B.E. degree. Recognizing that synthetic fibers offered a great future for the textile industry, he and his brother Charles formed Barnhardt Brothers, Charlotte, and helped pioneer the use of synthetic materials in textiles.

Mr. Barnhardt, the 28th recipient of the annual award, is president of six corporations and a director of 20. His activities have not by any means been confined to business as he has found the time and the energy to be a member of the Regional Committee and Advisory Council of the Mecklenburg Council of the Boy Scouts of America; a member of the boards of trustees of Queens College, Johnson C. Smith University, Crossnore School, Charlotte Country Day School, the Protestant Radio and Television Center, and the Greater Charlotte Foundation; and a director of the Foundation of the University of North Carolina at Charlotte, Inc. He is an elder in his church and past president of the Presbyterian Foundation for which he headed a fund drive for a building to house valuable church records.

William H. Barnhardt is a fine representative of his area of the country. A tremendous success in business, he is also more than willing to use his talents in service to God and his fellow man. I offer my congratulations to him both on his selection as "Man of the South" and on his well lived life.

HUMAN CONCERN SAVES A LIFE

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. WALSH. Mr. Speaker, more and more we are forced to realize that we are living in a violent world where guerrilla and terrorist raids and violent deaths increase in frequency with each passing month.

As we all know, the headlines in our newspapers are becoming more and more distressing with each daily edition.

So it was with great pleasure that I read a letter I recently received from the American National Red Cross. The letter's purpose was to inform me that a constituent, Ronald E. Pitcher of 1 Florence Street in Auburn, N.Y., has been named a recipient of the Red Cross Certificate of Merit. Mr. Pitcher won this award because of his knowledge and skill and because he cared enough about another human being to become involved and make a personal sacrifice.

This kind of selflessness deserves a reward and thanks to the Red Cross, that is exactly what is going to happen.

I would like to share with my colleagues a portion of the letter from Red

Cross President George Elsey. The portion describes why Mr. Pitcher is receiving the Certificate of Merit.

On January 3, 1974, Mr. Pitcher, trained in Red Cross First Aid, stopped his automobile on the highway in response to a young man waving for help. He was told that the young man's hunting companion had been accidentally shot. Immediately Mr. Pitcher took him to a nearby telephone to call for assistance and then returned to the accident victim. He found the boy lying against a snowbank with a gunshot wound in the chest. Mr. Pitcher applied compress bandages to control the bleeding and remained with the victim until an ambulance arrived, reassuring him while he was being carried through he deep snow to the ambulance. The victim survived; without doubt Mr. Pitcher's use of his skills and knowledge saved his life.

Mr. Pitcher deserves to be congratulated for his unselfish actions and the Red Cross deserves to be commended for recognizing these actions.

PRESERVATION OF PEACE IN THE MIDDLE EAST

HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. GUYER. Mr. Speaker, today, Americans are properly concerned about the preservation of peace in the Middle East and solutions to the problems resulting from Vietnam.

Often overlooked, however, is the continuing tensions between North and South Korea, even though an armistice was signed more than 20 years ago.

Korea has it own "Iron Curtain" which has divided that country into two distinct idealogical camps, similar in many ways to the more talked about East and West Germanys.

Since the 1953 Korean armistice, many students from the Republic of Korea have furthered their education in the United States, with commercial and cultural ties between our two countries being visibly expanded and strengthened.

Recently my alma mater, Findlay College, in Findlay, Ohio, conferred the honorary doctor of political science degree upon Dr. Kwan-Shik Min, Minister of Education of the Republic of Korea. Presenting the citation honoring Minister Min, was a former Korean student at Findlay College, Mr. Hancho Chris Kim, who has been a credit to our college.

Minister Min has encouraged Korean students to attend American colleges and universities to study our culture, customs, and tradition of self-government. The Minister and his fine people by precept and example have emphasized and demonstrated that more and better education will best serve their country's current and future best interest for economic growth and representative government. I salute and commend this high resolution of educational purpose.

THE PLUTONIUM CURSE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. SEIBERLING. Mr. Speaker, the proposed sale of nuclear reactors to Egypt and Israel should force us once again to examine thoroughly the implications of the world's rush to build more and more atomic power plants.

In two articles which appeared recently, the "not so peaceful" risks which accompany the "peaceful" uses of nuclear energy are explored. One article by Thomas O'Toole appeared in the Washington Post on June 23; the other, by David Krieger, appeared in the June 1974 issue of the Center Report. The articles are printed at the conclusion of my statement.

In a news conference last Saturday, AEC Commission Chairman Dixy Lee Ray maintained that "it is wrong to suggest that nuclear reactors mean nuclear weapons." She suggested that it would take Egypt years to develop the technology needed to extract plutonium from spent reactor fuels.

However, the recent explosion of a nuclear bomb by India would suggest that such assurances cannot be relied upon. Dr. Henry Kendall, a physicist at the Massachusetts Institute of Technology, said Egypt, through relatively simple procedures, could extract enough plutonium to build a bomb soon after the reactor goes into action. He estimated the cost of India's first nuclear bomb to be about $1.8 million.

But the issue goes way beyond the question of whether a nation provided with nuclear reactors for peaceful uses will then turn around and build a bomb.

The real dilemma is that with the construction of every new nuclear plant we increase the stockpile of plutonium—the deadly radioactive metal of which bombs are made. Dr. Charles Thornton of the AEC calls it the plutonium curse.

Krieger suggests that as the amount of plutonium in the world increases we may actually become captives of it, forced to live in a kind of "garrison" society to protect ourselves from the catastrophic dangers of plutonium.

I commend the two articles to my colleagues. And I am hopeful that the proposed sale of reactors to Egypt and Israel will stimulate a new—and badly overdue—national debate on U.S. policy with respect to nuclear energy.

The articles follow:

[From the Washington Post, June 23, 1974]

SPREAD OF PLUTONIUM WORRIES A-SCIENTISTS

(By Thomas O'Toole)

When India decided in 1971 to build an atomic bomb, it was already halfway along to achieving its goal.

Hundreds of physicists had been put to work before 1970 at Bhabha Research Center near Bombay, designing the bomb and the super-sensitive explosive that would serve to trigger it.

Computers had begun the painstaking task of testing the weapon on paper. Most important, India had secretly been removing from a small "research" reactor the priceless plutonium it used to make the 14-kilton bomb that exploded in the Rajasthan desert May 18.

Only India knows how much plutonium it put together to make its first bomb, but it could have been as little as 14 pounds.

Whatever they used, the Indians had little trouble accumulating it. For 10 years they had been gathering as much as 20 pounds of the gray metal every year, merely by separating it from the fission products of a uranium-fueled reactor built for the Indians by the Canadians in the 1950s.

India was the sixth country to explode an atomic bomb, the fifth to do it first with plutonium. Only China exploded a uranium bomb first, presumably because it acquired uranium before it could make plutonium.

Plutonium was discovered only three decades ago, and is made when an atom of U-238 (natural uranium) absorbs a neutron cast off by fissioning U-235, the isotope of uranium used in bombs and, in much less concentrated form, in reactor fuels. Every nuclear reactor in the world starts making plutonium the moment its uranium fissions and begins to make heat.

This means that whoever wants to make a bomb need only extract plutonium from the irradiated wastes of an atomic power plant. He doesn't need a uranium enrichment plant to make "weapons-grade" (93 per cent U-235) uranium, a factory that's likely to cost $250 million to build and $50 million a year to operate.

There are other reasons why a plutonium bomb is the cheapest and easiest to make. It can be built from half as much metal as a uranium bomb. It can also be made using impure plutonium. In fact, the impurities contain a built-in generator (an isotope known as Pu-240) of neutrons, something needed to start the chain reaction that explodes the bomb.

"It's the plutonium curse," is the way it's put by the Atomic Energy Commission's Dr. Charles Thornton. "Something that society is going to have to struggle with for the rest of time."

The perils of plutonium have been spotlighted by the world's rush to "go nuclear." There are today 15 countries operating atomic power plans, all of them quietly producing plutonium. It's true that a nation needs a plutonium separation plant to get at it, but India's example has served to dispel any ideas that plutonium extraction is reserved for the rich.

Atomic power plants are also being built in another 10 countries and are on order in at least 10 more, including oil-rich Iran, Spain is building six, Sweden eight, West Germany 13 and Japan a staggering 16, Egypt and Israel aren't on this list, even though President Nixon promised to sell one plant to each of the countries on his 10-day tour of the Middle East.

The likelihood that Egypt and Israel will have power plants producing plutonium has triggered a busy debate on Capitol Hill, where the House Armed Services Committee is to hold hearings on the subject this week.

Three senators (Lawton Chiles of Florida, William Proxmire of Wisconsin and Frank Church of Idaho) have questioned the wisdom of introducing plutonium to the Middle East.

"The world has witnessed a spurt of nuclear developments in several countries, which does not bode well for the future," said Church, a key member of the Senate Foreign Relations Committee. "I am particularly disturbed that President Nixon has committed the United States to furnish nuclear capability to Egypt and Israel, two countries which have fought four hot wars over the last quarter of a century."

It will be eight years before Egypt and Israel get the nuclear power plants promised by the President, and in those eight years the rest of the world will have accumulated more than 250,000 pounds of plutonium. That's enough to make 20,000 atomic weapons, almost as many as the United States has today in its arsenal.

By the time Egypt and Israel get nuclear power, the plants will probably be fueled with plutonium instead of uranium. So plentiful will plutonium be by the end of the decade that it might make sense to turn to "plutonium recycle," where the extracted plutonium is put back into the power plants to save uranium and money.

The pressures to go to a plutonium power economy will be enormous, partly because uranium is becoming scarce and partly because it is so expensive. A typical uranium fuel core with a 10-year lifetime costs more than $100 million. The value of the fissile uranium is close to $5,000 a pound, more than twice the price of gold.

Plutonium is more valuable than gold. More than $1 million worth of plutonium can be recovered every year from a nuclear power plant. Four plants could produce enough plutonium to run a fifth plant. In effect, a million kilowatts of electricity would be generated free of fuel costs for every 4 million kilowatts, whose costs run $40 to $50 million a year.

"Plutonium recycle means you must worry about the theft as well as an Indian-type diversion," said Dr. Theodore B. Taylor, a one-time designer of atomic weapons for the Los Alamos Scientific Laboratory. "Theft becomes a distinct possiblity with plutonium fuel moving around the world."

The thieves could be the scientists of a country deciding to build a bomb. They could also be organized criminals, lured not by the wish for weapons but by plutonium's rising value on the black market.

"Once special nuclear material (like plutonium) is successfully stolen, a market for such illicit materials is bound to develop," said AEC Commissioner Clarence E. Larson. "As the market grows, the number and size of the thefts can be expected to grow with it, and I fear such growth would be extremely rapid once it begins."

The AEC takes pains to point out that the world is still debating the merits of a plutonium-fueled economy, but spreading nuclear power plants without plutonium fuel are still a threat. It's true the United States builds safeguards into atomic plants, but there are ways to break the safeguards.

The way India did it was to place its own natural uranium (less than 1 per cent fissile U-235) into the 40,000-kilowatt research reactor built for it by Canada. It took time and patience, but for every two pounds of uranium the Indians put in they got two ounces of plutonium out.

There are more clandestine ways to make plutonium. A few pounds of uranium could be taken out of the fuel package each year a plant is refueled, then irradiated secretly to make plutonium. Bootleg piping could be built into a power plant to remove tiny amounts of irradiated fuel, including the plutonium that has already been made.

The best way to do it would be to place plentiful natural uranium in the control rods and shielding inside the fuel bundle. Wherever neutrons leak out from the chain reaction will do. There is a chance of fouling up the neutron balance, and even a slight risk of losing the chain reaction this way, but if a country is dead serious about this approach it could make as much as 1,000 pounds of plutonium in a year.

One thing that worries the experts about plutonium is that terrorists or criminals might get their hands on it. They wouldn't even need enough for a bomb to make impossible ransom demands. The reason is that plutonium in its powdered form is about as poisonous a substance as there is.

The threat of a plutonium smoke bomb tossed into a New York bank might be enough to extort $1 million from the bank. The threat of a plutonium "dispersal device" exploded in the air over San Francisco could be enough to empty the city. Winds could carry plutonium dust for miles, and people might have to stay indoors for days while trained troops wearing gas masks cleaned up the city streets and surrounding countryside.

A person could hold plutonium in his hand and not be seriously harmed. He might even get away with swallowing some of it, but if he got any in his bloodstream (through a wound) or inhaled any of it death might follow in a matter of hours, days at the most.

Plutonium is one of four radioactive metals (americium, curium and polonium are the others) that are alpha-emitters, meaning that they discharge alpha rays as their radioactivity decays. Plutonium also endures. Its half-life is 24,000 years. An ounce of plutonium created today will be radiating alpha rays 200,000 years from now

There is nothing more toxic than alpha rays, not even an overdose of X-rays. Their radiated energy is 10 times more potent than X-rays and gamma rays, even though both those forms of radiation penetrate farther into the body.

Plutonium that seeps into the bloodstream seeks out the bone immediately, following the path of metals like calcium and strontium. It settles on the bone surface and stays there forever. It is even more poisonous to the lung, whose tissue is among the most delicate and sensitive in the human body. Inhaled plutonium would cause immediate lung damage, and if the dose were large death from suffocation would take place in minutes.

"An alpha particle lays down its energy much more rapidly and much more completely than an X-ray, said the University of Minnesota's Dr. Donald Geesaman, once with the AEC's Livermore, Calif., laboratory. "It's like getting hit with a car and then run over by a truck."

There is little hard medical experience with plutonium and humans. The people killed in the Hiroshima and Nagasaki explosions (one a plutonium bomb, the other with some plutonium) were killed outright by blast, heat and immediate and massive radiation from all fission products of the explosion, including plutonium.

There have been experiments with dogs, tests done over the past 25 years with beagles at the University of Utah. One series of tests involved plutonium injections into the dogs' bloodstreams. Another followed the inhalation of plutonium by the dogs.

The dogs, injected with the lowest dose levels got sick from plutonium. Fully one-third of the 65 dogs injected got bone cancer, living nine months after the onset of the disease. Two dogs got cancer of the liver, surviving about as long as the bone-cancer cases once the disease had set in.

Dogs inhaling plutonium suffered more. Forty-four of the 65 dogs in this test died in less than five years, all of them from lung failure. Twenty of the 21 dogs who survived five years died of lung cancer, all within a year of the start of the disease.

Despite its obvious ill effects if inhaled from a smoke bomb or a dispersal device, plutonium is at its most fearsome when it is used to make an atomic bomb. The irony of the fear is that weapons experts worry less about other countries building a plutonium bomb and using it than they do about terrorists threatening to make a stolen smoke bomb.

"If anybody built a plutonium bomb and used the ——— thing they could count on retaliation from the rest of the world," said one of the country's foremost atomic weapons experts. "You might find the Russians and the Americans falling over themselves to make a world example of what happens to nations who tinker with nuclear weapons."

[From Center Report, Santa Barbara Center for Study of Democratic Institutions, June 1974]

When Terrorists Go Nuclear

(By David Krieger)

Trends in terrorist tactics have shifted in recent years from bomb-throwing to hijacking to kidnapping. There may be a further shift which will subject whole cities to terrorist demands. Many of the same people who empathized with Patricia Hearst and her parents may one day find themselves part of a city held ransom to nuclear-armed terrorists.

This may sound far-fetched, but it isn't. It is an all too real possibility. For terrorists to "go nuclear" there are two prerequisites: They must be able to obtain nuclear materials suitable for making weapons, and they must be able to construct a nuclear weapon from this material.

Fissionable material suitable for making nuclear weapons is a by-product of the fuel cycle in nuclear power plants (those same nuclear power plants which are advertised falsely as "clean and safe," and which Mr. Nixon plans to spread across this nation to achieve "Project Independence"). It requires only eleven pounds of plutonium-239 to construct a nuclear bomb in the 20-kiloton range, roughly equivalent in size to the bombs which killed tens of thousands in Hiroshima and Nagasaki. Currently more than thirteen tons of plutonium-239 are being produced each year at nuclear power plants. By the end of the century, it is estimated that 750 tons will be produced each year. All of this plutonium must be kept from terrorists forever because it has a radioactive half-life of 24,400 years. But obviously there are no guarantees that this can be done.

Recently the General Accounting Office reviewed the security systems at three nuclear plants and found weak physical security barriers, ineffective guard patrols, ineffective alarm systems, lack of automatic-detection devices, and lack of action plans in the even of a diversion of material. At one of the plants they found broken locks on outer gates, fence holes large enough for persons to enter the plant, and nuclear material stored in prefabricated steel structures which could easily be breached.

There is inevitably a small loss of nuclear materials in the nuclear fuel cycle. This loss, which for plutonium averages between .2 and .5 per cent, is known in the nuclear trade as material unaccounted for (MUF). There is no way to be certain whether or not any of this MUF has been stolen. This was pointed out by E. B. Giller, chief national security officer of the Atomic Energy Commission, before a Senate Government Operations subcommittee early this year. At one nuclear facility in Pennsylvania some 220 pounds of uranium were unaccounted for over a five-year period.

There are further possibilities for diversion when nuclear materials are transported. The motive for diversion would likely be profit as plutonium is valued at $5,000 a pound, more valuable than either gold or heroin.

Having diverted the nuclear material, the next step would be the construction of the weapon. The experts generally agree that information for bomb construction is widely available. Mr. Giller has suggested that a competent group could make a nuclear bomb,

but he doubted that a lone terrorist could make one. His doubt was disputed, however, in other testimony. Theodore Taylor, a nuclear consultant, argued that with fifteen pounds of plutonium a knowledgeable individual could construct a crude nuclear weapon in a matter of weeks. The important point is that there is no theoretical or knowledge barrier to the creation of nuclear weapons by either individual terrorists or groups of terrorists.

The possibility of nuclear-armed terrorists in our already surrealistic world is brought to us by societies with insatiable appetites for energy, by scientists intent on providing us with a "peaceful" use for the atom, by the A.E.C., which has been more busy promoting than regulating nuclear power, by the nuclear power industry which has a profitable new product to market, and by citizens who have not done their homework on the potential dangers of nuclear power—which include, in addition to the diversion problem, the possibility of radiation release through reactor accidents, sabotage or conventional warfare, and the lack of an adequate solution to the storage of long-lived radioactive waste.

To prevent terrorists from going nuclear will require much greater security of all phases of the nuclear fuel cycle. In the end it may be necessary to create a garrison society to keep all of the shipments of nuclear fuels adequately guarded. Even this will be insufficient since nuclear materials diverted in other countries may be clandestinely smuggled across borders.

The social implications of the kind of garrison society that would be needed to safeguard the people by protecting nuclear materials are so negative that we should halt development of nuclear power plants and try to achieve a moratorium on the whole nuclear power industry, both nationally and globally. Nuclear "terrorists" may already be with us in the form of those promoting nuclear energy. Recently passengers on two Delta Airlines flights were exposed to radiation resulting from the faulty packaging of the nuclear material in the cargo area of the plane. While the intent was not political as in a terrorist hijacking, that is small comfort or consolation to the potential cancer victims. Perhaps it is appropriate to think of the promoters of high risk activities, such as the nuclear industry, as statistical terrorists who, over time, may victimize not inconsiderable percentages of the population. The American people should at least be informed of the hazards of both political and statistical terrorism inherent in the continued development of nuclear power, and then be allowed to make a rational and deliberate choice in the matter.

(*David Krieger was Director of the International Relations Center at San Francisco State University before coming to the Center as a Research Assistant.*)

TRAGIC DEATH OF MRS. MARTIN LUTHER KING, SR.

HON. BROCK ADAMS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ADAMS. Mr. Speaker, I was shocked and saddened to hear of the tragic assassination of Mrs. Martin Luther King, Sr. yesterday.

The shooting of Mrs. King was an outrageous act of terrorism and a senseless insult to a noble family which has already suffered so much anguish, starting with the tragic 1968 assassination of Mrs. King's eldest son, the Reverend Martin Luther King, Jr. and the drowning in 1969 of her second son, A. D. King.

We have lost too many honorable and dedicated Americans to assassins' bullets. If it is true as reported in the press that here exists a list of civil rights leaders marked for death, all local, State, and Federal law enforcement officials should do their utmost to protect these leaders and stop these would-be assailants.

While the country is so absorbed in the problems of inflation and impeachment, we cannot forget but must continue the pursuit of equal rights for all Americans both as our duty and as a memorial to the lives of the Kings and other civil rights crusaders.

NUCLEAR MERCHANT MARINE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. BOB WILSON. Mr. Speaker, the distinguished editor in chief of Sea Power magazine has just published an enlightening article on the growth of nuclear propulsion with a heartening prediction that we are about to embark on a mammoth program to build a fleet of 200 nuclear powered merchant ships by the year 2000. This is good news.

The House has just passed, and the Senate will soon concur in a new naval nuclear propulsion policy as expressed in title VIII of the Military Procurement Act for fiscal year 1975.

This setting of policy by Congress is almost unprecedented but is vital to the insurance that we are moving out of the fossil fuel era into the nuclear age.

I ask unanimous consent to include this article from Sea Power as a portion of my remarks.

[From Sea Power, June, 1974]

NUCLEAR MERCHANT MARINE UNDERWAY AT LAST

(By James D. Hessman)

The United States is planning a belated re-entry into the international competition to build a nuclear merchant marine, and the re-entry vehicle may be a million-ton tanker powered by a two-paragraph notice in the Federal Register.

The notice, dated April 24, 1974, invited "Persons, firms or corporations having any interest in applying" for a construction differential subsidy "for the purpose of building nuclear-powered merchant vessels to be operated in the foreign commerce of the United States" to submit in writing an "expression of said interest" on or before May 29, 1974. Applications were to include "full particulars on the type of vessels, intended trade, size, speed, horsepower, etc.," as well as "information concerning participating parties and the requirement for financial assistance, if any, by the Government," the notice said. "Thereafter, completed applications for such subsidy should be filed . . . on or before July 29, 1974."

Five corporations reportedly responded to the notice. One proposal, submitted by Globtik Tankers, Inc., of New York, according to a May 31 report in the *Baltimore Sun*, suggests construction of "a tanker with the unprecedented capacity of a million deadweight tons."

The Globtik proposal "topped a list of suggested nuclear-powered ships ranging in size and class from 380,000-ton tankers to 130,000-cubic-meter liquefied natural gas [LNG] carrying vessels . . . [and] was proposed as as an alternative to a combination of ships, including six 400,000-ton tankers priced at $163 million each, and vessels ranging to 600,000 tons," the Sun said.

A week before the Globtik bid, George P. Livanos, president of Seres Shipping, Inc., of New York City, was reported to have made application to build three ultra large crude carriers (ULCCs) each of 600,000-ton capacity. Barbara Dlugozima, staff writer with the *Savannah Evening Press*, quoted Livanos—who announced the Seres plan, felicitously enough, during National Maritime Day ceremonies abroad the nuclear ship *Savannah*—as envisioning "a new generation of commercial nuclear ships with capabilities which even Jules Verne would have considered a dream."

Stoking that dream and providing it substance, however, will be a number of hard new political and economic realities suddenly facing U.S. decisionmakers and giving powerful impetus to the nuclear merchant marine program:

The Arab oil embargo, which could be reimposed at any time for any reason, demonstrated the vulnerability of the United States, and other nations (perhaps more so), to political blackmail. It also made the American public at large aware for the first time of U.S. dependence upon not only foreign energy sources but also foreign-flag energy carriers—tankers, supertankers LNGs, etc. Project Independence, the Nixon Administration's plan to make the nation self-sufficient in energy supplies by 1980, is designed to remedy the first defect. A proposal now before Congress to require a certain share (one third or so) of the two-way U.S. foreign trade to be carried on U.S.-flag ships would, if approved, do much to correct the latter problem. Even so, by 1985: (1) The United States will still, according to some estimates as yet unrefuted, be required to import the equivalent of up to 15 million barrels of oil per day; (2) The present production capacity of all U.S. shipyards combined is insufficient to build, along with ships for the U.S. Navy which will be needed during the same time frame, the number of tankers, LNGs and other merchant ships which will be required (particularly if the "fair share" bill is passed) by the U.S.-flag merchant marine over the next decade.

Balance of Payments (BoP) deficits—an on-again off-again problem of the past several years which, barring unforeseen developments, might well become a permanent unwanted feature of the American way of life—could by 1985 run to "a staggering $25 billion" annually for oil alone, according to former Secretary of the Interior Walter J. Hickel. The Hickel prediction was made in a *New York Times* article of October 25, 1972, at a time when the price of crude oil was approximately $3.50 per barrel. It is now in the $11.00-per-barrel range, and more likely to increase than to decrease for the foreseeable future. What is perhaps even more ominous: the United States is and will be increasingly dependent on foreign sources for, in addition to oil, some 69 of the 71 other raw materials considered vital to a modern industrialized society, and there have been numerous indications that the various suppliers of those materials—including many underdeveloped nations which have been particularly hard hit by escalating energy costs—may have to raise their own prices to unprecedently high levels.

Soaring oil prices themselves have erased the once mountainous cost differential between nuclear-powered and fossil-fueled

ships. Because of the complex technology involved in their construction, as well as the many additional safety features required, nuclear ships cost appreciably more than oil-fired ships to build. But not to operate. Maritime Administration studies indicate that nuclear-powered ships with high SHP (shaft-horsepower) ratings already are more economical to operate, at the 120,000 SHP level, than oil-burning ships when the price of oil is at about the $3.50-per-barrel level. As the price of oil goes up, the break-even SHP level for nuclear ships goes down. With fuel costs, according to a *London Times* report of April 18, 1974, now accounting for "up to 40 per cent" of a ship's total operating costs—"compared with 16 to 18 per cent a year ago"—the economic advantage clearly lies with nuclear ships. MarAd officials say, at SHP ratings of 80,000 SHP or higher, and by 1980 the nuclear break-even level is expected to drop to the neighborhood of about 40,000 SHP. The difference in operating costs at the various SHP level cited is more than sufficient to offset the higher construction (and, initially, at least, insurance) costs for nuclear ships.

FEWER SHIPS, FEWER PEOPLE

Insurance, operating, and initial construction costs are not the only economic factors involved, of course. There are several others, almost all of which favor the nukes.

Productivity is the most important, and can be measured several different ways. One way: with all other factors assumed equal, a nuclear-powered ship should be able, with only a straight-line increase in operating costs, to speed across the ocean at anywhere from one and one-half to twice the speed of an oil-burning ship (higher speed on oil-burners increases operating costs geometrically, rather than on a straight-line basis). The end result is that one nuclear ship will be, in the circumstances given, perhaps twice as productive as one fossile-fuel ship. To attain a certain productivity level, therefore, would require construction of either X number of nuclear ships, or 2X number of oil-fired ships.

A related factor: manpower costs. A nuclear ship requires a slightly higher manning level. Because fewer nuclear- than conventionally-powered ships would be required to attain a given productivity level, however, total manpower requirements would be lower for a nuclear fleet.

The nukes gain another small advantage from the fact that the nuclear propulsion plant, encapsulated and protected by several redundant layers of shielding material, takes appreciably less of a ship's interior space than the propulsion plant of a conventionally-powered ship of the same SHP rating. Nuclear ships therefore have more space for cargo. (A new CNSG—Consolidated Nuclear Steam Generator—developed for MarAd by the Babcock and Wilcox Company, Assistant Secretary of Commerce for Maritime Affairs Robert J. Blackwell told a House Appropriations subcommittee earlier this year, "is six times as powerful [120,000 SHP] as the [22,000 SHP] unit on the *Savannah* and will occupy about the same space in the vessel as the nuclear plant in the *Savannah*.")

EIGHT KEY FACTORS

There are a number of other "key factors," eight in all, which MarAd officials familiar with the program say "favor selection of nuclear propulsion for commercial ships." A brief explanation of each:

(1) Nuclear ships assure stability of fuel supply and price—The future cost of nuclear fuel, like the cost of other commodities, undoubtedly will fluctuate somewhat in the world market according to traditional laws of supply and demand. But it will remain relatively stable compared to the cost of oil, which is likely, as recent world events have indicated, to soar to ever higher levels and, depending on unforeseeable military and political circumstances, to fluctuate erratically during any specific time frame.

(2) Use of nuclear power eliminates the requirement for continual fueling and fuel ballasting—An operational necessity which is not only time-consuming and wasteful of manpower, the fueling/ballasting sequence also poses a separate hazard to the environment (from oil spills) during each phase of each operation.

(3) Nuclear vessels attract highly trained personnel—It can be demonstrated that, in general, the better and more highly skilled (and highly paid) the crew, the lower the turnover rate, the more productive the ship, and the fewer the accidents.

(4) The total system cost of nuclear ships provides a rate of return acceptable to the financial community—here, as in any business, it is the bottom line on the balance sheet that counts. And that line—in the case of one random example (of a 400,000 deadweight ton supertanker) extracted from various MarAd economic analyses—indicates that in 1980 a nuclear ship will be able to deliver oil from the Persian Gulf to the United States at a total cost of $8.15 per long ton, compared to a cost of $9.58 per long ton for delivery by a conventionally-powered ship.

(5) Nuclear propulsion affords improved performance—Nuclear ships are faster, cleaner, simpler in most respects to operate and maintain, and, as noted, considerably more productive.

(6) U.S. industry already leads the world in nuclear technology—N.S. SAVANNAH, construction of which began in 1958, was the world's first nuclear ship. During its eight-year operating lifetime, 1962–70, it accomplished all original research and development objectives and gave U.S. government and industry planners a technological data base of inestimable value. Planning which began in the late 1950s for a "second generation" of nuclear merchant ships expanded and refined the SAVANNAH base. Development of ever more efficient nuclear plants for Navy ships and construction of numerous land-based nuclear power plants have required, and resulted in, a still rapidly growing U.S. nuclear industry which in its various components is undoubtedly the most capable, most efficient, and most experienced in the entire world.

(7) Construction of a nuclear fleet will have a favorable effect, in at least two ways, on the U.S. balance-of-payments situation—First: Most of the cost of nuclear fuel will remain in the United States, whereas at least half of the cost of the fuel which would be required by a conventionally-powered ship ($5,562,000 annually in the case of a 400,000 dwt tanker, assuming, conservatively, a $10.50 per barrel price for oil) will be paid to foreign suppliers. Second: U.S. shipbuilders are not yet fully competitive with foreign builders in construction of conventional tankers and supertankers, which means that foreign builders are likely to retain a larger share of the conventional tanker/supertanker market, even in construction of ships intended for use in the U.S. trades. The American technological edge in construction of more complicated ships (particularly containerships, LNGs and nuclear ships of any type) means that U.S. builders are likely to have the lion's share of the market for such ships in not only the U.S. trades but on foreign routes as well. What it boils down to is this: if a ship is relatively simple to build, it's usually cheaper to buy from a foreign yard; if it's complicated and requires highly sophisticated construction technologies, however, American yards may now offer the lowest price.

(8) Nuclear ships are less harmful to the environment: smoke and soot into the atuse hundreds of thousands of barrels of oil, and discharge pollution from same into the environment—Conventional ships annually mosphere, and oil (sometimes enormous quantities of it) into the oceans and offshore estuaries. In contrast, so stringent are and will be the safety and environmental standards for nuclear ships, MarAd officials believe, that the possibility of nuclear pollution will range from non-existent to minimal. Marvin Pitkin, MarAd's Assistant Administrator for Commercial Development, addressed the subject in a recent status report on the U.S. nuclear ship program: "We have recognized that nuclear-powered ships are likely to be subjected to the same attention by environmental interests as shore-side nuclear plants and have started a program of environmental studies on nuclear ships. These studies will be the most comprehensive assessment ever undertaken of the environmental effects of nuclear-powered ships. We believe that when all the pros and cons are evaluated, comparing the nuclear ship against its conventional fossil-fueled counterpart, the nuclear ship has the advantage from the standpoint of effect on the environment."

DOMESTIC AND FOREIGN COMPETITORS

There's a somewhat gray, not to say grim, flip side to the otherwise bright picture. Huge problems remain to be solved—solution is a matter of when, however, not if. But bureaucratic delays, budgetary cutbacks (either mandated by Congress or self-imposed by the Administration), and/or presently unforeseen (and unexpected) design problems could singly or collectively stretch out the planned U.S. nuclear merchant marine program to the point where foreign competitors take the lead which American builders now hold.

The list of foreign builders is short but formidable. Among the leaders: the Soviet Union, of course; France, which has recently announced plans to construct an 80,000 SHP 650,000 dwt tanker, and which reportedly expects to invest a total of $5.5 billion to expand its merchant fleet over the next five or six years; Japan, already by far the largest shipbuilding country in the world (but currently, according to the authoritative Shipbuilders Council of America, suffering from massive financial difficulties which could force a 50 per cent increase in Japanese shipbuilding prices); West Germany, which has had in service since 1968 the N.S. *Otto Hahn*, powered by a Babcock and Wilcox CNSG plant and sometimes described as the first "second generation" nuclear merchant ship.

TIGHT MONEY MARKET

There are other obstacles. Business Week reports (May 18, 1974) of a "supertanker steel squeeze" imposed on private yards by the Defense Department, supposedly at the request of "Navy brass." The Navy wants to slow down merchant ship construction, it is alleged, "because it is having trouble getting competitive bids on the ships it wants to build." Edwin Hartzman, president of Avondale Shipyards, Inc., is quoted as saying the Defense embargo, if upheld, "will drive billions of dollars of ship construction to foreign shipyards."

Financing factors also have to be considered. The money market is already extremely tight, and the heavy capital outlays required, even with partial Federal subsidies, for construction of ships costing a minimum of $100 million (usually much more) and taking several years to put into operation give considerable pause to already skittish investors. The fact that over the past several years, according to Shipbuilders Council President Edwin M. Hood, shipyard profit margins have "generally been unsatisfactory" is not too encouraging, either.

"Superports," or lack thereof, pose additional complications. No U.S. harbor—except, now being built in increasing numbers and perhaps, Puget Sound—is presently capable of handling the mammoth VLCCs and ULCCs destined to carry a major share of all future

U.S. trade tonnage. Offshore deepwater unloading facilities, or superports, are the answer. But construction of such facilities has been opposed by environmentalists and others.

In the long run, the pitfalls and problem areas enumerated, and a host of others which could be mentioned, are of little significance. All difficulties can be solved, all problems overcome. *Provided* the nation as a whole is willing to pay the price: not only in dollars, but also in inconvenience, in effort, in imagination, in creative energy, and in allocation of public and private resources.

The goal, much more than economic, is, it would seem, well worth the striving. As Rear Admiral George H. Miller, Naval Advisor to the Assistant Secretary of Commerce for Maritime Affairs, said in Sea Power in February 1972: "The U.S. merchant marine is a major component of our entire national security and international relations structure. Our country's influence in the world, our national security, and the health of our civilian-industrial economy depend on having enough ships, navy and commercial."

"Enough ships," two years ago, meant simply that: enough ships. By the end of the present decade and beyond, however, "enough ships" will mean much more. In a rapidly changing political, economic, and national security milieu it will mean for the U.S. merchant marine, as it already does for the U.S. Navy, sufficient numbers of ships of various types: LNGs, containerships, supertankers, and the many other specialized vessels now operational or on the drawing board. It will also mean ships which are economically viable, highly productive, and able to hold their own in world competition. It will mean, therefore, in the context of present world conditions, nuclear ships, in relatively large numbers, as well as ships which are conventionally-powered.

TWO HUNDRED NUKES: THE PITKIN PLAN

In a recent "status report" on "the U.S. competitive nuclear merchant ship program," Marvin Pitkin, the Maritime Administration's Assistant Administrator for Commercial Development, outlined the following seven-stage "realistic view of the future":

"1. Economic demonstration ships, probably an initial order of three VLCCs [very large crude carriers], will be ordered in the United States, with government financial assistance, in the reasonably near future. These vessels could enter service at approximately six-month intervals during the period 1978–79 and by 1980 will have demonstrated the economic superiority of nuclear propulsion.

"2. Nuclear-powered vessels for Arctic applications will be ordered in the period 1975–76 and will enter service in the 1980–81 period, providing further evidence of the merits of nuclear propulsion.

"3. The above demonstration vessels will lead to the initial penetration of nuclear-powered ships into a variety of ship markets during the period 1980–82 *with no special government assistance* [emphasis added]. In other words, nuclear propulsion will be competing for orders against fossil-fueled propulsion systems in the same kind of competitive situation as exists today vi-a-vis gas turbines competing against steam turbines.

"4. In the period 1982–85, nuclear will be winning multiple orders in all classes of high productivity ships: i.e., VLCCs, containerships, RO-ROs [roll-on/roll-off ships], barge carriers, Arctic vessels, and perhaps LNG [liquefied natural gas] carriers. As a result of the rapidly rising orders backlog which will develop by 1985, new shipbuilding facilities specifically designed for nuclear ship construction and repair will appear. By 1990, at least 50 nuclear-powered ships will be on order, under construction, or in service.

"5. During the mid-1980's, the market growth period, other shipyards and reactor equipment manufacturers will introduce third and fourth generation nuclear propulsion systems, enhancing the competition for future orders.

"6. During the 1980s and on into the decade of the 1990s, nuclear ships will be marketed worldwide and, with international agreements having been consummated in the mid- to late-1970s, nuclear ships will operate freely between all maritime nations.

"7. By the end of the century, the United States should have in excess of 200 nuclear-powered merchant ships in service or under construction."

BUT COLSON STILL HAS A DRIVER'S LICENSE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. KARTH. Mr. Speaker, many Americans in Washington, D.C., and throughout the Nation have been puzzling over Charles Colson's ballyhooed conversion to evangelical Christianity. William Sumner, editor of the St. Paul Dispatch and Pioneer Press, raised a number of important questions about this White House operative turned humble convert in a recent editorial. I wish to insert this worthwhile article into the RECORD at this point:

CONVERSION AND THE CIA—BUT COLSON STILL HAS A DRIVER'S LICENSE

(By William Sumner)

This party has remained skeptical of Colson's Conversion since the beginning.

A part of this comes from an uncontrollable and deep-seated prejudice against people who thump Bibles, pray a lot in public and paint such things as "Jesus Saves" on rocks.

The basic ingredient of skepticism, however, comes from Charles Colson's basic rottenness.

Can't the sinner come back to the fold? Of course he can.

But until proved otherwise, Charles Colson, erstwhile aide of President Nixon, who now says he has turned to Christ, shall remain a political Elmer Gantry, a fellow who said something about running over his own grandmother if that is what it would take to re-elect Nixon in 1972.

Further seeds of doubt were cast Monday on reading Colson's scenario about a President under siege by the Central Intelligence Agency, a captive of high-ranking conspirators in intelligence circles.

Why didn't the President say, "Help!"?

Because, according to the account of the Colson story, he feared international and domestic political repercussions.

I hate being a cynic. Really. But I don't believe Colson. He may have been praying like Hell with Sen. Hughes and Rep. Albert Quie, but it is the notion here that it has been a gambit.

Colson's story, related by a private investigator in Washington, to whom he "confessed," would serve to get the President off the hook so far as any criminal complicity in the Watergate scandal was concerned.

It would also make the President look like a damned fool. The last, unfortunately, is the better of his two choices, although not too choice for the country.

Anyway, here you have a story about a President of the United States, seemingly helpless to fend off the CIA, the Pentagon and the evil forces that sought to discredit his inner circle of advisers.

Many from this circle have gone to prison or have paid fines, having pleaded guilty, so it might seem to the normal person that they brought shame upon themselves.

But now we have the devil theory in operation, and by a man considered—in his prime—as the Devil's right-hand man. The trouble is that the story, as related so far, makes no sense, unless you assume the President is a moron. And he is not.

The entire story is so crazy, however, one man's version or another's, that it would be a mistake to dismiss Colson out of hand. There are three possibilities, and we must keep our options open:

1. Colson is a liar.

2. Colson has become a foxhole Christian, is praying madly, and thinks he is telling the truth.

3. Colson is telling the truth.

The truth, I think, will elude us forever, which gets us back to the Galbraith theory that we are in far more danger if the President has remained ignorant than we would be if he had planned the entire operation.

Now I am not such a cynic as Galbraith, but am inclined to accept this one theorem of his.

And as for Colson, one can only speculate as to his righteousness, his oneness with God, and what could be the greatest Sting in the town of Washington. If you haven't seen the movie, that is the ultimate con.

OPIUM GROWING IN TURKEY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. WOLFF. Mr. Speaker, I am sure that all of my colleagues are well aware of the terrible consequences that heroin addiction has, both to the addict and to society at large. One of the proven ways to combat the flood of heroin to our shores is through a ban on opium poppy cultivation by the Turkish government. Unfortunately, Turkey has today announced that it will resume the cultivation of the opium poppy.

WOR–TV in New York City recently broadcast an editorial expressing their concern over the Turkish situation and the heroin that would reach the shores of the United States if the ban is breached. I commend it to my colleagues and urge them to give their most serious consideration to a measure I recently introduced, House Concurrent Resolution 516, which would cut-off all U.S. economic aid to Turkey. The WOR editorial follows:

TURKISH OPIUM BAN

(By John Murray)

In 1972, the Turkish government agreed to supress the growth of the opium poppy. Since then, there has been a dramatic decrease in the amount of heroin available in the streets of New York.

Recent unofficial reports indicate that the United States government may shortly agree to the lifting of the ban on production of the Turkish opium poppy. The City's addiction services agency has registered grave concern over the recent reports that opium will again be grown in Turkey.

The fact is that the ban on Turkish opium growing since 1972 has been extremely effec-

tive. If the ban were to be lifted, we could once again see a dramatic upsurge in the availability of pure heroin in New York, with a consequent rise in addiction and addict related crimes.

Because of the extremely short supply of heroin in the streets of New York since 1972, the purity of street heroin has declined, from an average of 7.7 percent to an average of 3.7 percent. Moreover, the past year has seen a marked decrease in New York City in overdose deaths due directly to heroin, as well as a decrease in drug related hepatitis. The short supply of Turkish heroin is significantly responsible for the decrease.

These encouraging statistics can also be attributed to the lower availability of heroin in the streets of our City.

So now is the time to persevere in our efforts to stem the tide of drug addiction. Banning the cultivation of Turkish poppy fields is a major step in this direction.

THE BENEVOLENT UNCLE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. STEIGER of Wisconsin. Mr. Speaker, as I read the mail from my district and listen to my constituents, I am aware of a more rapidly rising concern about the magnitude of Government spending and the glut of Government programs. Double-digit inflation and a bottoming-out of the economy has brought popular awareness of the need for governmental fiscal restraint to a new high.

At the same time, we in the House are constantly confronted with disaster situations allegedly resolvable only by Federal Government relief—which means more spending and bureaucratic expansion.

In his latest Washington report, our friend and colleague BARBER CONABLE has, as usual, pointed out the land mine which lies just below the surface as we venture into these fields. As he writes:

When you're passing out other people's money, and that's what tax money is, sooner or later you've got to impose conditions. As a matter of fact, taxes themselves can become a pretty onerous condition.

And, as he stresses:

This is how freedom is eroded by public generosity.

I am sure our colleague is speaking for many of us when he concludes:

The proliferation of special relief programs . . . has created in many of us in government a most uneasy feeling.

His full Washington report follows:

THE BENEVOLENT UNCLE

From bales of cotton to baling wire itself, from water over the river banks that have lost their liquidity, everybody seems to feel the federal government should bail them out. Government is so pervasive nowadays, with its taxes and its regulations and its controls affecting everything that people do or want to do, that when something goes wrong you don't have to look too far to find some way of blaming it on the government and seeking restitution. Did a high wind tip over your mobile home? Did the energy shortage leave you with big cars your dealership couldn't sell? Did you buy a lot of feeder calves, gambling on the price of beef going up and then it went down? Did you work for a concern that sold chickens the Agriculture Department found contaminated with pesticide and ordered killed? Is foreign competition tough on your business? Well, in today's environment you don't have to face it alone; you have a benevolent uncle in Washington who will step between you and adversity, or at least make you whole if fate has been unkind.

Every act of benevolence becomes a precedent for every suggested extension of Uncle Sam's protection. A humanitarian people does not like to see suffering, and the saying goes, if you're going to help the Hottentots, you'd better be willing to help your own people. Such logic is difficult for a politician to withstand; it strongly flavored Gordon Sinclair's famous "pro-American" statement which was so popular a few months ago.

But like everything else the government does, disaster programs, if extended beyond real disasters, can poison as well as cure. Without balance and restraint, government has a tendency to get out of control. With opportunity goes risk, and riskless societies, like communism, don't offer much in the way of opportunity.

Governments should do for people what they cannot do for themselves, and politicians must impose conditions on their benevolence. If all taxpayers are required to contribute to repairing the damages wrought by floods, shouldn't those benefitting from such a program be expected to rebuild their homes somewhere else than on the bottom of the flood plain? This is how freedom is eroded by public generosity. When you're passing out other people's money, and that's what tax money is, sooner or later you've got to impose conditions. As a matter of fact, taxes themselves can become a pretty onerous condition, affecting not only those who are untouched by disaster but those whose earlier difficulties become the precedent for payments to similar disaster victims later.

It's hard to tell someone who's in trouble that he should restrain his enthusiasm for having the taxpayers bail him out. Obviously there are situations in which there is no alternative in a humane system. But the proliferation of special relief programs—for people who, perhaps, we should try to find restitution from some other source before they turn to their benevolent uncle—has created in many of us in government a most uneasy feeling.

MRS. ALBERTA KING

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. FULTON. Mr. Speaker, the violent and senseless taking of the life of Mrs. Alberta King has stung the heart of America. For a family which has suffered so much tragedy through violence, Sunday's shock must be almost unbearable.

Mrs. King was a woman who loved her family, her garden, her church, and her God. In the words of her husband: "She went home while serving the Lord."

There is at least some thread of rationale and logic in the violent acts of political extremists and militants. But death at the hands of a madman is more tragic, because it is senseless and meaningless.

A brave and kindly mother who cared and worried for the safety of her sons is now a victim of senseless tragedy which also claimed them.

We are shocked and grieved. Our condolences and prayers go out to her family.

CITIZENS NEED REASSURANCE THAT IRS SHOWS NO FAVORITISM IN INCOME TAX AUDITS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. TIERNAN. Mr. Speaker, on January 29, I introduced H.R. 12372, a bill to establish an independent commission to administer the internal revenue laws. The Watergate hearings highlighted the dangers of political interference with the administration of our tax laws. Political allies may receive favorable treatment while political opponents may be harrassed. When the average citizen hears stories about a rich political ally paying no taxes, he loses faith in our tax laws. The backbone of the tax system in the United States is the voluntary compliance of the average citizen. But if he loses faith in the integrity of the administration of our tax laws, the system may collapse.

The Christian Science Monitor printed an article on this topic on Friday, June 28, 1974, and I would like to submit it for the RECORD. I urge my colleagues to actively support the concept of an independent IRS and push for passage of such legislation in the near future.

The article follows:

CITIZENS NEED REASSURANCE THAT IRS SHOWS NO FAVORITISM IN INCOME TAX AUDITS

(By David R. Francis)

WASHINGTON.—After President Nixon's unhappy experience with his income-tax returns, future presidents undoubtedly will be more careful in going over their tax forms, more cautious in the use of fancy tax-saving gimmicks.

Nevertheless, there remains a need for some system to assure the public that the administration of the tax laws is evenhanded for all taxpayers.

The public must be confident that top government officials do not receive what Thomas F. Field, executive director of Taxation With Representation, terms a "sweetheart audit."

That's the kind of audit the Internal Revenue Service gave Mr. Nixon's returns first time around.

The President even got a nice letter from the district director of the IRS in Baltimore.

"I want to compliment you," wrote William D. Waters on June 1, 1973, "on the care shown in the preparation of your returns."

Then an indignant IRS agent illegally leaked the President's tax returns to a newspaper. Consequently, the IRS made a second audit this year. The result: the President owed $432,787.13 in back taxes.

The news that the President, earning $200,000 a year, paid almost nothing in taxes was a shock to the public. It apparently has badly damaged the reputation of the federal income-tax system.

A new poll taken for the Advisory Commission on Intergovernmental Relations finds that only 26 percent of the public consider

the income tax the fairest tax. Two years ago a similar survey showed that 36 percent ranked the income tax fairest.

This is a serious development. The federal income tax depends largely on voluntary self-assessment by the taxpayers. More people may cheat on their taxes if they feel the system is unfair.

Since income taxes are the dominant source of federal revenue, widespread tax evasion would weaken the government.

Mr. Field, who manages a struggling organization of tax experts striving to represent the public interest, figures the problem of auditing the tax returns of high officials "will be with us long after Richard Nixon is gone."

Up to this past winter, IRS officials apparently assumed that tax returns of presidents were above reproach. Congressional testimony showed that as a rule they were delivered from the White House to the office of the commissioner of the IRS. After not much more than a glance, they were put in a safe.

It's not that the IRS necessarily would consciously handle a president's return with favoritism. Most IRS commissioners, including Donald C. Alexander, the current one, and their subordinates, are men of great integrity.

But appearances are important. Any suspicion of tax monkey business must be removed.

As it is, many wonder whether IRS agents can be fair in auditing their "bosses."

Writes Joseph S. Hocky, a Philadelphia tax attorney: "It is difficult indeed for an Internal Revenue agent to pass judgment on a tax return of a president or other high government official. The president is at the top of a chain of command which starts with the agent. . . . It is impossible for him not to remember that his performance, and the performance of his superior, and his superior's superior, etc. are evaluated in a direct line upward to, and ending with, the president".

A high staff official with the congressional Joint Committee on Internal Revenue Taxation comments: "No IRS official will give the commissioner's return a very hard look. Nor would any agent give the Secretary of the Treasury's return a hard look. I don't know what the answer to this is."

He might have added that the IRS agents might also feel some constraint in examining the tax returns of the key members of the congressional tax committees.

So far Congress has made no moves to deal with this problem.

If they do, members of Taxation with Representation have some suggestions.

One relatively easy solution would be to have the statute of limitations applicable to tax returns begin when a president, vice-president, Treasury-secretry, and IRS commissioner leave office.

Then, notes Martin B. Cowan, a New York tax lawyer, the president would no longer have the massive power of the office of the presidency behind him. He would be more likely to enjoy the same privacy and other protections accorded other citizens.

The same idea applies to the other officials.

Other suggestions call for some independent body such as the General Accounting Office to examine the returns of these key officials. Another plan is that the Joint Committee on Internal Revenue Taxation do it, a congressional body.

Commissioner Alexander holds that such outside audit is not necessary: "We think we can do this job effectively, fairly and evenhandedly," he told the Montior. "We will audit those who deserve to be audited regardless of their position or status."

IRS intentions may be good. But the experience with President Nixon's return shows that for the sake of appearances, if nothing else, it would be sensible to devise some other scheme for assuring independent audit of the returns of the president and other key officials.

DEBT RESCHEDULING FOR PAKISTAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. HAMILTON. Mr. Speaker, the Aid-to-Pakistan Consortium, which is composed of a group of creditor states under the chairmanship of the World Bank, recently received Pakistan's acceptance of a proposal for debt relief in the form of rescheduling debt payments totaling $650 million. This represents a little more than one-half of Pakistan's orignal request for debt relief. It was felt that because of the particular problems arising out of the events of 1971 and the birth of Bangladesh such a generous scheme was appropriate. The U.S. share of the relief is about 32.5 percent of the total.

In agreeing to this plan, the United States made it clear that this rescheduling is the final settlement of the debt division issue between Pakistan and Bangladesh and that there can be no further rescheduling based on what happened in South Asia in 1971.

A letter from the Department of State detailing this debt relief for Pakistan follows:

DEPARTMENT OF STATE,
Washington, D.C., June 27, 1974.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee for Near East and South Asia Affairs, Foreign Affairs Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to advise you of the status of the United States Government's debt rescheduling negotiations taking place within the framework of the Aid-to-Pakistan Consortium, which is composed of a group of creditor countries under the chairmanship of the World Bank.

These negotiations are in response to unique circumstances that have arisen as a result of the 1971 war and the independence of Bangladesh. In view of applicable international law, Pakistan retains responsibility for all external debts contracted prior to the war totalling some $3.5 billion. After the war Pakistan nonetheless insisted that debts resulting from programs of primary benefit to Bangladesh, which it estimated at about $1.2 billion, should be paid by Bangladesh. For its part, Bangladesh affirmed its intention to assume the international responsibilities incumbent upon a sovereign state, including a portion of the external debt of the formerly united Pakistan, but only within the context of an overall financial settlement.

The western creditors, including the United States. have been working to develop a procedure to overcome the impasse. Our primary objective has been to avoid a default on any portion of the total debt. We have also sought to frame any agreement in the context of Pakistan's unique situation so as to avoid setting an undesirable precedent for other countries.

A solution to the problem acceptable to the creditors now appears at hand. Bangladesh has agreed in principle to assume liability for projects visibly located in its territory and negotiations to identify such projects and determine terms of repayment are well advanced. Bangladesh is likely to assume liabilities of about $400–$500 million from all Consortium creditors. The United States has been particularly successful in its negotiations with Bangladesh, with Government of Bangladesh having indicated a willingness to accept United States' claims totalling approximately $80 million. Consortium members have agreed in principle to provide generous terms on the debt which Bangladesh accepts.

Pakistan has also indicated a willingness to fully repay all debts not picked up by Bangladesh, including those arising from commodities delivered to the former East Pakistan, provided debt relief is given so as to reduce the burden of these debts. All creditor countries agree that there is merit to Pakistan's position and have been engaged in informal debt relief discussions over the past several months.

At a special meeting of the Pakistan Consortium on June 12, the World Bank informed the Consortium that the Finance Minister of Pakistan has accepted the Consortium's proposal for debt relief in the form of rescheduling debt payments totalling $650 million. This represents a little more than one-half of Pakistan's original $1.2 billion request for debt relief. The $650 million proposal will spread debt relief over four years, providing $175 million for each of the first three years and $125 million for the fourth. The proposal allows a creditor not meeting its relief quota in a particular year to provide additional compensating relief in a subsequent year or years, so long as the present value of the relief remains unchanged. The United States' share of relief to be provided over the four years is about $211 million (we will actually elect to reschedule about $230 million over 5½ years), or approximately 32.5 percent of the total. We believe this amount is reasonable, particularly since the United States is the creditor on two-thirds of the debts originally disputed by Pakistan.

The rescheduling arises from unique circumstances, and both the amounts and terms involved reflect this. Furthermore, the United States has made it clear that this rescheduling is a final settlement of the debt division issue and that there will be no further rescheduling based on the events of 1971 in Pakistan.

All of the Consortium creditors at the June 12 meeting indicated their intention to recommend formal acceptance of the agreement to their governments. The creditors were hopeful that a final settlement could be officially approved by June 30.

I will be happy to provide any additional information you may require on this matter.

Sincerely,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

SPECIAL ORDER ON DÉTENTE AND THE CURRENT SUMMIT TALKS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. DENT. Mr. Speaker, I am so very sorry that I was not able to stand on this House floor with my distinguished colleagues several days ago in the special order of Mr. BLACKBURN on détente and

Mr. Nixon's Mocow summit. I understand that some very cogent and important points were made by those who participated and I would like to commend them for their intelligent use of the special order.

I can only add that I am as distressed as anyone as to the potentials for disaster in many of our trade agreements with the Soviets. I am reminded of Walter Cronkite's fine television interview with Aleksander Solzhenitsyn in which Mr. Solzhenitsyn expressed puzzlement at the U.S. concept of détente in light of the Soviet concept. He said:

There is not peace because of trade; there is trade because of peace.

In other words as soon as we start squabbling with the Russians they will pull the rug out from under all our fine reciprocal trade agreements.

There are a myriad of other inherent problems to détente; racial problems, domestic problems, and strategic problems to name a few. The point is this: with so many problems staring us in the face on this thing I think it is a dangerous tendency on the President's part to engage in such rapid-fire meetings with the Soviets. I applaud any chance whereby we might get to know the Russians better to get along with them better. But I am fearful of this sudden policy of easy access in the light of former opposite policies maintained by the Soviets.

It is curious, and yet very encouraging to realize the attitudes of the members of our so-named liberal establishment in this regard. For years they have urged our cooperation with the Soviets in every aspect. But recently that has changed, as well it should, especially, in light of political affairs in the Soviet state. One incident that has profoundly highlighted the true Russian posture is the expulsion of Mr. Solzhenitsyn from the Soviet Union, obviously for his historical project, "The Gulag Archipelago," an indictment of the Russian political past and an indication of what is to continue in the future.

Perhaps we can find some greater insight into this situation by reading Arthur Schlesinger, Jr.'s article from the Wall Street Journal, dated June 27, 1974:

ANOTHER LOOK AT DÉTENTE

(By Arthur Schlesinger, Jr.)

The news that the Soviet authorities prepared for President Nixon's visit by rounding up critics of the regime emphasizes the anomaly of détente. For détente as currently construed by the United States—i.e., the reduction of political and military tensions between the United States and the Soviet Union—has meant in practice an increase in repression in the Soviet Union. Repression is not back to Stalin's level, or anything like it, but it is worse now in this springtime of détente than it was in the bad old days of Khrushchev.

George Kennan has suggested that for the Soviet leadership détente and repression "are probably mutually compensatory." Why this should be so is obvious enough. The regime plainly feels it must take tougher measures to reinsure against the risk that the relaxation of political and military tensions might bring un-Soviet thoughts into Soviet society. Whatever the Soviet need for the stabilization of its European and Middle Eastern fronts and for capital, technology and trade, the Bolshevik government is determined not to expose its people to competing ideas. Nearly 60 years after the revolution, it evidently still doubts it can survive what it continues to anathematize as "ideological coexistence." For all we know, it may well be right.

What is less obvious is why the United States government should go along with this; why indeed it should tacitly bless the return to repression by presidential visits to Moscow. Yet there are some cogent reasons for the administration's readiness to embrace a détente limited to political and military spheres.

The first argument for limited détente is that "the foremost requirement of American foreign policy," as President Nixon said early this month at Annapolis, is to lessen the chances of nuclear war. This, Dr. Kissinger, tells us, is the "overwhelming reason" for détente—a reason that has its own moral weight and must have precedence over every other concern. Given this overriding objective, the administration asks whether we can afford to let preoccupation with lesser problems, such as human rights in the Soviet Union, endanger the supreme goal, which is the universal human right to escape nuclear incineration. Détente in those terms, the administration adds, does not imply approval of internal arrangements in the Soviet Union.

The second argument is that, in any case, history shows that the capacity of one power to alter the domestic policies of a comparable power is strictly limited. Mr. Nixon sounded hypocritical when he claimed that the United States entirely rejected the notion of transforming "the internal as well as the international behavior of other countries." We Americans have been perfectly ready to attempt precisely this when we thought we could get away with it. If he had said "other great powers" instead of "other countries," however, he would have had a point. Mr. Brezhnev is not likely to be much more responsive to an American demand that he, say, permit the publication of "The Gulag Archipelago" that Mr. Nixon would be to a Soviet demand that he comply with the subpoenas of the House Judiciary Committee.

DÉTENTE OR PRESSURE

The third argument has not been publicly expressed but is an essential part of the case. This is that, in the long run, détente will be a more effective means than pressure of liberalizing Soviet society. Continued tension would only perpetuate the siege mentality. But the reduction of tension and the improvement of living standards through technological and economic progress will eventually and inevitably, it is said, lead to democratization. Some Soviet dissenters, notably the historian R. A. Medvedev, also make this argument and therefore oppose the effort to force immediate reforms through such external means as the Jackson amendment.

Other Soviet dissenters, notably Solzhenitsyn and Sakharov, take an opposite view. So do many American liberals and intellectuals; and so of course do Senator Jackson and other members of Congress. Critics of the Nixon-Kissinger version of détente are skeptical about "in the long run" arguments. They strongly doubt, as Sakharov has written, "that economic links will have inevitable consequences for the democratization of Soviet society." They feel that, because the avoidance of nuclear war is in the Soviet interest too, the American government will not endanger political and military détente by speaking out against repression. They do not think that, in asking the Soviet Union to behave like a civilized state, they are demanding (as Dr. Kissinger accuses them of demanding) "the transformation of the Soviet domestic structure." In a thoughtful report to the House Foreign Affairs Committee, a subcommittee under the chairmanship of Donald M. Fraser of Minnesota (who is also chairman of Americans for Democratic Action) praises "the objectives of détente" but adds that "cooperation must not extend to the point of collaboration in maintaining a police state" and recommends that the American government "be forthright in denouncing Soviet violations of human rights."

What is one to make of this debate? None of the questions involved is easily answered. Will detente and improvement in living standards produce a more liberal society in the Soviet Union? No one knows. High living standards did not save Germany from Nazism. On the other hand, the idea of the American government setting itself up as the moral judge of other nations suggests delusions of righteousness and crusades to reform mankind. I think myself that the Jackson amendment, as Averell Harriman said recently, has outlived its usefulness. It was more potent as a threat than it would be as a law. Moreover, it hardly reaches the heart of the matter, which is not freedom of migration, but as Medvedev has said, the creation of a society from which people would not want to migrate. Still the probability remains, in Sakharov's words, that "detente without democratization would be very dangerous" for the West. And the Soviet Union appears to have a sufficiently strong need for the American connection—Mr. Brezhnev himself may have such a heavy personal investment in detente—for Moscow to yield ground on such questions as Jewish emigration. Human rights pressure, in short, has not been completely in vain.

So one may argue back and forth. But one thing is clear. However useful human rights pressure may be in limited quantities, or however hazardous it could become as a major determinant of foreign policy, Americans do not have a real choice at the moment under the present government. The Nixon administration is just not going to do much on behalf of human rights in other countries. It is simply not in its bones thus to act. It has shown little concern for human rights in the United States or in countries that depend on American support and might be somewhat responsive to American pressure like, say, South Vietnam or Greece. Why should anyone expect it to care about human rights in the Soviet Union? Nothing delights our President more than hobnobbing with dictators; one has only to watch the expressions on his face. Mr. Nixon's personal sympathy with the people making trouble for Mr. Brezhnev is unquestionably well under control. After all, exactly the same kind of people are making trouble for him at home. So there is a ghastly logic in this week's Moscow gala.

With our government thus immobilized, the argument that non-governmental parts of American society display concern for human rights in Russia becomes irresistible. Even opponents of official action call for private action. Mr. Kennan, for example, strongly objects to such devices as the Jackson amendment. But he emphasizes quite as strongly the importance of keeping "events in Russia under the scrutiny of world attention. There is no greater discouragement that could be brought to the forces working for a more humane society than the impression that their efforts are forgotten, or viewed with indifference, elsewhere." Dissenters in Russia make this point again and again. "I want all of you to understand," Pavel Litvinov said in his first press conference after being forced into exile, "that we have survived because the West exists and in it a Western press."

When I last wrote on this subject in these pages in September 1973, I listed a number

of American professional groups, from the National Academy of Sciences to the American Psychiatric Association, that had protested the treatment of their fellow professionals by the Soviet government. I also wrote that I was ashamed not to be able to add the American Historical Association to that list. I am even more ashamed nine months later at the resolute silence of the AHA over the continued mistreatment of Soviet historians, men such as Andrei Amalrik, Valentyn Moroz, Vitaly Rubin.

A RESTRICTED STANDARD

The earlier AHA line, as set forth by the council in a meeting in September 1972, was that the AHA should express concern about the fate of Soviet historians "only in cases where a general issue is at stake, namely the freedom of any historian to use responsibly gathered facts to arrive at a reasonable interpretation." By this standard, as the then president of the AHA informed me, the organization would take no action about Amalrik, et al, on the ground that they were "not being persecuted by the Soviet regime because of their historical activities but because they have been distributing clandestinely current information embarrassing to the regime." It need hardly be pointed out that this is a shockingly restrictive standard and one, thank heavens, not employed by the National Academy of Sciences when it condemned the campaign against Sakharov, who was obviously not under persecution for his scientific activities.

Then came the case of Solzhenitsyn and "The Gulag Archipelago." It is hard to deny that writing this was an historical activity. It has been highly praised by Medvedev, despite his differences with Solzhenitsyn on other matters, as well as by Kennan and other historians. It thus meets even the restrictive standard adopted by the AHA in 1972. But still the AHA remains mute. Instead of acting under the 1972 standard, the new president has inexplicably appointed a committee to prepare a "position paper for early study by the council." Is the council waiting for historians to be drawn and quartered in Red Square before it decides to venture an objection?

I am at a loss to explain this extraordinary behavior on the part of the historcial establishment. It may perhaps be related to a desire to maintain what one member of the council described to me as "collegial relations" with Soviet historians approved by the regime. There are plans, for example for a 1974 Soviet-American historical colloquium to be held in the United States. As for the New Left historians, who used to see themselves as the keepers of the professional conscience, they may fear that the condemnation of Brezhnev's Russia could suggest there was good reason to oppose the Stalinization of Europe in the 1940s. Their unaccustomed aphonia compares most unfavorably with the forthrightness of the English radical historian E. P. Thompson who recently wrote, "We must make it clear again, without equivocation, that we uphold the right of Soviet citizens to think, communicate, and act as free, self-activating people; and that we utterly despise the clumsy police patrols of Soviet intellectual and social life. . . . Solzhenitsyn has asked us to shout once more. And we must, urgently, meet his request."

REMEMBERING "ANIMAL FARM"

The relish of the American government and, in a far less momentous way, of the American historical establishment in fraternizing with their Soviet counterparts makes one wonder how it all looks to Soviet dissenters. In a recent discussion of the Soviet intellectual underground in "Encounter" the Dutch journalist Karel van het Reve, contemplating this point, was reminded of the last paragraph in Orwell's "Animal Farm." The once revolutionary pigs are sitting around the table with the farmers against whom they had made the revolution. The lesser animals, now exploited by the pigs as once they had been exploited by the farmers, begin to see a curious blurred phenomenon as they watch the scene through the window. "The creatures outside looked from pig to man, and from man to pig, and from pig to man again; but already it was impossible to say which was which."

PEACE ON THE BEACH

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. HOSMER. Mr. Speaker, the city of Huntington Beach, Calif., is the surfing capital of the world. During the summer of 1973, the police department there initiated an innovative beach patrol program which proved to be a highly successful law enforcement program. Called the Community Liaison Patrol, its attributes have recently been written about in the June issue of the FBI Law Enforcement Bulletin by Officer William Van Cleve, of the Huntington Beach Police Department.

The patrol consisted of six high school teachers and two college students, mostly in their twenties. It helped to regulate beach activity and relieve regularly assigned police officers from beach enforcement. The success of the venture exceeded expectations.

The concept may be of use to other communities as well. Officer Van Cleve's article as published in the July issue of the FBI Law Enforcement Bulletin is set forth below:

COMMUNITY LIAISON PATROL

(By Officer William Van Cleve)

The city of Huntington Beach, like most other beach cities in the southern part of the State of California, has a tendency to double in daily population during the summer months. Most of the people are juveniles and young adults who are out of school for the summer and have plenty of leisure time. The influx often reaches as high as 150,000 persons per day along 8 miles of accessible beaches which are divided into 3.3 miles of city beach with the rest being Bolsa Chica State Beach and Huntington Beach State Park. The Huntington Beach Police Department is responsible for patrolling and providing police services to all the beaches in the city.

SEASONAL POLICING

Providing police protection and traffic and crowd control for the added population with a police department geared for a city of approximately 150,000 permanent residents presents a problem for the police department. The problem is further aggravated when the need for scheduled vacations for the police officers is taken into consideration.

In past years, the beaches had been patrolled by regular uniformed officers on an overtime basis or by on-duty officers. This practice, although necessary, seriously depleted police services to the rest of the city, which encompasses 26 square miles of land.

The permanent residents of the city lost in two respects. One was the loss of police services during the summer months when the incidences of all police-related activities are at their highest, and the other was having to pay for police services for the beach goers, the majority of whom did not live in the city.

Past years have indicated that the majority of the delinquency and criminal violation problems occurring in the beach areas was created by nonresidents. The combination of accessibility, parking, and the city's reputation for having some of the best surfing conditions on the coast attracts the nonresident beach goers. Also, the city hosts the U.S. National Surfing Championships each year.

Many factors had to be taken into consideration in dealing wih the problems confronting the police department. One was the use of regular officers on off-duty time. This practice was found to be both costly for the city and tiring for the officers. By the end of summer, the strain of consistently long hours tended to make these officers less tolerant than they normally would be, and this created problems that could possibly have been averted or handled differently by fresh personnel.

Also, strict enforcement of otherwise minor violations, such as dogs on the beach, created negative public relations, as did the presence of more than a minimal number of uniformed police on the beaches.

It became apparent that a program should be implemented which would more effectively reduce or discourage juvenile violations and related undesirable activities. Such a program would also decrease the seasonal overloading of local police officers and reduce the possibility of negative public contacts.

PROGRAM IMPLEMENTATION

The city of Huntington Beach applied for and received a Federal grant through the Law Enforcement Assistance Administration (LEAA) to assist in the implementation of a program to employ and equip a temporary police patrol for the recreational beaches within the city. The program, Community Liaison Patrol, was designed as a pilot program to demonstrate the feasibility of using temporary sworn personnel to relieve regularly assigned police officers from beach enforcement and to reduce delinquency or nondesirable activity in the beach areas.

The program was implemented in the summer of 1973 by hiring eight persons, six high school teachers and two college students, mostly in their midtwenties. They were hired on the basis of maturity, stability of judgment and temperament, understanding of harmful situations, and ability to communicate with young people. They received 40 hours of training in the laws and mechanics of arrest, public relations, recognition and identification of harmful or potentially hazardous situations, search and seizure, penal code violations, alcoholic beverage violations, health and safety violations, courtroom demeanor and testimony, evidence packaging, identication of drugs and narcotics, first aid, civil rights, and personal safety. There was also a continuous process of on-the-job training throughout the summer.

At the end of the training phase, the officers were sworn as reserves and uniforms were provided. The uniforms consisted of short sleeve, wash-and-wear shirts and trousers or bermuda shorts. The only identifying marks on the uniforms were shoulder patches. The officers were provided with police badges for identification which were carried in an ID case, but no weapons of any kind were carried or displayed.

Although the officers were authorized to make arrests and issue citations, that authority was used only as a last resort. In all cases, the emphasis was on persuasion rather than force. The procedure followed was: When an officer observed a misdemeanor activity, he approached the offender in a congenial manner and discussed the violation, rather than issuing a citation or making an arrest. If, however, the person continued his unlawful activity, he was cited or arrested, as the situation dictated. This policy tended to encourage the idea among young persons that

the police representatives are reasonable human beings who are on the public's side. The primary motivation of the liaison officer was to obtain voluntary compliance of existing regulations, and to enhance good public realtions.

RESULTS

During the summer of 1973, the unit made approximately 2,000 individual contacts with people on the beaches for violation of the law, disturbances, lost children, first aid, and calls to assist other agencies (regular officers, lifeguards, fire department, etc.). Of these contacts, approximately 12 percent resulted in arrests being made or citations being issued, and they were all for misdemeanor or felony violations other than traffic. There were no major confrontations between the officers and citizens, and no complaints from the beach goers. Only four cases of resisting arrest were reported, and these were passive in nature.

The patrol definitely helped keep the peace on the beach.

THE STATUS OF FLUE GAS DESULFURIZATION TECHNOLOGY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. BINGHAM. Mr. Speaker, flue gas desulfurization—FGD—is a generic term encompassing numerous stack-scrubbing processes for the removal of toxic sulfur oxides from power plant stacks. An evaluation of the developmental status of FGD technology must therefore take into account the specific characteristics and advantages of the various scrubber techniques.

Coal type and plant size, age, and location assure considerable latitude in choosing the best scrubber process for the job. Many of the problems which have occurred in commercially employed scrubbers derive from relative lack of experience in retrofitting existing plants; that is, the adoption of FGD systems to plants which have been operated without FGD equipment. Increasing experience in commercial installation of scrubbers will undoubtedly eliminate these mechanical and chemical bugs.

Since flue gas desulfurization offers an effective and widely applicable means to reduce toxic sulfur oxide emissions from existing and future power plants, perfection of FGD technology must remain a major environmental priority. For the benefit of my colleagues and other readers of the RECORD, I include herewith the following readings about the various scrubber technologies which have been developed and commercially applied: excerpts from the fiscal year 1973 Annual Report of the Environmental Protection Agency's Control Systems Laboratory, and an excerpt from an article in the April 19, 1974, issue of Science entitled "High-Sulfur Coal for Generating Electricity":

U.S. ENVIRONMENTAL PROTECTION AGENCY CONTROL SYSTEMS LABORATORY ANNUAL REPORT FISCAL YEAR 1973

NONREGENERABLE PROCESSES

Lime/limestone wet scrubbing

This process involves the wet scrubbing of fossil-fuel boiler flue gas (from power plant or industrial/commercial sources) with limestone or lime slurries to remove sulfur oxide and particulate pollutants. Results of several pilot-scale studies indicate that the process, of which there are several variations, is capable of high pollutant removal rates with acceptable reliability.

Testing of the principal demonstration is underway at a large-scale, multiple-configuration prototype at TVA's Shawnee Power Plant. The City of Key West, Florida, is the scene of a secondary demonstration: testing of a variation of the same process.

Lime/limestone wet scrubbing processes have the inherent advantages of low reactant costs, relative simplicity, and final products in the form of relatively inert disposable materials. These processes are widely applicable to both old and new power plants. Process disadvantages include: requirements for plume reheat, potential reliability problems (e.g., scaling and erosion), and potential solids disposal problems in some urban locations.

TVA's Shawnee Power Plant—Construction of the large-scale demonstration facility at TVA's Shawnee Power Plant was completed in March 1972; testing started the following month. The facility, consisting of three different (but parallel) scrubber circuits, can handle about 90,000 cfm of the 450,000 cfm (150 MW) output of one of the ten coal-fired Shawnee boilers. The versatile facility is being used to evaluate the performance and reliability characteristics of lime/limestone wet scrubbing systems operating under a variety of operating conditions.

Currently, factorial and reliability verification tests with limestone are complete; long-term limestone and lime tests are presently being conducted. Results to date indicate a capabiltiy for reliable operation with high SO_2 removal efficiencies.

City of Key West—The variation of the limestone wet scrubbing process being tested in Key West includes most of the general concepts of the basic process.

The City of Key West, under an EPA demonstration grant, has installed this process on a new 37-MW oil-fired boiler. In January 1974, Engineering Science, Inc. under an EPA contract, began a test program to characterize this type of a system. Testing will include long-term tests, primary variable tests, and optimization tests.

DOUBLE-ALKALI

The double-alkali process, like the lime-limestone wet scrubbing processes, produces a throwaway product consisting of flyash and calcium sulfite/sulfate. The process, in its various forms, was developed in an effort to avoid the problems associated with the use of absorbent slurries in the lime/limestone processes.

Flue gases are scrubbed, using a soluble alkali (usually sodium-based) solution as the absorbent. The spent absorbent solution is treated with lime and/or limestone in a regeneration system to produce: a regenerated soluble alkali for recycle to the scrubber system, and a throwaway product for disposal.

Although less developed than lime/limestone wet scrubbing processes, double-alkali systems show potential for attaining high sulfur oxide removal efficiency and good reliability at relatively low cost. A problem is associated with these systems, however: a potential exists for pollution of ground and surface water by solubles present in the waste product. Steps can be taken to reduce (or eliminate) this potential secondary problem.

To more fully test and characterize double-alkali systems, EPA contracted with Arthur D. Little, Inc., to conduct a laboratory and pilot plant study of attractive double-alkali operating schemes. This study is being supplemented by an in-house CSL laboratory program. The pilot plant testing, at a 200-cfm facility owned by Arthur D. Little, Inc., was started in November 1973. There is a strong possibility that this program will be extended to include testing at a 20-MW prototype installation.

Also, CSL and General Motors have agreed to participate in a cooperative test program on GM's double-alkali process variation, recently installed on a coal-fired industrial boiler at GM's Chevrolet Plant in Cleveland, Ohio. This program will evaluate an important double-alkali variation on industrial scale.

Sludge disposal

In December 1972, the Control Systems Laboratory initiated a limited program to determine environmental acceptability and economics of techniques for treatment and disposal of throwaway sludge product from lime/limestone wet scrubbing processes for flue gas desulfurization.

The 2-year program is based on extensive current and projected application of lime/limestone scrubbing, projected insignificant commercial utilization of the sludge, and potential toxicity and hazards of species which could be found in the sludges and associated liquors.

The program consists of the following major elements:

1. An inventory of sludge constituents in both the solid and liquid phases. Sludges produced from the following sorbent/fuel combinations being studied are limestone/Eastern and Western coals, lime/Eastern coal, and double-alkali/Eastern coal.

2. An evaluation of the potential water pollution and solid waste problems including consideration of existing or proposed water effluent, water quality, and solid waste standards or guidelines.

3. An evaluation of treatment/disposal techniques with emphasis on ponding and treated and untreated landfill. In particular, sludges treated by two commercial processes will be evaluated in the laboratory for mechanical properties, permeability, leachability, etc.

4. A recommendation of the best available technology for sludge treatment/disposal based on the elements delineated above.

REGENERABLE PROCESSES

Magnesium oxide (Chemico Mag-Ox) Scrubbing

The Mag-Ox slurry scrubbing process, developed by Chemical Construction Corporation (Chemico), is one of the more promising regenerable approaches which could attain commercial status by mid-1974.

The chief advantage of the Mag-Ox process is its wide applicability to both existing and new power plants: it removes both SO_2 and particulates very efficiently without interfering with normal boiler operation. The process is also amenable to the centralized processing concept; i.e., spent sorbent can be regenerated at a central plant capable of servicing a number of power or industrial plants.

The major disadvantage of the process is the relatively high energy requirements for regeneration. Other disadvantages include those common to wet scrubbing processes; e.g., the apparent requirement for stack plume reheat.

EPA and Boston Edison are currently involved in a $7 million co-funded program involving design, construction, and operation of a 155-MW capacity scrubbing/regeneration system.

Scrubbing, centrifuging, and drying operations are located at Boston Edison's oil-fired Mystic Station; a regeneration system has been constructed at Essex Chemical's sulfuric acid plant in Providence, R.I. System testing started in April 1972. Results obtained during the initial year of operation indicate that SO_2 removal efficiencies in excess of 90 percent can be obtained using both virgin and regenerated MgO. In addition, commercially saleable sulfuric acid of high

quality has been produced from the sulfur values recovered from the stack gas. However, numerous problems (primarily equipment related) have thus far prevented continuous long-term reliable operation. Completion of the project is scheduled for mid 1974 and is intended to provide design data for scaling up the process to commercial size.

Potomac Electric Power Company has installed a 100-MW Mag-Ox scrubbing system, currently in the preliminary start-up stage, at its coal-fired Dickerson Station. At the completion of the EPA/Boston Edison program, EPA will permit Potomac Electric to use the Providence MgO regeneration system to process spent scrubber sorbent in exchange for data obtained by Potomac Electric relative to overall system operation on coal-fired plants.

Sodium iron scrubbing with thermal regeneration (Wellman-Lord)

EPA and Northern Indiana Public Service Company (NIPSCO) are jointly funding the design and construction of a flue gas cleaning demonstration system utilizing the Wellman-Lord SO_2 Recovery Process. The Allied Chemical SO_2 Reduction Process will be used with the W–L Process to convert the recovered SO_2 to elemental sulfur. The total $9.5 million cost for design, construction, and startup is being borne equally by EPA and NIPSCO. The operational costs for the system will be borne solely by NPISCO, and a detailed test and evaluation program will be funded by EPA. The demonstration system will be retrofitted to the 115-MW, coal-fired Boiler No. 11 at the D. H. Mitchell Station in Gary, Indiana.

The SO_2 product from the W-L Process is suitable for recovery in three forms: liquid SO_2, sulfuric acid, and elemental sulfur. For purposes of the EPA/NIPSCO demonstration, the Allied Chemical SO_2 Reduction Process will be applied to generate the most salable and environmentally sound product, elemental sulfur. The process has been demonstrated on a large scale treating a 12-percent SO_2 gas stream from a nickel ore roaster at Sudbury, Ontario.

EPA has high confidence for the success of this first coal-fired boiler demonstration system in meeting guarantees for pollution control, product quality, and material and utility requirements. This confidence is based on the already appreciable quantity of successful operating experience to date for W-L Systems on various applications including acid plants, Claus plants, and oil-fired boilers. Seven systems are now in operation in the U.S. and Japan. The knowledge gained from operating these systems has resulted in a series of process improvements (reducing costs and purge requirements) which have been incorporated in the EPA/NIPSCO demonstration.

Catalytic oxidation (Monsanto Cat-Ox)

The catalytic oxidation (Cat-Ox) process is an adaptation of the contact sulfuric acid process. Monsanto Enviro-Chem Systems, Inc. has developed this adaptation through work on a pilot scale unit and then a 15-MW prototype. EPA and Illinois Power Co. (sharing a $7 million total funding requirement) are now preparing to demonstrate the process on a 100-MW coal-fired boiler at Illinois Power's Wood River Station. Detailed design, construction, and shakedown testing of the air pollution control system has taken about 3 years; performance guarantee testing was carried out using gas firing of the reheat burners in July 1973. The unit met all guarantees and was subsequently accepted. However, due to the present critical shortage of natural gas, the burners are being modified to allow either oil or gas firing, as conditions permit. It is anticipated that this work will be completed in time to allow full-time, permanent operation of the demonstration unit by Summer of 1974, with the accompanying commencement of the 1-year test program.

The Cat-Ox system is available in two configurations: the Reheat system for retrofitting existing plants, and the Integrated system for incorporation into new power generating facilities.

The product acid is cooled and sent to storage, while the flue gases pass through a fiber-packed mist eliminator (where the residual traces of sulfuric acid mist are removed), and then to the stack where the clean gas exists to the atmosphere. At this point, essentially all particulate matter, as well as 85 percent of the SO_2, has been removed from the stream.

Trace and hazardous element analyses account for an important portion of the overall Cat-Ox test program. A complete characterization of Wood River Unit No. 4 (prior to Cat-Ox equipment tie-in) included analyses for some 30 trace elements in the coal, hopper ash, and slag as well as in the flyash (where elemental analysis has been done for a complete range of size fractions). These tests will be repeated during the 1-year test program (after the Cat-Ox system becomes operational) to determine the effects of the system on the concentration and distribution of trace elements.

Sodium ion scrubbing with electrolytic regeneration (Stone & Webster/Ionics)

In July 1972, EPA and Wisconsin Electric Power Company (WEPCO) initiated a 3½ year three-phase program, involving the Stone & Webster/Ionoics (S&W/I) sodium hydroxide scrubbing process.

Under Phase I, currently in process, an integrated pilot plant was constructed, operating tests initiated, and a prototype-scale electrolytic cell system designed and fabricated. Preliminary design of a 75-MW prototype system, and development of detailed test programs and operating schedules for the prototype system will be initiated by Summer of 1974.

Based on favorable assessment of Phase I results and continued technical and economic viability for the process, Phase II, a 16-month effort, will be initiated for the detailed design, procurement, and installation of the 75-MW prototype. This would be followed by Phase III, a 12-month startup and operational period for the 75-MW prototype. Assuming a decision to proceed, EPA and WEPCO would co-fund the $7 million program.

The Stone and Webster/Ionics process is a cyclic method of flue gas desulfurization that was developed by S&W/I during the 5 years prior to the EPA/WEPCO program.

Chief advantages of the process, expected to apply to both existing and new power plant over a broad range of sizes, are: highly efficient removal of SO_2; production of easily handled non-slurry flow streams; no solid waste; and recovery of SO_2 for subsequent processing into liquified SO_2, sulfuric acid, or elemental sulfur.

Potential disadvantages of the process include: power requirements for electrolytic regeneration, adverse influence of particulate and flue gas trace constituents on the reliability of the electrolytic cell, and the need to remove from the system any sulfates produced by oxidation in the scrubber.

Ammonia scrubbing with bisulfate regeneration

Stack gases have been commercially desulfurized by contact with solutions of ammonium sulfite and bisulfite since the mid 1930's. The early processes recovered SO_2 in a pure form by acidifying the scrubbing liquor with such acids as sulfuric, nitric, and phosphoric. The resulting ammonium salt of the acid was further processed for use as a fertilizer. Because of the enormous tonnages of SO_2 involved in desulfurizing power plant stack gases, fertilizer markets will not support wide-scale use of fertilizer-producing ammonia processes. Therefore, CSL in a joint venture with TVA is developing a completely cyclic ammonia scrubbing/bisulfate regeneration process which has as its major product a concentrated stream of SO_2.

Sulfites that are oxidized into sulfates during the process must be purged from the system. Several purge methods can be used: (1) if a fertilizer market exists for ammonium sulfate, ammonium sulfate crystals can be purged prior to decomposition; (2) if there is no fertilizer market, ammonium bisulfate can be reacted with lime to form gypsum and regenerate the ammonia; or (3) ammonium bisulfate can be injected into the utility boiler where it will be decomposed into nitrogen and SO_2.

In 1973, attention was focused on eliminating an objectionable plume of ammonia-based salts in the scrubbed gas leaving the stack. This plume was eliminated or reduced to an entirely acceptable opacity by quenching the flue gas with water prior to introducing the gas into the ammoniacal scrubber. Other explanations can be offered for elimination of the plume, but they are considered less likely. Fortunately quenching the stack gas should reduce ash loadings to the scrubber and minimize regeneration problems. During 1974, sulfate decomposition and bisulfate solution regeneration will be studied intensively in the pilot plant.

Activated carbon

The use of multi-stage, dry fluidized beds of recycling activated carbon appears attractive both for sorption of SO_x from flue gases and for converting the removed SO_x to elemental sulfur. Under an EPA contract, development of the activated-carbon-based flue gas desulfurization process was advanced to a stage where three major process units—sorber, sulfur generator, and carbon regenerator—were integrated for continuous and cyclic operation.

Intergated pilot plant operation is now underway and represents a culminating point in the effort to determine overall technical feasibility of this process scheme. The extended cyclic operation of the approximate 300 scfm capacity pilot plant will yield reliable operational data that will be used to project process economics with greater accuracy and to scale up this process to higher capacities. It is anticipated that Westvaco, the EPA contractor, will provide this process development information during the first half of 1974.

Sulfuric acid neutralization

In the abatement of air pollution from industrial sources such as smelters, large quantities of sulfuric acid are produced. Sulfuric acid is also produced by many of the abatement processes developed for application to air pollution sources, including power generating plants. The growing oversupply of world sulfur promises uncertainty of future markets for such acid.

When acid markets are not available, however, it appears that the neutralization of abatement derived sulfuric acid with limestone may be an economically and technically feasible answer to the problem of acid disposal. A study undertaken to more fully define the potential of this approach was completed in April 1973; it confirmed earlier indications of the feasibility of this concept and placed it on a firmer technical basis. The investigation included a pertinent literature search, conceptual design, and flow sheet for the neutralization of abatement derived sulfuric acid with limestone. Investment and operating costs were developed for daily H_2SO_4 capacities of 100 tons, 350 tons, and 1000 tons.

Claus plant emission characterization

Claus plants produce sulfur from hydrogen sulfide and sulfur dioxide.

Numerous Claus sulfur plants are operated in the United States in connection with natural gas and petroleum refining. Because of the apparent potential for atmospheric pol-

lution from unconverted hydrogen sulfide and sulfur dioxide in Claus plant tail gas, a survey was made (completed April 1973) to collect information concerning Claus sulfur plant emissions and control. Such a data base will be of great use in evaluating the significance of the problem and determining appropriate control strategies.

Summary report findings are as follows:

There are 169 Claus sulfur plants in the United States having rated daily capacities totaling over 15,800 long tons. The tail gas from a Claus plant contains hydrogen sulfide, (H_2S) and sulfur dioxide (SO_2), but the tail gas is usually burned, converting the H_2S to sulfur oxides. The annual emissions from Claus sulfur plants in the United States are estimated to total 875,000 short tons of SO_2 equivalent.

These estimates assume that the Claus sulfur production averages 60 percent of the rated plant capacity and that the Claus sulfur recovery averages 90 percent. Additional catalytic stages could increase the Claus sulfur recovery to about 97 percent, eliminating 70 percent of the Claus plant emissions.

The Beavon Sulfur Removal Process and the Cleanair Sulfur Process are claimed to increase sulfur recovery to more than 99.9 percent, eliminating about 99 percent of Claus plant sulfur emissions. The investment and operating costs for Claus-Beavon plants or Claus-Cleanair plants are about twice those for Claus plants alone. Hence, the production costs for Claus-Beavon sulfur or Claus-Cleanair sulfur are about twice those for Claus sulfur.

The Institut Francais du Petrole (IFP) Process is claimed to increase the sulfur recovery to more than 99 percent, eliminating about 90 percent of Claus plant emissions. The investment and operating costs for an IFP addition are about half of those for the Claus sulfur plant alone. Accordingly, the production costs for Claus-IFP sulfur are about 50 percent higher than those for Claus sulfur.

[From Science, April 19, 1974]

HIGH-SULFUR COAL FOR GENERATING ELECTRICITY

(By James T. Runham, Carl Rampacek, T. A. Henrie)

CITRATE SYSTEM

The citrate process is one of the more attractive systems that has emerged in the past several years for flue gas desulfurization. Developed by the Bureau of Mines to remove sulfur dioxide from nonferrous smelter stack gases, the process has the advantage that elemental sulfur is recovered without the need for intermediate sulfur dioxide regeneration. The system, is considered among the least costly of the advanced processes.

Recently the bureau began testing the process in a pilot plant with capacity of 1000 standard cubic feet per minute (scim) at the Bunker Hill lead smelter, Kellogg, Idaho. More than 95 percent removal of sulfur dioxide has been achieved without difficulty from a gas stream containing 0.5 percent sulfur dioxide.

Since June 1973, the process has been tested in a 2000-scfm demonstration unit at a coal-fired steam generating plant in Terre Haute, Indiana. Tests on gas containing 0.27 percent sulfur dioxide, generated by burning coal containing 3 percent sulfur, have largely confirmed Bureau of Mines findings. Although the citrate process has been proposed for producing elemental sulfur, it also is possible to recover sulfur dioxide for conversion to acid by incorporating a steam-stripping step.

Estimated capital cost of a citrate process desulfurization unit for a 1000-Mw plant burning coal containing 3 percent sulfur is $31 million. Annualized costs would be $1.4 mill/kwh, if no credit for the 214 long tons of sulfur produced daily is assumed.

THE BEACON HOSE CO. NO. 1

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. SARASIN. Mr. Speaker, there are few groups in our Nation as selfless and dedicated in helping their fellow neighbors as the volunteer fire departments. I recently had the pleasure of attending the 75th anniversary banquet of the Beacon Hose Co. No. 1, of which both my father and I are former members, and I would like to share some of the company's illustrious history with my colleagues.

The Beacon Hose Co. No. 1 was organized in May 1899 in my hometown of Beacon Falls, Conn. First organized as a firefighting company for the Beacon Falls Rubber Shoe Co., the Beacon Hose Co. became incorporated in 1930, gaining the status of a volunteer town company. Among those designated as charter members for having joined before 1900 was George Butz, Sr., the company's first foreman. He was succeeded by Bert Howell for 1 year until Pop Lee assumed leadership in 1908. Lee, who became designated as chief upon the company's incorporation, served in this capacity until 1950. Since then, the company has seen the service of six leaders: Harold Benz, until his passing in 1951, George Rau, Arthur Smith, Daniel Lee, Jr., and Roger Brennan who served 5 years each, and the current chief, Lee Lennon, elected in 1971.

The company has undergone major changes and advancements over the years. Originally located on the rubber company grounds, the Beacon Hose Co. was housed in two other buildings on Main Street before acquiring its present headquarters in 1969. Having first employed a hand pulled hose cart, the company now owns five engines. In addition, it has provided a free ambulance service since 1951.

The first ambulance was donated by the Buckmiller family, and in 1954, members of the Community Club and firemen together purchased another vehicle from the Borough of Naugatuck. Later a new ambulance was purchased by the town, and the original emergency vehicle was sold to the town of Oxford for $1 to aid in the founding of its Community Ambulance Service. Apart from the paramedical training that the firemen receive, those members serving as ambulance men recently completed an extensive emergency medical training course at Griffin Hospital.

The annual bazaar and parade, which entertains thousands from the area, draws proceeds to sponsor and cosponsor many functions and community services. These include Halloween and Christmas parties, the upkeep of a boys' cottage at the Southbury Training School, an annual "Jimmy Smith Memorial Award" scholarship in mathematics to a graduate of the Long River School, a yearly program in memory of Dick Johns which sponsors a Scout at summer camp, and a fire prevention program aimed primarily at the town's children, which was credited with saving the lives of a local facilities several years ago.

Presently, there are 76 members of the Beacon Hose Co., all of whom are trained in the techniques of firefighting and the operation of the modern equipment employed in administering first aid. In addition, a plectron system has been installed to replace the siren and telephone method of summoning the members to an emergency, providing an instantaneous service.

It would be impossible to express in these few short words, the appreciation deserved by our volunteer firemen. These are individuals who apply their training and regularly risk their lives in return for satisfaction that they are integral to the safety and harmony of their communities. On this note, I would like to congratulate Chief Lennon and all the members of the Beacon Hose Co. upon reaching this 75th milestone, and to express my sincere appreciation for all of the services which they have and will continue to perform.

TRIBUTE ON THE RETIREMENT OF THE HONORABLE WENDELL WYATT OF OREGON

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ROONEY of New York. Mr. Speaker, the recent announcement by the Honorable WENDELL WYATT that he will be retiring at the end of this Congress is a great disappointment to me, as I am sure it is to all the Members of this august body.

I have had the distinct pleasure of working very closely with WENDELL WYATT since his assignment to the Appropriations Subcommittee for the Departments of State, Justice, and Commerce, the Federal Judiciary and Related Agencies. His assignment to this subcommittee came following the death in 1972 of our former colleague and my dear and beloved friend, Frank Bow of Ohio. During this time I have come to both know and respect WENDELL for his ability to work for the public interest and for a more effective and efficient government. I have also been deeply impressed with his insight and knowledge into the working of government.

Mr. Speaker, WENDELL'S long history of service to both his community and country began in 1941 and has always been in the highest traditions of the Republic. He was a special agent for the FBI in 1941 and continued to serve his country in World War II as a combat officer in the Marine Corps. After the war he returned home and took an active interest in his community which eventually culminated in his election to the House of Representatives in 1964.

The Congress, the country, and the American people will all sorely miss the expertise of the gentleman from Oregon. The committee of which he is a member

will also miss the services of this student of government and the law.

Mrs. Rooney joins me in wishing WENDELL and his lovely wife, Faye, a most enjoyable and productive retirement.

OIL AND DEPARTMENT STORES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. CONTE. Mr. Speaker, for several months, I have been barraged with letters, telegrams, phone calls, and visitors telling me the oil companies need more profits so they can increase investment in exploration and production.

I have been solemnly warned in these communications that if Congress repeals the oil depletion allowance and other special interest tax legislation, the oil companies would withhold energy exploration and production and the Nation would suffer.

While the major oil companies were reporting 1973 profits of $10 billion, I pondered the continued need for the oil depletion allowance. I looked for new construction. In New England, there are four proposals to build oil refineries along the Atlantic coast, but none of them is sponsored by a major oil company.

Meanwhile, several majors have been taking their oil profits and investing them in nonpetroleum businesses. Last winter, Gulf Oil offered $100 million for the Ringling Brothers Circus. When exposed to the glare of publicity, that deal fell through.

Last March, at the peak of the gasoline shortage, the Select Committee on Small Business, on which I am the ranking minority member, discovered that Gulf was taking over a significant portion of the distressed recreational vehicle market. Sales of recreational vehicles at that time had hit an all-time low; today they are booming.

Now Mobil Oil has announced its intention to purchase controlling interest in the Montgomery Ward department store chain for $400 million. Mr. Speaker, the Washington Post last Friday featured an editorial on this subject, which I submit for the RECORD:

OIL AND DEPARTMENT STORES

Oilmen, their bankers and their trade associations have been telling us all year that high oil profits are absolutely essential to solve the energy shortage. The industry has to have the current tremendous profits, the litany goes, in order to provide the capital to develop the new sources that the country needs. Don't you remember all those speeches, advertisements and statistical studies? A constant theme ran through them: The oil companies' profits might seem a bit high to you folks sitting out in front, but you can take the word of the real experts that those profits are necessary to provide you with oil for the years to come.

But now the Mobil Oil Corporation is preparing to use some of its recent profits, instead, to buy the company that controls Montgomery Ward. While Montgomery Ward runs good stores, you wouldn't go there to look for oil. Mobil is, in fact, diversifying. The enormous accumulations of ready cash by the oil companies mean great power, and obviously not all of that power is going to be devoted to producing energy. Some of it is going into the quite different purpose of extending the companies' control into altogether new and different fields.

To take over the Marcor Corporation, the holding company that owns Montgomery Ward, will cost perhaps $400 million. Mobil defends itself by emphasizing that it will spend $1.5 billion this year alone on capital expansion and exploration for oil. But Dr. John Sawhill, the administrator of the Federal Energy Office, was surely right when he expressed "disappointment" that Mobil was not inclined to devote its full resources to energy development.

Mobil's reasons for diversification arise from a defensive and anxious mood that seems to prevail inside the oil industry. Mobil fears a political climate here and throughout the world that might make the oil business a great deal less profitable very soon. Along with all the other companies Mobil has been complaining bitterly about the constraints imposed by the new environmental laws. Abroad, the exportnig countries are rapidly nationalizing their immensely rich concessions. Mobil is one of the Aramco partners, who have just been informed that the Saudi government is taking over 60 per cent of the ownership in Aramco retroactive to the first of the year. Here at home, the companies were put through a hazing on profits last winter by Sen. Henry Jackson and currently the industry's most visible tax break, the depletion allowance, is being thrown up for a vote about once a week in one house of Congress or the other. Mobil sees itself increasingly harassed and constrained by innumerable government agencies trying to tell it how to run a very complicated business. Beyond the disputes over reports and permits lies, apparently, a real fear that the government is going to try to regulate the oil companies and treat them like utilities.

Here we have a remarkable example of the difference in perspective between Washington and New York. Seen from Washington, the oil companies are getting richer so fast that the profit figures are a sharp embarrassment to their political friends. The retained earnings are piling up at rates that raise urgent issues of fair competition as oil companies expand at the expense of other companies that do not enjoy the oil tax benefits. While it is true that the companies have not managed to get any of the environmental laws changed, it is also true that so far in the legislative stalemate the tax breaks have not been repealed either. And the price to the consumer keeps going up. But the same picture, seen from corporate headquarters in New York, takes on a threatening and autumnal aspect. The industry seems beleaguered by its enemies. The word is, apparently, to begin discreetly to walk, not run, toward the exit.

But if leading oil companies begin to use their massive internal reserves to begin buying their way into entirely different businesses, that is not entirely a private matter. It certainly lets a good deal of the air out of the much-advertised presumption that those reserves were going to be used to drill for oil and build refineries. The size of those companies' present reserves owes a lot, after all, to public policy in the form of tax subsidies and price control decisions.

At this moment, when the spirit of detente prevails throughout the world, it ought to be possible to negotiate a truce between the oil companies on one hand and everybody else on the other. The companies want to know, basically, under what conditions they are going to be required to do business over the next decade. Everybody else wants to know if there is going to be enough gas and oil. There is room here for a bargain. The public would be less incensed by higher fuel prices if the companies paid the same taxes as other corporations. Revoking the most egregious of the tax subsidies is the first step toward a negotiated peace. The second is recognition by the companies that the new environmental standards have strong public support, and the industry is going to have to accept them. But meeting those standards will be expensive, and the cost will show up in the price of oil. The consumer is going to have to get used to that idea. He is also going to have to get used to the idea that an oil price roll-back is only a prescription for more fuel shortages. There is only one source for the expanding supplies of cheap oil to which Americans have been accustomed, and that source lies in the Persian Gulf far beyond the reach of the American anti-trust laws. Over the coming months, both consumers and companies will doubtless learn to live with the new economics of fuel. But at the moment we have a striking paradox: a major oil company, in the midst of a massive wave of profits, filled with dismay about its future and looking uneasily toward some safer line of business.

GEOTHERMAL HEATING AT OREGON INSTITUTE OF TECHNOLOGY

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ULLMAN. Mr. Speaker, the national energy shortage has come as a largely unheralded and certainly a very unpleasant surprise to this Congress. I would venture to guess that fossil fuels and alternative power sources have played a far larger role in our thoughts and legislative efforts than any of us dreamed of 2 years ago.

One power source that has been little known outside of the Pacific Northwest is geothermal energy. While geothermal reserves do not exist in all parts of the country, I think that all of us can take encouragement from the creative and pioneering spirit in which efforts to develop this new energy source are being undertaken.

Of particular interest is the establishment of a geothermal heating and cooling plant at the Oregon Institute of Technology. Largely the dream of one man, Dr. W. D. Purvine, president of the Institute, this plant has reduced their heating bill from an estimated $95,000 a year to $10,000 a year. And by making use of the hot water reserves that existed right under the Institute's foundations, this imaginative administrator has conserved other valuable energy sources for use elsewhere.

I would like to share with you an article on this energy success story which appeared recently in the Los Angeles Times:

GEOTHERMAL HEAT—SCHOOL'S GAMBLE OPENS UP NEW ENERGY HORIZON

(By Lee Dye)

KLAMATH FALLS, ORE.—W. D. Purvine is living proof that a sharp eye, a curious mind and a lot of common sense have not lost their place in this age of tecnological sophistication.

In 1959, when he laid out the plans for the modern, new campus of the Oregon Institute of Technology—of which he is pres-

ident—he wanted to reduce the heating bill, estimated at $95,000 a year.

He figured he could do that by heating the school, which consists of more than 4 million square feet of floor space, with the hot water that occurs naturally beneath this south central Oregon community.

Many buildings in Klamath Falls have been heated by geothermal wells for years, but Purvine's scheme was far more ambitious than anything that had been attempted.

As any well driller knows, it is possible to drill dozens of bad wells before drilling one good one, and drilling is very, very expensive.

So there was a chance that the state would pump a lot of money down a lot of dry wells and still be faced with a huge heating bill.

Although he is not a scientist. Purvine convinced the Legislature he could find the right areas to drill. He was told to go ahead—provided he personally picked the drilling sites.

It was a gamble, but Purvine was willing to try.

He began plotting his course by watching each morning to see where frost melted first.

After he had pinpointed the warmer areas, Purvine talked to every well driller he could find. He heard a lot of old yarns, but he learned a lot about drilling also.

As a rockhound, Purvine knew the geological terrain fairly well. Geologists have determined that the heat that warms the water probably rises to the surface through fault zones, so Purvine charted every fault he could find and every fault known to exist near the campus.

Finally, the day of reckoning came.

He directed a drilling crew to one corner of the campus and, just above what he considered to be an old fault. Purvine ordered the men to begin drilling.

The well was drilled to 1,205 feet at a cost of nearly $17,000. They found water, but it was a mere 78 degrees.

He moved to the other side of the fault, where the frost melted first each morning, and ordered the men to drill again.

Again, they found water. But this time it measured 176 degrees.

In all, Purvine drilled six wells—three hot and three cold.

Today, the entire campus, consisting of eight buildings, is heated with the water from just one of those geothermal wells.

The hot water flows through heat exchangers in each of the buildings, heating air that is then blown into the rooms, as in any forced-air heating system.

When the weather turns hot, campus plant supervisor Jack Hitt turns a few wheels and the hot water is replaced by chilled water from the cold wells, and the entire system acts as an air conditioner instead of a furnace.

The cost? About $10,000 a year.

Although Purvine did not plan it this way, his success could not have been timed better.

With the nation facing a long-term fuel shortage—and with prices skyrocketing for such things as heating oil—the success the institute has had with geothermal heat takes on a special significance.

Hot water wells have been used for various purposes in the Klamath Falls area for decades.

For example, warm water has been used to irrigate certain crops, such as tomatoes. The warmer water extends the growing season, resulting in rich, luscious tomatoes.

But in the past, that sort of activity has been carried out on a relatively limited scale.

The college's success, according to John Lund, engineering professor, proves that geothermal power could have considerable application in the industrial sector.

"It could be useful to any industry that has a high demand for heat," Lund said.

For instance, Klamath Falls plywood company that has been fighting against bankruptcy is considering shifting to geothermal heat as a means of cutting its costs.

A hospital adjacent to the campus also is shifting over to geothermal heat.

The idea of heavy industry moving into the pristine wilderness areas of Oregon does not appeal to all Oregonians, however.

The state has actively sought to discourage industrial development in some areas, and as geothermal exploration moves into full swing, conflicts over land use probably will be fierce.

Purvine believes, however, that the future of geothermal energy is bright.

"Without any question it's going to be a major source of energy," he said. "There are hundreds of locations with hot water."

Some members of his staff believe exploration will almost surely result in discoveries of steam, whch might be used to generate electricity. So far, geothermal applications in Oregon have been limited to hot water wells.

The federal Bureau of Land Management is in charge of a federal leasing program for potential geothermal areas, and since the program was started earlier this year the rush has been phenomenal.

The Portland office of the bureau has received 866 applications for geothermal leases in Oregon and Washington.

Many of those applications, undoubtedly, are purely speculative to lead to geothermal development on a much broader scale than anyone expected just a few years ago.

At any rate, Klamath Falls is in on the ground floor, and the Institute of Technology hopes to play a considerable role in the national geothermal program.

The school is seeking governmental support to establish a National Center for Geothermal Technology.

The center would be situated near the campus and would be designed to "hasten the widespread utilization of geothermal energy in a very direct and pragmatic way," according to a prospectus.

The center would conduct research and provide information on the technical aspects of geothermal power.

Although funding for the center—estimated at $184 million for the first 10 years—has by no means been assured, the institute is moving to ensure its role in the development of geothermal energy.

Oct. 7 through 9, the school will be host to an international geothermal conference. The meeting will be unusual in that it will stress nonelectrical applications of geothermal energy. It is expected to attract more than 1,000 delegates and will include representatives from New Zealand and Iceland, where geothermal energy is used for industrial purposes.

FATHER TOM GAVIN, S.J., WRITES THAT WE HAVE MUCH FOR WHICH TO BE THANKFUL ON THIS FOURTH OF JULY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. KEMP. Mr. Speaker, this week we commemorate the 198th anniversary of the proclamation of our Declaration of Independence, a proclamation which signified the united will of a people to exercise the rights of free men.

The writing of that Declaration—and its proclamation—required the highest degree of courage among its proponents. We too often forget—because it was a successful endeavor they undertook—the great risks which were taken by those gallant men and women who by their actions insured our independence. When the signers pledged their lives, their fortunes, and their sacred honor, it was not without their knowledge that should they have failed, they would have had their properties confiscated and their lives lost upon the gallows.

As we celebrate the Fourth of July—every Fourth of July—we should be ever mindful that our commitment to freedom must never be so inadequate as to risk the loss of all that for which the Framers fought—the rights and liberties of free men.

We have much for which to be thankful on this Fourth of July.

Father Tom Gavin, S.J., has made this point well in his column this week in his informative column in the Western New York Catholic, an outstanding publication circulated widely among the clergy and laity of western New York.

Father Gavin talks about why we should never despair when events seem distressing to us. In this time of crisis of confidence in our institutions, we can too easily look at only the bad, overlooking the vast amount of good in our institutions, our Government, our leaders, and our people.

Mr. Speaker, I commend Father Gavin's column to the attention of all my colleagues. It makes the case well for a rebirth of that Spirit of '76 so essential to a regeneration of the strength of our Nation.

The column follows:

QUESTIONS AND ANSWERS

(By Father Tom Gavin, S.J.)

Q. As Independence Day approaches I find it more and more difficult each year to work up any feeling of enthusiasm, much less of patriotism. It seems to me that our nation is deteriorating. The whole picture frightens me. The Vietnam War just about finished me off.

A. No question about it, we are going through some difficult times. At times like these it is essential, if one wants to keep a balance view, to put things in perspective. Let us not forget that a very few short years ago we had legalized slavery of human beings, child labor, sweat shops, wars of aggression and even denied women the right to vote. All these things we took for granted.

Perhaps the biggest step backward that we have taken in modern times is legalized abortion and the resulting slaughter of so many unborn children. That, I agree, is frightening.

But aside from those infants there has never been more independence for everybody than there is in America today. In this country you may not only criticize the government with impunity, you can slander the nation's leaders without penalty. In Russia, China and the captive nations mere disagreement can mean your head. Communist China has put to death around 20,000,000 of her own people who happened to have contrary opinions. Kruschev starved to death 5,000,000 Ukranians because they wouldn't "go along". We all know what has happened in Hungary and Poland and the fate of hundreds of thousands of dissenters in Russia. One may not even leave East Germany without risking a bullet in the back.

Far from waging aggressive wars, we have risked bankruptcy in an effort to rehabilitate our former enemies. As Henry Cabot Lodge said in the United Nations, "At the end of world war II we alone had the nuclear bomb,

the largest air force and navy in the world. Had we wished to we could have annihilated Russia." Instead we now sell her wheat, subsidized by the American taxpayers. We did our best to defend a free people in South Korea and South Vietnam.

As our present envoy to South Vietnam, Ambassador Graham A. Martin, said in a recent interview: "Many Americans have forgotten that our real emotional involvement in Indo-China affairs began in 1954, with a characteristic American humanitarian response when we helped move almost a million—mostly Catholic—Vietnamese from North to the South. They abandoned everything of material value, choosing to become penniless refugees in the South rather than remain under the totalitarian rule of Hanoi. . . . Our present commitment arises from an even more characteristic American trait—our determination and pride that we finish what we set out to do. And in this case, it is to leave Vietnam economically viable, militarily capable of defending itself with its own manpower, and its people free to choose their own government and their own leaders. I am thoroughly convinced that this goal can be achieved rather quickly."

As the Canadian television commentator, Gordon Sinclair, said, "This Canadian thinks it is time to speak up for the Americans as the most generous and probably the least appreciated people of all the earth. Germany and Japan, and to a lesser extent, Britain and Italy, were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions of debts. . . . When the franc was in danger of collapsing in 1956, it was the Americans who propped it up. . . . When distant cities are hit by earthquakes it is the United States who hurries in to help. . . . When the railways of France and Germany and India were breaking down through age, it was the Americans who rebuilt them. . . . I can name you 5,000 times when the Americans raced to the help of other people in trouble."

And we are still doing the very same generous things. At the moment, as you know, we are protecting the people of Western Europe and trying to alleviate the hunger of starving millions in Africa and India. It is obvious that we don't brag about these things ourselves. How often have you heard these facts recounted in your newspapers or television broadcasts? It took a Canadian to acknowledge them.

No wonder God has blessed this nation so bountifully. Let us pray for our leaders in the present difficulties and thank God from the bottom of our hearts that you and I enjoy independence not only on July 4th, but on every day of the year. If it were not for that you could not have written your letter.

FRENCH NUCLEAR AID TO IRAN

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. GUNTER. Mr. Speaker, last week I issued a statement expressing my concern over the proposed United States-Egyptian nuclear cooperation agreement promised by the President and my fears that this agreement would open the door for nuclear proliferation in the Middle East. I was troubled to learn some days ago that my fears were justified and that France has just concluded a trade agreement with Iran that includes provisions for the latter's purchase of five nuclear reactors.

This agreement follows hard on the heels of a statement by the Shah indicating that Iran is about to embark upon a program for the development of nuclear weapons. When asked during a recent interview with a French news magazine whether he thought that Iran would someday possess nuclear weapons, the Washington Post, June 24, 1974, reports the Shah's reply as:

Without any doubt, and sooner than one would think.

Now, despite the avowed intention of the Shah to go ahead with an atomic weapons program, France is going to sell Iran nuclear reactors which will have the capacity to produce more than enough plutonium than is necessary for an atomic bomb. Plutonium, which is a by-product of the reactor's fission reaction, is the basic building block of the atomic bomb, without which the technical problems in nuclear weapons construction are almost insurmountable for most nations. Without strict safeguards, it is possible for any country, like India, to divert sufficient quantities of plutonium for construction of an atomic device.

Yet the Washington Post, June 6, 1974, reports that past French reactor sales have not had inspection safeguards which would prevent diversion of plutonium. Furthermore, France is not even a signatory of the nuclear nonproliferation treaty.

Mr. Speaker, we must all be gravely concerned about the spread of nuclear weapons and their horrible potential for destruction. With President Nixon's recent promise of nuclear cooperation with Egypt, we are on the verge of opening the door to the spread of nuclear technology throughout the area. France has not been hesitant in following our lead and offering her atomic expertise to Iran. Other countries, like the Soviet Union, may soon follow suit and provide their client states with high-prestige and even higher risk nuclear facilities.

This new form of competition between the powers—currying favor with oil-producing nations by selling them nuclear capability—must be stopped before it escalates into a grim new version of the arms race. The only way to stop this spiral is by seeing that the atom is kept out of the area.

I commend the following article to my colleagues and other readers of the RECORD who are concerned about the dangers of nuclear proliferation:

[From the Washington Post, June 27, 1974]

FRANCE GETS $4 BILLION IN IRAN TRADE

PARIS, June 27.—France achieved an economic coup today in completing a long-term trading agreement with Iran valued at over $4 billion.

Iran is to deposit $1 billion with the Bank of France as advance payment for major industrial projects—including five nuclear power stations and technological assistance—to cost between $4 and $5 billion over 10 years.

The shah of Iran and President Valery Giscard d'Estaing, after three days of talks, set the seal on the biggest-ever economic agreement between an oil-producing country and a European industrialized power.

Shah Mohamed Raza Pahlnui told a press conference:

"We are prepared to join with France in building a petrochemical industry and go all the way in handling oil—from the well to the gasoline pump," he said.

He added that there was an immense field of cooperation between Iran and France to be explored and developed.

The French and Iranian finance ministers signed a detailed agreement for the construction of five nuclear power plants in Iran. French Finance Minister Jean-Pierre Fourcade said payments by Iran would be made in installments over three years, starting later this year. After the initial deposit of $1 billion, the first payment would probably be about 300 million dollars.

The deal will help France out of its balance of payments deficit, expected this year to be more than $6 billion.

In addition to building the nuclear power plants, the French will supply uranium, industrial equipment and gas pipelines, Fourcade said. The power plants, each of 1,000 megawatt capacity, are to be completed by 1985.

France will also assist in the creation of a nuclear research center in Iran and the training of nuclear scientists.

[Past French reactor sales have not carried requirements for inspections that would preclude use of the fuel for bombs.]

Asked about the question of nuclear weapons, the shah replied: "For a long time, more than five years now, we have declared that we would be ready to turn our area into a non-nuclear zone—that is, an area where no nuclear weapons should be used or stored, and we stick to this policy."

He denied having granted an interview to a French magazine which quoted him as saying that Iran would possess atomic weapons "sooner than the world thinks."

He said he had told a group of French journalists in Tehran before coming to France that if every little country tried to get atomic weapons "we will have to think it over—but I hope this will never happen."

The shah also said today that "all oil companies should be nationalized." Explaining the French deal, he declared.

"When we were in a weak position and asked Europe for aid, we received it. If now the European countries have some difficulties with their balance of payments it is only natural for Iran, which has achieved a strong position to do what it can."

THE 18TH ANNIVERSARY OF THE POZNAN WORKERS REVOLT

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ROONEY of New York. Mr. Speaker, in the present reported warming of the international environment that exists between the United States and the Soviet Union it is, I feel, wise to maintain the point of view that the Soviet Union is still a totalitarian state with a vast system of slave colonies in Eastern Europe. In this vast empire exists millions upon millions of people who still yearn for freedom and who are willing to battle their oppressive Red Communist governments to get it.

Among these heroic peoples of Eastern Europe, a special place belongs to the workers of Poznan, Poland, who on June 28, 1956, revolted against their puppet atheistic Communist masters in a bold attempt for freedom and self-determination. What started as a protest of economic conditions in Poland and a

peaceful demand for more freedom rapidly spread throughout the city. What looked for a while like a successful attempt at freedom was short-lived, however. Russian troops accompanied by heavy armor smashed into the city and crushed the revolt.

In the West, the spirits of all those who heard of the revolt thrilled to the prospect of more people joining the family of free men. These same spirits were crushed when the overwhelming might of Soviet arms put an end to the short-lived attempt at freedom in Poznan, Poland.

Mr. Speaker, the anniversary of the Poznan revolt is meaningful to us all but it is particularly important to our fine millions of American citizens of Polish birth or descent. We share in their pride of their kinsmen's demonstrated determination to resist the Soviet Communist oppressors and to reject vigorously the programs and political objectives which the Russian puppets seek to impose upon all the people of Poland.

I trust that all of us—not just the Members of Congress but the American people as well—will recall the gallant acts of the Poznan workers to regain a measure of the freedom which is denied them.

We could well reflect on the freedom which we enjoy and be grateful for the great heritage of liberty and justice for all which our forebears sought to endow us with. As we count our blessings we should rededicate ourselves to completing the unfinished task of bringing a full measure of these blessings to our long-time friends and relatives in Poland.

I am proud to join with my many loyal Polish-American friends in observing this anniversary of a most important historic event. I again pledge to them and to the many fine Polish-American organizations which represent them, my sincerest efforts to restore full freedom to their friends and loved ones in Poland.

THE NEW ENERGY BARONS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. TIERNAN. Mr. Speaker, the following article appeared in the Journal of the United Mine Workers, July 15–31, 1973. It is a follow-up on the article I submitted last Friday, June 21, 1974. It further documents the emergence of the energy company, the oil-coal-uranium conglomerate, that stifles the healthy interplay of market forces in the energy area. The article substantiates the claim that the oil companies are engaged in a classic horizontal integration on a scale comparable to the formulation of the 19th century trusts. The result is that the energy company has no incentives to reduce any of its fuel prices.

THE NEW ENERGY BARONS: HOW BIG OIL CONTROLS THE COAL INDUSTRY

(By Matt Witt)

UMWA coal miners have been fighting coal operator control over their lives ever since the union was formed in 1890: company stores, company doctors, company houses, company wage cuts in hard times, company discrimination against immigrant or black miners, company firing of safe workers—in short, domination over those who risk death or injury or dust-filled lungs to bring the black wealth out of the ground by those who take the profits home.

In 1973, the battle continues. Throughout the coalfields, miners are already talking about the 1974 contract struggle, and many of the goals you hear discussed are the unachieved goals of the past—pay for the sick worker and care for the widows and disabled, a decent living through automatic raises during inflation, the right to enjoy some sunlight through decent vacations and pensions, the right to fearlessly demand safety and to bid on jobs without discrimination, protected by a clear and readable grievance procedure.

There's a lot of talk, too, about the fight between energy companies and the public, known as the "energy crisis." We hear about how coal miners' jobs are being threatened by the failure to develop sulfur pollution controls—and how coal miners' paychecks are being gutted further by 40-cents-a-gallon prices for gas. And large coal companies now are talking about the high profits of western mining at the expense of existing jobs in the East or Midwest.

In 1973, the battle continues, but there is an important change that makes the contract and energy fights that much tougher. The coal barons have changed.

Today's big coal companies aren't just selling groceries to a few captive communities or deciding the future of jobs for a few hundred miners. In fact, today's big coal producers are in most cases not really coal companies at all. Instead, they are divisions of some of the largest and most powerful oil and metal corporations in the world, corporations which are selling an "energy crisis" to an entire captive nation for a high economic and environmental price, and which are attempting to decide from an oilman's point-of-view the future of jobs for the entire coal industry.

The invasion of these high-powered energy corporations began in the 1960's. Gulf Oil acquired Pittsburg and Midway Coal, the thirteenth largest producer, in 1963. In 1966, Continental Oil bought out the giant of the eastern coal industry, Consolidation Coal. In 1968, Occidental Petroleum took over Island Creek Coal, the third largest coal producer, while Standard Oil of Ohio took over Old Ben Coal, now the tenth largest producer.

In these same years, Kennecott Copper acquired Peabody Coal, now number one in production, while General Dynamics became the eleventh largest producer by buying Freeman Coal and United Electric Coal, and American Metal Climax climbed to sixth place after buying Ayrshire Collieries.

When the dust cleared, 11 of the 15 largest coal companies were controlled by outside interests. Through their own production and acting as brokers for smaller companies' coal, 13 of these 15 companies controlled more than 60 per cent of annual U.S. coal sales.

Other oil companies which did not move into coal production in a big way did move into control of coal reserves. Standard Oil of New Jersey, now called Exxon, suddenly bought at least 7 billion tons of reserves. Atlantic Richfield became the second largest holder of federal coal land leases, with 43,500 coal acres.

The new coal industry run by oil means one change right off the bat: the UMWA is no longer bargaining with single-product coal companies, but with huge enterprises who make their money on a variety of businesses. Shutting down the coal production of Consolidation Coal or Island Creek during a contract strike was bound to have more effect when Consol and Island Creek were independent than it will now when each only contributes about 10 per cent of its parent company's total revenues.

This change has led to suggestions of joining with other energy unions like the Oil, Chemical, and Atomic Workers (OCAW) or of boycotting Conoco and Gulf and Sohio gasoline during the next contract strike if that is legal. But UMWA officials seem to think that rather than mimicking the concentration of the companies it would be better to pressure Congress, the Federal Trade Commission and the Justice Department into reversing that concentration. President Miller called for an investigation along those lines in his June 6 energy statement to the Senate Interior Committee.

The contract is one way oil control of coal affects the coal miner. Energy policy is another major way.

From a business point of view, oil's investment in coal made a great deal of sense. Coal was an unusually profitable industry, as it continues to be. but more importantly, by controlling coal the oil companies moved into position to stall industry and government research into technology necessary to fully develop coal as oil's competitor, such as low-sulfur burning techniques and gasification and liquefaction.

Moreover, the reserves of oil were clearly limited. A shift into control of other energy production would allow the oil companies to play off one resource against another to obtain the highest prices, the least "labor trouble," and the most advantageous treatment from government.

GAME PLAN WORKED

It was a good game-plan, and it worked—for the oil companies and against the coal miner. While Island Creek Coal's production per month fell in 1972, compared to the non-strike months of 1971 and while the nation screamed for energy, the chairman of the board of Occidental Petroleum, Island Creek's parent, was off to the Soviet Union to arrange for $8 billion worth of natural gas and to Saudi Arabia to arrange more oil imports.

While the coal industry failed to press development and use of sulfur pollution control devices, new coal giants Continental Oil and Gulf Oil and others were instead investing their money in uranium reserves and nuclear power processing, just in case.

And whether by conspiracy or just by common actions toward a common goal, the push an independent coal industry would naturally make for coal gasification and liquefaction has not taken place under oil leadership.

Actually, oil opposition to the processes of changing coal into substitutes for natural gas or gasoline has a surprisingly long history. Gasoline made from coal was used during World War II to power Hitler's war effort. By a written business agreement between I. G. Farben, a German chemical firm which developed the technique, and Standard Oil of New Jersey, Jersey Standard was given sole right to the process outside Germany. They proceeded to sit on it to keep anyone from using it in competition with Standard's oil and gas.

Consolidation Coal, when still independent, announced in 1961 that plans first developed in 1947 for gasification would be successful within ten years.

A contract was signed with Consol in 1963, before it was bought by Continental, calling for $9.9 million in federal money for development of gasoline from coal.

According to James Ridgeway in his excellent book on the energy crisis, The Last Play, "by 1971 the government had paid Continental $20 million and the plant still did not work. Indeed, the Interior Department had renegotiated the contract, letting Continental off the hook entirely, continu-

ing to provide them more funds so that the plant could be used for desulphurization of oil."

A Bureau of Mines official estimates that private industry spends $500 million a year on oil and gas research, but only $25 million on coal research.

While the oil-dominated coal industry was going slow on gasification and liquefaction, the lack of an independent voice for coal interests left coal very low on the federal government's list for public research subsidies to private industries. The current federal budget calls for only $62 million for coal research, less than 10 per cent of the total federal energy research budget.

But while Big Oil lobbyists dampened the government's enthusiasm for research subsidies to promote coal as a competitor to oil, they successfully encouraged other substantial kinds of government welfare to help oil achieve and maintain its grip on coal.

IRS GAVE TAX BREAK

Not only did the Justice Department fail to take anti-trust action against any of the oil-coal purchases, but the Internal Revenue Service (IRS) made a special ruling which allowed Continental Oil to avoid paying taxes on the income it used to buy Consolidation Coal. In effect, the coal miner—as a taxpayer—helped Continental to buy Consol through a complicated tax subsidy. Two years later, Kennecott Copper took advantage of the same public tax subsidy in buying Peabody Coal.

By another IRS ruling, coal operators can avoid paying taxes on up to half their income through a special depletion allowance. This is particularly attractive to steel companies and others like General Dynamics, which are the main users of their own coal since they can often sell coal to themselves at an inflated price and show the profits in the coal division where the taxes are lower. The depletion allowance and other special tax breaks generally have the effect of attracting investment by corporate giants with large amounts of money, like oil companies.

OTHER KINDS OF WELFARE

The same government generosity to coal profiteers is reflected by the failure to enforce mine safety laws and collect fine assessments and the failure to make coal operators pay from the beginning for black lung disease caused by high dust levels in their mines. Again, the government has been happy to provide every kind of financial break for the coal industry except research, apparently because every break except research helps oil and other interests who have moved into coal.

A bold example of government assistance in the oil takeover of coal is the leasing of federal coal lands to large interests like Atlantic Richfield and Continental Oil for an average $1 per year rental on each acre leased. These companies have been successfully pounding on the Interior Department's door, especially in the last ten years, in order to tie up valuable low-sulfur coal by keeping it out of production until they are ready to exploit it with gasification and liquefaction when the oil business runs into trouble from the political problems in the Middle East and emptying of U.S. reserves.

Thus, the amount of federal coal acreage leased soared from about 200,000 acres in 1960 to more than 775,000 in 1970. Yet, less than 2.4 per cent of the land leased in that decade is under production.

Despite the clear statement in Section 187 of the Mineral Lands and Mining Act that the Secretary of the Interior shall "insure . . . the prevention of monopoly" in leasing public lands, the top 15 lessors control over 60 per cent of the leased lands, and someday, when the energy conglomerates are ready to use the land they've leased, they may still be paying the ridiculously low rates for which they originally signed.

With federal coal lands held out of production and government and industry research into sulfur control and conversion techniques held to a minimum, the oil industry is nearly in a position to get whatever it wants because coal is not ready to take over its rightful share of the energy market. Big Oil would have a much more difficult time asking the public to ignore the environmental risks of offshore drilling or supertankers or the Alaska pipeline if an independent coal industry had developed coal as a ready alternative.

In the same way, oil and other large outside interests can use the lag in sulfur control development they seem to have caused to force acceptance of their place for western strip mining. Such mining is more profitable for the operator because it employs fewer men, often not under UMWA contract, but could threaten tens of thousands of coal miners' jobs and carry tremendous costs to the eastern and midwestern electric power consumer and to the environment.

Proper development of washing and blending of midwestern medium- and high-sulfur coal and expansion of eastern low-sulfur mining would have hurt the ability of the oil-coal barons to sell their western plan to the public.

ORGANIZE TO FIGHT BACK

The fight against oil domination of coal is not one the UMWA can wage alone. This is particularly true with the coal industry completely robbed of its voice box. For example, National Coal Association President Carl Bagge, who should speak for coal's interest but who speaks for his oil bosses, called on June 18 for loosening anti-trust laws to allow greater concentration by energy companies—just the opposite of what is needed.

A coalition with other unions, environmental organizations, and consumer groups would be necessary to lobby for abolition of tax incentives for concentration and for the government investigations and anti-trust actions which President Miller has demanded.

The coal barons have changed, but the need to organize against their power remains much the same. The profits and the control of lives are still in their hands. Only now the entire country is a company town.

THE COMPANIES THAT CONTROL YOUR FUTURE

Since the early 1960's, some of America's largest corporations have been rushing to buy up the coal industry, with oil giants, like Occidental Petroleum, Gulf Oil, and Continental Oil leading the way.

Private and government money for research that would make coal a competitor to oil, like gasification, liquefaction, and sulfur control, slowed to a trickle.

Other kinds of companies, especially steel interests, were attracted by possible tax advantages, and everyone was interested in the coal industry's high profits and bright future.

Whether UMWA miners now work for oil giant Standard Oil of Ohio or for weapons builder General Dynamics or for House builder Jim Walters, the effect is to leave coal policy in the hands of Big Oil and to put the UMWA against the nation's richest corporations in the next contract struggle.

Listed below are some of the largest coal companies controlled by outside interests.

CONTROLLED BY THE OIL INDUSTRY

Coal producer and controlling company

Consolidation Coal—Continental Oil.
Island Creek Coal—Occidental Petroleum.
Old Ben Coal—Standard Oil of Ohio.
Pittsburgh & Midway Coal—Gulf Oil.
Arch Coal—Ashland Oil.
Monterey Coal—Humble Oil.
Hawley Fuel—Belco Petroleum.
Canterbury Coal—Western Industries.

CONTROLLED BY THE STEEL INDUSTRY

Coal producer and controlling company

U.S. Steel—U.S. Steel.
Bethlehem Steel—Bethlehem Steel.
Republic Steel—Republic Steel.
Gateway Coal—Jones & Laughlin.
Buckeye, Olga & Youngstown Coal Mines—Youngstown Sheet & Tube.
Kaiser Steel—Kaiser Steel.
Cannelton Coal—Cannelton Industries.
Inland Steel—Inland Steel.
Armco—Armco.
National Mines & Meaver Creek Coal—National Steel.
Pikeville Steel—Steel Company of Canada.
Woodward Company—Woodward Company.
C. F. & I. Steel—C. F. & I. Steel.
Wheeling-Pittsburgh Steel—Wheeling-Pittsburgh Steel.

CONTROLLED BY UTILITIES

Coal producer and controlling company

Central Ohio Coal, Central Appalachian & Windsor Power Coal—American Electric Power.
Western Energy Company—Montana Power.
Pacific P & L—Pacific Power & Light.
Duquesne Light Company—Duquesne Light Company.
Washington Irrigation & Development—Washington Irrigation & Development.
Southern Electric Company—Southern Electric Company.
Greenwich Collieries & Tunnelton Mining—Pennsylvania Power & Light.
Alabama Power Company—Alabama Power Company.
Eastover Coal—Duke Power Company.

CONTROLLED BY METAL COMPANIES

Coal producer and controlling company

Peabody Coal—Kennecott Copper.
Amax Coal—American Metal Climax.
U.S. Fuel Company—U.S. Smelting & Refining.

CONTROLLED BY CHEMICAL COMPANIES

Coal producer and controlling company

Semet Solvay—Allied Chemical.
Barnes & Tucker—Alco.
Union Carbide—Union Carbide.
C & K Coal—Gulf Resources.

CONTROLLED BY OTHER OUTSIDE INTERESTS

Coal producer and controlling company

Freeman Coal & United Electric—General Dynamics.
Utah International—Utah International.
Alabama By-Products—Alabama By-Products.
MAPCO—MAPCO.
Ogleday Norton—Ogleday Norton.
International Harvester—International Harvester.
Boone County Coal—Zapata Noress.
Twilight Industries—U.S. Natural Resources.
Simpson Coal—Galloway Land Company.
Allison Engineering—Allison Engineering.
Aloe Coal—Pullman, Inc.
Gilbert Imported Hardwoods—Gilbert Imported Hardwoods.
U.S. Pipe and Foundry—Jim Walters Corp.

WHO CONTROLS PRODUCTION NOW?

15 largest coal producers	Major interest	1972 production in tons
Kennecott Copper (Peabody Coal Co.)	Metal	71,595,310
Continental Oil (Consolidation Coal Co.)	Oil	64,942,000
Occidental Petroleum (Island Creek Coal Co.)	Oil	22,605,114
Pittston Co	Coal	20,639,020
U.S. Steel Corp	Steel	16,254,400
American Metal Climax, Inc	Metal, oil	15,718,787
Bethlehem Mines Corp	Steel	13,335,245
Eastern Gas and Fuel (Eastern Associated Coal Corp.)	Gas	12,528,429
North American Coal Corp	Coal	11,991,004

15 largest coal producers	Major interest	1972 production in tons
Standard Oil of Ohio (Old Ben Coal Corp.).	Oil	11,235,910
General Dynamics	Aircraft weapons.	9,951,263
Westmoreland Coal Co.	Coal	9,063,919
Gulf Oil (Pittsburg & Midway Coal Mining Co.).	Oil	7,548,791
American Electric Power (Central Ohio, Central Appal., Windsor Power Coal).	Electric utility	7,437,000
Utah International	Coal, metal	6,898,262

WHO OWNS COAL FOR THE FUTURE?

Company	Estimated reserves: Total (billion tons)	Estimated reserves: Low sulphur (percent)
Burlington Northern R.R.	11.0	100
Union Pacific R.R.	10.0	50
Kennecott Copper (Peabody Coal)	8.7	27
Continental Oil (Consolidation Coal)	8.1	35
Exxon (Monterey Coal)	7.0	NA
American Metal Climax (Amax Coal)	4.0	50
Occidental Petroleum (Island Creek Coal)	3.3	28
United States Steel	3.0	NA
Gulf Oil (Pitts. & Midway Coal)	2.6	8
North American Coal	2.5	80
Reynolds Metals	2.1	95
Bethlehem Steel	1.8	NA
Pacific Power & Light	1.6	100
American Electric Pwr.	1.5	Minimal
Eastern Gas & Fuel Assoc. (Eastern Assoc. Coal)	1.5	33
Kerr-McGee	1.5	60
Norfolk & Western R.R.	1.4	99
Utah International	1.3	94
Westmoreland Coal	1.2	88
Pittston Co.	1+	100
Montana Power (Western Energy)	1.0	100
Standard Oil of Ohio (Old Ben Coal)	.8	Minimal
Ziegler Coal	.8	0
General Dynamics (Freeman/United Elec.)	.6	0
Rochester & Pitts. Coal	.3	0
Carbon Fuel	.1	97
Amer. Smelting & Refin. (Midland Coal)	.1	0

NA—Not available.

Note: As coal loomed larger as a key energy resource, oil companies and other outside corporations rushed during the 1960's to buy 11 of the top 15 coal producers. Outside control is even tighter on coal's future, as 16 of the top 17 holders of coal reserves are oil companies, railroads, steel and metal interests.

LEW DESCHLER

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ROONEY of Pennsylvania. Mr. Speaker, I share the sense of sadness which all of use feel with the decision of Lew Deschler to retire in his 50th year of service in the House of Representatives, almost all of those years as Parliamentarian.

Without a doubt, the history of legislative activity in this Chamber since 1927 has been influenced at every step of the way by the extraordinary wisdom and judgment of this extraordinary man. And the Deschler precedents, to the compilation of which he now can devote his full energy, will guide parliamentary law for as long as it shall endure.

Lew Deschler has served nine Speakers and has been Parliamentarian for 24 Congresses. Although I have known him for only a fraction of that period, I would hesitate to estimate the many times when I have personally sought his counsel and valued judgment.

We shall miss his conscientious service, his integrity, and his rare ability to clearly and accurately analyze parliamentary issues and reach decisions which invariably are sound and fair. These qualities have been the hallmark of his service to the House of Representatives and the Nation.

I extend to Lew Deschler and his wife, Virginia, my warmest regards and very best wishes for much happiness and good health. May they and their family derive lasting satisfaction from the knowledge that all of us who know them and have served with Lew are extremely grateful for having had the privilege.

"MEDICAL GROUP" AMENDMENT TO HEALTH MAINTENANCE ORGANIZATION ACT OF 1973

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ROY. Mr. Speaker, on December 29, 1973, the President signed the Health Maintenance Organization Act of 1973 into law. One important goal of the HMO legislation was to foster the growth and development of group medical practices which provide comprehensive health care benefits.

The latter goal has been somewhat frustrated by the language in the final bill. This is because the definition of a "medical group" provides that the members of such groups "as their principal professional activity and as a group responsibility engage in the coordinated practice of their profession for a health maintenance organization."

The requirement that physicians in group practices be principally engaged in the coordinated practice of their profession is desirable and an inherent and essential characteristic of group practice. I feel strongly that existing fee-for-service group practices offer a great opportunity for the development of HMO's. But to require that these groups convert more than 50 percent of their practice to an HMO is not reasonable.

The proposed regulations recently issued by the Department of Health, Education and Welfare ameliorate this problem by allowing a 3-year phase-in. Experience has shown that existing fee-for-service group practices can and have converted more than 50 percent of their resources to prepayment with desirable and successful results. However, the mandate of the law requiring a majority of physicians' time to be for the HMO at the end of a 3-year time frame is unreasonable in that it requires an organizational commitment to a goal over which the professional group has little control and, in some cases, may be impossible.

Accordingly, I would offer an amendment to section 1302 of the Health Maintenance Organization Act of 1973. This amendment changes the definition of a medical group by deleting the words "for a health maintenance organization."

H.R. 15739

A bill to amend section 1302 of the Health Maintenance Organization Act of 1973 by redefining the term "medical group."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 1302(4)(C)(i) of the Public Health Service Act is amended by striking the words "for a health maintenance organization."

IS CIA TOO COSTLY?

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. TIERNAN. Mr. Speaker, how much does the United States spend each year on its intelligence budget? Except for a handful of Senators and Congressmen, no one knows. Does a Member of Congress, or for that matter, an ordinary citizen, have the right to know? This interesting question was recently the subject of a U.S. Supreme Court decision. William B. Richardson, as a Federal taxpayer, brought suit for the purpose of obtaining a declaration of unconstitutionality of the Central Intelligence Agency Act, which permits the CIA to account for its expenditures "solely on the certificate of the Director." Although the Court dismissed Mr. Richardson's contention by a 5 to 4 margin, the dissenting opinions might be of some interest to the Members of Congress and the general public. It is for the purpose of an intelligent discussion of this question at a later date that I respectfully include the following:

[Supreme Court of the United States, No. 72-885]

UNITED STATES ET AL., PETITIONERS, *v.* WILLIAM B. RICHARDSON—ON WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

[JUNE 25, 1974]

MR. JUSTICE DOUGLAS, dissenting.

I would affirm the judgment of the Court of Appeals on the "standing" issue. My views are expressed in the *Schlesinger* case decided this day. There a citizen and taxpayer raised a question concerning the Incompatibility Clause of the Constitution which bars a person from "holding any Office under the United States" if he is a Member of Congress, Art. I, § 6, cl. 2. That action was designed to bring the Pentagon into line with that constitutional requirement by requiring it to drop "reservists" who were Members of Congress.

The present action involves Art. I, § 9, cl. 7 of the Constitution which provides:

"No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

We held in *Flast* v. *Cohen*, 392 U. S. 83, that a taxpayer had "standing" to challenge the constitutionality of taxes raised to finance the establishment of a religion contrary to the command of the First and Fourteenth Amendments. A taxpayer making such outlays, we held, had sufficient "personal stake" in the controversy, *Baker* v. *Carr*, 369 U. S. 186, 204, to give the case the "concrete adverseness" necessary for the resolution of constitutional issues. *Ibid.*

Respondents in the present case claim that they have a right to "a regular statement and account" of receipts and expenditures of public moneys for the Central Intelligence Agency. As the Court of Appeals noted, *Flast* recognizes "standing" of a taxpayer to challenge appropriations made in the face of a constitutional prohibition, and it logically asks. ". . . how can a taxpayer make that challenge unless he knows how the money is being spent?" *Richardson* v. *United States*, 465 F. 2d 844, 853.

History shows that the curse of government is not always venality; secrecy is one of the most tempting coverups to save regimes from criticism. As the Court of Appeals said:

"The Framers of the Constitution deemed fiscal information essential if the electorate was to exercise any control over its representatives and meet their new responsibilities as citizens of the Republic; and they mandated publication, although stated in general terms, of the Government's receipts and expenditures. Whatever the ultimate scope and extent of that obligation, its elimination generates a sufficient, adverse interest in a taxpayer." *Ibid.* (Footnote omitted.)

Whatever may be the merits of the underlying claim, it seems clear that the taxpayers in the present case are not making generalized complaints about the operation of government. They do not even challenge the constitutionality of the Central Intelligence Agency Acts. They only want to know the amount of tax money exacted from them that goes into CIA activities. Secrecy of government acquires new sanctity when their claim is denied. Secrecy has of course some constitutional sanction. Art, I, § 5, cl. 3 provides that "Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy . . ."

But the difference was great when it came to an accounting of public money. Secrecy was the evil at which Art. I, § 9, cl. 7 was aimed. At the Convention Mason took the initiative in moving for an annual account of public expenditures. 2 Farrand, The Records of the Federal Convention of 1787, p. 618. Madison suggested it be "from time to time," *id.*, 618–619, because it was thought that requiring publication at fixed intervals might lead to no publication at all. Indeed under the Articles of Confederation "[a] punctual compliance being often impossible, the practice had ceased altogether." *Id.*, at 619.

During the Maryland debates on the Constitution, James McHenry said, "[T]he people who give their money ought to know in what manner it is expended," 3 Farrand, *supra*, at 150. In the Virginian debates Mason expressed his belief that while some matters might require secrecy (*e. g.*, ongoing diplomatic negotiations and military operations) ". . . he did not conceive that the receipts and expenditures of the public money ought ever to be concealed. The people, he affirmed, had a right to know the expenditures of their money." 3 J. Elliot. Debates on the Federal Constitution, p. 459. Lee said that the clause "must be supposed to mean, in the common acceptation of language, short, convenient periods" and that those "who would neglect this provision would disobey the most pointed directions." *Ibid.* Madison added that an accounting from "time to time" insured that the accounts would be "more full and satisfactory to the public, and would be sufficiently frequent." *Id.*, at 460. Madison thought "this provision went farther than the constitution of any state in the Union, or perhaps in the world." *Ibid.* In New York, Livingston said, "Will not the representatives . . . consider it as essential to their popularity, to gratify their constituents with full and frequent statements of the public accounts? There can be no doubt of it," 2 Elliot, *supra*, at 347.[1]

From the history of the clause it is apparent that the Framers inserted it in the Constitution to give the public knowledge of the way public funds are expended. No one has a greater "personal stake" in policing this protective measure than a taxpayer. Indeed, if a taxpayer may not raise the question, who may do so? The Court states that discretion to release information is in the first instance "committed to the surveillance of Congress," and that the right of the citizenry to information under Art. I, § 9, cl. 7 cannot be enforced directly, but only through the "slow, cumbersome and unresponsive" electoral process. One has only to read constitutional history to realize that statement would shock Mason and Madison. Congress of course has discretion; but to say that it has the power to read the clause out of the Constitution when it comes to one or two or three agencies is astounding. That is the bare bone issue in the present case. Does Art. I, § 9, cl. 7 of the Constitution permit Congress to withhold "a regular statement and account" respecting any agency it chooses? Respecting all federal agencies? What purpose, what function is the clause to perform under the Court's construction? The electoral process already permits the removal of legislators for any reason. Allowing their removal at the polls for failure to comply with Art. I, § 9, cl. 7, effectively reduces that clause to a nullity, giving it no purpose at all.

The sovereign in this Nation are the people, not the bureaucracy. The statement of accounts of public expenditures goes to the heart of the problem of sovereignty. "If taxpayers may not ask that rudimentary question, their sovereignty becomes an empty symbol and a secret bureaucracy is allowed to run our affairs."

The resolution of that issue has not been entrusted to one of the other coordinate branches of government—the test of the "political question" under *Baker* v. *Carr*, *supra*, at 217. The question is "political" if there is "a textually demonstrable constitutional commitment of the issue to a coordinate political department," *ibid.* The mandate runs to the Congress and to the agencies it creates to make "regular Statement and Account of the Receipts and Expenditures of all public Money." The beneficiaries—as is abundantly clear from the constitutional history—are the public. The public cannot intelligently know how to exercise the franchise unless they have a basic knowledge concerning at least the generality of the accounts under every head of government. No greater crisis in confidence can be generated than today's decision. Its consequences are grave because it relegates to secrecy vast operations of government and keeps the public from knowing what secret plans concerning this or other nations are afoot. The fact that the result is serious does not of course make the issue "justiciable." But resolutions of any doubts or ambiguities should be towards protecting an individual's stake in the integrity of constitutional guarantees rather than turning him away without even a chance to be heard.

I would affirm the judgment below.

FOOTNOTE

[1] Livingston used the proposed Art. I, § 9, cl. 7, to combat the idea that the new Congress would be corrupt. He said in part: "You will give up to your state legislatures everything dear and valuable; but you will give no power to Congress, because it may be abused; you will give them no revenue, because the public treasures may be squandered. But do you see here a capital check? Congress are to publish, from time to time, an account of their receipts and expenditures. Those may be compared together; and if the former, year after year, exceed the latter, the corruption will be detected, and the people may use the constitutional mode of redress. The gentleman admits that corruption will not take place immediately: its operation can only be conducted by a long series and a steady system of measures. These measures will be easily defeated, even if the people are unapprized of them. They will be defeated by that continual change of members, which naturally takes place in free governments, arising from the disaffection and inconstancy of the people. A changeable assembly will be entirely incapable of conducting a system of mischief; they will meet with obstacles and embarrassments on every side." 2 Elliot, *supra*, pp. 345–346.

[Supreme Court of the United States,
No. 72–885]

UNITED STATES, ET AL., PETITIONERS, v. WILLIAM B. RICHARDSON—ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

[JUNE 25, 1974]

MR. JUSTICE STEWART, with whom MR. JUSTICE MARSHALL joins, dissenting.

The Court's decisions in *Flast* v. *Cohen*, 392 U.S. 83 (1968), and *Frothingham* v. *Mellon*, 262 U.S. 447 (1923), throw very little light on the question at issue in this case. For, unlike the plaintiffs in those cases, Richardson did not bring this action asking a court to invalidate a federal statute on the ground that it was beyond the delegated power of Congress to enact or that it contravened some constitutional prohibition. Richardson's claim is of an entirely different order. It is that Art. I, § 9, cl. 7 of the Constitution, the Statement and Account Clause, gives him a right to receive, and imposes on the Government a corresponding affirmative duty to supply, a periodic report of the receipts and expenditures "of all public Money."[1] In support of his standing to litigate this claim, he has asserted his status both as a taxpayer and as a citizen-voter. Whether the Statement and Account Clause imposes upon the Government an affirmative duty to supply the information requested and whether that duty runs to every taxpayer or citizen are questions that go to the substantive merits of this litigation. Those questions are not now before us, but I think that the Court is quite wrong in holding that the respondent was without standing to raise them in the trial court.

Seeking a determination that the Government owes him a duty to supply the information he has requested, the respondent is in the position of a traditional Hohfeldian plaintiff.[2] He contends that the Statement and Account Clause gives him a right to receive the information and burdens the Government with a correlative duty to supply it. Courts of law exist for the resolution of such right-duty disputes. When a party is seeking a judicial determination that a defendant owes him an affirmative duty, it seems clear to me that he has standing to litigate the issue of the existence *vel non* of this duty once he shows that the defendant has declined to honor his claim. If the duty in question involved the payment of a sum of money, I suppose that all would agree that a plaintiff asserting the duty would have standing to litigate the issue of his entitlement to the money upon a showing that he had not been paid. I see no reason for a different result when the defendant is a government official and the asserted duty relates not to the payment of money, but to the disclosure of items of information.

When the duty relates to a very particularized and explicit performance by the asserted obligor, such as the payment of money or the rendition of specific items of information, there is no necessity to resort to any extended analysis, such as the *Flast* nexus tests, in order to find standing in the

Footnotes at end of article.

obligee. Under such circumstances, the duty itself, running as it does from the defendant to the plaintiff, provides fully adequate assurance that the plaintiff is not seeking to "employ a federal court as a forum in which to air his generalized grievances about the conduct of government or the allocation of power in the Federal System." *Flast, supra,* at 106. If such a duty arose in the context of a contract between private parties, no one would suggest that the obligee should be barred from the courts. It seems to me that when the asserted duty is, as here, as particularized, palpable, and explicit as those which courts regularly recognize in private contexts, it should make no difference that the obligor is the government and the duty is embodied in our organic law. Certainly after *United States* v. *SCRAP,* 412 U.S. 669 (1973), it does not matter that those to whom the duty is owed may be many. "[S]tanding is not to be denied simply because many people suffer the same injury." 412 U.S., at 687.

For example, the Freedom of Information Act creates a private cause of action for the benefit of persons who have requested certain records from a public agency and whose request has been denied. 5 U.S.C. § 552(a)(3). The statute requires nothing more than a request and the denial of that request as a predicate to a suit in the District Court. The provision purports to create a duty in the Government agency involved to make those records covered by the statute available to "any person." Correspondingly, it confers a right on "any person" to receive those records, subject to published regulations regarding time, place, fees, and procedure. The analogy, of course, is clear. If the Court is correct in this case in holding that Richardson lacks standing under Art. III to litigate his claim that the Statement and Account Clause imposes an affirmative duty that runs in his favor, it would follow that a person whose request under 5 U.S.C. § 552 has been denied would similarly lack standing under Art. III despite the clear intent of Congress to confer a right of action to compel production of the information.

The issue in *Flast* and its predecessor, *Frothingham, supra,* related solely to the standing of a federal taxpayer to challenge allegedly unconstitutional exercises of the taxing and spending power. The question in those cases was under what circumstances a federal taxpayer whose interest stemmed solely from the taxes he paid to the Treasury "[would] be deemed to have the personal stake and interest that impart the necessary concrete adverseness to such litigation so that standing can be conferred on the taxpayer *qua* taxpayer consistent with the Constitutional limitations of Article III." 392 U.S., at 101. But the "nexus" criteria developed in *Flast* were not intended as a litmus test to resolve all conceivable standing questions in the federal courts; they were no more than a response to the problem of no more than a response to the problem of taxpayer standing to challenge federal leging and spending power of Congress.

Richardson is not asserting that a taxing and spending program exceeds Congress' delegated power or violates a constitutional limitation on such power. Indeed, the constitutional provision that underlies his claim does not purport to limit the power of the Federal Government in any respect, but, according to Richardson, simply imposes an affirmative duty on the Government with respect to all taxpayers or citizen-voters of the Republic. Thus, the nexus analysis of *Flast* is simply not relevant to the standing question raised in this case.

The Court also seems to say that this case is not justiciable because it involves a political question. *Ante,* at 12–13. This is an issue that is not before us. The "Question Presented" in the Government's petition for certiorari was the respondent's "standing to challenge the provisions of the Central Intelligence Agency Act which provide that appropriations to and expenditures by that Agency shall not be made public on the ground that such secrecy contravenes Article I, section 9, clause 7 of the Constitution."[3] The issue of the justiciability of the respondent's claim was thus not presented in the petition for certiorari, and it was not argued in the briefs.[4] At oral argument, in response to questions about whether the Government was asking this Court to rule on the justiciability of the respondent's claim, the following colloquy occurred between the Court and the Solicitor General:

"Mr. BORK. . . . I think the Court of Appeals was correct that the political question issue could be resolved much more effectively if we were in the full merits of the case than we can at this stage. I think standing is all that really can be effectively discussed in the posture of the case now.

"Q. . . . [I]f we disagree with you on standing, the government agrees then that the case should go back to the District Court?

"Mr. BORK. I think that is correct."

The Solicitor General's answer was clearly right. "[W]hen standing is placed in issue in a case, the question is whether the person whose standing is challenged is a proper party to request an adjudication of a particular issue and not whether the issue itself is justiciable." *Flast, supra,* at 99–100.

On the merits, I presume that the Government's position would be that the Statement and Account Clause of the Constitution does not impose an affirmative duty upon it; that any such duty does not in any even run to Richardson; that any such duty is subject to legislative qualifications, one of which is applicable here; and that the question involved is political and thus not justiciable. Richardson might ultimately be thrown out of court on any one of these grounds, or some other. But to say that he might ultimately lose his lawsuit certainly does not mean that he had no standing to bring it.

For the reasons expressed, I believe that Richardson had standing to bring this action. Accordingly, I would affirm the judgment of the Court of Appeals.

FOOTNOTES

[1] "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

[2] Jaffe, The Citizen as Litigant in Public Actions: The Non-Hohfeldian or Ideological Plaintiff, 116 U. Pa. L. Rev. 1033 (1968). See Hohfeld. Some Fundamental Legal Conceptions as Applied in Judicial Reasoning, 23 Yale L. J. 16 (1913).

[3] The Court has often indicated that, except in the most extraordinary circumstances, it will not consider questions that have not been presented in the petition for certiorari. *E. g., General Talking Pictures Corp.* v. *Western Electric Co.,* 304 U. S. 175, 177–178 (1938); *National Licorice Co.* v. *Labor Board,* 309 U. S. 350, 357 n. 2 (1940); *Irvine* v. *California,* 347 U. S. 128, 129 (1954) (Jackson, J.); *Mazer* v. *Stein,* 347 U. S. 201, 206 n. 5 (1954).

[4] The District Court dismissed the complaint on the alternative grounds of lack of standing and nonjusticiability (because the court thought that the question involved was a political one). The Court of Appeals reversed the standing holding, but concluded that the justiciability issue was so intertwined with the merits that it should await consideration of the merits by the District Court on remand. The Government then brought the case here on petition for certiorari.

ELECTRONIC SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. KOCH. Mr. Speaker, I would like to append for the information of our colleagues material from the American Civil Liberties Union report by Herman Schwartz, professor of law, State University of New York at Buffalo, entitled "A Report on the Costs and Benefits of Electronic Surveillance—1972." The material follows:

COMMENTS

A few miscellaneous comments may be useful before turning to the next section on costs.

1. It is clear that the figures contain a lot of curiosities and surprises, such as the low state figure for persons overheard, and the expansion of eavesdropping for gambling purposes. As the figures show, by the end of 1971, both federal and state officials were using wiretapping overwhelmingly for gambling, sometimes for drugs, and rarely for anything else. Homicide, espionage and kidnapping, the serious crimes for which wiretapping was allegedly proposed,[1] rarely appear in the reports—indeed, actual homicides are involved far less than appears, since the Administrative Office classifies as "Homicide" all authorizations in which homicide is anywhere mentioned. This includes threats of homicide, attempted murder and cases where homicide is only one of seven or eight crimes listed, as frequently happens in New York.

Kidnapping is often used as the most emotionally persuasive instance for the use of wiretapping. Yet, the figures show quite clearly that electronic surveillance is *almost never* used for that offense, on either the federal or state level.

2. There is a possibility with the state installations, that the number of persons overheard is overstated. The Report of course cannot indicate whether several taps are catching the same person in an investigation where several orders are obtained. This is not much of a problem with the federal surveillance since the Department of Justice has informed me that there is no overlapping of people on the various reports. Even with the state taps, it is of course likely to be a relatively small figure.

3. Although the states have come to use wiretapping primarily for gambling and, to a far lesser extent, for drugs, the statute is extremely generous with regards to state wiretapping and bugging: any offense involving a danger to life, limb or property carrying a penalty of a year or more, and any offense involving drugs or gambling. The states may use it for the most trivial crimes—one upstate New York prosecutor used it to catch two youngsters who were turning in false fire alarms.

4. The very sharp differences in average numbers of people and conversations overheard per installation, as well as the very sharp fluctuations even within the federal and state systems—and state systems means largely New York and New Jersey—raises questions as to the accuracy of the reporting, to say the least. The state installations are generally in for much longer periods, but they invariably listen in on fewer people and conversations. Why? And why do the figures fluctuate so much from year to year within the federal system?

5. During this four-year period, only *two*

Footnotes at end of article.

applications out of 1,891 were denied, lending some credence to the views of those who claimed that even a court order system offers little protection; extension applications fared almost as well. As Philadelphia District Attorney Arlen Specter has delicately put it:

"Judges tend to rely upon the prosecutor . . . Experience in our criminal courts has shown the prior judicial approval for search and seizure warrants is more a matter of form than of substance in guaranteeing the existence of probable cause to substantiate the need for a search . . . Some judges have specifically said they do not want to know the reasons for the tap so that they could not be accused later of relaying the information to men suspected of organized crime activities."

And this view is shared by many others.

6. The state electronic eavesdropping was concentrated in two states: New York consistently had the lion's share, and New Jersey was generally second, with other states very far behind. The breakdown in authorizations is as follows:

	New York	New Jersey	All Others
1968	167		7
1969	191	45	33
1970	213	178	23
1971	254	187	90

In addition, only some 20 states had enacted wiretap legislation by December 31, 1971 and of these about a third did not choose to use it in either 1970 or 1971.

7. Although the federal average stayed at 135 days, many state installations lasted for many months. The long-term taps were generally in New York, and often reached 6 months to a year.

8. In an effort to calm suspicions, the Justice Department and former Attorney General John N. Mitchell have frequently referred to the detailed attention given each application by the Department, and especially Mr. Mitchell. Thus, in 1969, he declared that the number of applications was low because he "insisted that each application and full supporting papers be personally presented to me for my evaluation." Quoted in Elliff, *Crime, Dissent and the Attorney General* 68 (1971). Mr. Mitchell's assurances have been shown up as blatant falsehoods in the most embarrassing way possible: a great many 1969 and 1970 orders have been found illegal and the evidence obtained thereby suppressed, because it turned out that despite the appearance of both Mitchell's initials and Assistant Attorney General Will Wilson's purported signature, neither had ever seen the application—the initials and signature were affixed by deputies.[2] In explanation of this practice, government lawyers in one case argued that the Attorney General could not be expected to consider each of the hundreds af applications, see U.S. v. Giordano, 469 F.2. 522, 12 Crl 2204 (4th Cir. 1972), in flat contradiction to Mitchell's 1969 assurances. So much for Mitchell's "personal . . . evaluation"; [3] Will Wilson resigned under fire because of a Texas scandal.

9. The weakness of the court-ordered system in minimizing and controlling the abuses of tap-happy prosecutors is reflected in another weakness in the statute: it permits judge-shopping. It is not enough for law enforcement authorities that so many judges see themselves as merely the judicial side of law enforcement,[4] but the statute allows prosecutors to go to any judge of a court of competent jurisdiction. As a result, one sees over and over again that in certain jurisdictions, one judge issues all or most of the applications. Thus, in Erie and Niagara Counties, N.Y.—where there are many judges available—one judge issued 13 out of the 14 1971 orders and in 1970, he issued 8 out of 9 Erie County orders and all 10 Niagara County orders; many of these have been suppressed in federal and state courts as improperly issued or executed. In Albany County, one judge issued 12 out of 14 1971 orders. In New Jersey, one judge issued most of the many orders in 1970 and 1971; in other New Jersey counties, only one judge's name appears as the issuing judge. And the same holds true elsewhere, such as Florida and Baltimore, Maryland.

There seems less of this in the federal system, but even there the Eastern District of Pennsylvania shows only one judge's name.[5]

10. The statute expressly requires that the number of nonincriminating interceptions be minimized, 18 U.S.C. § 2518(5) and that unless the court orders otherwise, the interception when the conversations sought to be intercepted at first overheard. Court cases—which obviously represent only the very small tip of a very large iceberg—indicate that very little of this minimization is even being attempted; indeed, one federal court threw out all the interceptions because the FBI agents did not even try to minimize. *U.S. v. Scott*, 331 F. Supp. 233 (D.D.C. 1971). And there is no reason to think that such minimization is going on at the state level; the relatively small percentage of incriminating conversations on state taps, see below, indicates the exact opposite—and this is based on figures supplied by the prosecutors themselves, which are obviously susceptible to understandable puffing. As for the accuracy of the federal figures on their rather high percentage of incriminating conversations, see below at p. 88.

b. There is also a requirement that the interception end when the conversations sought are first obtained, unless a court orders otherwise. A rather impressionistic check of the few orders that have been in litigation indicates that judges order "otherwise" as a matter of course; in this respect—as seems in so many others—a person subject to wiretapping and bugging gets *less* protection than the victim of a conventional search, rather than more, as the Supreme Court directed.

In short, the court order protections are operating about as well as could be expected—poorly.

11. Relatively few bugs were installed—most of the surveillance was by means of telephone taps.

FOOTNOTES

[1] See, *e.g.*, Brownell, *The Public Security and Wiretapping*, 39 Corn. L. Q. 195, 201: "How can we possibly preserve the safety and liberty of everyone in this nation unless we pull federal prosecuting attorneys and their straitjackets and permit them to use the intercepted evidence in the trial of security cases and other heinous offenses such as kidnapping?"

[2] See, *e.g.*, United States v. Robinson, —— F.2d. —— (5th Cir.) 469 F.2d. 522, 12 CrL. 2204) (4th Cir. 1972).

[3] One FBI agent has described former Attorney General Mitchell as "a signing fool . . . We just ask him and he signs them," (*Newsweek*, 5/10/71, p. 30A), and there is even more evidence to support this implication of less than scrupulously restrained authority. For example, in the Jewish Defense League case, Mitchell certified that the JDL was tapped in connection with foreign security matters and that "it would prejudice the national interest to disclose the particular facts contained in the sealed exhibits concerning this surveillance other than to the court, *in camera*." Yet, when the Court ordered that these logs be turned over to the defendant two weeks later, the Department complied, rather than face a dismissal of the case, even though it could easily have refused and appealed, the basis for the order being a rather novel (though to this observer, correct) legal position. In that case, it was also disclosed that whereas the government initially asserted that the tapping of the JDL stopped when the indictment came down, the surveillance actually continued well after the indictment, almost up to the day the government agreed to turn over the logs. Inevitably, lawyer-client conversations were overheard.

[4] See H. Schwartz, *Judges as Tyrants*, 7 Cr. L. Bull. 129 (1971).

[5] Because there are two judges there with that name, it is not clear whether one or two judges are involved in a very large number (30) of the 1970–71 installations, but conversations with Philadelphia lawyers indicate that it is only one.

THE DICTATORSHIP OF FEDERAL COURTS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. FISHER. Mr. Speaker, many Members will remember Ed Gossett who served in this body for 13 years before voluntarily retiring in 1951 to become general attorney in Texas for Southwestern Bell Telephone Co., a position he held for 16 years.

Mr. Gossett is presently judge of criminal district court in Dallas, where he has tried over 125 jury, and over 1,000 nonjury cases per year, believed to be a national record.

Judge Gossett is chairman of the State Bar of Texas Federal Court Study Committee. In the May 1974 issue of the Texas Bar Journal appeared a thoughtful and scholarly article written by Mr. Gossett, containing personal views, entitled "The Dictatorship of Federal Courts." I commend it to the Members. It is an excellent dissertation on a subject of great importance.

The article follows:

THE DICTATORSHIP OF FEDERAL COURTS

(By Ed Gossett)

The absolute monarchs of the Supreme Court are killing the "glorious American experiment in democracy."

Thomas Jefferson anticipated this catastrophe when saying: "It is a very dangerous doctrine to consider the Judges as the ultimate arbiters of all of our Constitutional questions; it is one which would place us under the despotism of an oligarchy."

We do not question the integrity of any judge. We simply condemn a system and a philosophy that invite the unrestrained dictatorship of the federal courts.

In the last twenty-five years, our Supreme Court has become a super legislature responsible to no one. It has become a continuing Constitutional Convention without an elected delegate. It has become a dictatorship, unlimited. It has made a shambles of the Constitution.

The U.S. Conference of Chief Justices meeting in Pasadena, California, on August 23, 1958, considered the unanimous report of its committee on Federal-State Relationships as affected by judicial decisions (meaning federal court decisions, primarily those of the Supreme Court).

They filed a lengthy and scholarly report affirmatively approved by 36 Chief Justices. They viewed with alarm the usurpation by Federal Courts of powers belonging exclusively to the states. They predicted that if such a trend continued it would destroy the Federal Republic. At its ensuing convention the American Bar Association simply looked the other way. Such trend has continued.

Now we briefly document aforesaid allegations. Let's look first at the civil side of the docket.

Under the authority of *Baker* v. *Carr, Reynolds* v. *Sims, Gray* v. *Sanders* and other cases, state constitutions, state laws, state courts, and all state political institutions have been at the complete sufferance of federal courts. Federal courts have nullified numerous provisions of state constitutions, held hundreds of laws, both state and federal, to be unconstitutional, and have dictated to all state courts and to all state political organizations.

In 1965 a federal court redistricted Oklahoma and changed the size and composition of both houses of the State Legislature. Just now a federal court is redrawing the congressional districts of the State of Texas, nullifying an act of the State Legislature. All are familiar with the havoc caused by forced school busing imposed by federal courts. The federal courts in fact have usurped much of the authority of every class of elected state official.

We have been in war most of this century to make the world safe for democracy. We have fought some of those wars, i.e., Korea (33,629 killed, 103,284 wounded) and Vietnam (46,000 killed, 304,000 wounded) for the specific purpose of giving those people the right of self-determination and self-government. We have helped to create at least a dozen independent states in Africa on the theory that people have a right to self-determination. Ironically, at frightful expense, we have tried to spread democracy all over the world while destroying it at home. Incongruously, our foreign policy has been anti-colonial while our domestic policy has been colonial.

Incentive, imagination, initiative, individualism, and diversity in all facets of our lives made ths country great. Now, thanks in large part to the Supreme Court, we are replacing these things with the stagnation of regimentation.

The most liberal member of the Constitutional Convention must be turning over in his grave at what our Supreme Court, in the last twenty-five years, has done to his Great Charter of Liberty, a charter for the separation and limitations upon governmental powers; his system of checks and balances, so painfully contrived, has been destroyed.

The Federal Judiciary has nullified the Tenth Amendment to the Constitution, which specifically states *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."*

Now to the criminal side of the docket, with which this article is primarily concerned. The Court has stripped society of many of its old, proven, and legitimate defenses against crime. During the first 150 years of our nation's history, state courts were responsible for law enforcement in 90% of intrastate crime; and they did a good job. Now the federal courts have placed state courts in a procedural strait jacket; they have stymied good law enforcement.

Instead of helping to stop the crime floods our federal courts have been shooting holes in the dikes. We enumerate several examples which can be multiplied manyfold. In *Mapp v. Ohio* (1961) the Court held that evidence obtained by so-called illegal search and seizure cannot be used as evidence in state courts. An example of how this works is the case of Daniel William Grundstrom tried by our court, Criminal District Court No. 5, Dallas County, Texas. Grundstrom, who had numerous prior arrests, two prior convictions for burglary, and one for theft, committed an armed robbery in the City of Dallas. He was seen fleeing from the scene and an alarm was broadcast for his apprehension. He ran a red light and was stopped by a traffic policeman. The policeman had not heard the alarm and did not know of the robbery. When he arrested Grundstrom he found the guns, the money and other loot taken in the robbery occurring a few minutes earlier. Grundstrom was tried and convicted and given 25 years in the Texas Department of Corrections. Later he sued out a writ of habeas corpus in a federal court. The federal court held that since the traffic officer did not know of the robbery he had no right to search the car (had he known of the robbery the search would have been "legal"); therefore, the fruits of the robbery could not be used as evidence. Grundstrom was freed because arrested by the wrong cop. Within a few months he committed another robbery in the City of Midland, was tried and convicted and is now back in the Texas Department of Corrections.

Another example of the federal courts' imposing a flimsy technicality on a state court and freeing an habitual criminal, is the case of Alvin Darrell Slaton, tried in our court. This man, with a long criminal record, was tried in 1966 for the possession of narcotics and given a 40-year sentence. In 1971, he filed a writ of habeas corpus in the federal court aleging that he had been tried in his jail uniform against his will. The federal court alleging that he had been tried in his oner because he was deemed to have been prejudiced by having on a jail uniform during his trial. Within a few months after his release, he shot a man five times in the head and was again caught with a large amount of narcotics.

In *Gideon v. Wainwright* (1963) the Supreme Court held that the state must provide free counsel for felony defendants at all stages of prosecution. As a result of this and other cases, thousands of convicts have been turned out of penitentiaries all over the United States, not because they were innocent, but on the ground that they had not been represented by counsel when they entered their pleas of guilty to various crimes, or that they had been inadequately represented by counsel, or other procedural technicalities.

In *North Carolina v. Pierce* (1969) a federal court held that a defendant, once convicted in a state court and given "X" number of years, cannot thereafter be given any greater penalty if his case is reversed on appeal. These and other ruling have led to thousands of frivolous appeals by defendants, since they have nothing to lose by appealing; also, many can now serve their sentence in county jails rather than in the state penitentiaries. This further overloads jails and court dockets. Largely because of technicalities imposed on state courts by federal courts, it takes four to five times as long to dispose of a criminal case in America as it does in England.

Another Dallas County, Texas, case in point is that of Edward MacKenna (1957). MacKenna, who had seven prior felony convictions, was found guilty of felony theft and sentenced to eight years in the penitentiary. His case was unanimously affirmed by the Appellate Court. After serving four years MacKenna was freed by a federal court (the Fifth Circuit). The Court said the State had denied said defendant "due-process" because the trial judge had refused defendant a continuance (not shown to be harmful) and had wrongfully appointed an attorney to assist him, whereas defendant wanted to represent himself without assistance.

This case is notable primarily because of two dissenting opinions by two able and distinguished judges, i.e., the late Justice Hutcheson and the late Justice Cameron. Justice Hutcheson condemned "the flood of activist federal decisions" and said of the MacKenna case: "It is another of the growing number of cases in which federal appellate courts, asserting a kind of moral and legal superiority in respect to provisions made by state legislatures regarding criminal trials and the proceedings in state courts in respect of such trials, which they do not have, seek to exercise a suzerainty and hegemony over them which, under the Constitution, they do not now have, and, if we are to continue to hold to our federal system, they cannot in law and fact exercise." The Judge, with irrefutable logic, states emphatically that "if such decisions continue to be the rule, the states and their courts will be indeed reduced to a parlous state, and the federal union will be no more." (To same effect see former Attorney General Elliot L. Richardson's article "Let's Keep It Local," June 1973 issue Reader's Digest.)

Agreeing with Justice Hutcheson, Justice Cameron said: "The majority here looses the long insensate arm of the federal government and impowers it to filch from the hands of the officials of a sovereign state the key to the house and to set free one who was duly and legally convicted of violating the laws, not of the nation, but of the State of Texas."

In *Jackson v. State* (1964) in the Federal District Court, Northern District of Texas, Judge Leo Brewster in denying an assault by a federal court upon a state court, said of his activist brethren: "A layman from another country reading these motions would likely get the idea that the real menace to society in the case was not the criminal who was convicted even of a heinous crime, but the trial judge, the prosecuting attorney, the investigating officer, or even the counsel for the defendant, who had labored conscientiously and well for his client, sometimes without pay."

In *Miranda* v. *Arizona* (1966) the Supreme Court made it extremely difficult to obtain a confession to a crime. All of the warnings you see on the TV crime shows are required by the Miranda decision. In effect, an officer must try to talk a defendant out of a confession before he can accept one. In *Davis* v. *Mississippi* (1969) the Federal Courts freed a State prisoner because an officer fingerprinted him prior to arrest without his consent; thus, evidence linking him to the rape of an 85-year-old woman could not be used. In *Massaih* v. *The United States* (1964) the State was forced to release a guilty defendant because incriminating statements were elicited from him in the absence of his counsel. In *U.S.* v. *Wade* (1967) the Supreme Court held a robber convicted even upon the positive identification of the victim, must go free if such positive identification was in any way bolstered by seeing the defendant in a police line-up to which he had not agreed.

If you have read Truman Capote's excellent book *In Cold Blood*, you were doubtless horrified when a whole family was exterminated by two ex-convicts. Hardly a day goes by without such atrocious episodes being repeated in some part of the country.

Since 1967 the federal courts have enjoined all executions. In 1968 the Supreme Court in *Witherspoon* v. *Illinois* made it practically impossible to select a jury with enough courage to assess a death penalty. In 1972 came the real coup de grace to effective law enforcement when the Supreme Court in effect abolished the death penalty. Its decision saved from death many confirmed sadistic criminals who were multiple killers for money of innocent victims. Now itinerant human parasites roam the country robbing and killing with little fear of the consequences. It is more than a happenstance that since 1967, major crime in this country has doubled. Rapes, robberies, kidnapings, murders, skyjackings and assassinations have become commonplace daily occurrences. In the last 25 years, due in part to Federal Court mandates, the safety of "our lives, our property and our sacred honor" has been subjected to constant erosion. The effective abolition of the death penalty has further eroded these values immeasurably, and has made our situation intolerable. While most states have

rewritten their death penalty laws in an effort to comply with the Supreme Court decisions, it will be many years before any criminal can be executed, if at all and if ever.

Almost daily, the defiled and mutilated body of somebody's wife or daughter is pulled from the bottom of an old well, recovered from some dilapidated shack, or found floating in a muddy stream. The Federal Courts prevent any real punishment of the savage perverts committing these horrendous crimes.

Have we lost our sense of value? Has society lost the right and power to defend itself? Are we no longer capable of righteous indignation? Do we accept all of this horrible debauchery as a way of life?

In outlawing the death penalty, the Supreme Court has removed the shotgun from over the door of civilization. To abolish the death penalty is an insult to the decency and dignity of man. Every intelligent student of history knows that when the founding fathers outlawed "cruel and unusual punishment" they were simply outlawing medieval torture methods such as burning, starving, mutilating, or flogging to death.

A sad, indisputable fact of life is that human mad dogs exist. It is not only stupid but is "cruel and unusual punishment" not to execute them. The doctor's knife must be cruel in order to be kind. If the ruptured appendix is not removed, the patient dies.

The death penalty is prescribed in certain cases by all major religions. The Bible, the Talmud, and the Koran all approve of death as a necessary punishment for many crimes. All of history, both sacred and secular, upholds the validity of the death penalty.

Our indictments conclude with the phrase "against the peace and dignity of the State." We have compelled hundreds of thousands of our finest young men to die in combat for the peace and dignity of the State. Is it too much to compel a self-admitted and declared enemy of society to die for the same reason? Why kill the lambs and let the wolves go free?

In their several opinions nullifying the death penalty statutes of the States, the Supreme Court intimates that in some cases the death penalty might be constitutional. In effect, they say, "You plebeians at the State level are incapable of making this decision." They apparently feel that most state officials are either stupid or dishonest.

Before a State can carry out the death penalty, the following State officials, all sworn to uphold the Constitution and to see that justice is done, must approve:

1. The State Legislature that passes the law.
2. The Grand Jury that indicts the defendant.
3. The District Attorney's Office (not sworn to get death penalties but to see that justice is done).
4. Twelve Petit Jurors.
5. The State Trial Judge.
6. The Judges of the Appellate Tribunal.
7. The Board of Pardons and Paroles, or Clemency Authority.
8. The Governor of the State.

Is it reasonable that one appointed Justice of the Supreme Court (as in 5-to-4 decisions) should repudiate the unanimous judgment and authority of thousands of elected State Officials? To plagiarize Shakespeare, *upon what meat hath these our Caesars fed, that they have grown so great?*

The greatest reason for punishment is deterrence. Normally, people will not do what they are afraid to do; and the one thing of which all men are afraid is death. Death remains the greatest deterrent to aggravated crime.

The public has been harassed by the recent rash of skyjacking. Now we are preparing to spend billions of dollars on so-called sky safety. The death penalty would not stop skyjacking, but it would greatly reduce it. Also, we have the unusual and humiliating experience of spending untold millions for guarding hundreds of candidates for public office from assassinations. The death penalty would not stop this degrading menace but it would greatly reduce it. Economics, morals, even survival, all cry out for the death penalty as we have heretofore known it.

We submit that a failure to execute any of the following (if guilty and sane) is a reflection upon every decent value known to civilization and reduces man to a bestial level.

1. Kidnappers who injure or destroy their victims.
2. Persons like John Gilbert Graham, who in 1955, planted a bomb on a United airplane which killed his mother and 43 other people. (He died in Colorado's gas chamber prior to the gratuitous interference of the Federal Judiciary).
3. Richard Speck, who brutally murdered eight nurses in an orgy of destruction. (Because of the Supreme Court's ruling, his sentences were commuted to Life).
4. Bobby A. Davis, given the death penalty in Los Angeles for killing four Highway Patrolmen. (Voided by the Supreme Court.)
5. Charles Manson and his sadistic crew who killed numerous people simply for the fun of it.
6. Lee Harvey Oswald, who assassinated President John Kennedy.
7. Sirhan-Sirhan, who assassinated Robert Kennedy.
8. James Earl Ray, who assassinated Martin Luther King.
9. All assassins, including those who shoot down policemen because they hate cops.
10. Juan Corona, convicted of butchering 25 people.
11. Those who kill or endanger life by planting bombs in public buildings.

Recently tried in our Court was a defendant who shot three women in three separate one-clerk grocery store robberies within a period of ten days. They were literally mutilated while begging for their lives. This defendant told the jailer that these women were killed to remove witnesses. Without the death penalty robbers have every incentive to kill their victims. This robber's death penalty has been commuted to life because of the Supreme Court decisions.

Recently, Walter Cherry, a known dope addict with a long criminal record who was doing a life term, escaped. Two Dallas Deputy Sheriffs went to arrest him at a motel. He killed one and wounded the other. His death sentence has been commuted because of the Supreme Court decisions.

Recently in Fort Worth an ex-convict with a long criminal record kidnapped two young men and a young woman on a city street. He drove them to a lonely spot in the country, killed both of the young men, raped the young woman and then choked her to death with a broomstick. His death penalty has been commuted to life because of the Supreme Court decisions.

In 1971, Adolfo Guzman and Leonardo Ramos Lopez, two ex-convicts being investigated for burglary in Dallas County, captured four deputy sheriffs, carried them to the Trinity River bottom, all handcuffed, and killed three of them as they begged for their lives. Because of Supreme Court decisions their death penalty convictions were reversed. They will live to kill again.

In 1946, Walter Crowder Young was sentenced to death for a brutal rape. In 1947 his sentence was commuted to life. In 1957 he was paroled. A few years later he kidnapped an eight-year-old boy and his eleven-year-old sister. He took them to an abandoned shack, crushed the boy's head with a hatchet, and left him a permanent and hopeless cripple. He then forced the little sister to commit sodomy on him. How many families must a man destroy before he should be executed?

Our cities have became barbarous jungles. We bow our heads in shame when we contemplate that the city of Washington, our Nation's Capital, is perhaps the most crime-ridden big city in the world. In Washington, all of the courts are federal. (It is significant to note that no one has been executed in the City of Washington since 1957.) In 1972 there were 79 bank robberies in the Washington area alone. In Washington, citizens are afraid to walk the streets alone even in the daytime. Many a young woman has gone to Washington to earn her living only to lose her life or be psychologically destroyed at the hands of a rapist-murderer. The rapist-murderer is probably not caught; if caught, probably not convicted; if convicted, probably given a light sentence instead of the death penalty which the crime demands.

Throughout this nation, thousands upon thousands of small businesses have been forced to close their doors because of repeated robberies and the proprietor's fear of death. Thousands of communities have formed vigilante committees in an effort to defend themselves since they cannot rely on their government for protection. Furthermore, in the last 25 years, the employment of security guards by private business has increased a thousandfold.

In the March 1970 issue of Reader's Digest appears an excellent article by Senator John L. McClellan (a great crime investigator and foremost authority in Congress on the subject), entitled "Weak Link in Our War on the Mafia." He cites numerous cases demonstrating how the federal courts have failed in law enforcement. In 1973 there was far more federal anti-crime money spent in Dallas County than ever before; yet horror-crime increased almost 25%. Federal money flows and horror-crime grows.

While the Federal Courts insist on procedural regularity from others, they are the greatest violators of the same. The Federal Courts should remove the beam from their own eyes before trying to cast the mote from the eyes of the state courts.

We suggest that all the Don Quixotes who are riding their white horses off in all directions in their puny declared wars on crime might well tilt their spears in the direction of the Federal Judiciary.

In 1954 in the case of Terminello v. State, the Supreme Court nullified an Illinois statute under which Terminello had been convicted for inciting a riot. They held that the law was an invasion of the defendant's right of free speech (another 5-to-4 decision). In a dissenting opinion the late Justice Jackson with prophetic ken stated, "Unless the Court is dissuaded in its doctrinaire logic we are in danger of compounding the Bill of Rights into a suicide pact."

The great English critic Macaulay and the great French critic de Tocqueville both predicted America's self-destruction. (We omit the late Mr. Khrushchev's well known pronouncement on the subject). De Tocqueville based his prediction primarily on the political power of American judges. For a judge to become a legislator is repugnant to the fundamentals of Anglo-Saxon jurisprudence; yet much of the revolutionary legislation of the last 25 years has come from the Supreme Court.

The Justices of the Court are not little gods. Yet, the monarchs who claimed divine sanction were not so powerful as they. The power controversy now going on between the President and the Congress is a tempest in a teapot when compared to the cyclonic power possessed by the Supreme Court.

Whether good or bad, wise or foolish, right or wrong, no federal judge should have absolute power. It's not a question of whose ox is gored; it's a question of goring the ox to death whose ever ox he is. Such power is repugnant to every principle of democracy and freedom.

Whether it's the Highest Court blocking Mr. Roosevelt's reforms or the Warren Court destroying the States, the Supreme Court's power must be limited.

THE NAACP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. RANGEL. Mr. Speaker, on this, the occasion of the 65th annual convention of the National Association for the Advancement of Colored People I extend greetings on my own behalf and from the Congressional Black Caucus and extend our sincere hope that this will be the most successful convention ever.

Since the first national meeting in 1909, the NAACP has been an acknowledged leader in the struggle to improve conditions for blacks throughout the Nation. At that point in our history, we were politically powerless; the widespread discrimination in education, housing and public accommodations amply demonstrated that blacks were still second class citizens.

From the beginning, the association was strongly committed to gaining equality through legal means for all persons within the American political system. The association worked vigorously during these formative years to assure equal treatment before the law, and was an outspoken leader in the fight for antilynching legislation. As early as 1915 the association successfully attacked grandfather clause which denied equal access to society's institutions to blacks before the Supreme Court, and was able to have the same body rule against municipal ordinances requiring residential segregation.

The Crisis, edited for many years by W. E. B. Dubois, eloquently and forcefully publicized the organization's position while the legal defense and education fund provided legal guidance and financial help for other agencies that were less financially stable.

By the second half of the 20th century, the NAACP had grown in stature and recognition to become the most influential voice for black rights. Due in large part to the inspiring leadership and legal aid of the NAACP, Brown against Board of Education decision was successful in overruling the "separate but equal" doctrine established in Plessy against Ferguson and opened the door for the elimination of segregation in public education.

The role of the NAACP in our legislative process has grown enormously in the past decade. The association's Washington lobbyist, Clarence Mitchell, campaigned vigorously for programs designed to protect and, when necessary, extend the rights of black citizens—the Civil Rights Act of 1964 and Voting rights Act of 1965 would not have been possible without his untiring effort. And in recent years, despite the Nixon administration's efforts to slow down the pace of desegregation, the association has bravely continued to press for an end to inequality in employment and education.

Yet although attempts to redress inequality by law increased tremendously in the fifties and sixties, some of the laws have not been effectively enforced or produced satisfactory changes in the system. We have learned that the passage of civil rights legislation and dramatic court victories is frequently not enough—the busing issue, for example, can only be resolved by a commitment to full integration not only in the courts, but by Americans at all levels.

The central challenge before the association is not any particular issue, but our willingness to persevere—to pursue a consistent framework of policies over a sustained period of time. That is the most demanding of the commitments we must make. If we falter or tire, we will face great perils. But if as a group we persevere, 50 years hence you will look back at the seventies as a time when the association helped put in place a secure structure of equality and opportunity for all Americans. This is what we have been building for. This is a task that I hope you will continue to pursue.

Nevertheless, I remain optimistic that you will rise to these challenges and find the answers needed to improve the lives of our people. The NAACP's outstanding efforts to combat racism and assure equality of opportunity for all Americans is deeply appreciated by all of us.

I enclose, for the information of my colleagues a letter of greeting sent by the Congressional Black Caucus to Roy Wilkins, the executive director of the NAACP in New Orleans at the 65h annual convention.

CONGRESSIONAL BLACK CAUCUS, INC.,
Washington, D.C., June 28, 1974.

MR. ROY WILKINS,
Executive Director, National Association for the Advancement of Colored People, Rivergate Exposition Center, New Orleans, La.

DEAR MR. WILKINS: On behalf of the Congressional Black Caucus, I want to extend our sincere congratulations for being "65 and still on the drive." The Caucus is certain that the 65th Annual Convention of the NAACP will be more successful than ever. The agenda for the convention indicates to us that the NAACP is more vital than ever. Problems like education, employment, and housing are the key issues Caucus members are dealing with everyday.

It comes as no surprise to us that the NAACP is still going strong after 65 years. The strong leadership of men like DuBois, Spingarn, White, Wilkins, Evers and others has given the NAACP definite and realistic goals so often lacking in many organizations. This leadership combined with the support of thousands of Americans, both black and white, has accomplished deeds too numerous to mention in a brief letter. Suffice it to say that in the nation's capital the past work of the NAACP is constantly before us in terms of proposed legislation and the carrying out of past legislation.

As you enter your sixty-sixth year, the members of the Congressional Black Caucus are anxious to join with you in building on your past accomplishments. We are pleased that the NAACP is not content to rest on past deeds. This is a sign that you will be around for many more years.

Sincerely,

CHARLES B. RANGEL, *Chairman.*

REPORT ON LORTON

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. PARRIS. Mr. Speaker, the General Accounting Office has issued a report entitled "Better Management Needed for Tighter Security at Lorton Security Institutions." The report was made after an exhaustive study of more than a year and its very title sums up a serious problem facing not only the residents of Virginia's Eighth Congressional District, where the Lorton Penitentiary is located, but the citizens of all of the Washington metropolitan area.

Lorton is the only penal facility in the Nation that is located outside its governing jurisdiction. Despite repeated and continued claims by the District of Columbia Department of Corrections as to the excellence of the administration of the institution, it is becoming more and more a concern to my constituents with each passing day.

I believe a brief look at the GAO report will indicate why. Escapes are commonplace, inmate supervision is almost nonexistent, and the use of narcotics by inmates both inside and outside the confines of the facility is alarmingly frequent.

The situation at the institution, according to information I have received, is growing worse daily. The inept and inadequate administration of the facility is threatening the safety and security of residents of the Eighth District. Yet, the District of Columbia government cannot or will not correct the problem.

Faced with this inaction, I have tried to use the means available to me to protect the interest of the citizens I have the privilege of representing. I have introduced before the Congress legislation to transfer control of the Lorton facility to the Federal Bureau of Prisons.

I believe the report from the GAO clearly demonstrates the need for this type of legislation and I would at this time like to bring the report to your attention and insert a brief summary of its findings into the RECORD:

[From the Comptroller General's Report to the Honorable STANFORD E. PARRIS, House of Representatives]

BETTER MANAGEMENT NEEDED FOR TIGHTER SECURITY AT LORTON CORRECTIONAL INSTITUTIONS, DISTRICT OF COLUMBIA GOVERNMENT

WHY THE REVIEW WAS MADE

Congressman Stanford E. Parris asked GAO to look at the problem of inmates escaping from the District of Columbia's five correctional institutions at Lorton, Virginia.

FINDINGS AND CONCLUSIONS

The population at Lorton was 2,040 at December 31, 1973.

Over 3 years ended June 30, 1973, 380 inmates escaped; 64 more escaped during the 6-months ended December 31, 1973.

About 30 percent of these escaped from the confines of the Lorton institutions; about 70 percent escaped while outside the institutions on "authorized" absences.

Some problems at Lorton GAO noted were:

Rehabilitation leaves of absence were granted to persons ineligible for such leave or, if eligible, were granted for excessive periods.

There was no system for finding out what inmates were doing while on leave or whether the leaves were assisting in rehabilitation.

There were no uniform procedures regarding searches for contraband, tests for use of narcotics, and precautions against security violations by visitors to prisoners.

More information on each problem follows.

Problems in authorizing absences

Leave practices followed at Lorton seriously contributed to problems of escapes.

Legislation under which absences were approved has been construed by the District's legal office to allow rehabilitative leave to assist the prisoner in the transition from institutional life to freedom. Therefore, time remaining to serve should have been considered in approving the absences.

Some inmates with years left to serve before their probable release dates—some as many as 15 to 20 years—were granted leaves.

Some inmates were given continuous daily leaves routinely over several months although such absences were to be restricted to brief periods and were to be beyond 30 days only in highly unusual circumstances.

Hundreds of inmates were released each week into the community to attend insitutions of higher learning, work at paid employment, and participate in community activities, etc. However, the District had no system for finding out what inmates were doing while away from the institutions, nor did it know whether leaves were helping to rehabilitate inmates. Some inmates were arrested for committing crimes during authorized absences.

Internal security probems

Strengthening internal security policies and procedures is needed to help prevent inmate assaults and to help restrict contraband—such as weapons and drugs—from getting to inmates.

Until pressure was brought by the local correctional officers' union, few thorough searches—shakedowns—of institutional facilities were made. Inmate lockers were not regularly inspected. When they were, contraband was found.

Although frequency of shakedowns has increased, a serious problem of contraband continues. Much contradband found in shakedowns has been or could be made into lethal weapons.

Although Department of Corrections policy required testing to determine whether inmates were using narcotics, such testing was not being done at two institutions although hundreds of inmates from these institutions were making weekly trips into the community.

Further, when test results indicated the use of narcotics, little or no disciplinary action was taken.

Uniform procedures at all institutions were needed concerning identifying visitors; inspecting handbags and purses, and searching inmates for contraband after meeting visitors.

Because visitors were not adequately identified, some inmates wearing civilian clothes escaped by simply walking out with visitors.

Improvements in some physical facilities would also tighten security.

WHAT WENT WRONG?

GAO wanted to know what Department of Corrections officials were doing to overcome problems of escapes and contraband.

The major obstacle was that—except when there was overt demonstration of problems, such as escapes or trouble within the institutions—these types of problems seldom reached management's attention.

Many escapes were not being investigated to determine causes for security breakdowns. Thus, corrective measures could not be taken to prevent the same thing from happening again.

When shakedowns of inmate dormitories and institutional grounds were made, large quantities of contraband was consistently uncovered, but the Department didn't take action to cut off the source.

Management improvements over programs releasing inmates into the community and tigher security at Lorton are obviously needed. If the District had had uniform policies at Lorton and had good feedback—and acted on it—many inmate security problems could have been avoided.

RECOMMENDATIONS TO THE COMMISSIONER

Some GAO recommendations are:

Uniform and definitive guidelines for the institutions should be established for selecting inmates for rehabilitative leaves, giving due consideration to time remaining to serve before probable release. The policy of granting recurring leaves almost continuously should be evaluated.

Each release program should be assessed regularly to insure that it is serving a bona fide rehabilitative purpose. Procedures should be established to monitor the whereabouts and performance of inmates participating in outside activities.

To tighten perimeter security another fence should be constructed around medium security. The Department should also issue specific policies and procedures concerning the wearing of civilian clothes by inmates and for identifying visitors.

To tighten security inside the correctional institutions, the Department should (1) determine the source of contraband which continually shows up in searches and take measures to prevent inmates from obtaining it, (2) assign officers full time to each dormitory, (3) improve the narcotics testing program, and (4) issue uniform policies and procedures for inspecting visitors' handbags and purses and searching inmates after visitors leave.

To help prevent escapes, all escapes should be investigated and reports recommending corrective action sent to top management.

The Office of Planning and Management—responsible for improving organization and operations of District agencies—should maintain a close working relationship with the Department to insure that effective corrective action is taken on management problems.

GAO also recommends that the District's internal auditors periodically look into Department operations.

FAIRNESS TO VETERANS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. CONTE. Mr. Speaker, our Vietnam veterans occupy a very special place in my heart. I want these young men and women to have the same opportunities that I had. After my service during World War II, I was able to attend college and law school because of benefits provided by the GI bill.

This past year, I served as chairman of the Special Veterans' Opportunity Committee of the National League of Cities and the U.S. Conference of Mayors. I traveled to major cities in this country and heard from the grassroots—from scores of young veterans who have legitimate complaints concerning their benefits under the GI bill.

During these hearings, I got a detailed picture of how veterans are being denied the same share of benefits that I received.

Mr. Speaker, the Washington Post featured a thoughtful editorial on "Fairness to Veterans" that I endorse and include for the RECORD:

[From the Washington Post, June 28, 1974]

FAIRNESS TO VETERANS

A large number of Americans who have a strong sense of patriotism and gratitude are watching Congress to see what kinds of benefits will be included in the new education legislation for veterans. Watching most closely are large numbers of the 6.7 million citizens who served in Vietnam, veterans who returned home only to find themselves under attack from a domestic enemy—the one of indifference to whether the vets received the educational benefits that they deserved.

Last week, the Senate voted (91 to 0) generous and fair legislation that would do much to tell the veterans that their sacrifices were appreciated. Specifically, the $1.9 billion package provides an 18 per cent increase in benefits, loans of up to $2,000 a year and payments up to $720 a year in tuition. In unanimously supporting the 18 per cent increase, the Senate brushed aside as ridiculous the 8 per cent increase proposed by President Nixon; even now, despite its wordy praise for veterans, the administration opposes the generosity of the Senate bill.

Crucial decisions are expected to be made soon by a Senate-House conference committee, although a conference has not yet been called formally. The 13 per cent increase in benefits in the $1.3-billion House bill is clearly a rebuke to the veterans; given inflation and the soaring costs of education, even the Senate figure of 18 per cent is playing it close. An equally important issue is what form this aid should take. The House bill does not include tuition grants largely because Rep. Olin Teague (D-Tex.), former chairman of the House Veterans' Affairs Committee, has long opposed such aid. Mr. Teague once headed a subcommittee that examined abuses of the old GI bill when some opportunistic colleges in the late 1940s and early 1950s raised their fees to rake in federal money. But the time has come for the Congress to listen to the pleas of groups such as the American Legion, which strongly supports tuition payments. National Commander Robert E. L. Eaton refers to the Teague position in the current American Legion magazine and says "it is ironical to think that it was the sins of the colleges and universities a generation ago which have been invoked to deny an education to the Vietnam veterans who need help the most." The Senate bill gives the Veterans Administration powers to combat tuition abuses.

The importance of education benefits for veterans is not only that large numbers of young citizens will get the opportunity for schooling but also that the country has the chance to make an investment in its most valuable resource—its young citizens. We have already seen the amazing economic and social yield of the GI bill following World War II; the current legislation as passed by the Senate is an extension of the philosophy that created the original bill 30 years. To hold back now is to walk away from both the wisdom that prevailed then and the needs of our veterans now.

GERALD STROHM SELECTED FOR GRAND EXALTED RULER

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. SISK. Mr. Speaker, it is a particular pleasure for me to take this opportunity to bring to the attention of my colleagues in the Congress the selection of my friend and constituent, Gerald Strohm of Fresno, Calif., as Grand Exalted Ruler of the Benevolent and Protective Order of Elks. Jerry has long been a vibrant force in the activities of our home Lodge, No. 439 of Fresno, Calif., and has served Elkdom in a variety of

other capacities as well. Moreover, Jerry has been equally generous in devoting his time and energies to numerous community organizations. His selection as Grand Exalted Ruler is deserving recognition indeed of an outstanding Elk and fine human being.

I want to extend my personal congratulations and best wishes for success to Gerald Strohm as he assumes this high office and feel it appropriate as well to herewith include a brief biography which recently appeared in the Elks magazine:

FRESNO, CALIF., LODGE NO. 439 PRESENTS GERALD STROHM FOR GRAND EXALTED RULER

Fresno, California, Lodge No. 439 of the Benevolent and Protective Order of Elks in its regular session on December 5, 1973, unanimously resolved to present to the Grand Lodge the name of its most distinguished member, Gerald Strohm, for the Office of Grand Exalted Ruler for the year 1974-1975.

Brother Strohm was born in Kingman, Arizona, on October 19, 1910. He attended schools in Arizona and California and graduated from the University of California at Los Angeles in 1932 with a degree in Economics.

Brother Strohm entered the United States Civil Service in the Treasury Department where he served in various capacities from 1934 to 1947, except for years in military services. From 1942 to 1946, Brother Jerry was in the Army of the United States having been called to active duty as a Reserve Officer. He served in the Artillery in the European Theatre and upon his discharge he transferred to the Finance Corps and was retired as Major. He is a member of the Reserve Officers Association, the Retired Officers Association and the American Legion.

In 1947, he resigned from Civil Service and entered practice as a Certified Public Accountant. He is now a member of the firm of Strohm, Hills, & Renaut. He is a member of the American Institute of Certified Public Accountants and a member of the California Society of Certified Public Accountants, being a Past President of the Fresno Chapter.

Brother Strohm became a member of Fresno Elks Lodge in 1947 and was Exalted Ruler in 1954-55. He was District Deputy Grand Exalted Ruler in 1960. He served the California-Hawaii State Association as a member of its Major Project for six years and became its President. He was State President of the California-Hawaii Elks Association in 1966. He is presently a member of the State Advisory Committee. In Grand Lodge, Brother Strohm served on the Grand Lodge Auditing and Accounting committee for three years, served as Grand Esteemed Leading Knight in 1972-73 and was elected to a four year term as Grand Trustee in Chicago in July, 1973. In recognition of his many outstanding services to Elkdom, he was elected to Honorary Life Membership in Fresno Elks Lodge.

In his community Brother Strohm has served in many capacities, being a Past Fund Campaign Chairman for the United Givers of the Fresno County Public Appeals Board. He is a member of the Fresno City and County Chamber of Commerce and a member and Director of the Fresno County Taxpayers Association. He has been active in the Exchange Club and was President of the Fresno Exchange Club and a District Governor of Exchange.

Brother Strohm has been active in the First Congregational Church and has served it in many capacities.

In 1935, Brother Strohm married the former Kathryn Gehring, whom he first met while he was at UCLA and she was a student at Belmont High School in Los Angeles, from which school he had graduated. They have no children. Kay has been Jerry's active supporter through the years and will be a most gracious First Lady.

It is therefore with pride and confidence in him that Fresno Elks Lodge respectfully presents the name of Gerald Strohm to serve in the high office of Grand Exalted Ruler with assurance that he will bring to that position the experience and leadership which the office of Grand Exalted Ruler demands.

DELBERT A. MUNDT,
Exalted Ruler.
K. H. MCISAAC,
Secretary.

DRUG PATROL

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. MURPHY of Illinois. Mr. Speaker, during the June 25 debate on the Treasury, Postal Service, and general Government appropriation bill, my colleague from New York (Mr. ADDABBO) offered an amendment to clarify agency responsibility for suppressing drug traffic at our borders. The amendment which passed by a vote of 283 to 100 precluded the transfer of Customs Bureau funds for border control to any other agency.

Bob Wiedrich, a respected columnist for the Chicago Tribune, recently returned from investigating first-hand conditions at our Mexican border. He began a series of articles in the Tribune, Sunday, June 23, which could not be more timely in terms of congressional interest. Mr. Wiedrich has once again managed to strike the balance between a fascinating tale of intrigue and a sensible as well as sensitive presentation of the facts.

I commend Mr. Wiedrich for his ability to sniff out a story which not only interests his readers but educates them. I am including several of the articles in the RECORD for my colleagues' benefit:

BUDGET FIGHT THREATENS RIO GRANDE DRUG PATROL

WASHINGTON, June 22.—A band of dedicated men fighting the narcotics traffic across the Mexican border are caught in a bureaucratic cross fire as hot as the blazing smugglers' guns they face in the arid arroyos of the Southwest.

Just over 350 strong, the United States Customs Patrol has been ordered out of business Dec. 31 by the White House after intercepting drugs from Mexico with a street sale value well over $77 million in just nine months of existence.

The Customs Patrol suspects a Machiavellian plot by the Justice Department to corral all federal-drug fighting operations. The White House says that isn't so.

However, it is clear the Customs officers have become pawns in a long-brewing confrontation over federal budget-making powers between the Congress and the White House-based Office of Management and Budget [OMB].

In fact, the dispute has gotten so hot that several congressmen plan to singe OMB's britches when its appropriations bill comes before the full House Tuesday in a thinly veiled retaliation for refusing to reverse its decision on the Customs Patrol.

U.S. Rep. Joseph P. Addabbo of New York, ranking Democrat on the House appropriations subcommittee that handles the Treasury Department and its Customs Service, told us he intends to offer an amendment to "substantially" cut the OMB appropriation down to size.

"The decision to wipe out the Customs Patrol points up the arrogance of OMB and the managerial control it is trying to have over cabinet officers and the actual conduct of government," Rep. Addabbo declared.

"These men are undermanned and underequipped. Yet, they have managed to do a fabulous job in stemming the flow of drugs across the border. These are dedicated, trained men risking their lives every hour of the day. And now they're being told they're being knocked out of the box."

Organized last Oct. 1 to cover the desolate stretches between ports of entry along the 1,500 mile border, the Customs Patrol has been instructed to turn over its duties to the Immigration and Naturalization Service Border Patrol [INS], an arm of the Justice Department traditionally charged with intercepting illegal aliens.

Under the OMB decision last month the Immigration Service Border Patrol will hunt both wetbacks and smugglers between ports of entry. The Customs Service will be relegated to suppressing smuggling only at border crossings.

Frederic V. Malek, OMB deputy director, said the order was based on a management decision to end duplication of patrols, an act he claims is clearly within the domain of the executive branch of government.

This is a key statement in the conflict between OMB and Capitol Hill, where Customs Patrol supporters contend OMB has not only intruded on congressional prerogatives over government purse strings, but, in this instance, violated an agreement with Congress covering the duties of the Customs Service.

"Our interest is in doing the best possible job in intercepting both illegal aliens and smuggled goods," Malek told us in an interview at the White House Executive Office Building here.

"Our [OMB] whole purpose in being is to get the most for the taxpayers' dollar. We have no ax to grind. We can't prove conclusively we're right. But we believe our investigation is well founded and our decision is correct."

And therein lies another element in this growing confrontation between two branches of government with the Customs Patrol caught right in the middle.

Malek and his aides maintain their decision was based on a thorough on-the-scene investigation by OMB over a period of two months, during which the operations of both patrols were observed and local authorities and residents questioned for their views.

Customs Patrol personnel with whom we talked along a 500-mile stretch of South Texas border—from Laredo to Brownsville—disputed that claim, alleging the two OMB investigators who visited them devoted no more than 12 actual working hours during a brief two-day visit to their sector.

They said it would have been impossible for the OMB men to grasp the intricacies of their duties in the rugged, remote terrain of the lower Rio Grande Valley in that short period of time. The most generous term they used to characterize the inquiry was cursory.

The nearly 185-year-old Customs Service of the Treasury Department was the only patrol agency along the Mexican border in the 1800s. But soon after the turn of the ecntury, when immigration laws got tougher, the INS Border Patrol was instituted to hunt down illegal aliens.

After World War II, Customs ended its patrol in a wave of postwar budget cutting at a time when the United States had no narcotics problem and little smuggling from Mexico.

But in June 1973, when President Nixon created the Drug Enforcement Administration from the ranks of federal narcotics agents and the 500 Customs agents assigned to drug interception work on the borders, Customs decided to revive an overt uniformed force of officers to patrol the wide-open country between border crossings to stop smuggling, including narcotics.

This is the force which OMB ordered eliminated as a costly duplication of duties which it contends can be performed and, are already being partly performed, by the more than 1,400 members of the INS Border Patrol.

In addition to antismuggling chores at ports of entry, Customs would retain air-interdiction functions along the Mexican border to catch those smugglers who prefer the airborne route.

"We think that by using the Border Patrol people aggressively, we can get more for the tax dollar spent and better coordination of our drug-fighting effort at the same time," Malek said.

The Customs men don't see it that way at all. Neither do their congressional supporters.

Customs Patrol officers interviewed along the mesquite-cluttered banks of the Rio Grande pointed to their successes in seizing incredible lots of marijuana since going into action last Oct. 1:

Thru last March 30, their bag totaled more than 78 tons of the weed [157,228 pounds with a street sale value of $43,552,000]; 7.25 pounds of cocaine worth an estimated $1,-724,600; and 63 pounds of heroin valued at $31,783,000 on the streets of American cities. They also effected 716 arrests, seized 1,297 vehicles, including at least five aircraft, and collared 469 illegal aliens incidental to their other duties.

"Roy Ash is picking a fight with Congress and he has selected the wrong battleground," declared U.S. Rep. Morgan Murphy Jr. [D., Ill.], another Customs Patrol supporter. "Immigration has its hands full just keeping back illegal aliens. There are at least 250,000 of them in Chicago alone.

"If Ash wants to make cuts, there are many other places they can be effected. If we can give the Arabs $100 million in aid, we certainly can afford to maintain the Customs Patrol at a time when drugs are again flooding the United States."

DEATH AND DOPE ALONG THE BORDER

(By Bob Wiedrich)

LAREDO, TEX.—The night was hot; the heavens bountiful with galaxies of stars that cast faint light on the desert floor.

In a clump of bushes not far from the Arizona border with Mexico, a rattlesnake coiled and struck at an unseen target, the cacophony of its venomous attack breaking the serenity of darkness.

Except for the rattler, the silence was almost oppressive along the rutted path leading from the Mexican border near Nogales, Ariz., where two United States Customs Patrol officers kept a lonely watch.

For the men—Louis Dickson, 32, and Charles Bokinskie, 26—this night of April 24 was, like many others, filled with endless hours of patroling remote roads beaten into the dust by narcotics smugglers headed north into the United States after accepting drug deliveries at the border.

Unlike past quiet nights, this one would end in a holocaust of gunfire. Within minutes they would detect and follow a vehicle running without headlights. And they would make that fatal error every Customs Patrol officer prays he will never commit.

Dickson and Bokinskie allowed their quarry to get too far ahead of them. Presumably, they played their surveillance loose so as not to arouse his suspicion in the wide open desert country. For that mistake, they paid with their lives.

There were no survivors to what happened next. But officials were able to reconstruct what apparently occurred:

Michael A. Williams, 43, already free on bail from a federal marijuana smuggling charge in Los Angeles, eluded the officers long enough to hide behind an obstruction.

When the Customs Patrol car came into sight, Williams bushwhacked them from a distance of 200 yards. One of the officers, tho, managed to return the fire before he died, killing Williams with a shotgun blast in the chest.

Then silence returned to the desert, broken only by the footpads of the small mammals that abound there and the restless idling of the patrol car motor until it ran out of gas.

At first light, an 18-year-old girl and her 14-year-old sister, driving to a school bus stop from a nearby ranch, discovered the bloody carnage that had ended Dickson's and Bokinskie's last patrol.

The heroic officers were lying dead by their jeep. Williams' body was beside his vehicle, in which 250 pounds of Mexican marijuana—good stuff worth $100 to $150 a pound on the streets of Chicago or New York City, Los Angeles or Denver—was hidden.

These were two of the casualties sustained by the 350-man U.S. Customs Patrol since it took the field last Oct. 1, covering the wild and barren terrain between ports of entry along the 1,500-mile American border with Mexico through which a flood of drugs passes annually.

Beyond the tensions of the job, the work is physically debilitating, rolling the dusty miles in heat so intense it drains a man's juices, parches his body, and pounds his brain into numbness with countless searing waves of 100-degree temperatures.

The rugged, unpaved roads punch at the kidneys. Sweat literally pours into a man's boots. And his face and hands become scarred by the slashing blades of dried mesquite as he fights his way thru underbrush on foot to locate hidden caches of drugs awaiting pickup near the Rio Grande River bank after dark.

In the pre-dawn darkness of June 5, four Customs Patrol officers led by Supervisor Barry Shields, a former Sky Marshal stationed at O'Hare Field in Chicago, seized 12,200 pounds of marijuana on the river bank near Hidalgo, Tex., one of the largest loads in U.S. Customs history.

In this case, a total of 168 burlap bags containing marijuana compressed into one kilo [2.2 pound] bricks were found stashed under brush and rotting onions and in a 10-wheel produce stake truck. One man searched another truck nearby which had a loaded .38 caliber automatic hidden in the glove compartment.

The 12,000 pounds of weed had been purchased in Mexico, for delivery to the American side of the river, for $220,000. Cut down into small quantities, the drug would have been worth over $3 million in the States.

More than anything, the pistol-packing drug traffickers served to highlight the increasing penchant for gun play since the Customs Patrol went into action. As things have been made tougher for them, the smugglers have resorted to violence.

For the stakes are fantastic in this deadly war—the millions upon millions of dollars represented by the drug culture of the United States. We'll tell you more about dope smuggling on the border tomorrow.

CUSTOMS PATROL WINS IN CAPITOL

WASHINGTON.—The White House has suffered a setback in efforts to strip the United States Customs Patrol of its dope-fighting duties along the Mexican border.

By a vote of 283 to 100, House members refused to permit the administration to turn over the Customs Service function along desolate stretches of the 1,500-mile border to the Justice Department's Immigration and Naturalization Service [INS] Border Patrol.

The action marked a victory for Customs Service supporters on Capitol Hill, who maintain INS has its hands full just catching illegal aliens from Mexico and should not also be saddled with anti-drug-smuggling responsibilities.

In nine months of operation, the fledging, 350-man Customs Patrol has intercepted marijuana, hashish, cocaine, and heroin valued at over $77 million on the streets of American cities.

Rejection of the White House plan was in the form of an amendment to the executive branch appropriations bill, barring the use of Treasury Department or Office of Management and Budget [OMB] funds to effect the redeployment of the Customs Patrol to ports of entry.

Rep. Sidney Yates [D., Ill.], who proposed the amendment, charged plans to restrict Customs Patrol operations violated a White House agreement with Congress to retain the Customs role in interdicting drug smuggling along the nation's borders.

The agreement was reached a year ago when President Nixon created the Drug Enforcement Administration to coordinate all American drug-fighting efforts with a cadre of federal narcotics agents and 500 Customs officers assigned to the dope traffic.

On June 5, however, OMB Director Roy Ash instructed Treasury Secretary William Simon to restrict the Customs Patrol to ports of entry, claiming the drug interception could be performed by the INS Border Patrol.

During the debate, Rep. Howard Robison, [R., N.Y.] defended the OMB position that the Customs Patrol constitutes needless duplication.

He also argued handcuffing the administration funds would render meaningless a House Government Operations Committee investigation into the dispute scheduled to be aired in public hearings two weeks hence. Plans for the Customs redeployment, he said, had been deferred until then.

But the amendment passed by a handsome majority, highlighting the deeper schism between the White House and Capitol Hill over what some consider increasing encroachment by OMB on the congressional appropriations role.

The bill now goes to the Senate, where in two weeks Sen. Hubert Humphrey (D., Minn.) is expected to lead the battle for preserving the Customs Patrol function in drug smuggling.

Rep. Robinson's report that plans to phase out Customs between border crossings by Jan. 1 had been deferred marked a sharp change in OMB posture. Earlier, Deputy OMB Director Frederic Malek had told us here the planning would continue while the House Government Operations Committee inquiry was underway.

He did indicate, tho, OMB would take heed if committee chairman Rep. Chester Holifield (D., Cal.) produced information not uncovered by an OMB survey of the Customs Patrol on which the White House decision was based.

It is this survey which has been attacked as superficial by Customs Patrol personnel in their efforts to retain a narcotics fighting role.

To make their position clear, Customs Patrol supporters first sought to lop $6 million from the OMB's $22 million appropriation request. That effort failed. But the House did cut OMB funds back to their present level, thereby slicing off more than $2 million from the White House budget-making arm.

Then it voted the amendment barring the use of any executive branch funds to plan or carry out the Customs Patrol defrocking. That included the Treasury Department appropriation under which the Customs Service is bankrolled.

"President Nixon is too busy with other matters to worry about what is going on down there on the Mexican border," declared Rep. Morgan Murphy Jr. (D., Ill.), whose worldwide investigations in the past three years have dramatized the narcotics problem.

"But he is being ill served by men who, however well intentioned, are too inexperienced in this field. The Customs Patrol has

done a magnificent job. Instead of putting them out of business, they should be encouraged.

"Sure, there are professional jealousies between some of these agencies. But these can and should be resolved. Each has a vital function. Each is serving the American people well. The main thing is to stop that dope before it gets to the streets of our cities."

PRAYER FOR LEADERSHIP

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. BROWN of Ohio. Mr. Speaker, on Monday, May 20, my home State of Ohio had its first statewide prayer breakfast of civic, business, labor, and professional leaders. The event was held at the Sheraton Columbus, and our distinguished colleague JOHN DELLENBACK, of Oregon, a noted lay leader of the Presbyterian Church, was the guest speaker.

I had hoped to be able to insert here the remarks of the gentleman from Oregon who spoke in a moving way about his own religious feelings and views, in particular his thoughts about submitting ourselves humbly to the power of an all-wise God—thoughts which grew out of recent experiences he and his family lived through at the time of the near-fatal illness of his daughter. Unfortunately my articulate friend delivered his remarks extemporaneously, his speech was not recorded, and he either has been too modest or too busy to write his thoughts down as a summary of his sermon for me to insert here.

While I regret the loss of the full message of my friend, I was successful in obtaining a copy of the prayer which was delivered at that prayer breakfast by another personal friend, Charles S. Mechem, Jr., chairman of the board of the Taft Broadcasting Co. Mr. Mechem's unusual approach to the featured prayer at this breakfast was given a very positive response and I am pleased to have it to share here with my colleagues.

I also include a copy of the program for the breakfast, which was attended by many distinguished Ohioans as a public testimony to their collective and individual faiths. Music for the program was provided by the outstanding Wittenberg University choir, of Springfield, Ohio:

PROGRAM

Invocation, Mr. Robert L. Pegues, Jr., Superintendent, Youngstown Public Schools.

Breakfast.

Welcome, Mr. Francis A. Coy, Chairman of the Board The May Company.

Old Testament Reading, Dr. Warren L. Bennis, President, University of Cincinnati.

Prayer for Leadership, Mr. Charles S. Mechem, Jr., Chairman of the Board Taft Broadcasting.

New Testament Reading, Mrs. Huber J. Snyder, President, Church Women of Ohio.

Musical Selection, Wittenberg Choir, Director, John W. Williams.

Remarks, Honorable John J. Gilligan, Governor, State of Ohio.

Address, Honorable John Dellenback.

Benediction, Mr. Robert H. Meyer, President, Reynolds and Reynolds.

God Bless America, Led by Wittenberg University Choir.

PRAYER FOR LEADERSHIP

(Offered By Charles S. Mechem, Jr.)

I hope you will indulge me for a moment before we pray. I want to say just a word about public prayer at eight-thirty on Monday morning. I frankly suspect that the active life—or the retention life, if you will—of the average public prayer is—at the absolute maximum—limited by your arrival at your office later today and your confrontation of the typical Monday morning mess. I asked myself why—and I think the answer rests in the view that most of us have about prayer. I think that we look at prayer in one of two ways—either we have total faith that God will listen and grant our request—in which case it is unnecessary to think about the prayer very long—or we have concluded that there really isn't much hope that He will pay any attention whatever to us anyway—in which case it is a waste of time to think about it.

I suspect, however, that neither approach is really sound. Let me suggest what to me is a more rational view. Prayers are not always—in the crude, factual sense of the word—'granted'. This is not because prayer is a weaker kind of causality, but because it is a stronger kind. When it 'works' at all it works unlimited by space and time. That is why God has retained a discretionary power of granting or refusing it; except on *that* condition prayer would destroy us. It is not unreasonable for a headmaster to say, "Such and such things you may do according to the fixed rules of this school. But such and such other things are too dangerous to be left to general rules. If you want to do them you must come and make a request and talk over the whole matter with me in my study. And then—we'll see."

So—let's go into God's study for a few moments this morning and talk to Him about Leadership.

God, I've been asked to speak to you this morning on behalf of this group about Leadership. Now we know that somebody is talking to you about this every day—probably hundreds of thousands of times every day. We know that you are constantly being asked to lend divine guidance to the leadership of heads of state legislative bodies, kings, heads of great business complexes, and so forth. And that's fine—we hope you'll do it. But we want to talk to you a minute this morning in a slightly different vein. We looked up the definition of "lead" in the dictionary and it said it meant "to take or conduct on the way; to go before or with somebody to show the way; to guide somebody in a certain direction." Now, it strikes us that that makes almost everyone of us a leader of sorts. We have come to the conclusion, God, and we hope you will agree, that each of us who has any control or influence on the lives of another is a leader—at least with respect to that other person. We are overwhelmed in this day with the sheer size and complexity of life—we are prone to despair and alienation—more ready to follow than to lead—more willing to turn off than to turn on. What we'd like to ask of you this morning is to help us gain a sense that we are indeed—each one of us—leaders. That we affect in a very profound way the life of someone else—and that, especially in these days, we must all dedicate ourselves to exercising leadership in our lives in a manner that will preserve and protect the way of life that allows us to control our own destiny and influence the destiny of others. Of course, we want you to guide and inspire our great leaders—but our point is that we want you to know that we believe we are *all* leaders and *we* need your help too. As a matter of fact, if we don't have your help, we are afraid our leaders won't be able to guide us.

So, God, please help us to recognize our role and our responsibility. Help us to be sensitive to the extent to which the way in which we live our lives affects and molds the lives of others. Give us wisdom, understanding, patience, courage, and perhaps most of all, compassion. Give to us the strength to be leaders so that, together, we may achieve—for ourselves and those that we lead—a total and a meaningful existence.

Thank you for allowing us to come into your study for a moment this morning. We'll be needing to come back soon.

Amen.

THE BUFFALO URBAN LEAGUE'S "OPERATION SPORTS RESCUE/SAVE THE CHILDREN"

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. KEMP. Mr. Speaker, I wish to commend to the attention of my colleagues a tremendously successful and forward-looking program under the aegis of the Buffalo Urban League, Inc.

The project, "Operation Sports Rescue/Save the Children" is designed to develop organized recreational activities for young people in the Greater Buffalo area, with the assistance of professional athletes. It is also designed to combat juvenile delinquency and drug abuse through concrete social, educational, and recreational programs.

The Buffalo Urban League's initiatives, under the guidance of its executive director, Mr. Leroy R. Coles, Jr., exemplify what can happen when capable, dedicated people direct their talents toward helping people in need.

Each of us in this body have a responsibility to encourage those in our communities, individuals, businesses, and foundations, to contribute to and cooperate with peopie like the Buffalo Urban League who are actively carrying out programs so vital to the future of our communities and our Nation. A synopsis of the Buffalo Urban League's efforts follows:

OPERATION SPORTS RESCUE/SAVE THE CHILDREN OF THE BUFFALO URBAN LEAGUE, INC.

1. PROJECT PURPOSES

Since youth and young adults are generally attracted to athletics, the primary intent of the project shall be to create an athletically involved mechanism which will provide its participants an opportunity to engage in rewarding and enjoyable use of time. Utilizing at the same time the assistance of professional athletes as image builders for the youth, the project shall focus on combating drug abuse and juvenile delinquency. The same vehicle will also endeavor to provide educational opportunities and generally aid in motivating and directing its enrollees into the educational classes. Thus demonstrating to youth and young adults that there are other avenues to success and that athletics is

but one means to a meaningful end, while an education or skill remains the true basis for success in our society.

A related purpose of the project is community interaction and involvement through sports and cultural activities. An attractive sports and cultural enrichment program draws a great number of people together, providing an advantageous opportunity for close community contact, involvement and positive communication.

A. Specific project objectives

The following is a breakdown by service:

(1) Compensate for the lack of organized recreational activities for youth and adults in the Greater Buffalo area,with the assistance of professional athletes. Serve 2,500.

(2) Combat juvenile delinquency and drug abuse through concrete and relevant social, educational and recreational programs. Serve 500.

(3) Provide for complete community participation and interaction in social services, through an involved and interesting athletic program for youth and adults. Serve 2,500.

(4) Direct certain service operations in a manner which will aid in the expansion of educational opportunities for youth and young adults. Service 250.

(5) To assist youth in returning to school, advancing education or in obtaining employment when definite and sure jobs are made known to the staff. Serve 50.

(6) To provide employment within the project for city residents. Serve 22.

(7) To create a potential job market for individuals interested in recreation. Serve 10.

(8) To provide physical examinations and information on proper health and hygienic habits. Serve 2,500.

(9) To provide cultural enrichment activities for its participants. Serve 2,500.

2. PROJECT COMPOSITION-TARGET POPULATION CHARACTERISTICS (BENEFICIARIES)

The target area will be landscaped into five (5) districts, reflective of the geographical boundaries of the Department of Parks as follows:

District No. 1 Ellicott, serve 500.
District No. 2 Grover Cleveland, serve 500.
District No. 3 Humboldt area, serve 500.
District No. 4 The Front area, serve 500.
District No. 5 Cazenovia & South Park area, serve 500.

It is estimated that the project target population will comprise 2,500 students. Both youth and young adults of the Greater Buffalo area.

Specific eligibility criteria has not been identified. However, with the cooperation and assistance of other established agencies (YMCA's, Boys Clubs, recreation centers, etc.) The project shall coordinate a city-wide sports league.

For purposes of organization and control, the target population will be organized in the following manner:

A. *Peer Group Formation*

The participants enrolled in the projects from each district (1–5) shall be divided into peer groups within their respective areas as follows:

Peer Group No. 1 ages 9–12.
Peer Group No. 2 ages 13–15.
Peer Group No. 3 ages 16–19.
Peer Group No. 4 ages 20 and over.

This method of categorizing the target population shall be incorporated within each district. Four (4) peer group divisions in each district.

It is anticipated that the project will draw at least six (6) different groups from each peer group category, with a total of 15 members in each group, forming basketball teams that will participate in the league. However, it is not mandatory that you play basketball to be a member of the project.

SAVING MOUND BAYOU FROM HEW'S KNIFE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. RANGEL. Mr. Speaker, in Mound Bayou, Miss., the Nation's only black community-controlled hospital nearly fell victim to the "fiscal surgeons" of HEW. Motivated partly by the Nixon administration's determination to end the federally funded antipoverty program, and partly by Mr. Nixon's desire to please Senate conservatives who may decide his political future, the Government decided to discontinue Federal funding of Mound Bayou.

Vigorous lobbying by Members of Congress, particularly the Congressional Black Caucus, convinced HEW to back down and fund Mound Bayou for another year. The following article from the June 20 Washington Post describes the situation in Mound Bayou before additional funding was secured, and depicts the difficulty of preserving, much less encouraging, a modicum of black independence and initiative under the Nixon administration. I insert it into the RECORD for the information and attention of my colleagues:

[From the Washington Post, June 20, 1974]

SLOW DEATH FOR A HOSPITAL

(By Theodore Cross)

We knew about Mound Bayou before we got there. It is not a typical one stoplight Mississippi town that you read about in Faulkner novels. It is all black. The town officers, the school board, the sheriff, everybody. It has been that way since after the Civil War when it was founded by the emancipated slaves of the brother of Jefferson Davis. Of course, in the 1880s, the white folks in Mississippi had something else in mind, but their rhetoric was that black people "should be encouraged to form their own communities where they would be free to develop spiritually and economically." Once a fairly prosperous town with a good cotton crop and its own bank, Mound Bayou today, like most of the Delta, is on the economic skids. It is in Bolivar County, government-certified as the nation's poorest.

But the community is famous for its unique hospital—the only black community-controlled hospital in America.

Mississippi has always been uncomfortable with blacks acting in a self-respecting, self-sufficient way. Gov. William "Wild Bill" Waller vetoed last year's hospital funding from the Office of Economic Opportunity. When Washington overrode his veto, the state tried to lift the hospital's license. They didn't like all those doctors from Tufts and Meharry Medical Colleges messing around in their state. But the black community fought back and won the right to their license in a federal court.

But a year ago, as we drove south, Mound Bayou, and the hospital, were still in serious trouble. The White House had just sent telegrams to all the black community self-help organizations around the country. The message was clipped, icy, and dispatched without warning: All federal support money would come to an end on June 30, 1973.

This decision in Washington was all part of a bolder scheme. By fiat, the executive branch was abolishing the federal antipoverty program. Constitutional lawyers were dumbfounded. How could that be when a parliament of the people had created it in the first place? Never mind. It was being done.

Now, Victor Sparrow, a young black Harvard-trained lawyer, and I were carpetbaggers. And we certainly thought of ourselves as mini-Messiahs, at the least. But we were not dumbbells. In the past we had worked our way through all those rabbit warrens at OEO, Health, Education and Welfare. Once there was an invitation to speak at a cabinet meeting in 1970. I urged the President to spend some petty cash on an experimental black development program. Nixon was dubious. "We won't get any black votes," he said. But, in the lingo of the Watergate tapes, he "stroked" me for my constructive work and said he would go along with the plan. So we thought we had some clout. But Victor Sparrow was the one I was really counting on. He had been honored with a White House Fellowship in 1970. He was agile. He knew how to move paper at the White House. And our plan was to get those White House telegrams recalled.

Of course, our strategy was Machiavellian. In the White House the young fogeys in the heavy cordovan shoes work on a simple calculus: what is correct is what works. It has been years since anyone there has struggled with abstract propositions of "right" or "wrong."

So Victor and I would prove to those neo-utilitarians in Washington, who valued money over compassion, that the federal fiscal load in preventing poor folks from dying would be lighter if the federal government paid the million dollars a year it took to keep the Mound Bayou hospital open.

We finally drove into Mound Bayou and turned left. You can't miss the hospital. Howard Jessemy, the gentle and endearing hospital administrator, and Dan Mitchell, a tough-minded man in charge of overall development and planning, showed us around. By northern standards the hospital is a tiny and dilapidated place. Probably less than a hundred beds to serve about 150,000 people in four counties. My memory is that most of the wards were filled with babies clad only in diapers: little black figures silhouetted against snowy white sheets. Downstairs were the outpatients. There were hundreds of mothers waiting their turn—changing diapers, taking care of basic needs, but so awfully concerned about their places in line and about the decorum of their children.

Victor and I are both lawyers. We were on the case. We assembled the facts. We returned last May to New York to write our brief. But all of a sudden the Watergate investigation exploded. Strange things began to happen. The Congress had gotten new confidence and muscle. Only then had it occurred to someone to *ask* a federal judge if the President's guillotine power over OEO was the equivalent of Nero's power over the citizens of Rome. The court ruled against the President. He was stunned. But bureaucracies, including OEO and HEW, have a momentum of their own. With no direction from the White House, they simply kept on doing what they had always been doing—giving out the cookies. And so the negative telegrams from the White House were never acted on. Mound Bayou, Bedford Stuyvesant, Hough and Watts would continue to get their modest stipends.

But this spring, the fiscal surgeons at HEW were on the job. First they said that beyond June of this year, Mound Bayou Hospital would get no more money. Then a few weeks ago they said it would be slow death instead. The hospital will get a "terminal" grant only—which Jessemy hopes would keep the doors open until Christmas. HEW says it can get more medical care for its dollars with regional health centers, and the agency says to the black hospital administrators: "Don't forget about your slice of 'revenue sharing.'" But this federal money will filter down in Mississippi through Governor Waller!

So this time it's really serious for Mound Bayou. There's nobody in the executive branch to curb HEW's knife. Only a man named Nixon. Don't forget, on the same issue his office once overrode the governor of Mississippi. But Mr. Nixon is no longer acting like a President. With an impeachment vote possible, the President needs Mississippi's Senators—John Stennis and James Eastland. They have him in their pocket. And they don't want the hospital.

People who are working to save the Mound Bayou Hospital make this argument: "Should Eastland give the poultry farmers of Mississippi $10 million in federal money in one year as compensation for having to kill off a bunch of contaminated chickens, when this happens to be enough money to run Mound Bayou Hospital for 10 years?" They have put the message on national television: "Which comes first—chickens or people?"

The argument is technically specious, and the people fighting to save the hospital know it. But they also know that when the angels are on your side, there's more gunpowder in one well-honed phrase than in a thousand pistol-packing Black Panthers. I guess they remember too how Churchill got control of world opinion when Britain was threatened with getting her neck wrung like a chicken. He just went on the radio and said: "Some neck . . . some chicken."

Now the Black Congressional Caucus is on the job. After what happened to Sen. J. W. Fulbright in the Arkansas primary, even Stennis and Eastland are taking political soundings in Mississippi. If the poor people in Bolivar County keep their hospital, it will be because black people in Mississippi have entered the world of politics.

THE HONORABLE LEWIS DESCHLER

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1974

Mr. SIKES. Mr. Speaker, I wish to join with my colleagues in paying special tribute to the Honorable Lewis Deschler who is retiring as Parliamentarian of the House. He has served in this most demanding position since 1928 with honor and distinction. Few men in history have exercised greater responsibilities in the House. They have involved advising the Speaker, the majority leader, the minority leader, as well as Members of the House and committee staff personnel on important parliamentary procedures. His guidance has been universally hailed. His advice and counsel on a wide range of subjects has been sought many times over and we are all grateful for his cooperation and expertise. He has played a historic role in the development of House rules and has contributed as much as any person to the orderly functioning of the House.

Lew Deschler is a gentleman in every sense of the word and I am pleased to call him my friend. During my years in the House, I have come not only to respect the man immensely, but to rely unquestionably on his judgment as well. He has always been kind, considerate, and helpful.

It is an honor to join in this tribute to Mr. Deschler and I want to extend to him my very best wishes for abundant good health, good fortune, and much happiness in the years ahead. I am delighted that he will continue his life of service to the House as senior advisor in the Office of the Parliamentarian.

OCCIDENTAL SIGNS CONTRACTS WITH SOVIETS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ASHBROOK. Mr. Speaker, some Americans may be wondering why Occidental Petroleum Corp. President Armand Hammer is such a strong advocate of détente with the Soviet Union. One reason apparently is the financial benefit he expects to receive from expanded American-Soviet trade.

According to the June 29, 1974, Cleveland Plain Dealer, Occidental and three Soviet organizations have signed a series of 20-year contracts for the sale of chemicals which Hammer values at $20 billion. U.S. diplomats say that this is the largest Soviet-American trade deal in history.

Occidental also signed contracts to design, equip and supervise the construction of two port facilities in the Soviet Union to handle the chemicals. Hammer estimates that these construction agreements are worth another $100 million.

The American taxpayer will help pay for whatever financial benefits Hammer reaps from these transactions. The port construction and the ammonia factories involved in the chemical sale will, in large part, be financed by a $180 million low-interest loan provided by the American taxpayer subsidized Export-Import Bank.

The interest on the loan will be 6 percent—about half the prime commercial lending rate in the United States.

Following is the text of the articles from the Plain Dealer:

[From the Cleveland Plain Dealer, June 29, 1974]

GIANT UNITED STATES-SOVIET DEAL CLOSED

Moscow.—The Soviet Union has signed a series of 20-year contracts with the Occidental Petroleum Corp. of California for the swap of chemicals—a transaction that at current market prices is said to value about $20 billion.

The arrangement, according to U.S. diplomats, is the biggest Soviet-American trade deal in history, but it is essentially on a barter basis and does not actually involve any large exchange of money. The $20-billion estimate is the total of what all the chemicals to be swapped over the next two decades would be worth if they were sold today.

On an annual basis, the deal represents between a third and a half of the present figures for Soviet-American trade—a welcome statistic to those in both superpower capitals who regard increased trade as a cornerstone to detente.

Yesterday's signing had no direct connection to the current round of summit talks between President Nixon and Soviet Communist party General Secretary Leonid I. Brezhnev. Dr. Armand Hammer, Occidental's chief executive officer, told reporters, however, that both President Nixon and Brezhnev had personally encouraged the deal along.

Hammer first announced the agreement in principle for the chemical swap with the Soviets in April 1973, but the first contracts—for the construction of four huge ammonia plants—were not signed until last week. The end purpose of the deal, from the Soviet standpoint, is to increase its production of chemical fertilizers which are needed to improve production on the country's underproductive farms.

In addition to the chemical contracts signed yesterday, the Soviet signed two other contracts with Occidental Petroleum that do involve a direct exchange of money.

These contracts, worth approximately $100 million, are for the construction of port facilities at cities on the Baltic and Black seas. The ports at Ventspils and Odessa will receive superphosphoric acid imported from the United States and will export ammonia, urea and potash.

The port construction and the four ammonia factories (to be built under the supervision of the Chemical Construction Corp., CHEMICO) a division of the General Tire and Rubber Co., Akron, will be financed by the Soviets largely from a $360-million credit authorized last month by the American Export-Import Bank, half of it provided by private U.S. banks.

Hammer said yesterday that President Nixon had written a letter to the Ex-Im Bank pointing out that the credits to be used in support of the chemical swap were in the national interest. Brezhnev's part in securing the deal, according to Hammer, was his personal support for it expresed in two private meetings.

Despite its immense proportions, the arrangements as disclosed yesterday, were not as ambitious as envisioned by Hammer 14 months ago. Then, the deal called for the construction of an expensive pipeline to carry superphosphoric acid from the ports to locations inside the Soviet Union.

Yesterday Hammer said the pipeline had been "postponed" and the chemical would be transported in railroad cars, raising the possibility that not much will be involved.

Occidental Petroleum has reportedly been in some financial difficulty recently and there was some question whether Hammer would be able to raise enough money to go ahead with his part of the bargain. U.S. sources said the postponement of the pipeline was an indication that he raised much, but not all, of the cash he wanted.

Although connected with the overall chemical trade, CHEMICO contracts for the construction of the ammonia plants, which at $200 million are the biggest single dollar orders ever given by the Soviets to an American company, will not be dependent on the future prospects of Hammer's firm.

GOING TO WAR WITHOUT AN ARMY

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. YOUNG of Georgia. Mr. Speaker President Nixon has promised us a generation of peace and praise God, for once in 6 years he may be right. That is, if we understand by peace a period without a worldwide military confrontation between the massive ideological kingdoms of East and West. But the conflict and struggle for preeminence between men as nations will certainly not come to a screeching halt with the "lion and the lamb lying down together."

The cessation of missile rattling between the United States and the Soviet

Union has come about not just by the diplomatic miracles of Kissinger and Nixon, though they clearly deserve credit for crystalizing a détente whose time had come. Rather both great powers are finding it too costly to continue a military competition in Southeast Asia while Japan and West Germany corner the markets for consumer goods and services throughout the rest of the world.

The battleground of the future is the world marketplace, and the new arsenal of weaponry has more to do with the value of one's currency, national productivity of consumer goods, and the availability of natural resources and technology.

The present battles of national security are taking place in the speculative money markets of Switzerland, the Internaitonal Monetary Fund's Committee of Twenty, the World Bank, the International Development Association, and, in the coming year, will move to the General Agreements on Trade and Tariffs.

It is a new world, a new battlefield, a few of us in Government, whether Congress or the executive branch, have fully adjusted to it or even begun to understand. Just as alarming, the professional economists who advise both seem to have no strategy for the future. The old models, whether economic or military, fail us. When the President circles the global making traditional military and economic concessions en masse to assure a peace already achieved, we only contribute to weaknesses in our own already shaky economic situation at home.

But for all the dangers and difficulties, the possible shift from military to economic conflict must be welcomed as the dawn of an exciting new era.

We are still at war, but it is a war calling for creativity and productivity rather than the mechanisms of death and destruction. The consequences of defeat and failure are just as dire, but the common thread of destiny is more obvious in economic conflict. Technology cannot survive without mineral resources, and producers need consumers. Indeed, we are becoming increasingly aware of our interdependency and our mutual vulnerability. The threat of worldwide recession is no longer remote, as the following article by Mr. Joseph R. Slevin attests:

[From the Washington Post, June 30, 1974]

THREAT OF WORLDWIDE RECESSION GROWS

(By Joseph R. Slevin)

The threat of a worldwide recession is causing mounting concern among economic forecasters.

It's only a cloud on the horizon but it looms larger than it did a month or two ago.

A sampling of government and private forecasters discloses that few are willing to predict that a worldwide slump actually will occur. Many are quick to warn, however, that it is a very real possibility that must be reckoned with.

The experts see two main weaknesses in the international economic scene.

One is the serious impact that the steep Arab oil prices may have on the capacity of oil consumers to buy other goods.

The second is the restrictive effect of the increasingly rigorous anti-inflation programs that industrial nations are pursuing.

Federal Reserve Board Chairman Arthur Burns and his West German opposite number, Bundesbank President Karl Klasen, three weeks ago joined at the International Monetary Conference in flatly declaring there will be no world recession.

While the central bankers clearly were anxious to bolster public confidence and undoubtedly would take the same upper approach today, the economics of the major countries have a weaker look than they did.

"Check them out," a top federal forecaster urges. "There isn't one important country that's expanding rapidly, not one."

The government expert stresses that most countries seem to be chalking up impressive gains because their nominal output volume is being swollen by inflationary price increases. Real production, however, is changing little, with small increases or small declines being typical.

Germany is the envy of most other countries for it has the lowest inflation rate and best international payments performance but German industrial production is only 1 per cent above a year ago and is lower than it was during the winter.

The huge U.S. economy is struggling to grow again after having slumped sharply but the consensus judgment is that it will post only tiny gains at most during the rest of this year—and that it could sink into a deepening recession if that is the way the world is going.

Tight money is causing even greater housing weakness than seemed likely when Burns issued his "no recession" forecast. Consumers are behaving like reluctant spenders and businessmen are showing signs of pulling in their horns, too.

French President Valery Giscard d'Estaing has announced new austerity measures to curb inflationary spending and the Bank of France recently boosted its discount rate to a record 13 per cent.

Germany is holding to its tight money policy as are the British and the inflation-ridden Japanese.

Italy has resolved its cabinet crisis with an agreement to carry out firm fiscal anti-inflation measures to bolster the Bank of Italy's restrictive credit program.

All the major Free World governments are consciously seeking sluggish economies to break their inflation spirals. It would not take much to push them over the line and into the worldwide recession that Burns and Klasen said won't happen.

Three international agencies structure the new battleground into models the United Nations may never achieve—the International Monetary Fund, the General Agreements on Trade and Tariffs, and the International Development Association. Essentially the same people are involved in all of these financial and trade structures, and one's participation or nonparticipation in one will have definite consequences in the others.

The IMF Committee of Twenty has nine votes from the lesser developed countries. This is a bloc of nations now threatened with bankruptcy due to the escalation of oil prices. The LDC's also contain the largest store of untapped natural resources and potential consumer markets of the future. Monetary reform is a political and economic process which the United States can no longer dominate. Decisions are carefully negotiated and the LDC's voting as a bloc have a significant impact on the value of our dollars.

The same is true for the preferences which we enjoy with GATT, the General Agreements on Trade and Tariffs. The oil embargo and price escalation are just the beginning in the battle for natural resources. Bauxite, tin, copper, zinc, and even coffee can soon be expected to enter the price war with the industrial nations. Continuing our present level of prosperity, yet sharing opportunities for development through fair trade, is as serious a challenge to our national security as Soviet missiles.

IDA, the International Development Association, serves the development needs of nations with per capita incomes of $375 a year and less. It is a basic humanitarian program which had its birth in the U.S. Congress. Formerly the United States contributed 40 percent of the funding for IDA. That percentage has now been reduced to 33⅓ percent as Japan, Germany, and other industrialized nations perceived the values of this program in terms of their own economic interest.

The United States also enjoys a $17 billion market for our goods in these countries as development proceeds and markets grow. This developing world also provides 60 percent of our import requirements for eight essential industrial raw materials.

U.S. participation in IDA is the foundation of this Nation's economic defense system. It is the army of economic warfare, for it is here that the basic style of friendly competition or hostile conflict will be determined. For the United States to enter the economic warfare of our time with no involvement in IDA is like going to war without an army.

Secretary of the Treasury Simon will be embarking on a tour of nations shortly. In that tour he will set the tone of our future financial affairs. It would be a tragedy of unimaginable proportions for him to leave without congressional authorization of the fourth IDA replenishment.

The $375 million per year in four installments is a small investment in the possibility of peaceful economic progress. The Senate has already approved IDA funding by a vote of 55 to 27. Now the House must act. Not to do so would be to bury our heads in the sands of a blind isolationism—one which would surely lead to consequences as perilous as our refusal to join the League of Nations.

The future is in our hands.

LIVESTOCK LOAN GIVEAWAY

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. PEYSER. Mr. Speaker, it is gratifying to see the growing public reaction against the emergency livestock loan bill, an especially ill-considered piece of legislation which has recently been reported out by the House Agriculture Committee. The bill, which would grant a Government guarantee on new loans to cattle growers, has aroused the opposition of many consumers, newspapers, public interest groups, and even cattle feeders

organizations who see the uniquely ineffectual and potentially damaging consequences of enactment. The bill will not only interrupt the working of the free market to the great disadvantage of the consumer, but will fail to improve the market situation for cattlemen. The bill will allow already heavily indebted cattlemen to plunge further in debt while encouraging middlemen to maintain beef prices to the consumer at near record highs.

The bill fails to address the real problem—that American consumers are unwilling to buy beef at current prices. The special loan guarantee will serve only to further confuse an already topsy-turvy market. It can only result in higher prices to the consumer, more stockpiling of beef, and greater losses to producers.

Although feeders are currently reporting losses of $75 to $150 on each head of cattle they sell, lower prices have not been passed on to consumers. In fact, the Agriculture Department has reported that the farm-to-retail price spread for beef averaged 26 percent above the year's earlier levels during the 6 months ended last March. Middlemen, retailers and packers, say they were badly hurt by the price controls period last year and point to this and higher costs in energy, labor and transportation to justify the continued high consumer prices.

Clearly, the loan approach will not lead to market adjustments. With Government intervention in the form of the guaranteed loans, middlemen will continue to capitalize on the producers' plight and, consumers will continue to pay higher prices. With further increased stockpiling, the spiral continues. Presumably, the Government will be asked to come to the rescue again next year with another emergency loan bill. Until the market adjusts, fewer—not more—loans are called for.

Without Government intervention, middlemen will be forced to recognize that profit margins must be reduced to stimulate consumptions. And only increased consumption can provide a real solution to the problems of the producers.

Happily, cattlemen are also beginning to recognize that this bill will inevitably only further worsen their lot. Last Friday, for example, the Idaho Cattle Feeders Association released the results of a telephone poll of the officers, directors, and a number of other members of the association which found unanimous opposition to the bill, including a "number of emphatic negative replies." The executive vice president of the Idaho Cattlemen's Association reported similar results in a poll of officers and directors of that group.

An editorial in last Sunday's New York Times calls the bill an appalling precedent. Because the editorial further challenges some of the faulty logic and questionable motive behind the bill, I wish to place it in the RECORD at this time:

[From the Wall Street Journal, June 26, 1974]

HOOFBEATS ON CAPITOL HILL

Our heartfelt sympathies go to the nation's livestock feeders and ranchers, who have lost more than $1 billion since beef and hog prices broke last fall. Our regrets do not extend to having the taxpayers bail the boys out of their financial difficulties, however, even though they are understandably arguing that because the government helped get them in this fix it has an obligation to get them out.

The simple answer to the above is that the government didn't force anyone to do anything against his will, but simply caused general confusion in the industry last year by freezing beef prices. Whenever the government suspends the law of supply and demand in an industry, the industry has to make economic judgments without benefit of a price signal. Operating in the blind, and assuming the public would continue to increase its consumption of meat even at sharply higher prices, the livestock feeders bid the prices of feeder cattle and hogs into the stratosphere. They were wrong.

They now want the government to bail them out with loan guarantees, and the Senate has whipped up an emergency program to that effect. There are at least two good reasons why such a program should not be enacted. One is that credit guarantees further cloud the signals of the market, on the margin encouraging investment in feedlot operations when at the moment there is obviously oversupply. Secondly, it would be a dangerously bad precedent. Every sector of the economy can now put together a case that it has been harmed by government interference in the marketplace, and we would be the first to agree. But can the government guarantee everyone's credit?

The other hot idea the livestock people have been pushing is to reimpose quotas on meat imports. "There is simply no justification for permitting unlimited meat imports into our nation today," says Iowa's Sen. Richard Clark in urging same. Without realizing how foolish it sounds, the Senator also says "the administration can do more to encourage beef exports. Specifically, this country can accelerate negotiations with Canada that will lead to a lifting of the Canadian ban on beef imports." In other words, all those foreigners should stop sending us beef and we have to talk them into buying ours.

It is unfortunate that U.S. trading partners have been restricting meat imports, giving one excuse or another. The real reason is that just as there are now hoofbeats on Capitol Hill, livestock interests the world over have been stampeding their respective governments into protectionist, beggar-thy-neighbor policies. The price slump, after all, has been world-wide.

How nice it would be if the United States were in a position to express outrage at these practices. But the United States itself is the culprit. We're the main consumers of beef in the world; the world price rises and falls chiefly as a result of supply and demand here. During the last big price slump in livestock, Congress passed the Meat Import Quota Act of 1964, signaling the livestock producers abroad that there was only limited access to the biggest market.

When supplies tightened and quotas were lifted in June, 1972, the U.S. government thereby invited producers abroad to gear up again for this market. The price freeze last year not only confused the domestic industry, it confounded the foreign producers. How can we now blame them for wanting relief from the selfish and absurd stop-and-go policies of the U.S. government?

Enough is enough. The domestic livestock people, who are big boys, should recognize that government "assistance" is an illusion, that the inevitable effect of loan guarantees or import quotas is simply a deepening of the curves in the beef cycle. With no government interference at all, there would still be ups and downs in the industry. But it would take one of nature's worst catastrophes to trigger a boom and bust cycle of the kind of government fashioned these past few years.

Instead of caving in to the livestock lobby and starting the cycle again, the government should emphatically renounce these assistance schemes. If it does so with enough conviction, it might be in a position to persuade our wary trade partners that we can be trusted. They'd then have a better chance of resisting the pleas of their livestock interests and the nontariff barriers to trade can be negotiated away. Whether the cowboys believe it or not, the quickest way to get their industry back to health is to get themselves and their horses back on the range, or at least out of Washington, D.C.

[From New York Sunday News, June 30, 1974]

ANOTHER PASS AT THE TROUGH

Acting with indecent haste and absolute contempt for consumers, Congress is preparing a multibillion-dollar bonanza for livestock producers, poultrymen and the banks that finance them.

A bill that would provide our pampered cattlemen with an estimated $3 billion in federal loan guarantees already has whooshed through the Senate.

The House Agriculture Committee has okayed a $2 billion version of this welfare plan, expanding it to include raisers of everything that bawls, bleats, moos, squeals and cackles.

Reps. Peter Peyser (R-N.Y.) and George Brown Jr. (D-Calif.), were the sole members of the panel to stand up for consumers in the face of the farm-lobby steamroller.

Peyser will lead the floor fight against this outrageous grab, which is all the more galling because the noble herdsmen now sobbing for a government bail-out are the same people who made money hand over fist when meat prices soared out of sight last year.

Then, they told the buying public to trust in the free market to make things right. Now they want the game rigged again to their advantage.

With practiced skill, the managers of this monstrosity are jockeying it swiftly before the House to give Rep. Peyser, his allies and the people generally the least possible time to mount an effective opposition.

The consumers' hope rests with urban-area lawmakers, who have the votes to kill the grab, provided they stand together. If they fail to do so, the voters who put them in Washington would be eminently justified in conducting a wholesale purge come November.

[From the New York Times, June 28, 1974]

CATTLEMEN'S BEEF

Through all the months of skyrocketing beef prices, the free market had no stancher defenders than the nation's cattlemen. The law of supply and demand took on the status of Holy Writ in their argument against any Governmental interference with the right of the cow to jump over the moon when it came to prices.

Now that the cost of steaks and other cuts are moving down, these same cattlemen want the law of supply and demand repealed in favor of import quotas, Government-guaranteed emergency loans and other forms of protectionism aimed at keeping prices high.

Unfortunately, the drop in the wholesale price of steers at the feedlot from 46 to 35 cents a pound over the last year has benefited the consumer but little. Supermarket prices have declined much less than wholesale prices as a result of rising middlemen's costs and profits. After a further rise, they are barely back to the level that set off last year's housewives' strike.

But the ranchers and feedlot operators, who profited exorbitantly from high prices last year—and, gambling on still higher prices, raised production further—undoubt-

edly are in trouble now. Feed and other costs of production are up, while high-priced beef continues to meet the consumer resistance it deserves. Wholesale prices are down to the point where losses of $100 or more on each animal sold for slaughter are being taken by feedlot operators, as well as by the high income-tax-bracket investors whose search for tax shelters has provided an increasing part of feedlot capital in recent years.

As a result, Congressional servants of the cattle industry have pushed through the Senate an outrageous subsidy bill for Government-guaranteed loans of up to $350,000 per livestock operator—as compared with $20,000 in other farm programs. The bill would set an appalling precedent.

Furthermore, with desperate food shortages in many places abroad, there is no moral or economic justification for artificially restraining a drop in the output of grain-fed beef, which consumes more grain per unit of protein produced than any other important food source. The grain saved by a cutback in beef output could feed five times as many of the world's hungry millions as the beef that is foregone.

The Administration is waging a quiet but valiant battle in the House against some of the worst elements in the guaranteed-loan bill, after getting the Senate to delete an authorization of $3 billion for the program and to cut back the loan ceiling per livestock operator. Unless further, far more drastic revisions—for example, to benefit the family farmer alone, rather than the feedlot gamblers—are adopted, a Presidential veto will be essential to head off a scandalous steal out of the public treasury for purposes directly opposite to the public interest.

U.S. MAYORS AGREE ON URGENCY OF URBAN PROBLEMS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. BADILLO. Mr. Speaker, at the recent meeting of the U.S. conference of mayors held in San Diego, a great part of the discussion was devoted to contemporary urban problems whose solutions are beyond the resources of city governments but are not being met by other levels of government. I believe that one result of that San Diego convention will be intensified requests from city halls around the country for Federal assistance to help meet the needs of the major urban centers.

But to whom can the mayors address their concerns? If they communicate with those of us in Congress whose districts include all or parts of a city, we will have the same problem of inability to refer the interrelated urban concerns to any single forum dealing with these complex matters on a regional, comprehensive basis.

I submit that creation of a House Committee on Urban Affairs is necessary at this time to enable us to begin before it is too late to restore our great urban centers, and make them once again the focal point of commerce, the arts, and day-to-day living that they have traditionally been in this country, More and more officials at the city and State level are beginning to share this point of view, and I include here some of the recent letters I have received endorsing the proposal:

CITY OF GRAND RAPIDS, MICH.,
June 19, 1974.

Hon. HERMAN BADILLO,
Cannon Building, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN BADILLO: Thank you very much for your recent letter informing me of your proposed Committee on Urban Affairs.

I find myself generally in support of your proposal. However, I caution you not to promote this Committee as the sole Congressional body to deal with the urban crisis, for the concerns of American cities are of such complexity that no single committee would be able to give them adequate consideration. The partial centralization of Congressional response to urban problems which the proposed committee's jurisdiction implies is commendable; a more extensive centralization including education, crime, drugs and employment would be unwise.

I believe your committee would become an effective rallying point for urban congressmen. This would be its most important benefit.

Within the next few days, I will contact our Congressman, Richard Vander Veen, and indicate to him my support of your amendments.

Sincerely,

LYMAN S. PARKS, *Mayor.*

OFFICE OF THE MAYOR,
Trenton, N.J., June 21, 1974.

Hon. HERMAN BADILLO,
Cannon Office Building,
Washington, D.C.

DEAR CONGRESSMAN BADILLO: I appreciate your writing to me about your proposal to establish a standing committee on Urban Affairs in the U.S. House of Representatives. As a Mayor, I certainly share your feeling that a better coordinated and stronger response to the many problems of our Nation's cities is needed at the Federal level. If the creation of a standing committee in the House with responsibility for all those matters affecting urban areas would help to provide this kind of response, then I am ready to support your proposal enthusiastically. I understand, however, that factors such as the make-up of a new committee, the aim of committee consolidation, as well as the timing of committee reform, must be taken into consideration before supporting such a proposal.

It is my understanding that members of your staff will be meeting with representatives from the National League of Cities/U.S. Conference of Mayors in early July. I would hope that all the considerations surrounding your proposal can be aired at that time.

Sincerely yours,

ARTHUR J. HOLLAND.

STATE OF ARKANSAS,
Little Rock, Ark., June 24, 1974.

Hon. HERMAN BADILLO,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. BADILLO: I have your letter of June 19 with the enclosed page from the Congressional Record on the proposal to establish a standing House Committee on Urban Affairs.

While Arkansas has not experienced the intense urban sprawl of the Northeast, the problems of unbridled urban growth have begun to raise their ugly heads in several of our communities.

My initial reaction is to be against the proliferation of any further congressional committees, and yet, the problem you highlight is of considerable magnitude and certainly worthy of standing committee status. Assuming there is no other vehicle in the Congress to handle these problems, I heartily endorse your proposal.

Thank you for bringing the matter to my attention. I will follow its progress with great interest.

Kindest regards.

Sincerely,

DALE BUMPERS.

OFFICE OF THE MAYOR,
Berkeley, Calif., June 25, 1974.

Hon. HERMAN BADILLO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BADILLO: Thank you for advising me of your proposal to establish a Standing Committee on Urban Affairs in the U. S. House of Representatives. I agree with you that something should be done to change the attitudes on important measures relating to aid for cities in education, housing, mass transit and other vital issues. Your amendment to the Bolling Committee's reform bill is a valuable step toward making these necessary changes. A committee on Urban Affairs would be the essential key.

I will be happy to be of service in any way possible in this endeavor.

Sincerely,

WARREN WIDENER,
Mayor.

TRIBUTE TO ADM. ELMO R. ZUMWALT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. DERWINSKI. Mr. Speaker, one of the most knowledgeable columnists of the Washington scene is Chicago Tribune's Bill Anderson, who in his earlier years as a news reporter covered the Pentagon beat.

He has followed very closely the performance of Adm. Elmo R. Zumwalt, Chief of Naval Operations, and in his column of June 28, Bill Anderson pays tribute to Admiral Zumwalt on the occasion of his retirement after a great career in the U.S. Navy.

From my contact with Admiral Zumwalt and my knowledge of his battle in the Pentagon, for change to modernizing the Navy, I am pleased to insert this column into the RECORD and I wish to extend my best wishes to Admiral Zumwalt on his retirement. He is an outstanding example of a naval officer who has served his country with courage, leadership, and vigor:

ZUMWALT LEAVING HIS CHANGED NAVY

(By Bill Anderson)

ANNAPOLIS, Md.—Adm. Elmo R. [Bud] Zumwalt steps aside here tomorrow as chief of naval operations with honors at the academy where he began as a young sailor 32 years ago.

Zumwalt's physical appearance casts him as an admiral. He is a big man, tall and rather stern-looking with bushy eyebrows. My guess is that he would have been a gentleman and a top professional without holding the rank of an officer. This is a view shared by many members of Congress and a very high percentage of the younger people serving in the Navy.

But some of the older brass, many of them retired—and determined to preserve, in today's nuclear Navy, traditions that were born in the days of sailing ships—hold opinions that don't rank Zumwalt that high pro-

fessionally. The views of these would-be helmsmen developed largely because Zumwalt has shaken the personnel policies of the Navy right down to its bell-bottomed trousers.

In four years as the chief, Zumwalt has made life a great deal better for the enlisted personnel and opened doors of opportunity for junior officers as well—literally thousands of sailors who were calling it quits in the old Navy.

The admiral has led a special drive to give an equal break to the once-limited minorities—people like blacks and women. Family life is better in the Navy today because a huge effort has been made to reduce long, solitary tours at sea.

Yet, not even Zumwalt thinks the Navy is in as good condition as it should be. For example, we aren't replacing airplanes as fast as they wear out; we have given up 47 per cent of our surface ships in the last five years. A lot of our remaining ships are too old and in poor repair. On a real basis, the Russians continue to build while the United States slides.

At this moment it appears that the United States has given up its capability to control the seas; the possibility of success in the event of a confrontation with the Soviets declines each year. In a way, Zumwalt has been America's Winston Churchill because he has warned both Congress and the public of this erosion.

Yet the factors that have caused a general American military decline—political and social unrest in the aftermath of the Viet Nam War—have in some ways displayed the very real strength of Zumwalt to meet and match change.

From the very beginning, Zumwalt's career has been a series of firsts—and therefore tradition-breaking. He was a very junior naval officer at the end of World War II when his destroyer was the first American ship to reach Shanghai. There he met and married the beautiful Mouza Coutelais-du-Roche. Tradition had it in those days that a future chief of naval operations would likely be wed immediately upon graduation from Annapolis.

Many years later, in the War College, Zumwalt wrote a military posture statement so brilliant that it found its way to the desk of Paul H. Nitze, then the director of the International Security Affairs office of the Pentagon. When Nitze became Navy secretary, he took Zumwalt along as an aide. It was in this position that Capt. Zumwalt began to reshape once rejected budgets to enable the Navy to maintain a better posture than previously.

Zumwalt went off to Viet Nam [as the Navy's youngest admiral] to work on the line with the generations that fought the losing war. When he became the chief [also the youngest], Zumwalt wasn't very far removed from either the reality of officers' wardrooms, the cloakrooms of Congress, or the often restless and sometimes ugly mood of the fleet sailors.

A staggering 90 per cent of the enlisted ranks were getting out at the first opportunity when he took command. Maintenance suffered as men with critical specialties found a better life among civilians. Enlistments were also off, and education levels were far too low for operation of a computer-electronic fleet.

Against great opposition, Zumwalt initiated the personnel changes. He also found a lot of support. Today approximately 27 per cent of the first-termers are staying in—and therefore saving the taxpayers millions of dollars that would otherwise go for the cost of new training. The highly personal effort of Zumwalt [and others] in Congress to gain approval for the new Trident submarine gives promise of maintaining one element of this nation's strategic force.

We know from interviews that many sailors here—and around the world—will salute Zumwalt tomorrow with more than usual respect because he has fought for their dignity. In doing so, the 53-year-old admiral picked up a great deal more himself.

JUVENILE DELINQUENCY ACT OF 1974

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mrs. BURKE of California. Mr. Speaker, despite all of our present efforts the number of crimes committed by juvenile offenders is increasing at an astonishing rate. Criminal activity continues to serve many of our youth both as a misguided means of realizing their broken dreams for social and economic achievement and as an outlet for their expressions of frustration and dissatisfaction with the "establishment."

The existing system of juvenile justice has proven unequal to the growing number of crimes committed by our young people. The obvious ineffectiveness of existing programs has surfaced at every level of Government. Federal, State, and local officials agree that changes must be made. Part of the problem, I am sure, lies in the lack of coordination and long-range planning among the various programs and public agencies working on this critical problem.

Once a youth receives the label "delinquent" he wears a badge which serves as a pass to an almost endless cycle of life-long confrontations with our criminal justice system. He receives little help in the way of education or psychological counseling, and emerges from so-called rehabilitation programs no better prepared to cope with the realities and responsibilities of day-to-day living in our society. In reality, many of our institutions of juvenile justice serve only as preparatory schools for hardened criminals.

In the Los Angeles area, more than one-third of all serious crimes are committed by juveniles. This figure represents serious violations of law, not minor infractions one might attribute to the impetuousness of youth. The proliferation of youth gangs in Los Angeles is further compounding these statistics and providing organized structures which often encourage and give impetus to criminal conduct.

Young people in Los Angeles and across this Nation are committing large numbers of burglaries, armed robberies, felonious assaults, and even murders—crimes once almost totally limited to adult offenders.

The problem is not simply one of law enforcement and rehabilitation programs, but even more importantly, it is one of prevention. The bulk of moneys presently spent in juvenile delinquency is not spent in this area. The existing Federal programs administered under the Law Enforcement Assistance Association have failed in this regard. It devotes less than 15 percent of its budget to "preventive" programs.

Los Angeles has over 370 social service agencies dealing with youth, but the bulk of available Federal funds goes not to these groups, but rather to the police department for enforcement and the probation department for rehabilitation. Programs of prevention, enforcement, and rehabilitation, while of obvious importance, cannot hope to solve the problem alone. We must give more emphasis to the goal of removing the root causes of crime—inadequate education, unemployment, substandard housing, and related environmental factors—problems which predominate in our central cities.

The Juvenile Delinquency Prevention Act of 1974 makes a significant step toward dealing with this growing crisis. This legislation will provide a more realistic level of funding for programs aimed at prevention rather than reactionary punishment. This bill will encourage the development of new and innovative programs aimed at reversing present trends and ultimately solve this problem rather than merely checking its growth.

The future of this country is its youth. If the problem of juvenile crime is not solved it will grow like a cancer which may ultimately consume and destroy us and our way of life. The old adage "an ounce of prevention is worth a pound of cure" was never more true than in the area of juvenile crime.

In conclusion, I would offer the suggestion that our behavior as legislators bears directly on the problem of abating juvenile delinquency in this country. So long as our youth see their Government and Government leadership as corrupt, we can expect their behavior to be adversely affected. For our part as legislators, it is my hope that we demonstrate so fine a quality of moral leadership that we would want our young people to follow it.

CONSERVE USE OF ENERGY

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. OWENS. Mr. Speaker, over the past few months, concern over the energy crisis has seemed to dwindle. Now that the immediate shortage is over, people seem ready to revert to the old habits. I think it is clear, though, that we must continue to conserve our use of energy until we are not primarily dependent on other countries for our supply. Foremost in this area is the need to restrict our consumption of automobile fuel.

When the 55-mile-per-hour speed limit was established in most States, skepticism was widespread. But anyone who has personally observed this measure can verify that strikingly better mileage results. In addition, there has been a marked decrease in automobile accidents and fatalities.

KSL Television of Salt Lake City concerned themselves with the same sub-

ject last week in one of their editorials. I think that their message bears repeating:

SHOULD WE KEEP THE 55-MILE-PER-HOUR SPEED LIMIT?

There has been a great deal of talk about the 55 mile-per-hour speed limit. The reason for that speed limit still exists; we have not solved the energy shortage. Gasoline could easily be in short supply again—and soon.

However, we would like to make a few observations. When the law went into effect in January, people obeyed it. Now, many of them don't. They must feel we have plenty of gasoline. We don't. Utah Highway Patrol officers are writing twice as many tickets and KSL commends them for their diligence.

The question is: Should we forget we have a serious gasoline problem and change the law because so many people are breaking it? Not a very good reason. But there are several good reasons to keep the 55 mile speed limit and to enforce it. The Highway Patrol reports that at this time last year, there had been 18,000 accidents. So far this year, there have been 12,600 . . . a reduction of 30 per cent. Highway fatalities were 151; now they number 80 . . . a 47 per cent reduction.

KSL believes we should keep the 55 mile-an-hour speed limit at least until our nation is energy self-sufficient! And then make it permanent if we haven't learned how to stop the needless slaughter and suffering caused by automobile accidents.

NEW FLIGHT PAY LEGISLATION AND THE PENTAGON

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ASPIN. Mr. Speaker, the Pentagon has attempted to "weasle out" of obeying a congressional directive ordering the Defense Department to give enlisted men 120 days' notice before they lose special bonus pay given to flight crew members. Mr. Speaker, the Pentagon is stomping on the rights of enlisted men.

Earlier this year when the Congress approved new flight pay legislation the House Armed Services Committee in its report accompanying the bill directed the Pentagon to issue a binding regulation guaranteeing enlisted men 120 days' notice before they lose their flight pay. Enlisted men receive flight pay only when they are actively serving as a flight crew member while officers receive flight pay whether they are in a flying job or not.

In its report the House Armed Services Committee stated:

The Committee wants its intention (of giving 120-day notice to enlisted men) very clearly understood. It wants such a regulation placed into effect on a priority basis and it wishes to be informed of any delay. . . .

Now, according to a Pentagon letter which has been received by the committee, the Defense Department says that it will only provide the 120-day notice to enlisted men who are losing their bonus flight pay "to the extent practicable."

According to the Pentagon letter written by Lt. Gen. Leo Benade, Deputy Assistant Defense Secretary for Military Personnel Policy, the 120-day notice is "somewhat unrealistic."

The Pentagon plans to exclude entirely from the 120-day notice enlisted men receiving bonus flight pay who lose it for medical reasons or are on flight duty on a month-to-month basis. The Pentagon also claims that shortages in some units and extra men in other units make it difficult to give every enlisted man 120 days' notice before he is removed from flight pay. The letter states that while 120-day notice is usually possible for overseas assignments, transfers within the United States will allow for only 90 days' notice.

In addition, even though Congress ordered the Pentagon to issue a binding directive guaranteeing the 120-day notice, the Pentagon states in its letter that they plan to issue a much more informal and nonbinding "policy memorandum." Apparently the Pentagon is attempting to weasle out of obeying this clear congressional directive. They are out to shaft the enlisted men. When it is inconvenient to give the required notice to the enlisted men losing flight pay, the Pentagon simply will not bother to do it.

Mr. Speaker, the distinguished chairman of the House Armed Service Committee, the gentleman from Louisiana (Mr. HÉBERT) has told the Pentagon in response to their letter that, "I believe we can accept your approach as consistent with the intent of the committee" unless the subcommittee which considered the flight pay bonus objects. As a member of the subcommittee, I, for one, do object. The Pentagon is trying to cheat the enlisted men out of a benefit ordered by Congress. It is very unfair to the enlisted men who have much lower salaries than the officers to be thrown off flight pay without any notice. When the Pentagon was arguing for continuous flight pay for officers they said that any cutoff of pay for the officers made it difficult for the officers to manage their finances. With lower salaries, flight pay is a relatively bigger chunk of any enlisted men's salary and its loss could mean real financial hardship for the enlisted man.

Flight pay for enlisted men ranges between $55 to $105 per month depending on rank and length of service. Officer flight pay ranges from $100 to $245 per month, again depending on rank and years of service.

The purpose of the 12-day cutoff notice is to give the lower paid enlisted men some warning that his takehome pay will be cut. The Pentagon should simply do what Congress intended and obey the language of the committee report.

POWERPLANTS AND THE PUBLIC

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. HAMILTON. Mr. Speaker, it has come to my attention that as many as five powerplants, both nuclear and conventional, are planned for construction in the general vicinity of Madison, Ind. In most cases, the utilities are still acquiring options on the land or have just completed that process.

Of course, Madison area residents are interested in these powerplants which will affect the future of southern Indiana, and many wonder how the public may provide input into decisions surrounding construction of these plants.

Recently I sent letters to a number of Federal agencies and Indiana and Kentucky State agencies, and asked them to describe any ways in which citizens may make known their views on these powerplants. I am inserting applicable portions of their responses:

U.S. DEPARTMENT OF AGRICLUTURE,
RURAL ELECTRIFICATION ADMINISTRATION,
Washington, D.C., May 24, 1974.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: This is in reply to your letter of May 15, 1974, concerning powerplants planned along the Ohio River near Madison, Indiana. REA would be involved with those plants only if our borrowers were also involved, and neither our Indiana nor Kentucky borrowers have any plans to build generating plants in the Madison area.

Information concerning generating plants planned for the Madison area may be obtained from the Indiana Public Service Commission in Indianapolis or the Federal Power Commission here in Washington.

We understand that the Public Service Company of Indiana has plans for a two unit nuclear plant in the Madison area. Information concerning this plant and the public hearings that are required in the licensing process could be obtained from the Company or the Atomic Energy Commission.

Please let us know if we can be of further assistance.

Sincerely,

DAVID A. HAMIL,
Administrator.

FEDERAL POWER COMMISSION,
Washington, D.C., June 7, 1974.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON:

* * * * *

Under the Federal Power Act, the Federal Power Commission has jurisdiction over the licensing of non-Federal hydroelectric power plants and transmission facilities directly associated with such plants. The Commission's regulations provide that a hearing upon an application for a license to construct such a plant may be ordered by the Commission, either upon its own motion or upon the motion of any party in interest. The courts and the Commission have construed "party in interest" very liberally in order to allow participation of the type to which you refer. However, the Federal Power Act does not give this Commission authority to license nuclear or fossil fueled electric power plants.

Nuclear electric power plants are subject to licensing by the U.S. Atomic Energy Commission, and it is its practice to hold public hearings as a part of its licensing procedure, generally at a location close to the site of the facilities proposed. AEC also invites written comments from Federal, State and local agencies and interested members of the public, on the draft environmental statements which describe in detail proposed nuclear projects.

In some states, a certificate of convenience and necessity is required from the state public utility commission before construction can start of a fossil or nuclear power plant. The Indiana Public Service Commission does not have the authority to require a certificate for construction of power plants in that state, however it may be advisable for interested parties to express their interest to that

Commission because of its authority in related matters.

Some utilities follow a practice of advising the public of its major construction plans, and we are informed that Public Service Company of Indiana has held several public informational meetings with regard to two nuclear power plants it proposes to build south of Madison, Indiana. These plants are tentatively scheduled for completion in 1983 and 1984. * * *

Very truly yours,

T. A. PHILLIPS,
Chief, Bureau of Power.

ATOMIC ENERGY COMMISSION,
Washington, D.C., June 5, 1974.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: Chairman Ray has asked me to respond to your letter of May 14, 1974, concerning the possible construction of five power plants, both nuclear and conventional, in the vicinity of Madison, Indiana, on the Ohio River. At the present time the Atomic Energy Commission does not have any information with respect to proposed nuclear power plants in the vicinity you mentioned. However, the American Electric Power Company advised us in January, 1974, that they have joined with the General Atomic Company to design a standardized high temperature gas-cooled reactor and that this design is expected to lead to the construction of a series of nuclear power stations by operating subsidiaries of the American Electric Power Company and possibly by other utility companies. Plans as to the number of units, site locations, and participation by other utilities are not yet final. American Electric Power Company is looking at several sites acceptable for this type of standardized plant and plans to submit site information to the AEC by the end of this year. There is usually a lapse of a considerable amount of time between selection of a site for a nuclear power plant and the filing of an application because of the voluminous amount of information which must be included for the AEC regulatory review with respect to both radiological safety and environmental impact.

There are several ways in which interested members of the public are kept informed of a proposed nuclear power plant and allowed to participate in the AEC licensing process. As soon as an application for a construction permit is received, copies are placed in the AEC Public Document Room in Washington, D.C. and in a facility, such as a public library, which is established near the proposed site. Copies of all future correspondence and filings relating to the application are placed in these locations and are available to every member of the public. Also, a press release announcing receipt of the application is issued by the AEC. If the application satisfies AEC requirements for a detailed review it is accepted and a notice of its receipt is published in the Federal Register. Copies of the application are sent also to Federal, State, and local officials.

The law requires that a public hearing be held before a permit may be issued for the construction of a nuclear power plant. After an application is accepted for review the AEC will issue and have published in the Federal Register a notice of the hearing which will be held after completion of the safety and environmental reviews. In addition, the hearing is advertised in several newspapers in the vicinity of the proposed facility and a public announcement is issued. The notice of hearing explains that interested members of the public may participate in the hearing by submitting written statements to be entered into the public record, by appearing to give direct statements as limited participants in the hearing, or by petitioning for leave to intervene as full participants in the hearing. At an early stage in the review process potential intervenors are invited to meet informally and discuss with the AEC Regulatory staff their concerns with respect to the proposed facility. * * *

Sincerely,

WILLIAM O. DOUB,
Commissioner.

ENVIRONMENTAL PROTECTION AGENCY,
June 5, 1974.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR HAMILTON: Your recent letter to Mr. Russell E. Train concerning power plants along the Ohio River near Madison, Indiana was referred to our office for reply.

Please note that we have had a recent inquiry from Mr. A. Neil York, Executive Vice President, Greater Madison Chamber of Commerce. Mr. York's questions also concerned the siting of power facilities in that area, and we have attached a copy of our response.

The letter and attachments sent to Mr. York summarize the applicable laws, Federal standards and opportunities for citizen involvement.

In addition, we have recently completed a contract with Argonne National Laboratory which specifically addresses the impact of thermal discharges from power plants on the Ohio River. We anticipate that the final report will be printed by mid-July and we will be most happy to send you a copy. National Pollution Discharge Elimination System (NPDES) permits for water discharges from power plants along the Ohio River will be issued in the coming months. Public notices for these permits may be obtained from: Permit Branch, Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois 60606.

These notices provide a 30-day period for public comment. In addition, a citizen may request a public hearing to address specific issues in the permit. It would certainly be appropriate for citizens of Madison and other affected areas to receive and comment on these permits. New power plants (those not yet constructed) will be required to meet applicable sections of state and Federal law as outlined in our letter to Mr. York.

If you have any further questions or would like any additional information, please let us know. Thank you for your inquiry.

Sincerely yours,

VALDAS V. ADAMKUS,
Acting Regional Administrator.

MAY 13, 1974.

Mr. A. NEIL YORK,
Executive Vice President, Greater Madison Chamber of Commerce, Madison, Ind.

DEAR MR. YORK: Your letter of April 9 concerning power plant developments in your area was referred to our office for reply.

With regard to the air questions you have raised, further information would be required before an adequate assessment could be made. Data on facility location, boiler size, fuel utilized and control equipment would be necessary for a complete technical analysis. Generally it can be said that the proposed concentration of power plants may have significant impact on air quality standards, thus a detailed analysis is a must before the proposals are finalized.

New power plants are subject to two requirements which may be of interest to you. The first is that new sources must receive approval from the respective state air pollution control agencies that such facilities will not interfere with the achievement or maintenance of the air quality standards. Contact on the appropriate review procedures should be made to the following agencies: Division of Air Pollution Control, Indiana Air Pollution Control Board, 1330 West Michigan Avenue, Indianapolis, Indiana 46206; Division of Air Pollution, Kentucky Department of Natural Resources & Environmental Protection, Capitol Plaza Tower, Frankfort, Kentucky 40601.

The second requirement deals with the Federal new source performance standards for fossil fired power plants. New sources must comply with the emission limitation upon start-up of the facilities.

With regard to the possible overheating of the Ohio River due to the large thermal discharges, we note that many of the new power plants are planning offstream cooling facilities. New power plants will be required to meet Federal New Source Performance Standards for steam electric power plants. The standards which have been proposed (they are not final yet) would require offstream cooling facilities. There is, however, a section of the Federal Water Pollution Control Act, Section 316(a), which allows a company an exemption from these requirements if the company can demonstrate that some alternate effluent system (i.e., once through cooling), will allow for the protection and propagation of aquatic life.

In addition, some existing power plants may also be required to go to offstream cooling under the proposed effluent guidelines. The application of these proposed guidelines to existing sources depends on several different factors including the age of the plant, size, and percentage of time it operates.

Both existing and new plants will, in addition, be required to meet the Indiana Water Quality Standards for the Ohio River including those standards for temperature. The 316(a) exemption described above also applies to existing sources. That is, if an existing plant can show that its thermal discharge allows for the protection and propagation of aquatic life, some less stringent requirement can be applied.

We will soon be preparing National Pollution Discharge Elimination System (NPDES) permits for those power plants along the Indiana portion of the Ohio River. * * *

If you have any additional questions or would like additional information, please write again.

Very truly yours,

DALE S. BRYSON,
Deputy Director, Enforcement Division.

ARMY CORPS OF ENGINEERS,
May 31, 1974.

Hon. LEE H. HAMILTON,
House of Representatives,
Washingon, D.C.

DEAR MR. HAMILTON: Your letter dated 14 May 1974 to Mr. Rogers C. B. Morton concerning approval for construction of power plants has been referred to this office for our response.

The following comments describe procedures pertinent to Corps of Engineers issuance of Department of Army permits in connection with construction of nuclear and fossil fuel power plants on navigable waters such as the Ohio River. Comments in regard to authority for construction of hydroelectric power projects are also included.

The basis for the Corps of Engineers involvement with both nuclear and fossil fuel plants is the requirement for approval of structures in or affecting navigable waters of the United States or for disposal of dredged or fill material in navigable waters. Such approval is granted through issuance of a Department of Army permit. The procedure in the case of approval for disposal of material requires notice and opportunity for public hearing. In the case of approval of structures, a public hearing is not required by law but a public meeting may be held if indicated to be warranted on the basis of response to public notice. Further opportunity for public participation is afforded by procedures associated with preparation and filing of environmental impact statements if one is required.

In addition, State and local governmental

agencies could, to varying degrees, be involved in approval for construction and operation of power plants. Also, in the absence of federal authority, State and local agencies may be the appropriate entities for consideration of the public interest in power plant siting.

Your letter does not appear to refer to hydroelectric power projects and I have no knowledge of any proposals for hydroelectric power plants on the Ohio River in the immediate vicinity of Madison, Indiana. However, as a matter of information, construction of hydro projects on navigable streams, if by non-federal entities, would require a license issued by the Federal Power Commission. Public notice of an application for license is issued by F.P.C. and in addition, the application is referred to interested agencies for comments and recommendations. Corps of Engineers construction of hydroelectric power facilities at Corps projects on the Ohio River would not require an F.P.C. license but the views of interested parties would be obtained under Corps procedures.

Inquires regarding Corps activities in the vicinity of Madison, Indiana should be referred to the Corps of Engineers District Engineer, Louisville, Kentucky.

I hope this information will be of value with respect to providing information of interest to your constituents.

Sincerely yours,

EARLY J. RUSH III,
Colonel, Corps of Engineers, Assistant Director of Civil Works, Upper Mississippi

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THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 24, 1974.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: Thank you for your letter of May 15 inquiring about citizen participation with regard to the siting of power plants in the Madison area. This Department is not directly involved in approving the construction or operation of power plants. Such decisions are the responsibility of the Federal Power Commission and, in the case of nuclear plants, the Atomic Energy Commission. Both of these agencies have procedures that permit some public participation at various points within the decision-making process.

This Department does provide comments on the siting, development and operation of power plants, primarily through the Environmental Impact Statement process. Such Statements are written by the Federal agencies bearing primary responsibility for the action. Hopefully, the agencies involved will make the necessary arrangements for the public to review the cumulative impact of the five plants as well as the effects of each individual plant.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

PUBLIC SERVICE COMMISSION,
Indianapolis, Ind., May 22, 1974.

Hon. LEE H. HAMILTON,
U.S. Post Office,
Columbus, Ind.

DEAR CONGRESSMAN HAMILTON: . . . This Commission has historically held that it has no jurisdiction to approve or disapprove of plant location, although in all fairness I must say that there has not been complete unanimity of opinion among the Commission members over the years with respect to this problem. I have enclosed a copy of the most recent order of the Public Service Commission relating to the jurisdiction of the Commission in this area.

Any utility planning construction of a new plant naturally has to obtain the necessary approval of those bodies which do have statutory jurisdiction to approve or disapprove of plant location and construction, such as the various zoning authorities, Stream Pollution Control Board, Environmental Management Board, etc.

Yours very truly,

LARRY J. WALLACE,
Chairman.

STATE BOARD OF HEALTH,
Indianapolis, Ind., May 24, 1974.

Re Power Plant Siting.

Hon. LEE H. HAMILTON,
House of Representatives, Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: This acknowledges your letter of May 15, 1974, relative to subject matter. This will serve to acknowledge similar letters directed to the Air Pollution Control Board and the Stream Pollution Control Board. We have responded to the Madison Chamber of Commerce's questions on this matter.

This office is concerned with the number of proposed plants along the Ohio adjacent to Indiana. The staff has met with two Indiana companies (Indianapolis Power & Light Company and Public Service Indiana) concerning proposed locations near Rising Sun and downstream from Madison. In addition, Indiana representatives to ORSANCO proposed that a study be undertaken of all existing and proposed plants along the Ohio River with respect to environmental factors. The ORSANCO staff, in cooperation with the Power Industry Advisory Committee to OR SANCO, is to undertake this study at once.

The Stream Pollution Control Board is concerned with discharges to watercourses with respect to temperature, water quality and consumptive use of water. Residents adjacent to proposed plants may offer comments to the Stream Board relative to these concerns. In addition the Environmental Management Board and the Air Pollution Control Board are responsible for other environmental concerns including air quality. Comment on all concerns registered with the State Board of Health will be directed to the proper Board.

We do not anticipate scheduling public hearings on this matter. However, if projects are to be considered by one of the above mentioned Boards, we will advise the local community so that requests for appearances may be made.

Sincerely,

WILLIAM T. PAYNTER, M.D.,
State Health Commissioner, Indiana State Board of Health.

DEPARTMENT OF NATURAL RESOURCES,
Indianapolis, Ind., May 20, 1974.

Hon. LEE H. HAMILTON,
House of Representatives, Rayburn Building,
Washington, D.C.

DEAR MR. HAMILTON: This is in response to your letter of May 15, 1974 expressing the concern of citizens of the Madison, Indiana area relative to planned and potential power plant development in the general vicinity of Madison.

As you know, the 1,303,560 KW Clifty Creek plant of the Indiana-Kentucky Electric Corporation is presently located at Madison and the 500,000 KW Ghent plant of Kentucky Utilities Company is located upstream at Ghent, Kentucky (opposite Switzerland County).

Public Service Indiana has acquired the "Marble Hill" site about six miles downstream from Madison and has announced its plans for construction of a nuclear plant thereon. At least one other Indiana utility is investigating potential sites in the general vicinity. We do not have specific knowledge of plans or proposals for plants on the Kentucky side of the river, but understand that such do exist.

The authority of this Department, through its Natural Resources Commission, relates to two general areas of power plant development. These are (1) the withdrawal of water from navigable streams (generally for cooling purposes) and (2) any plant construction in the floodway of a river or stream. This authority is exercised through a permit system.

The Commission does not normally hold "public hearings" in the usual sense of the word on permit matters, although it could do so if deemed necessary or desirable. Consideration of permit matters is normally handled at the regular monthly meetings of the Commission, at which any citizen has the right, and will be given the opportunity, to be heard on any given matter under consideration.

No formal applications for permit have yet been filed by any utility for a new plant in the Madison area and thus no time can be given as to when they will be considered by the Commission. However, any citizen may at any time request to be notified in advance of the date of Commission consideration and we will provide adequate notice so that they may be heard.

In addition to approvals by the Natural Resources Commission, permits from the Indiana Stream Pollution Control Board (with respect to water quality and solid waste disposal), the Indiana Air Pollution Control Board, and the Environmental Management Board (with respect to radiation control for nuclear plants) are also required and all these Boards provide for citizens to be heard.

Sincerely yours,

JOSEPH D. CLOUD, *Director.*

PUBLIC SERVICE COMMISSION,
Frankfort, Ky., May 17, 1974.

Congressman LEE H. HAMILTON,
Rayburn Building,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: Chairman William A. Logan has requested that the undersigned respond to your letter of May 15, 1974, concerning the possible construction of power plants in the vicinity of Madison, Indiana.

A utility seeking to construct such facilities in Kentucky would be required to obtain a Certificate of Convenience and Necessity from this agency—that is, authority to build the power plant. The hearing would be held at which time the Commission would consider the demand and need of service and the economic and engineering feasibility.

* * * * *

We will keep you advised.

Yours very truly,

RICHARD D. HEMAN, Jr.,
Secretary.

BUREAU OF ENVIRONMENTAL QUALITY,
Frankfort, Ky., May 31, 1974.

Hon. LEE H. HAMILTON,
Congress of the United States, House of Representatives, Rayburn Building, Washington, D.C.

DEAR MR. HAMILTON: This is in response to your letter of May 15, 1974, concerning the construction and operation of electrical generating facilities within the Commonwealth of Kentucky. At the present time our Division of Air Pollution has regulations which provide the complete review of all plans and specifications of a proposed power plant. It must be determined that the construction or modification of any such facility will be consistent with all ambient air quality standards both primary and secondary prior to the issuance of the mandatory construction permit. It is my understanding that most states have similar regulatory provisions.

Presently there are no pending applications for construction permits to construct their electrical power generating stations in Ken-

tucky, however, I have heard talk regarding the construction of several. With regard to public participation of public hearings, it is my understanding that prior to the issuance of any construction permit regarding a point source of this nature that federal regulations require a period for public comment. There are no public hearings scheduled at this time because as stated above we have no official knowledge of proposed construction.

If I can be of further assistance to you in this matter, please do not hesitate to advise.

Sincerely yours,

HERMAN D. REGAN, Jr.
Commissioner, Bureau of Environmental Quality.

AIR FORCE CONTRADICTIONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ASPIN. Mr. Speaker, the Pentagon has given Congress contradictory and misleading information on the capabilities of a new, highly effective jet fighter—the Enforcer—which is an attractive alternative to A–10 close-air-support aircraft.

Recently released House Armed Services Committee testimony about the Enforcer presented by Air Force Gen. W. J. Evans is so misleading and in part, untrue, that I have no choice but to conclude that his actions were deliberate.

Each Enforcer costs slightly more than $1 million while the cost of the A–10 is $3.4 million per aircraft. Current Air Force plans include a buy of 729 A–10's to support ground combat troops at a total cost of approximately $2.4 billion.

Mr. Speaker, General Evans told the House Armed Services Committee on April 5 that "the range of the aircraft—the Enforcer—is limited." But, Mr. Speaker, I am publicly releasing an Air Force factsheet on the Enforcer which shows that its aircraft's range is 3,075 miles—475 miles greater than the range of the A–10.

General Evans also complained that the Enforcer could not take off from short runways. The same Air Force factsheet shows that the Enforcer needs only 1,100 feet to take off compared to the A–10's 3,020 feet.

I am publicly releasing a detailed summary of all the major contradictions in the various Air Force presentations on Enforcer, including the aircraft's speed, landing distance, and number of bomb stations. With so much contradictory evidence produced by the Air Force, it seems clear that the case of the Enforcer and its rival, the A–10, should be reviewed. One possibility would be for the Air Force to conduct a flyoff between the two planes to determine which one, given its cost, would be the most effective. Since each A–10 is three times more expensive than the Enforcer, the Enforcer seems to be an attractive alternative to the A–10. In fact, I think it may be difficult for the Air Force to prove that the A–10 is three times better than the Enforcer.

The Enforcer which is a single-engine jet prop, was developed by Florida publisher David Lindsay. Deputy Defense Secretary William Clements recently said that the Enforcer had "met the general performance claims made by the offeror." Mr. Clements' statement further confuses the issue because Lindsay has claimed that the Enforcer has a maximum speed of 403 knots per hour—faster than the A–10—while the Air Force says the Enforcer flies 330 knots per hour—slower than the A–10.

The only way for the Congress to determine the facts is to order a complete series of flight tests for the Enforcer and compare it to the A–10.

As many of my colleagues know, Defense Secretary James R. Schlesinger has suggested that the Pentagon should buy cheaper, more simple weapons. The Enforcer may just fit the bill for a highly effective and relatively cheap aircraft.

The Air Force's contradictions follow:

AIR FORCE CONTRADICTIONS

RANGE

Air Force Statement: "The range of the aircraft is limited." (Gen. Evans, House Armed Services Subcommittee, April 5, 1974).

Contradiction: Enforcer range is greater (3075 miles) compared to A–10's (2600 miles). (Air Force Fact Sheet, June 1974).

SURVIVABILITY

Air Force Statement: Q: Does it (Enforcer) have less survivability than the A–7?

A: I would say yes. (Gen. Evans, House Armed Services Subcommittee, April 5, 1974).

Contradiction: Detailed study by Joint Technical Co-Ordinate Group of the Naval Air Systems Command reveals that the Enforcer is less vulnerable to 23mm, 57mm and SA7 missile than A–7. (DDR&E Fact Sheet, June 1974).

TAKE-OFF

Air Force Statement: "The ability to take off from unimproved short strips with heavy bomb load is extremely limited." (Gen. Evans, House Armed Services Subcommittee, April 5, 1974).

Contradiction: Enforcer take-off distance (at full weight) is 1100 ft. compared to 3020 ft. for A–10. (Air Force Fact Sheet, June 1974).

MAXIMUM SPEED

Air Force Statement: Enforcer's maximum speed is 330 knots—slower than the A–10. (Air Force Fact Sheet, June 1974).

Contradiction: Enforcer's maximum speed is 403 knots—faster than the A–10 maximum speed of 390 knots. (David Lindsay, Enforcer Developer).

LANDING DISTANCE

Air Force Statement: Landing distance is 3000 ft. for the Enforcer at maximum weight—longer than A–10's of 2140 ft. (Air Force Fact Sheet, June 1974).

Contradiction: At normal landing weight Enforcer needs a shorter runway (880 ft.) compared to 1050 ft. for A–10. (Data provided by Air Force Office of Legislative Affairs, June 1974).

ENGINE

Air Force Statement: Enforcer will be powered by 3445 horsepower engine. (Air Force Fact Sheet, June 1974).

Contradiction: Enforcer will be powered with 2950 horsepower engine. (David Lindsay, Enforcer Developer).

BOMB STATIONS

Air Force Statement: Enforcer has 6 bomb stations. (Air Force Fact Sheet, June 1974).

Contradiction: Enforcer has 10 bomb stations. (From Air Force Office of Legislative Affairs, June 1974).

72.5 PERCENT SAY PRESIDENT SHOULD STAY

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. LANDGREBE. Mr. Speaker, a poll taken recently by the Lafayette, Ind., Journal and Courier resulted in a tremendous show of support for the President. Recent actions of the Democratic members of the Judiciary Committee will no doubt strengthen the view, present in this poll, that the Watergate investigation has been a biased, vengeful attack on President Nixon and a denial of the accomplishments of his administration. I refer to the Judiciary Committee's attempt to waive the 5-minute rule for questioning impeachment hearing witnesses, Chairman RODINO's alleged comment that all 21 of the committee's Democrats would, in his estimation, support a vote of impeachment, and the refusal of the Democrats to summon all 6 of the witnesses recommended by James St. Clair, defense counsel.

I call the attention of my colleagues to the June 10 poll by quoting excerpts from the Journal and Courier. Special note should be taken of the student poll.

EXCERPTS FROM POLL

(By Robert Kriebel)

This is still Nixon Country.

Not much question about it when you sift through responses to the Journal and Courier's June 10 ballot on the question: "What Do You Think of Nixon Now?"

Out of 1,574 replies, a total of 1,143 said Nixon should stay on the job.

That's 72.5 per cent.

A total of 362 persons turned in ballots saying that President Nixon should be the object of impeachment proceedings by the Congress. This represented 23.1 per cent of those who returned ballots.

And 69 readers said the President should resign, or 4.4 per cent.

And in over 150 accompanying notes, cards and letters explaining ballots, readers went on to say Nixon has been an excellent President and critics should get off his back.

Many respondents said they felt Democrats in Congress, Communists, and the news media have combined to force the issue of Watergate into far more prominence than it is worth, and that too few people recognize Nixon Administration accomplishments or show a willingness to face real domestic issues like the rising cost of living or energy shortages.

"Never have we had a President that has done as much for our country or has been treated so dirty," one reader said.

"We appreciate what our President has done so far," wrote another. "Such as peace with honor in Vietnam, bringing home POWs, ending the draft and the leadership for world peace, to name a few."

"Last year at this time, in response to your poll," another reader wrote, "I was in full support of President Nixon.

"Today my position has not changed. There have been many new revelations since last year and I must confess I have had doubts of President Nixon's innocence several times.

"But these short moments of doubt have always been followed by long periods of full trust and confidence in my President."

A man and wife in a joint letter from Fowler wrote: "We think the President is a great one, and it (Watergate) is all political.

The news media and television are so unfair to him, especially the 'Today' television program."

"Since we take only one Journal and Courier my husband used the ballot provided," one woman wrote. "I would also like to vote and say STAY ON THE JOB! I am sick, sick, sick of Watergate."

A West Lafayette reader wrote: "It was with great wisdom and statesmanship that the founders of our great country divided the powers of government into executive, legislative and judicial departments.

"But today, not yet 200 years from our founding, our people in Washington, in fact government people everywhere, are not statesmen at all, but are a bunch of vulture-like politicians engaged in a struggle for power and picking the meat from each other's bones.

"President Nixon should stay on the job and defend the office to which he was elected."

And a Kentland woman opined: "I would like to see everyone who is investigating Mr. Nixon investigated also. So far as I know, only one perfect man has walked this earth. Right?"

Another subscriber wrote from Lafayette: "Congress should get off his back! I can't see why the taxpayers have to pay all those men to nit-pick at the President."

The heavy support for President Nixon almost duplicated the results of a Journal and Courier reader survey in June, 1973. In that one, 1,106 persons sent in ballots with 801, or 72.4 per cent, saying the President should stay on the job.

A year ago 193 persons called for resignation compared to 69 this year. Last year 112 persons recommended impeachment compared to 360 this year.

Both surveys were conducted on the same basis—that of a "straw vote" by interested readers. Neither, consequently, necessarily reflects what a more scientific sample of area residents might show.

And as in 1973, the poll itself was the object of a few comments.

One woman wrote: "May I stand up and cheer? Once for my country, once for my President, and once for the Journal and Courier for publishing this ballot for the little people."

STUDENT POLL BACKS NIXON, TOO

Lafayette area students responding to a poll favor President Nixon's staying in office.

The students took part in a nationwide student opinion poll on the question. In the Lafayette area, about 53.5 per cent favored the President's remaining in office, while 8.5 per cent were undecided.

The survey indicates that young people in this area are somewhat more favorably disposed toward the President than are students nationwide.

More than 130,000 students in all parts of the nation took part in the poll. The vast majority of the students are in grades 5 through 12.

Nationwide, students seem evenly split on the question. About 41.6 per cent felt Mr. Nixon should remain in office, 42 per cent thought it would be best for the country if he were out of office, and 16.4 per cent were undecided.

The poll was conducted by the Journal and Courier and 220 other daily newspapers in cooperation with Visual Education Consultants, Inc., of Madison, Wisconsin. The survey was part of a current events program that these newspapers give to schools in their areas. The Journal and Courier provides the program to 10 schools in this area. The program includes weekly filmstrips of news photos, together with discussion materials written on several levels of difficulty, for students of varying ages.

THE CONSIDERATION OF MAJOR COMMITTEE REORGANIZATION BLOCKED

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. McCOLLISTER. Mr. Speaker, arbitrary and dictatorial action by less than half the 247 Members of the Democratic caucus has blocked consideration of major committee reorganization which would make the Select Committee on Small Business a standing committee in the House.

On a secret ballot, Democrats voted 111 to 95 to send the resolution to a subcommittee of the Democratic caucus for further study. This move by a mere one-fourth of the Members of the House, designed to kill the measure or at least substantially weaken it, is a perfect example of the Democratic lipservice paid to reform with no actions to back it up. Apparently self-interest won out for those who might lose influence, because of jurisdictional shifts.

Support of the changes by most of the Republicans and the Democratic leadership gave the revisions a fair chance if they had reached the House floor. But the Democratic Rules Committee members are bound by the caucus not to give it a rule before the subcommittee makes its recommendations in July.

The bipartisan select committee, cochaired by RICHARD BOLLING of Missouri and Nebraska's DAVE MARTIN, worked more than a year on the changes before unanimously approving them. While I do not agree with every one of the jurisdictional shifts, there are many other important reforms which could be lost by the Democrats' maneuver.

The overriding purpose of reorganization is to balance and realine workloads according to current national interests. The most important change, I believe, would be to make Small Business a standing committee with legislative authority over the Small Business Administration, in addition to the oversight authority it already has. This revision, which is strongly backed by the National Federation of Independent Business, would give small business the voice it deserves in the legislative process.

It seems that often legislation is written with the idea of regulating big business, but it is the little guy who must bear the costly and time-consuming paperwork burden these laws impose. This makes small business even less competitive and puts them at a further disadvantage. It is the competition which small firms provide that make them vital to maintaining our free enterprise system.

The sheer size and impact of the American small business community merits more effective representation than it receives presently. Small business accounts for 96 percent of all business in the United States, 60 percent of the private nonagricultural force, 37 percent of the gross national product, and 20 percent of business taxes paid.

Under the current system, the jurisdiction is split between the select committee and a Subcommittee of Banking and Currency. This subcommittee, while giving plenty of attention to small business problems, still does not have a permanent staff.

This realinement would assure small firms that their interests were being represented and special problems considered in the legislative process. Democrats should be required to go on record with their support or negative vote on this issue so people will know which Members are willing to make Congress more accountable to those who elected them.

CANADIAN NATURAL GAS PIPELINE ROUTE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. ASPIN. Mr. Speaker, I have introduced a resolution, House Resolution 1204, which urges a speedy conclusion of the negotiations between the United States and Canada on terms for building a Canadian natural gas pipeline route.

This resolution seeks an agreement between the two governments before the end of the year. The United States and Canada must formulate an agreement which will guarantee access to Alaskan natural gas and also permit Canadian transport of some gas produced in Canada.

Mr. Speaker, there are already signs of needless bureaucratic delay in approving the pipeline. Canada's National Energy Board which must approve the pipeline has already put off until next year any consideration of the pipeline which will carry Alaskan gas via Canada's Mackenzie Valley to the U.S. Midwest. Both the U.S. Interior Department and the Federal Power Commission also must approve this pipeline project.

To combat future energy crunches, this pipeline should be built as soon as possible. Natural gas is the most environmentally clean and economical fuel available to American consumers. A consortium of companies known as Arctic Gas has filed a formal application with the United States and Canadian authorities to build the pipeline through Canada. But, El Paso Natural Gas also plans to file an application to build a natural gas line across Alaska, with the gas liquified and transported to the U.S. west coast on supertankers.

Mr. Speaker, the Canadian route is clearly superior both economically and environmentally. If the Alaska route is built and gas liquified for tanker shipment, about 12 to 20 percent of the gas is lost during the liquification process. With an energy crisis confronting us for many years to come, it is very foolish to waste gas by converting it to liquid for shipment.

Environmentally, the shipping of natural gas is more dangerous than transporting it by pipeline. If a tanker leaks

liquid gas which is super cool—200° F—there can be a catastrophic explosion.

Mr. Speaker, a Canadian natural gas pipeline is the cheapest way to solve the Midwest's long-term crisis.

CAN THE POT REALLY CALL THE KETTLE BLACK?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. CARTER. Mr. Speaker, during the past year we have heard Members of this fearless forum call for resignations, speak of large and larger donations, while holding themselves apart and piously pointing a finger at the accused. At long last, the media has reported findings of the Watergate Committee which implicate this group in receiving illegal corporate contributions, and in questionable transfers of funds from presidential to senatorial campaigns.

It has been said that people who live in glass houses should not throw stones, and again, "let him who is without sin cast the first stone." Perhaps "The Prophet" by Kahlil Gibran has very aptly explained that none of us is without guilt. I include the following words from "The Prophet":

Oftentimes have I heard you speak of one who commits a wrong as though he were not one of you, but a stranger unto you and an intruder upon your world.

But I say that even as the holy and the righteous cannot rise beyond the highest which is in each of you, so the wicked and the weak cannot fall lower than the lowest which is in you also.

And as a single leaf turns not yellow but with the silent knowledge of the whole tree, so the wrong-doer cannot do wrong without the hidden will of you all.

Like a procession you walk together toward your God-self.

You are the way and the wayfarers.

And when one of you falls down, he falls for those behind him, a caution against the stumbling stone.

Yea, the guilty is oftentimes the victim of the injured.

And still more often the condemned is the burden bearer for the guiltless and unblamed.

You cannot separate the just from the unjust and the good from the wicked;

For they stand together before the face of the sun even as the black thread and the white are woven together.

And when the black thread breaks, the weaver shall look into the whole cloth, and he shall examine the loom, also.

I include for the RECORD the following news report by James R. Polk, as well as an article by Brooks Jackson from the Washington Post. Also included are two other articles regarding the recent Watergate committee report.

The articles follow:

[From the Washington Post, June 28, 1974]

MCGOVERN CASH DIVERTED

Sen. George S. McGovern's losing presidential campaign was asking its creditors to discount its debts at half-price at the same time it was shifting a huge surplus of money into his Senate re-election race, Watergate investigators said today.

A staff report for the special Senate Watergate committee said $35,000 in discounts from companies may have violated the spirit of the law against corporate campaign donations.

Also revealed in the new report was a plan by officials of Hertz Corp. to pay for rental cars for the presidential campaign of Sen. Edmund S. Muskie, D-Maine, and the use of a safe deposit box for hidden cash funds for another Democratic loser, former New York Mayor John V. Lindsay.

A New York highway official solicited $10,000 in cash as a Lindsay donation from officers of two road firms which later got a $1.7 million asphalt contract from the city, the report said.

Watergate probers said $340,000 left over from McGovern's presidential race was transferred to his Senate campaign unit last year. This is roughly one-third of the $1 million McGovern has already spent in his re-election fight in South Dakota.

Meanwhile, McGovern's presidential campaign spokesmen were telling creditors that they were hard-pressed for money and were getting partial write-offs on bills owed to Xerox Corp., International Business Machines, and various hotels across the country, the Watergate report showed.

A McGovern spokesman said last night that the presidential race had tried to settle its bills for less than the full amount because it needed money for possible federal taxes.

However, public reports show the McGovern presidential race still has $400,000 in reserve to meet any tax obligations.

Another section of the report said Hertz Corp. supplied rental cars for Muskie campaign workers, then apparently arranged to pay legal fees to attorneys who made campaign donations for Muskie to wipe out those bills.

It quoted a former Hertz lawyer, Sol M. Edidin, as testifying that the company's chairman, Ronald Perman, authorized the payments to attorneys for the donations. The investigators found $4,850 in legal bills with Perman's initials on them.

The cash collected from asphalt contractors for the Lindsay campaign was delivered by another highway official to former deputy mayor Richard Aurelio, according to the Watergate report.

The cash donations were collected while the Lindsay campaign was trying to meet its debts after falling apart early in the 1972 race. However, the contractors' $10,000 was not listed on required public filings, the report said.—JAMES R. POLK.

[From the Washington Post, June 28, 1974]

MCGOVERN HILL RACE ENRICHED

(By Brooks Jackson)

Sen. George McGovern (D-S.D.) enriched his South Dakota Senate campaign by $340,416.96 in leftover funds raised for his 1972 presidential campaign, according to a staff report to the Senate Watergate committee.

At the same time, McGovern's presidential campaign committees have settled leftover bills from 37 corporations for $35,322.32, less than the full amounts, the report said.

It said this raises a question of whether the McGovern campaign violated at least the spirit of the federal law forbidding corporate donations to federal political campaigns.

A spokesman for McGovern said the leftover presidential money had been transferred on specific instructions from state and local McGovern campaign committees which left McGovern no choices in the matter.

He also said the presidential campaign committee had tried to settle some of its leftover bills for less than the full amount, because the Internal Revenue Service has told the committee it might owe hundreds of thousands of dollars in gift taxes on contributions.

The spokesman, John Holum, said McGovern would contest the Watergate committee staff's language and try to keep the senators from adopting it. He said that if in the end it is found that there was something wrong with underpaying the corporation bills, "We'll pay anything that has a cloud over it."

In another section of the same report, the committee's staff said the presidential campaign of former New York City Mayor John V. Lindsay received $10,000 in cash from two construction contractors who later had city asphalt contracts worth $1.7 million.

The report said the $10,000, in $20 bills stuffed into an envelope, passed through the hands of Lindsay's top campaign aide, former Deputy Mayor Richard Aurelio, and cannot be accounted for.

The staff report was circulated to members of the committee yesterday and has not been adopted formally by the Senate panel.

In the McGovern matter, the report said leftover presidential money started flowing from five McGovern committees into the Senate campaign within two weeks after McGovern was defeated by President Nixon on November 7, 1972.

The transfers continued for more than a year. The last one was $7,054 last December 30.

The report said that during this period the McGovern national presidential treasurer, Marian Pearlman, was sending letters to presidential campaign creditors asking them to settle bills for 50 cents on the dollar.

"We do not at this time have enough money to pay all our debts," said her letter dated December 15, 1972. The report said Watergate committee investigators discovered that Xerox Corp. had written off a total of $9,606.02 as uncollectible debts owed by the McGovern campaign. This was the largest unpaid bill cited by the report.

HUMPHREY DENIES MISUSE OF FUNDS IN 1972 CAMPAIGN

Sen. Hubert H. Humphrey, stung by a Senate Watergate Committee staff report on his 1972 presidential campaign finances, says he did nothing illegal in using more than $100,000 of his own money in his campaign and concealing that fact from the public.

"With the Lord Jesus Christ as my guide, that was as honest a deal as kissing your mother," the Minnesota Democrat said.

Humphrey, in a sometimes emotional telephone call late last night to an Associated Press reporter said the money represented "a lifetime of investment" by himself and his wife Muriel.

Humphrey said he omitted any mention of the use of personal funds when he voluntarily disclosed his finances during Democratic presidential primaries because at that time the law didn't require full disclosure and because he wanted to conceal the matter from his family.

"I didn't like to have to contribute that money, but we had to do it if we were going to campaign," he said.

Humphrey said the Watergate staff report was written by a Republican staff member, Donald Sanders, and he said he resented the tone and implications of the report. "It just ends up that you look like a burglar," he said.

The report said Humphrey ordered the transfer of $89,000 in stock and $23,000 in cash from a blind trust into the presidential campaign during January and February of 1972, two months before a new federal law made it illegal for a presidential candidate to use more than $50,000 of his own funds in a campaign.

Humphrey said the stock actually was worth somewhat less, $88,000, putting the total amount of personal funds used at $109,000.

Rep. Wilbur Mills of Arkansas also vigor-

ously denied wrongdoing in response to allegations in the draft report on fund raising.

"This is just a leak to smear me," said Mills. He contended that he hadn't responded to a request to appear before the Senate committee's staff because "a member of Congress does not appear before a staff."

Mills acknowledged receiving money from milk cooperatives but said he had reported all of it. Humphrey said he had no knowledge of a $25,000 milk fund contribution he was asked about, and that he had told the committee staff this.

HUMPHREY SCORES FUND ALLEGATION

Sen. Hubert H. Humphrey denounced yesterday a Senate Watergate committee staff report that said $360,000 in stock was funneled into his 1972 campaign as "filled with innuendoes and inaccuracies."

The staff report said that the Minnesota Democrat's 1972 presidential campaign received the stock in the Archer-Daniels Midland Co., a Minneapolis soybean firm, in early 1972. About $90,000 worth of the stock came from a trust for Humphrey administered by Dwayne Andreas, the head of Archer-Midlands, and the rest from Andreas, his daughter and a friend.

The donation of the stock to the Humphrey campaign committee was an apparent violation of the then-existing federal election law, which prohibited individual contributions of more than $5,000 to a single campaign committee, the report said.

Humphrey said the report is "simply a working draft . . . on which changes may yet be made" and contains "unsubstantiated charges." He said he had not seen a copy of the report but based his opinion on news accounts of the staff's findings.

The report said the staff's inability to interview Humphrey had prevented it from making a full and complete investigation.

MRS. MARTIN LUTHER KING, SR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. GILMAN. Mr. Speaker, yesterday's senseless act of violence in Atlanta's Ebeneezer Baptist Church, resulting in the death of Mrs. Martin Luther King, Sr., should remind our Nation of the quest for brotherhood for which her son, the Rev. Dr. Martin Luther King, Jr., gave his life in 1968.

This wanton destruction of life should bring realization to our Nation that we are falling short of some of the lofty goals and ideals proclaimed some 200 years ago by the courageous men who founded our Nation: goals of freedom, equality, opportunity, and justice for all.

Our Nation is weary of violence. Yet, daily it confronts us anew.

We have survived a decade of killing and of civil strife. It is time to leave it behind.

If there is a lesson to be learned from Mrs. King's tragic death, let it be a reminder to our Nation that there is still much to be done, that we must work even harder, devote ourselves even more, give still more of our effort, to eradicate the creed of destruction, inhumanity and bigotry from our great land, once and for all.

I am sure my colleagues join with me in expressing our deepest heartfelt condolences and sorrow to Mrs. King's family.

MILITARY JUSTICE?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mrs. SCHROEDER. Mr. Speaker, President Nixon's recent nomination of Colorado Supreme Court Justice William Erickson for the position of Chief Judge, U.S. Court of Military Appeals—COMA—reflects a healthy awareness of the importance of COMA to the more than 1.7 million men and women now in uniform. Justice Erickson is a distinguished jurist who will, I am certain, show the needed sensitivity for the constitutional rights of those prosecuted for alleged military-related offenses under the Uniform Code of Military Justice—UCMJ. Judge Erickson's nomination fills one of two vacancies on the three-member court. I would earnestly hope that the second appointee reflect the same excellent qualities. I would further hope that increased public attention be focused on COMA which serves as a vital bridge between military personnel and the U.S. Constitution.

Since its creation in 1951 COMA has done much to eliminate the system of "drumhead justice" which had previously left servicemen and women accused of criminal activity substantially at the mercy of their commanding officers. It is not too long since the days when a distinguished former Governor of Vermont was excused from further court martial duty for failing to vote conviction for a black serviceman accused of a morals offense. Nor have very many years gone by since the law of the land was that military personnel had no constitutional rights other than those expressly provided through congressional enactment of the UCMJ itself. This frightening principle had its roots in the philosophy restated only weeks ago by the Supreme Court in the case of Parker against Levy to the effect that:

> The military is an executive arm whose law is that of obedience.

Since more than 28 million Americans have served in the Armed Forces since the outbreak of World War II, it hardly needs to be stated how widespread the abuses were that grew out of such a philosophy. Even today the notion that the Constitution and Bill of Rights generally extend to servicemen and women is grounded in COMA interpretations of congressional intent rather than a definitive pronouncement by the Supreme Court.

Over the years COMA has extended certain procedural rights to military personnel that those of us in civilian life take for granted. Protections against self-incrimination and double jeopardy have been written into military law during the past two decades. So have the right to counsel, to confront and cross-examine witnesses, to summon witnesses of one's own, and to have one's case tried speedily.

But vast areas of constitutional protection remain foreign to the military environment. Bail prior to conviction or pending appellate review is virtually unheard of. The degree to which the first amendment confers the right of free speech on servicemen and women—even those off base and out of uniform—is far from settled, and to the extent it is settled, the picture is bleak in terms of free speech. Moreover, the catchall term, "military necessity," has been employed to virtually write the fourth amendment out of the lives of military personnel. Random shakedowns for marihuana and other drugs are far from uncommon on military bases. Also, under the doctrine of alleged military necessity, military police accompanied by trained marihuana dogs enter barracks areas substantially at will searching for contraband without the slightest thought or showing of probable cause.

Part of the problem rests with the traditional all-or-nothing approach of the Supreme Court wherein the justices have been quick to limit the jurisdictional overreach of military tribunals but slow to apply commonsense principles of constitutional law to military cases. It is shocking but true that even today it is far from certain whether the Supreme Court has interpreted itself as having the power to overrule legal and factual determinations by reviewing military courts.

Typical was the recent decision involving Capt. Howard Levy, during 1965 and 1966 the Chief of Dermatology at the U.S. Army Hospital, Fort Jackson, S.C. Captain Levy strongly opposed the war in Vietnam. He refused orders to train special forces aides for Vietnam duty, publicly criticized the special forces, indicated an unwillingness to serve in Vietnam himself, and urged black soldiers not to fight there either. He was convicted under three separate UCMJ articles only one of which specifically provided punishment for failing to obey a lawful order. The key issues in his case involved the validity of article 133 which proscribes "conduct unbecoming an officer and a gentleman," and article 134—the so-called general article—which prohibits "all disorders and neglects to the prejudice of good order and discipline," and "all conduct of a nature to bring discredit upon the Armed Forces."

Mr. Speaker, at issue is not the specific conduct of Captain Levy or any other member of the Armed Forces, but the vague and general wording of the code to which they are subject. In the past these articles have been employed to punish conduct as diverse as cheating at cards or bingo, failing to pay debts, committing adultery, officer drinking with enlisted men, exhibiting an American flag with a peace symbol on a shirt, possession of alcoholic beverages in a public place, and committing a bestial act with a chicken.

Again, some or all of these activities ought to be subjected to criminal penalties if specifically set forth in the code. But in no other jurisdiction in the country, State or Federal, would statutes

worded as loosely as articles 133 or 134 have survived a minute of judicial scrutiny.

The evils such judicial laxity leads to is well exhibited by a second case, Secretary of the Navy against Avrech, now awaiting Supreme Court decision. PFC Mark Avrech enlisted in the Marine Corps in 1967 and was assigned to duty in Danang, South Vietnam, in 1969. After 40 days in the country he became disenchanted with the lack of fighting spirit and corruption exhibited by our South Vietnamese ally and set forth his feelings in a short statement, the most "inflammatory" words of which were as follows:

We must strive for peace and if not peace then a complete U.S. withdrawal. We've been sitting ducks for too long.

He was apprehended while attempting to stencil his statement which he then wished to circulate among the men in his company.

For this Private Avrech was convicted not of violating article 34 but of attempting to violate it. He was sentenced to a reduction in rank, forfeiture of 3-months pay, and confinement at hard labor for 1 month, the latter portion of his sentence suspended. Having already upheld the validity of article 134 in the Levy case the Supreme Court must now say that a military court improperly applied the law—something it has never before held—or acquiesce in this lawless and reprehensible treatment of a U.S. citizen.

The uncertainty of Supreme Court review arises from the status of COMA itself. COMA is an article II rather than an article III court. Its place in the Federal judiciary is at best marginal. Further, it can itself review only cases involving a general or flag officer or a sentence of death, cases certified by the Judge Advocate General, and cases involving a sentence of dismissal or discharge or confinement for 1 year or more. Many arbitrary actions at the administrative level escape its notice altogether.

Obtaining an enlightened COMA has also been hampered by the quality of past appointments. Too often nominations to COMA have been regarded as the exclusive province of the House and Senate Armed Services Committees, and the Military Establishment. Of the seven men who served on COMA prior to the nomination of Justice Erickson, two came directly from the staffs of congressional military committees, all but one had backgrounds in the Military Establishment, four had previous civilian judicial experience, and only one had a legal academic background. Small wonder that shortly after its creation Mr. Justice Black could say:

We find nothing in the history of constitutional treatment of military tribunals which entitles them to rank along with Article III courts as adjudicators of the guilt or innocence of people charged with offenses for which they can be deprived of their life, liberty or property.

A decade and a half later, the situation had improved somewhat, but not all that much. In the words of Mr. Justice Douglas:

While the Court of Military Appeals takes cognizance of some constitutional rights of the accused who are court-martialed courts-martial as an institution are singularly inept in dealing with the nice subleties of constitutional law.

Mr. Speaker, in addition to the importance of naming a distinguished civilian to fill the remaining COMA vacancy, I would urge serious thought be given to a number of structural reforms which can only be accomplished by legislation. These would include increasing the COMA membership to five, seven, or even nine judges, bringing it into the Federal court system, expanding its jurisdiction to embrace the full panoply of military justice proceedings, transferring consideration of COMA nominees from the Senate Armed Services to the Senate Judiciary Committee and expressly providing for the review of COMA decisions by the Supreme Court.

It is time the wall between the Constitution of the United States and armed services personnel was broken down.

THE AMERICAN CONSTITUTION

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. LANDGREBE. Mr. Speaker, I would like to call to your attention and to the attention of my colleagues the following thoughts on the American Constitution as we approach the celebration of our Nation's birthday:

[From the pamphlet, The American Spirit]

THE AMERICAN CONSTITUTION

The American Constitution would be unworkable unless the people were self-reliant, self-determined, and resourceful. There are nations who do not care for these things and do not possess them. I suppose we all have our favorite virtues. My own are self-reliance, initiative, resourcefulness, courage. I like these things better than anything else, there are people who do not, and there are nations which do not. There are nations, for example, whose people like to be directed and ordered about, who like to be led everywhere and told what to do, and where and when to do it. Such people can do great things in the world through mass action, but they could not work such a constitution as ours. This Constitution calls for people who prefer to take care of themselves. It is intended for the kind of men and women who desire to manage their own lives, and take their own risks, and fend for themselves, and be personally independent—and these very things are just the outstanding characteristics of the majority of American people.

But notice that, among other things, this policy means that there is sure to be a certain amount of suffering because, when we are free we always make some mistakes. A convict in prison has very little chance to make mistakes. He is told when to get up, and when to go to bed, is given his food and obliged to eat it. He is told what clothes to wear, what work to do, and how he is to do it. He is taken out into a yard for exercise and when it is thought he has had enough exercise he is taken back. He can hardly go wrong, he can hardly make a mistake, but neither, of course, does he ever learn anything. A free man will make mistakes, and he will learn by them. He will suffer, but suffering is worth while when you learn something. When you are not free you cannot learn, and so the suffering is only wasted.

Note very particularly that the Constitution does not guarantee equality of lot. You cannot have equality of lot, because human nature varies. No two men have the same character. No two men have quite the same amount of ability. Again, some will have less talent but abut a strong character, and go to the top for that reason. Other men—we all know some of them—have great talents but character is lacking, so they remain at the bottom. This being so, there cannot be, equality of lot, but there can be, and there is in America, true equality, which is equality of opportunity.

H.R. 11500

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mrs. MINK. Mr. Speaker, I am appalled by the level of criticism being directed at the Surface Mining Control and Reclamation Act, H.R. 11500, by the National Coal Association. A recent press release by Carl Bagge, president of the association is replete with inaccuracies and distortions regarding the bill. It is incredible that a representative of so great and important an industry should resort to this type of rhetoric, employing scare tactics and outright misrepresentations which require sober assessment.

Mr. Bagge begins his statement with an unsubstantiated claim that, because surface mining accounts for 60 to 70 percent of coal used by electrical utilities, passage of H.R. 11500 could cut the Nation's power supply by one-third.

How does Mr. Bagge come up with such figures? Apparently, he conjures them up from a gross misreading of the bill.

First, he makes the transparently absurd statement that a provision in the bill—section 206—which would require the States to institute a program for designation of areas unsuitable for coal surface mining could wipe out all coal surface minings. Each State government is seen as designating all the land within its boundaries as unsuitable. In fact, the designation section of the bill merely requires the States to institute a planning program. It does not require any State to actually designate 1 acre of land as unsuitable for mining.

As reasonable legislators who recognize the value of land for many uses other than coal surface mining operations, the majority of the Members of the Committee on Interior and Insular Affairs determined that such a planning program should be undertaken, on the assumption that the State governments are also people with reasonable individuals who would carry out such a program in the best interests of the people of their respective States. For Mr. Bagge to complain that the States would necessarily abuse an authority which they have had all along and thus pose a threat to all coal surface mining is patently ludicrous.

Mr. Bagge hints darkly that, since the States are permitted to adopt regulations stricter than H.R. 11500, there is no

telling to what lengths they might go. The fact is that the States presently can enact strict surface mining regulations with or without the passage of H.R. 11500.

The bill will simply assure that certain minimal Federal standards are met on a nationwide basis, so that a uniform and equitable system of reclamation is developed in the interests of all parties, operators, States, and citizens.

Mr. Bagge pretends that the provision requiring return by the mine site to its approximate original contour is not feasible in the West. The committee clearly foresaw this problem. By allowing special provision in section 211, the committee precludes the arbitrary closing of Western strip mines. Moreover, the definition of approximate original contour, as expanded in the committee report on H.R. 11500, is quite clear in its distinction between returning to previous elevation is not required when there is insufficient overburden to do the job.

Another blatant distortion is contained in Mr. Bagge's contention that the future of synthetic gas from coal is in dire jeopardy. I have argued in a previous CONGRESSIONAL RECORD—April 8, 1974—the economics of this process and the effect which H.R. 11500 would have upon it, but I have yet to see any comparable effort on the part of the NCA. By constant repetition of the allegation that the bill would "foreclose the future of synthetic pipeline gas," again and again, NCA appears to believe it will make its point: Let them produce the facts.

Mr. Bagge goes on to contend that land cannot, with any permanence, be returned to its approximate original contour in Appalachia. I suggest Mr. Bagge travel to Pennsylvania to visit some of his member coal operators and ask them whether this can or cannot be done. Actually, it has been done for several years under Pennsylvania law. The records of the Pennsylvania Department of Environmental Protection and the evidence of the reclaimed land can refute this misleading claim. In West Virginia strip mine operators have voluntarily complied with State requirements similar to those contained in the bill.

Another Bagge claim that section 212 of the bill would result in the loss of 120 million tons of coal annually because the Secretary of the Interior could require the use of underground mining methods to control subsidence to the extent technologically and economically feasible. Once again, he chooses to ignore language in the bill specifically limiting the Secretary to those requirements which are economically feasible. Thus, no mine will be closed because of prohibitive expense. This totally refutes Mr. Bagge's claim.

Moreover, the committee report is very exact on this point. It states on page 109 that one of the measures available for subsidence control is "the use of longwall and other mining techniques which completely remove the coal." This being the case, no coal pillars need be left underground for subsidence control purposes, if the operator is employing longwall mining techniques, and controlled subsidence is allowed. Here again we have an example of either ignorance of the bill or outright distortion of its provisions.

With respect to Mr. Bagge's statement that maintenance of the hydrologic balance in the arid and semiarid areas of the West, the committee report is, again, specific in stating that:

> The total prevention of adverse hydrologic effects from mining is impossible and thus the bill sets attainable standards to protect the hydrologic balance of impacted areas within the limits of feasibility.

John Sawhill, Administrator of the Federal Energy Office, has estimated that 12.5 billion tons of coal could be precluded from future mining due to the hydrologic balance requirements in section 211(b)(14) of H.R. 11500. This estimate is almost half of that suggested by Mr. Bagge. Furthermore, as I have argued elsewhere, Mr. Sawhill's estimate itself is not based on any discernible hard data. His estimate apparently is based on information supplied to him by the Bureau of Mines. Their study simply states that H.R. 11500 is too general with respect to the standards for maintenance of hydrologic balance. They made no attempt to quantify the coal losses which might result from this language.

Thus, it seems that there is no foundation whatsoever for these wildly pessimistic estimates of coal losses. If data exists, let us see it.

Mr. Bagge states that banning of coal mining in the national forests would result in the loss of 11 billion tons of coal reserves. I am not sure where Mr. Bagge gets his figures. However, the Bureau of Mines estimates that there are 7 billion tons of coal reserves in the national forests recoverable by surface mining, or 4 billion tons less than Mr. Bagge's estimate.

There is no indication as to what proportion of these reserves are recoverable by underground mining methods. Under some geological conditions, where the overburden above the coal seam is of sufficient strength to provide good roof support, it is possible to mine by underground mining methods within this distance of the surface. There is no set limit established in the Federal Coal Mine Health and Safety Act. It is therefore possible to remove certain portions of the coal deposits under the national forests without resorting to surface mining. Until some estimate is made of what proportion this might be, it is impossible to verify the actual amount which would be withdrawn by the prohibition against surface mining of coal in the national forests, as set forth in section 209(d)(9) of the bill.

Moreover, H.R. 11500 does not ban underground mining in national forests as Mr. Bagge states. It bans only coal surface mining.

Finally, in this regard, it should be noted that passage of H.R. 11500 will not cause the coal located on these lands to disappear. Nor will the coal be "lost." Should the Nation need to surface mine the coal reserves in the national forests at some point in the future, legislation can be passed to allow it. There is a great deal of coal in this Nation. Most of it is available only through deep mining. Let us exhaust these resources before we destory the national forests.

KEMP CALLS FOR IMMEDIATE ACTION TO ACCOUNT FOR THE MISSING IN ACTION IN SOUTHEAST ASIA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. KEMP. Mr. Speaker, I would like once again to bring to the attention of my colleagues the plight of the 1,200 MIA's who are still unaccounted for.

It has been over a year and a half since the Paris Agreement was signed and the Communists still have not accounted for all of our men.

As many of our men have been returned to their loved ones, most Americans have forgotten that there are still many more families who are still waiting.

There is a group of concerned people in western New York who have not forgotten. There are several families in that area whose relatives are still classified as MIA's. They are called Western New York for POW's and MIA's, and they have worked hard to publicize the plight of all MIA's and their families. They have just published their first newsletter which gathers the latest information on what is geing done to help account for these men. I am proud to say that I am going to subscribe to this worthwhile publication.

The time has come for more in Congress to demand an accounting of these men. These families and all Americans are tired of waiting. They want and, in my opinion, deserve immediate action.

I am personally writing to Secretary of State Kissinger to ask him to go on a factfinding mission to Southeast Asia to get Hanoi to help account for these men.

I also believe that we should use our economic leverage with the Soviet Union to bring pressure on the North Vietnamese to comply with the Paris Agreements and I also am a supporter of the Ketchum resolution which states that no change in status should occur until the Paris Agreements are completely complied with.

As another measure, I am also looking into legislation which would require the military departments to obtain congressional approval before they could change the status of any of the men from missing in action to presumed dead. A change in status from missing in action to presumed dead sharply cuts back the benefits of the serviceman's dependents. Thus, it is important for the families' emotional and physical well-being to determine the truth about their loved ones.

We must act immediately and forcefully to end this terrible situation. The North Vietnamese and the Vietcong have

been evading their promises for too long. At this point, Mr. Speaker, I insert the text of the newsletter:

[Western New York for POW's and MIA's, P.O. Box 38, Hiler Station, Buffalo, N.Y. 14223]

NEWSLETTER, JUNE 1974

This is the first newsletter WNY for POW's and MIA's has issued and we hope it is successful in keeping Americans aware. It is dedicated with earnest hopes toward bringing ALL our POW's home and accounting of our 1200 MIA's. Your contributions, in the form of newspaper and magazine clippings, information you learn from other groups, and items you've seen or heard on TV and radio, along with any event having to do with POW's and MIA's are anxiously awaited and needed to make this newsletter a success for our men. They may be submitted by phone or in writing to:

Mr. David Helstrom, 3016 William St., Cheektowaga, N.Y. 14227, 716-895-1145, after 5 p.m.

YOUTH CONCERNED FOR THE 1,200 MISSING IN ACTION? INC.

President, Ann O'Connor, and a group of 25 youth and 5 chaperone-advisors will embark on a humanitarian pilgrimage enlisting worldwide support for our men in 8 to 10 foreign nations. They plan a 3-week trip in early summer hopefully culminating in a meeting with Communist leaders in Hanoi. Your support is sincerely invited and desperately needed.

Youth Concerned for the 1,300 Missing in Action? Inc., P.O. Box 6081, West St. Paul, Minnesota 55118.

There are over 1,200 reasons for you to care and to become involved.

The National League of Families Convention will be held from June 28-July 1 in Omaha, Nebraska. Attending from W.N.Y. for POW's and MIA's will be: Mafalda DiTommaso, Christine Waz, Eva Rozo and Leah Helstrom. A trip to all of the embassies in Washington, D.C. is being planned following the National League Meeting.

Everyone is urged to write to: Family Magazine, Army Times Publishers, 475 School St. S.W., Washington, D.C. 20024.

Their June 19, 1974 issue includes a detailed, and up-to-date article on Carolyn Standerwick and her MIA husband AF Col. Robert L. Standerwick. Your comments to them and a request for copies of the article to be distributed and possibly published locally are very worthwhile and greatly urged.

The American Legion Convention at the Niagara Falls Convention Center will take place on July 17, 18, 19, and 20. (These dates are corrected from our last meeting.) Volunteers to man our display there are needed from 8 a.m. to 1 p.m. on July 18-20. Find a few minutes to spare for our men who are giving so many days for us. Call Sue Czajkowski at 674-9119 if you can volunteer for any of those days.

Mafalda DiTommaso has personally presented VIVA's 60-second tape to Channels 2, 4, 7, & 29. WKBW-TV has shown this spot occasionally. Let's urge all the stations to use them. They are very effective. Write or call the stations today.

Channel 17 on June 26 at 8 p.m. is presenting a documentary look at Ex-POW, Naval Commander Richard A. Stratton, his family, the Vietnam War and his prison life.

An interview by Juanita Young (Channel 4) is in the works for Mafalda DiTommaso and possibly Earlene Thomas, an out-of-state MIA wife. It is scheduled to be shown July 29. More info. later.

On June 18, the U.S. denounced the V.C. and the North Vietnamese in the most strongly worded statement ever issued according to political observers in Saigon. It blamed the communists for lack of progress in the search for missing Americans. Copies of this statement may be obtained on request from your congressman.

Bumper stickers, petitions, brochures and POW/MIA bracelets are available by writing us at P.O. Box 38, Hiler Station, BFLO. 14223.

Views stated in Americans Who Care, April, 1974 Newsletter Fayetteville, North Carolina 28303:

"Our American men missing or prisoner in Southeast Asia cannot be forgotten! Their families cannot accept a presumptive finding of death because of our lack of evidence that they are alive! We have no evidence all of our men are dead. NVN refuses to provide us with any information. Some men have disappeared forever. We are not naive enough to believe all our missing men are alive, but we are not gullible enough to believe their fate cannot be determined. What price do we attach to an American life?

"Please take a few minutes and write a personal letter on behalf of our men to your Congressman and Senators, President, and to North Vietnam. Time is precious . . . our men are precious . . . it is up to you!"

From California, Ann Griffiths of "Support Our POW/MIA," Los Angeles, California:

"The only piece of solid legislation now pending before Congress is the Gurney amendment to the Foreign Trade Reform Act. Our government has repeatedly said that they have no leverage on the Communists to pressure for compliance with the Paris Agreements. It is obvious that it is not the intention to jeopardize "detente" with Russia and China merely to obtain information about our men. For this reason, it is imperative that we try to get United States senators to cosponsor this important amendment. At last count, Senator Jackson's amendment regarding Soviet Jews has 77 cosponsors plus Senator Jackson. The Gurney amendment had only eleven. Are our elected representatives more concerned about Soviet citizens than about American civilians and servicemen who were protecting our country's policies and ideals? Put the pressure on them so that our government will have the leverage they require to get the accounting.

"In addition, there is an important resolution in support of which we all need to write our congressmen requestiing co-sponsorship. The Ketchum resolution, H.R. 1093 introduced on May 7, 1974, is strongly in support of our men and specifically states that our government has not as yet been able to secure the accounting as specified in the Paris Agreements and until such time as they are successful, they should not even consider changing the status of the POW/MIA's to presumptive finding of death. Write now and request co-sponsorship."

Thus saith the Lord; refrain thy voice from weeping and thine eyes from tears; for thy work shall be rewarded, saith the Lord; and they shall come again from the land of the enemy. And there is hope in thine end, that thy children shall come again to their own border. Jeremiah 31: 16, 17.

LT. COL. ROBERT DYCZKOWSKI, MIA, APRIL 24, 1966, NORTH VIETNAM

Lt. Col. Robert Dyczkowski, the son of Mr. and Mrs. Raymond Dyczkowski of Buffalo, New York, was born in Buffalo in 1932. He graduated from St. Mary's Parochial School and Burgard Vocational High School, where he was a member of the Civil Air Patrol. While a member of the Air Force Reserve, he was accepted for pilot training.

On his 99th mission in North Vietnam on April 24, 1966 Lt. Col. Dyczkowskis' F-105 disappeared north of Hanoi. There was no contact made and all search efforts were fruitless. He has not been seen or heard from since that date.

Lt. Col. Dyczkowski's wife and their three children, Stephen, Patricia and Roberta, reside in Phoenix, Arizona. His brother and three sisters, as his parents, are residents of the Buffalo area.

I would also like to insert an article which was sent to me by a friend, Mrs. Susan Czajkowski. The article, which appeared in the Army Times of May 22, states that an ad prepared by eight POW's was not published because it was considered inappropriate. I was deeply disturbed by this. We must not allow the spirit of détente to overshadow the tremendous sacrifice made by these men and their families for the cause of freedom.

The article is as follows:

[From Army Times, May 22, 1974]

DÉTENTE KILLS MAGAZINE AD FOR EIGHT POW'S

(By Ruth Chandler)

WASHINGTON.—Eight returned prisoners of war attempted to take out a full-page advertisement in a special Russian commerce section scheduled for the May 18 issue of *Business Week* magazine but were turned down.

A spokesman for the magazine told *Army Times* that the ad was refused because the purpose of the section is to promote goodwill and trade between the U.S. and Russia. He said with the apparent detente between the two countries it seemed an "appropriate" time to publish such a section but "inappropriate" to run the POW ad. "We would be glad to run it in another issue," he said. Both U.S. and Russian firms bought ads in the section and supplied some of the text.

The Southern California MIA/POW Coordinating Council assisted in drawing up the ad which read:

"You are in a position that can be very important to the over 1200 MIA/POWs in Southeast Asia. It has been over one year since Hanoi has returned a POW or accounted for a missing man. Russia's working relationship with Hanoi can be very instrumental in getting all our POWs returned and a satisfactory accounting of our men.

"Russia aided Hanoi militarily, now we ask for their humanitarian aid.

"Will you use your communitative link to help?"

It was signed by eight former prisoners, none of them Army men.

PRESIDENT'S DELAY EQUALS OBSTRUCTION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Ms. ABZUG. Mr. Speaker, many times in the past I have spoken on the floor of the House of Representatives to voice my deep concerns regarding the dishonesty and corruptness in our government. By his defiance of a legitimate inquiry by Congress, the President has shown his contempt for this country, our citizens, and our values. Once again, I find it imperative to speak out for my constituents.

Since January 1974, I have heard personally from more than 13,000 Americans calling for impeachment. The mail is still coming in. Today I sent off a stack of impeachment petitions from voters of this country to Chairman PETER W. RODINO, JR. of the House Ju-

diciary Committee urging him to move expeditiously on this important matter.

The New York Post recently printed a commentary by Pete Hamill which I would like to direct to the attention of my colleagues. Mr. Hamill again clearly enumerates many of the issues I have brought before this body.

The article follows:

[From the New York Post, June 24, 1974]

TREASON, ETC.

(By Pete Hamill)

The Nixon Gang is on the offensive again, and it is a sad fact of our political life that not a single politician has had the courage to stand up to them. A couple of Nixon's valets, Ken Clawson and Pat Buchanan, have been trying to get the focus of attention off Nixon and his various alleged felonies, and try to shift the blame to the press, or some obscure lawyer on the Judiciary Committee. And our great leaders, Jim Buckley and Jacob Javits, are silent.

But Javits and Buckley could do a service to us, and the rest of this country, if they stood up and made clear what the issues are here. The Judiciary Committee is investigating Richard Nixon. He is accused of various crimes, and he has the hard evidence in his office. Nixon has simply defied Congress and refused to turn over that evidence. In itself, that seems to be a clear obstruction of justice.

Through his lawyer, James St. Clair, Nixon has done everything in his power to hamper, delay, confuse, and defy a legitimate inquiry by Congress, which is to say, a legitimate inquiry by the American people. His contempt for the law is contempt for the people of this country.

In addition, Barry Goldwater has demanded that the leaks be investigated, as if the leaks were the problem, and not the crimes committed in the Nixon White House. Goldwater called Daniel Ellsberg a traitor last week, and not one person in Congress rose to his defense, to point out to Goldwater that Ellsberg slipped secret information to the American people, and if that be treason, then we had better make the most of it.

Goldwater is one of those conservatives who is periodically canonized by the liberal establishment in Washington. He's "a good guy," a "decent" man, but get it straight: Goldwater supports Nixon, is willing to serve as his hatchetman, and represents the most adamant country club conservatism in this country.

Clawson and Buchanan, and the rest of that ugly little band down there, also are delighted about Henry Kissinger's confrontation with Congress over the wiretaps. Kissinger successfully blackmailed the Senate into a vote of endorsement, even before anyone had the evidence in hand, for the simple reason—which neither Clawson nor Buchanan will mention—that among the collection of people who work for The Unindicted Co-Conspirator, Kissinger actually looks moral.

But neither Javits nor Buckley nor Edward Kennedy nor anyone else has yet pointed out that the heart of the Kissinger matter is not whether he ordered, initiated or acquiesced in the wiretapping of 13 of his own people and four reporters. The real issue here is why those wiretaps were placed at all. The reason was that William Beecher of the New York Times wrote a story on May 9, 1969, reporting that the United States was bombing Cambodia, apparently with the acquiescence of the Cambodian government.

Kissinger and Nixon were furious. Not because the American people would find out. From March, 1969, to April, 1970, American airplanes flew 3,200 B-52 raids into Cambodia. They did not tell Congress, because they had no legal authorization to make those raids. So they created a massive cover-up, of which Kissinger and Nixon were among the principal architects, that involved a double bookkeeping system. That cover-up was so successful that Nixon was able to go on TV in April, 1970, and tell the American people that we had to invade Cambodia to get to the "inviolate" Communist sanctuaries.

Now that speech was an obsolute lie. Nixon knew it. Kissinger knew it. And of course, the Cambodians and North Vietnamese knew it, because they were being bombed. Among the principals, the only people who did not know it were the American people. Through all the period of the bombing and up to the invasion of Cambodia, we were at peace with that country. It was neutral. And yet we were bombing it, with the authorization of Nixon and Kissinger. No wonder they were furious and ordered the wiretaps. They had been caught committing a crime.

The other day, Clawson held another one of his "briefings" in which he complained about the leaks from the Judiciary Committee as "a purposeful effort to bring down the President with smoke-filled room operations by a clique of Nixon-hating politicians."

Clawson, who was once a reporter, must think Americans are absolute fools. How can he talk about smoke-filled rooms when even Nixon's bowdlerized version of the tapes exposes the Nixon White House as a nest of scheming, perjuring, manipulating men, devoid of honor, incapable of considering the good of the people or the integrity of the Presidency?

If he wants to stop the leaks, Clawson should tell his boss to turn over the evidence that the investigators have asked for. The proceedings would then come to a rapid close. But Clawson is a valet. He won't so advise his master. And while he is grabbing TV and newspaper, Buckley, Javits and the rest are silent. There may be more disgusting people in the country than politicians, but I don't know where they.

THE WAGES OF ENVIRONMENTALISM

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. LANDGREBE. Mr. Speaker, I wish to call the attention of my colleagues to an article that appeared in the June 13 New York Times, entitled, "Acid in Rain Found Up Sharply in East; Smoke Curb Cited." For years now the environmentalists have been screaming about all sorts of pollution and its effects on "the delicate balance of nature." They have urged everyone to be aware of the secondary effects of any human action. Unfortunately they have rarely, if ever, told us about the secondary effects of environmentalism. The article which follows tells of one of these effects. As time passes we will begin to see exactly how detrimental environmentalism can be. With the banning of DDT, which never hurt anything except a fly, we have seen the destruction of forests, the resurgence of disease, and the deaths of thousands of human beings. Now, the smokestack particle removers, and the increasing use of very tall smokestacks—some are nearly a quarter of a mile tall—that disperse pollutants over very large areas—have transformed local soot problems into a regional acid rain problem.

I fear that we have not seen the last of the secondary effects of the laws which Congress has been passing against pollution:

ACID IN RAIN FOUND UP SHARPLY IN EAST; SMOKE CURB CITED

(By Boyce Rensberger)

In the last two decades, rain falling on the eastern United States and Europe has increased in acidity to 100 to 1,000 times normal levels, two ecologists have found. They said that the change had come about despite the increased use of air pollution controls and, in large part, because of some methods now used to clean smokestack emissions.

The scientists said that the acid rain may be stunting the growth of forests and farm crops and accelerating corrosion damage to man-made structures.

Under normal circumstances, pure rainwater is only slightly acidic due to its reactions with carbon dioxide in the atmopshere. The acidity may be likened to that of a potato. In recent years, however, the average acidity of rainwater has increased to about that of a tomato. In occasional extreme cases, rains have been found to be as acidic as pure lemon juice.

The researchers said that much of the increased acidity could be traced to a rising use of anti pollution devices that make many smokestacks appear to be no longer emitting smoke. The devices, which remove only visible particles of solid matter and not gases, still permit the escape of sulphur dioxide and various oxides of nitrogen that are readily converted to sulphuric acid and nitric acid in the air.

Before the devices were used, the solid particles, which are capable of neutralizing acids, entered the atmopshere and largely balanced out acids derived from the gasses. Now they can no longer do so.

The study was made by Dr. Gene E. Likens, an aquatic ecologist at Cornell University, and Dr. F. Herbert Bormann, a forest ecologist at Yale University. They reported their findings in the June 14 issue of Science magazine.

PROBLEM "TRANSFORMED"

The smokestack particle removers, and the increasing use of very tall smokestacks—some are nearly a quarter of a mile tall—that disperse pollutants over very large areas, the two scientists said, "have transformed local soot problems into a regional acid rain problem."

In a telephone interview Dr. Likens said that the acid rain problem illustrated the potential hazards in a piecemeal approach to solving air pollution problems. As yet, there is no widely accepted, reliable technology for removing sulphur dioxide from smoke although at least one pilot project testing a promising method is reported to be under way.

The most widely used method for lowering the output of sulphur dioxide, which is the chief contributor to acid in rain, has been to switch to fuels that contain less sulphur to begin with. This method led to a decline of about 50 per cent in sulphur dioxide emissions in major cities in the nineteen-sixties.

A 45-PERCENT INCREASE FOUND

However, according to a report by Dr. John F. Finklea, director of the National Environmental Research Center, this improvement has been more than offset by rapidly growing industrialization of regions away from major cities that are burning sulphur-bearing fuels. The next change nationwide, Dr. Finklea found, has been a 45 per cent increase in sulphur dioxide emissions.

Dr. Likens said that while the ecological effects of acid rain are not well known, there are preliminary indications of a reduction in forest growth, which has been noted independently in northern New England and in Sweden.

Laboratory experiments in which acids equivalent to today's average rain were sprayed on growing trees found that pine needles grew to only half normal length. Birch leaves developed dead spots and grew in distorted shapes. Studies on tomatoes misted with the acid water found decreased pollen germination and lowered quality and production of tomatoes.

A number of lakes in Canada, Sweden and the United States have become increasingly acidic in recent years, and some have experienced serious fish kills associated with the acid levels, Dr. Likens said.

Although the ecologists did not try to estimate the corrosive effect of acid rain on bridges, buildings, outdoor statutes and the like, they said that the nature of acids suggested that serious damage was being done.

Because of the chemical nature of acids, (all of which contain hydrogen ions) thev tend to combine readily with atoms of other substances, forcing those atoms in effect, to switch their chemical bond from the original site to the hydrogen ion of the acid.

Thus, for example, the atoms of calcium, which form essential components of a limestone building will lose their bonds to each other and attach themselves to the acid washing down the side of a building.

DANGEROUS NATURE OF FIREWORKS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. DERWINSKI. Mr. Speaker, as we approach the Fourth of July weekend, I believe that proper emphasis must be placed on the dangerous nature of fireworks in the hands of individuals.

While I recognize the traditional use of fireworks on the Fourth of July, I still believe that they should be limited to official programs under the administration of mature and experienced personnel. I also believe it is in the public interest to warn against the danger of using fireworks and those accidents that occur every year which can cause loss of limb, blind, or kill individuals.

These points are very properly presented in an editorial in the June 26 edition of the West Proviso Herald serving West Cook County, Ill.:

FIREWORKS—JUST DON'T USE THEM

Fireworks, for the most part, originated as patriotic salutes to the independence of the United States. Traditionally, most community Fourth of July programs end with lavish aerial and ground fireworks displays to the delight of young and old alike.

But fireworks in the hands of citizens are dangerous. Depending on their size and the degree of carelessness of their use, fireworks can kill, blind, burn or blow off a foot, hand or finger.

The sale to consumers of larger types of fireworks, such as cherry bombs and M-80s, is prohibited by federal law. Illinois law prohibits the sale and use of smaller fireworks such as firecrackers, salutes, skyrockets and rockets, roman candles, chasers, torpedoes, devils-on-the walk, any devices designed to create an element of surprise to the user, and sparklers more than 10 inches long or ¼ inch in diameter.

Some communities ban other types of fireworks. For instance, the Franklin Park police consider smoke bombs and snakes to be illegal.

Unfortunately, many states, including some in the Midwest, allow fireworks banned in Illinois. These dangerous articles find their way illegally into this state, along with those manufactured or imported in violation of federal law.

The Illinois Legislative Investigation Commission last week cited alleged fireworks bootleggers in the Chicago area and the state. Hopefully, a statewide crackdown on bootleggers will be followed by enforcement of stronger federal laws to control fireworks.

In the meantime, the Illinois House is considering a bill to better define what fireworks are safe and which are not. Even though superior to the laws of many states, the Illinois fireworks stautes are still considered too loose. If passed, the law will become effective Jan. 1, 1975.

But for this Fourth of July, you can help by avoiding the use of fireworks yourself and reporting to the police persons you see using them or illegally distributing them. Fireworks can be dangerous to bystanders and the noise of explosions can be annoying especially when it comes as a surprise.

There is no logical reason for the use of any fireworks by citizens, considering the fun and excitment to be had at the sanctioned community displays.

Limit your patriotic salute to these programs and make the Fourth of July a safe and enjoyable holiday for you and your neighbors.

RUGGED INDIVIDUALISM

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. MILFORD. Mr. Speaker, time after time on the floor of this House we hear pleas and demands for higher social security payments, higher Government retirement pay, earlier retirement dates, and more Government support.

Now, please let no one misunderstand, I am not against assistance to the elderly or to the needy. However, I am against Government welfare supplied to those who are capable of helping themselves.

Furthermore, I have a tremendous admiration for those individuals who could legally take Government doles—yet, who have the strength and fortitude to continue to be productive citizens in our society. These hearty citizens refuse the "rocking chair death," in favor of personal independence from "Mother Government."

This Nation became the greatest in the world because of rugged individualists. Our country remains strong because of rugged individuals. It will die when this individualism is no longer prevalent.

With the foregoing in mind, I would like to bring to the attention of all Members of the House and Senate the outstanding character of Etta Lee Powe.

A front page article in the July 1, 1974, issue of the Dallas Morning News, written by Marylu Schwartz, details the strength of this rugged individual that resides in my district. I shall submit this article for inclusion in the RECORD.

Dallas is proud of Miss Powe. She and other great individuals made, and continue to make, our city distinctive.

She spent much of her life teaching formally. For those who would learn, she is still teaching. In a maximum fashion, Miss Powe is demonstrating life's greatest lesson—independence.

The article follows:

[From the Dallas Morning News, July 1, 1974]

THIS WOMAN HAD RATHER BE POOR "IN OWN WAY"

(By Maryln Schwartz)

Etta Lee Powe says she prefers poverty to giving up her privacy.

At the age of 80-plus (telling her age is another form of privacy she won't give up), she earns money by telling fortunes for tips at the Longhorn Ballroom.

"People keep telling me I could stop work and get money from the government and relax," she says. "I can get $146 a month and that's not enough to relax. And if you take that, they keep coming round bothering you, making sure you're not living off more than that $146. It's not worth it. I'd rather be poor in my own way."

Miss Powe says she's had that kind of a philosophy all her life.

She retired in 1948 after 32 years of teaching school because there weren't going to be any more one-room schoolhouses.

"I started teaching in Louisiana back in 1916. I kind of got used to one-room schoolhouses. After 32 years, I couldn't teach any other way. I like to be my own boss then and I still like that now."

But she notes inflation is beginning to get in her way.

She's been living in the same five-room house for the past 30 years.

"But it needed some attention and it was too big for me. I wanted it repaired and made apartment size. That's when I looked at the price of new lumber. I was shocked."

She told the carpenters her old lumber was still good and to tear down all but one room of the house and rebuild it with the old lumber.

"They did that and I'm living in this one room now while the rest is torn down and being rebuilt. I put up a temporary mailbox out front and I'll just make do."

She explains she doesn't have kitchen facilities and there is one small heater for the winter.

"But I'm going to make it on my own as long as I can."

Some of her ex-students keep turning up to see if they can help.

"There is one who comes around wanting to drive me to work. But I won't let him. He's got too much he needs to do for his own people."

Another just told a neighbor, "I want to find her and show her what kind of a man she helped me to become."

The future she says she just isn't going to worry about.

"I've always managed and I guess I'm just going to have to continue to manage."

DÉTENTE FOR PEACE: A LITTLE PIECE HERE AND A LITTLE PIECE THERE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. RARICK. Mr. Speaker, day by day we are being filled in on the cost of détente.

During the President's visit to the Middle East he announced that we are giving both Egypt and Israel atomic powerplants. Then, while flying over Egypt, he gave the $2 million helicopter and the proposed residence for the U.S.

Ambassador, valued at over one-half million dollars, to President Sadat of Egypt. Then we received the State Department news that Mr. Nixon has agreed to give two nuclear reactors to Iran.

Next, as we view our President "détenteing" in Moscow, Russian-made tractors—Belarus M–520 model—start arriving in the United States through the port of New Orleans—but not as gifts. Next we hear of approval of a Senate Foreign Relations staff member to go to Havana for "Caribbean détente." At this time it is not certain what we will give Castro.

As if this is not enough, this morning the President announced that $1.5 billion in military and equipment and supplies to Israel last December would be considered as an outright gift.

By now we all understand the true meaning of "détente for peace." It is giving the foreigners a little piece of America here and a little piece of America there.

Related newspaper clippings follow:

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

HIDDEN COSTS OF MIDEAST TRIP

(By Oswald Johnston)

The Nixon administration's budding new friendship with Egypt is turning out to have hidden costs which have not been acknowledged publicly.

During the President's visit to Egypt last week, where a tumultuous public reception gave Nixon a welcome reprieve from his political troubles at home, one of the heavyweight White House helicopters, costing about $2 million to replace, was turned over to President Anwar Sadat. The donation was not disclosed to the White House press corps that accompanied the Nixon entourage on the trip.

During Secretary of State Henry A. Kissinger's Middle East peace mission last month, the administration quietly agreed to turn over to the Egyptian government a block-sized estate bordering the Nile which had been planned as a new Cairo residence for the U.S. ambassador.

The property, said to have been desired personally by Sadat who lives nearby, is to be exchanged for another property elsewhere in Cairo, which apparently has not yet been chosen.

The Nile estate was purchased for $477,221 in 1966, according to State Department records. It was never occupied, because the United States and Egypt broke relations after the six-day war before the ornate 19th-century building could be refurbished.

In recent years, property along Shari al-Giza, where the estate is located, has increased in value with the construction of a new Sheraton Hotel and a new Soviet embassy nearby.

The property deal has so far been kept secret even within the State Department, whose Office of Foreign Buildings has not yet been instructed to reappraise the estate at its current value. Kissinger reportedly gave a brief account of the transaction during a closed-door briefing of the House Foreign Affairs Committee earlier this month.

The helicopter transaction is apparently an outright personal gift to Sadat, according to Egyptian official sources who leaked the news in Cairo last weekend.

White House officials failed yesterday to return telephone queries about the gift, but the main facts can be reconstructed from other sources.

At least two of the heavy twin-turbine Sikorsky VH3D executive helicopters, which the President has for personal use, were transported to the Middle East along with several White House limousines and other trappings of presidential grandeur.

The helicopters were originally designed as antisubmarine aircraft for the Navy, and they are capable of carrying 30 infantrymen fully equipped or 15 stretchers. Eight to 10 of the aircraft have been reconstructed for White House use, with sound-proofed, carpeted interiors, easy chairs and sofas. A Sikorsky spokesman estimated yesterday that such a helicopter would now cost at least $2 million.

Nixon invited Sadat aboard one of the VH3Ds last week on a flight from Alexandria—the secne of an especially tumultuous welcome—to the great pyramids southwest of Cairo, the same day that the U.S. commitment to offer Egypt nuclear fuels and technology was announced.

According to reporters present on the trip, a presidential helicopter was not again used for the rest of the tour that continued to Saudi Arabia, Syria, Israel and Jordan.

Meanwhile, a four-man team from Egypt's automatic energy commission was to arrive here today to discuss nuclear fuel for the reactor which President Nixon promised Cairo.

State Department spokesman Robert Anderson said the contracts for the fuel—enriched uranium—should be signed by June 30 in order to prevent a long delay in supply.

However, the fuel contract, as well as the exporting of the reactor to Egypt, are contingent upon the negotiation of a bilateral control agreement with safeguards assuring that the reactors output will be used only for peaceful purposes.

The control agreement must be sent to the joint congressional atomic committee and remain there for 30 days without objection before it becomes effective.

An Israeli delegation is expected to follow the Egyptians soon to discuss details of a pledge by Nixon to provide that country, too, with nuclear fuel and a reactor for electric power generation.

[From the Washington Post, June 29, 1974]

STATE REPORTS IRAN TO GET TWO REACTORS

The State Department said yesterday the United States has agreed to supply two nuclear reactors to Iran.

A department spokesman, Robert Anderson, said. "We expect that contracts for fuel for the reactors will be signed in Tehran very soon."

He stressed that the contract was a provisional one and would not go into effect until Iran signed an agreement providing for strict safeguards upon which the United States insisted.

The announcement follows President Nixon's Mideast trip, during which he agreed to supply nuclear reactors to Egypt and Israel, subject to safeguards that the plutonium that the reactors produce is not used for making nuclear weapons.

Dixy Lee Ray had been discussing cooperation in this area with Iran since mid-May, when she visited Tehran.

"The decision to sell fuel to Iran is just a natural part of our long relationship with Iran," Anderson said.

Anderson said the United States accepted Iran's denial this week that it has any intention of developing nuclear weapons, pointing out that Iran had signed the 1968 Nuclear Nonproliferation Treaty.

"We have no doubt that Iran does not intend to develop nuclear weapons," Anderson said.

[From the Washington Post, July 1, 1974]

NIXON WAIVES $500 MILLION ISRAEL DEBT

Acting under authority from Congress, President Nixon Saturday waived repayment of $500 million in credits to Israel for replacement of equipment and supplies expended in the Arab-Israeli war last October, the White House announced.

The White House said Mr. Nixon acted on the waiver Saturday evening in Yalta, where he is holding summit talks with Soviet leaders.

The action completed allocation of $2.2 billion in emergency aid to Israel voted last December by Congress, and was taken only hours before the Saturday midnight expiration of the President's authority to change the credits to a grant.

Congress stipulated that at his discretion, the President could provide up to $1.5 billion of the aid in the form of a grant with the $200 million remainder to be credits.

In April, Mr. Nixon made an initial determination to provide $1 billion as a grant and $1.2 billion as credits.

Saturday's action raised the grant total to the full $1.5 billion permitted by Congress, and Israel will have to repay $700 million of the aid package instead of $1.2 billion.

[From the Morning Advocate June 22, 1974]

RUSSIAN TRACTORS ARRIVE AT NEW ORLEANS PORT

(By Bill Crider)

NEW ORLEANS.—More Russian-made tractors arrived in port Friday for a Russian sales drive in which dealers are betting that customer reactions hinge on cash not communism.

Tractors from the citadel of communism were being offered for sale—at a saintly price—in politically conservative areas where most farmers equate communism with evil.

"When it's a matter of money, I find that politics don't seem to make much difference," said A. E. Holladay, a salesman for a Bessemer, Ala., tractor dealer.

Satra Belarus, Inc., the importer, set prices some 20 per cent under comparable American makes, began seeking dealers, and thus far has four—in Bessemer, Picayune, Miss., Poplarville, Miss., and Bowling Green, Ky.

Sales figures were not revealed.

Laryr Torres, New Orleans sales manager, said it was too early to assess sales due to the number of purchases hanging fire for credit checks or similar routine.

A bid for a slice of the U.S. tractor market was a USSR decision made after President Nixon's moved to improve relations with the Soviet Union by opening up trade.

Opportunity was open. American tractor manufacturers can't supply U.S. demand. So Russia began shipping Belarus tractors made in Minsk to Leningrad, and thence to New Orleans.

Torres said the first shipment of 72 tractors arrived last month and were being spread around to dealers. Twenty-two came in Friday with another shipment due Monday.

A Mississippi debut for Russian tractors was held Thursday. A demonstration day was staged near Poplarville on land once owned by the late Sen. Theodore Biblo, a fiery racist and anticommunist.

"It probably gave him a spin," said Mel Bailey of New Orleans, Satra Belarus national sales manager.

Nine fire-red tractors, trucked in for the day-long show, were hitched to discs and harrows, cultivators and mowers and put through their paces for farmers who came to look them over.

"When I was down in Costa Rica I saw these tractors selling at about the same as American tractors, but here they have cut the price way down," said T. J. McBride, the Bessemer dealer.

"I couldn't have handled Russian tractors a few years ago," he added. "We thought there might be a backlash now, but so far we haven't heard the first whisper."

[From the Washington Star-News, June 24, 1974]

RUSSIAN TRACTORS REACH MISSISSIPPI

POPLARVILLE, Miss.—Tractors made in Russia are up for sale in places where most farmers equate communism with the Devil. But the hangups have been fewer than expected.

"I thought there might be a backlash, but so far we haven't heard the first whisper," said T. J. McBride, a tractor dealer from Bessemer, Ala.

McBride's showroom in Bessemer, near Birmingham, recently added Belarus tractors, made in Minsk and shipped from Leningrad to New Orleans, La. The first load arrived last month.

He was here to attend an all-day demonstration of the tractors from the Soviet Union.

It was held of all places, on a farm once owned by the late Sen. Theodore Bilbo—a fiery racist who never had much use for Communists, either.

"It probably gave him a spin," said Mel Bailey of New Orleans, national sales manager for Satra Belarus Inc., importer of the tractors.

The American sales program is still in the stage of attracting dealers, but at least one farmer has already purchased one of the Soviet-made tractors.

Bailey has signed on dealerships at Bessemer; Picayune, Miss.; Bowling Green, Ky., and Poplarville, Miss.

Nine fire red tractors, trucked in by Bailey and hitched to discs and harrows and cultivators and mowers, were put through their dusty paces during the demonstration.

"They're built rugged," said Clay Allen, who has a 320-acre farm near here. "An American tractor like this one would cost you about $7,000; their price is $5,600.

"And when you buy an American tractor, you go on a six-month waiting list. I bought one last year."

Argie Stewart, a tractor dealer at Poplarville said that when a farmer say his new Belarus models and vowed to Never Buy Red, his counter-argument was simple.

"I just asked how much German or Japanese stuff he owned," said Stewart. "Then after a while he remembered that we fought Germany and Japan in World War II, but the Russians were our allies."

Stewart added Russian tractors to his line because he can't operate without tractors to sell. He also offers Japanese and British makes.

American manufacturers, due to various shortages and demands, have been unable to meet dealer requirements, he said.

"I am also an International Harvester dealer, and last month I got just one tractor from them," said Stewart. "Now selling one tractor ain't about to cover my overhead."

[From the Washington Post, June 29, 1974]

SENATE AIDE OFF ON CUBA MISSION

(By Spencer Rich)

In what could herald the first tentative gropings of a congressional drive for improved relations with Cuba, Senate Foreign Relations Committee staff director Pat M. Holt took off for Cuba yesterday for a 10-day study mission and meetings with top Cuban officials, it was learned from State Department sources.

Holt, 54, is the first high-level U.S. official to visit Cuba in more than a decade. It has taken eight years of pressure from Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.) to get the State Department to validate Holt's passport for travel to Cuba.

Secretary of State Henry A. Kissinger, informing Fulbright last December that he had decided to approve the visit, made it clear that U.S. policy is still to "discourage travel to Cuba" and that Holt "in no way represents the executive branch." But he said he was bowing to Fulbright's strong wishes.

Holt's precedent-shattering visit (the U.S. broke off relations with the regime of Fidel Castro on Jan. 3, 1961) was initiated by the Foreign Relations Committee, not by the administration. It is described as "purely fact-finding." Akin to other visits he has made as a Latin American specialist for the committee over much of the past 24 years.

However, it clearly could have larger consequences in opening up a dialogue and in allowing the Senate committee to get much closer look at the Castro regime and the possibilities for "caribbean detente."

Holt, who took over as staff director of Foreign Relations early this year when Carl Marcy retired, was a key adviser to Fulbright during the 1962 Cuban missile crisis, when the senator was a leading voice of moderation. Holt was also one of the handful of insiders advising Fulbright during the 1965 U.S. intervention in the Dominican Republic, when Fulbright publicly denounced U.S. policy and broke with president Johnson, one of his oldest and closest friends.

[From the Washington Star-News, June 1974]

U.S. BANKS PLAY FOR BIG STAKES IN SOVIET UNION

Moscow.—Three leading United States banks have offices in Moscow, but Chase Manhattan can't cash your check, the Bank of America can't accept your deposit and Citibank can't help with your second mortgage.

They are not in the Soviet Union to promote Christmas Club accounts. They are after the big money that oils the wheels of U.S.-Soviet trade, the nine-digit credits that allow Russia to buy goods and technology made in U.S.A.

These bankers are betting on a ground-floor advantage from steadily growing commerce between the United States and the Soviet Union.

Alfred Wentworth, the 54-year-old Chase senior vice president, was the first to set up shop.

With bank Chairman David Rockefeller, Wentworth presided over the bank's formal opening May 21, 1973.

For Wentworth, Chase's objectives are threefold; To "develop a loan portfolio," help Chase's customers who want to do business with the Russians and to help the Soviets promote their exports.

Before opening the Moscow office, Chase loaned the Soviets $86.45 million to finance purchases of U.S. equipment for the Kama River truck foundry.

The loan stirred something of a controversy in the U.S. business community because of the terms involved. Some businessmen said it looked like Chase was trying to buy favorable treatment from the Russians.

Wentworth won't disclose the exact interest rate, but sources in a position to know say it was loaned at a fixed rate of 7 percent over a 10-year period. All of the $86.45 million was Chase's.

The prime lending rate in the United States—the rate banks charge their biggest and best customers and each other—has since leaped to more than 11 percent. And because this is what Chase now has to pay for money, some U.S. businessmen wonder whether Chase will be able to break even on the loan.

"It was a rate that was satisfactory at the time," Wentworth says. After a pause, he affirms, "The loan is still satisfactory to us at this time."

A second Kama foundry loan of $67.5 million followed, with Chase acting as a broker, organizing a five-bank consortium and taking a fee. No Chase money was loaned, and Chase recently completed a $36 million credit to finance an international trade center in Moscow. Wentworth said Chase "will be participating" in the trade center loan, the terms of which were not made public.

"Chase will continue arranging loans," Wentworth said. But Chase, like all other U.S. banks, has to operate under the legal lending limit statute which specifies that the indebtedness of no one customer can exceed 10 percent of a bank's total shareholders' equities, less reserves. The comptroller of the currency has ruled that the Soviet Union is a single customer.

The bank makes its money from the "spread," a percentage on top of the prime rate, plus a commitment fee, usually a half-percent, paid on that part of the loan which hasn't been drawn by the borrower.

Yankovich says U.S. banks can make money lending to the U.S.S.R., "but it's got to be the right project at the right price."

Victor Brunst, 34, the only one of the three directors whose Russian is fluent, represents First National City Bank of New York.

Brunst says Citibank's role "is basically to help the customer who is dealing with the Soviet trading organizations and banks.

INFLATION AND EXPECTATIONS EXPLOSION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. MICHEL. Mr. Speaker, I want to bring to the attention of my colleagues an article appearing in this week's edition of the National Observer. In reading this article, I am reminded of the two-fold definition of inflation from Webster's dictionary: First, the state of being distended with air or gas, or filled with pomposity. That could very well apply to some of the politically expedient statements we have been hearing lately, from the other body, especially, espousing a tax cut as a cure for inflation.

For those of us who prefer the second, and more meaningful definition of inflation—an increase in the volume of money and credit relative to the supply of goods, resulting in a substantial and continuing rise in the general price level—it is indeed discouraging when we are suddenly short of just about everything from toilet paper to day-old bread, to read of so many of my colleagues advocating tax cuts as the best way to bail the consumer out of his wallet dilemma.

The article follows:

[From the National Observer, July 6, 1974]

INFLATION AND AN EXPECTATIONS EXPLOSION

(By Irving Kristol)

(NOTE.—Irving Kristol is Henry Luce professor of urban values at New York University and coeditor of the quarterly The Public Interest. This article is excerpted from The Wall Street Journal. It is the third in The Observer's series of views on the controversial subject of inflation. Another will appear soon.)

Just about every thoughtful observer is agreed—indeed, has always agreed—that inflation is essentially a political phenomenon, created by the fiscal irresponsibility of government. Economic circumstances can

raise the prices of some commodities (e.g., oil or domestic help), and a major crisis (e.g., war) can temporarily raise the prices of all commodities. But a general, enduring, and accelerating rise in the price level will only come about when government itself spends—or permits its citizens to spend—more money than there are resources available for purchase at stable prices.

All this is true enough, but as stated it is somewhat misleading because oversimplified. It encourages us to regard "politics" as a world apart, "politicians" as a breed apart, and allows us to blame *it* and *them* for our problems. This has its convenience, and might even be relatively true for predemocratic or nondemocratic societies.

But in a democratic society such as ours, politics is not really a world apart, nor are politicians really much different from the rest of us. . . . Politicians differ from us merely in that they have more power.

HOW THINGS OUGHT TO BE

The uses to which that money and power are put, however, are determined in a democracy by our common culture—by those beliefs about how things are, and those expectations as to how things ought to be, which we jointly share.

It is this culture, as it finds articulate expression in what they call "public opinion," but also as it finds tacit expression in the habits of everyday life, that ultimately governs in a democracy. And if inflation becomes an organic disorder of democracy, it can only be because it has deep cultural roots both in our way of life and our way of thinking about life.

This, I think, is what Albert T. Sommers, the immensely shrewd chief economist of the National Industrial Conference Board, had in mind when he recently asserted that the explanation for our inflationary condition lay in a "profound historical shift in social conditions and value systems of democratic capitalism."

In the democratic countries, he went on to say, modern economic systems "are living in an explosion of expectations that carry the demands for output far beyond their finite resources. The failure of our political system to contain the growth of social demands within limits tolerable to the free market is the essential first cause of inflation in this society."

WHO INCITED THIS "EXPLOSION"?

Quite right. Only, who incited this "explosion of expectations," and who transformed the "value systems of democratic capitalism" so as to make this explosion so difficult to contain? Well, oddly enough it is our economists themselves who have to shoulder some of the responsibility.

True, it is mainly economists who today are most alarmed by inflation and are most vociferous in demanding that something be done about it. Nevertheless, ever since the end of World War II, economists have been as busy as anyone else in fueling that "revolution of rising expectations" which, *when divorced from the spirit of moderation*, gives birth to the inflationary state and its various disorders.

I have italicized that phrase—"when divorced from the spirit of moderation"—because it is so crucial. Capitalism itself emerges historically from dissatisfaction with the stationary society, and is intrinsically allied with *some kind* of revolution of rising expectations. It was such a revolution that brought capitalism into existence, and it is the satisfaction of increased expectations that has legitimated its existence until this day.

But this was, from the outset, a moderate revolution that sought to satisfy moderate expectations. And what, above all, imposed a spirit of moderation on this continuing revolution was the science of economics—the "dismal science" as it came to be called, precisely because it set itself so firmly against the utopian extremism which all revolutions stir up, and because it kept insisting that there are no benefits without costs, that reality is so structured as to make hard choices inevitable, that a "free" lunch is pie in the sky.

Up until the New Deal, politicians functioned within a climate of opinion shaped by "the dismal science." They didn't understand economics any better than they do today. But they were much more respectful of reality—and of the limits which reality inevitably imposes on our desires—than they are today.

Economics ceased being a "dismal science" with the rise of Keynesian theories during the Great Depression. But Keynes was no utopian, and his economics was originally conceived very much in a spirit of moderation. What Keynes said was that massive depressions were unnecessary and could be avoided by fairly simple Government action which would help restore economic equilibrium. He anticipated that, once this was achieved, the capitalist system would resume its long-term rate of growth.

That rate was, by our present standards, modest to the point of timidity in the United States; it meant an average annual increase in the Gross National Product of perhaps 2.5 per cent. Paltry though that statistic seems to us today, it meant a doubling of national income every thirty years or so—an achievement no previous economic system could even have imagined.

After World War II, the moderate optimism created by the Keynesian confidence that great depressions could be avoided became an immoderate and extravagant optimism. "Economic growth" replaced "economic stability" as the focus of attention, and economists began to assure us that growth rates of 5 per cent or even 8 per cent were possible, if only we did the right things—which, as it happens, turned out to be the inflationary things.

These assurances seemed all the more plausible at the time because some nations—notably the Soviet Union and West Germany—were indeed achieving such impressive rates of growth. There was even a great deal of chatter in respectable academic circles that, unless the United States could radically improve its performance, the Soviet economy would soon surpass it—and we were warned that all the "underdeveloped" nations (they had not yet been promoted to "developing" nations) would then promptly opt for communism. Those economists and social critics who were skeptical of this scenario were peremptorily informed that their thinking was out of date.

YOU COULDN'T GO WRONG

And so our present inflationary climate was born. The stock market boomed—at those projected rates of growth, you couldn't go wrong by buying common stock. Corporations plunged head over heels into debt—at those projected rates of growth, massive indebtedness seemed positively sensible, since the return on capital would easily cover repayment and leave a tidy profit besides.

Individuals, too, began to go heavily into debt—what was wrong with prespending tomorrow's increased "guaranteed" income? And politicians began to prespend the "fiscal dividend" which the tax system, under these conditions of rapid and sustained economic growth, would pay to the Treasury.

I vividly recall a dinner meeting, eight years ago, when a Washington official brought us the glad tidings that the major political problem facing the nation was how to spend that fiscal dividend (then estimated, I think, at $6 billion a year). When someone—not an economist—dared suggest that it was all just too good to be true and that life wasn't really like that, he was silenced by an uncomprehending stare.

A VAST ECHO CHAMBER

And all of this took place in a decade when the media—television, especially—converted this nation into a vast echo chamber, in which fashionable opinions were first magnified and then "confirmed" through interminable repetition. Gradually it came to be believed that, in the immortal words of a Nineteenth Century utopian Socialist, "Nothing is impossible for a government that *wants* the good of its citizens." As a matter of fact, this proposition doesn't even sound particularly utopian today—it sounds almost banal.

The 1970s are slowly disillusioning us of all these fantasies, and it is pleasing to report that, just as the economists were the leaders of yesteryear's "revolution or rising expectations," so today they are the most eloquent in affirming the reality principle, in the traditional accents of their "dismal science."

But such reversals of established opinion do not occur overnight, and bad habits are not so easily discarded. Corporation executives still feel compelled to promise their shareholders growth rates of at least 7 per cent to 10 per cent—though, if stock prices are any indicator, no one is believing them, which is a good thing.

THE SOBER SILENT MAJORITY

Politicians, too, still feel that they are required to come up with new and glittering promises to the electorate at frequent intervals. It seems clear that the electorate, which has more common sense than economists, corporate executives, or politicians, doesn't believe them either. The media naturally call this disbelief "apathy" and "cynicism," and deplore it.

I suspect that, had it not been for the insanities of the Watergate affair, we would be much further along the sobering-up process than we now are. Mr. Nixon's overwhelming majority in 1972 can be fairly interpreted as a vote for political and economic sobriety. Mr. Nixon may be discredited, but that majority is still out there, and is still a lot more sober than the politicians realize. But politicians are always suffering from cultural lag, and we shall have to give them some time to catch up.

Meanwhile, it is to be hoped that our economists will stay "dismal" and thereby help revive the spirit of moderation which they had earlier helped to subvert.

GILMAN SEEKS PROPERTY TAX RELIEF FOR THE ELDERLY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. GILMAN. Mr. Speaker, last week I introduced H.R. 15563, legislation seeking to curb the excessive burdens which real property taxation has placed upon our senior citizens.

Before outlining the provisions of my bill, permit me to alert my colleagues to the overwhelming need for reforming existing systems of property taxation.

The plight of the senior citizen's battle with rising property taxes is clearly evidenced by the following facts: First, our

national average annual income of men over the age of 65 is $3,449, elderly women have an average income of $1,706; second, this income is generally a "fixed income," further eroded by recent jumps in the cost of living; third, the average senior citizen pays over 30 percent of his budget for housing; fourth, 70 percent of our senior citizens own their own homes; fifth, the average American homeowner pays 3.4 percent of all his income on property taxes, while the average senior citizen pays over 8 percent.

These statistics, combined with the fact that the average property tax bill has risen 40 percent since 1969, clearly demonstrate the inequity of today's property tax system.

To bring the problem more vividly into focus, permit me to read into the RECORD a portion of a letter I received from one of my older constituents which is typical of the pleas of many of our senior citizens:

DEAR CONGRESSMAN GILMAN: I am an older citizen who has been retired for 12 years. Having lived in my 71 year old house for 57 years, I have been struggling to pay the ever increasing taxes with only my Social Security and a very small pension. Now, the town assessor has again raised the value of my property and I find that I shall have to sell and move out of my home.

Mr. Speaker, the author of that letter has brought the problem of burdensome property taxation into an easily understandable focus. Increasing property taxes are forcing senior citizens from their homes in their final years when the security and comfort of familiar surroundings are most important.

Accordingly, I have proposed the "Senior Citizens Tax Relief Act of 1974," endeavoring to ease the escalating toll this tax is taking on our older Americans.

My bill encourages the States to take initiatives in property tax reform. Specifically, it provides guidelines for a "circuit breaker" to become effective when property taxes exceed a designated percentage of a senior citizen's income. For example, if the yearly income of a senior citizen is $4,000, he would be refunded for any property tax paid in excess of 4 percent of that $4,000—or any property tax payments in excess of $160.

The bill provides for a graduated percentage rate of allowable taxation which phases out entirely when the annual income of a senior citizen exceeds $14,000. Under this scale, the tax relief program focuses attention on those needy senior citizens who are shouldering a disproportionately large share of the real property taxes.

Mr. Speaker, with our senior citizens staggering under the weight of this regressive tax, the necessity of providing relief is critical. Accordingly, I invite my colleagues to join with me in proposing reform of the real property tax systems and respectfully request that the full text of my bill be included in this portion of the RECORD:

H.R. 15563

A bill to provide for a program of assisting State governments in reforming their real property tax laws to provide relief from real property taxes for individuals who have attained the age of 62

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senior Citizens Property Tax Relief Act of 1974".

TITLE I—FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress finds that—

(1) real property taxes, while an essential source of revenue to State and local governments, often place a heavy burden on individuals with low and moderate incomes and this burden is particularly heavy for elderly individuals;

(2) a Federal program designed to promote relief from the burden of real property taxes should apply to those individuals who are the most heavily burdened by such taxes;

(3) the elderly, many of whom live on fixed incomes, are most heavily burdened by real property taxes;

(4) many of the States have expressed interest in implementing property tax relief plans for the elderly.

PURPOSES

SEC. 102. The purposes of this Act are—

(1) to provide for property tax relief for the elderly upon whom real property taxes place the heaviest burdens;

(2) to encourage reform of property tax laws pertaining to individuals over the age of 62;

(3) to establish Federal guidelines for property tax reform for senior citizens for adoption by the States;

(4) to provide for the dissemination of easily understandable materials describing the State's property tax relief plan for senior citizens.

SEC. 103. As used in this Act, the term—

(1) "Office" means the Office of Property Tax Relief" established under title II;

(2) "Director" means the Director of the Office or his delegate;

(3) "State" means each of the United States and the District of Columbia.

TITLE II—THE OFFICE OF PROPERTY TAX RELIEF

ESTABLISHMENT

SEC. 201. (a) There is established within the Department of the Treasury an office to be known as the Office of Property Tax Relief (hereinafter referred to as an "Office"). The Office shall administer the real property tax relief programs established under this Act.

(b) The Office shall be headed by a Director, who shall be appointed by the Secretary of the Treasury. The Director shall be responsible for the exercise of all the functions of the Office, and shall have authority and control over all the activities and personnel of the Office.

FUNCTIONS

SEC. 202. (a) The Office shall—

(1) administer the senior citizens property tax relief programs established under this Act;

(2) act as a clearinghouse of information for State and local governments with respect to the various programs and activities of the Federal Government which may affect the administration of property taxes;

(3) provide assistance to the States in dispersing property tax relief information to elderly individuals.

ADMINISTRATIVE PROVISIONS

SEC. 203. (a) The Director shall make annual reports and recommendations to the Congress and the President, including recommendations for additional legislation, beginning on the first anniversary of the enactment of this Act.

(b) Upon request made by the Director, each agency of the Federal Government is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest extent practicable to the Office.

COMPENSATION OF DIRECTOR

SEC. 204. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof, the following:

"(98) Director, Office of Property Tax Relief.".

TITLE III—REAL PROPERTY TAX RELIEF FOR SENIOR CITIZENS

GRANTS TO THE STATES

SEC. 301. (a) The Office is authorized to pay to each State which operates a qualified program of real property tax relief for persons over the age of 62 an amount equal to one-half the cost of that program (other than administrative costs) to the State.

(b) For purposes of this section, the term "qualified program of real property tax relief" means any such program which the Director determines to meet the requirements of this title.

PROGRAM REQUIREMENTS

SEC. 302. (a) The Director shall determine that a State program of real property tax relief for the elderly meets the requirements of this title if that program provides relief to both homeowners and renters of residential property (including apartments) which meets the minimum standards set forth in subsections (b) and (c).

(b) In order to meet the minimum standards of real property tax relief for elderly individuals who own or are purchasing their principal place of residence, a State must provide by way of cash payments, tax credits, tax refunds, or otherwise, relief from real property taxes in an amount equal to the lesser of—

(1) an amount determined by the State, but not more than $500 per year; or

(2) an amount equal to the amount by which the total real property taxes the taxpayer pays on his principal place of residence for the taxable year exceeds a percentage (determined under subsection (d)) of his household income for that year.

LIMITATIONS

SEC. 303. No amount shall be paid under section 301 to any State as reimbursement for the costs of any program of real property tax relief attributable to—

(1) amount of property tax relief furnished by that State to any taxpayer whose household income exceeds $14,000 for the taxable year; or

(2) amounts of property tax relief furnished by that State to more than one member of any household.

CONDITIONS

SEC. 304. No payment shall be made under section 301 except upon application made by a State containing such information as the Director may require, and each State receiving any payment under that section shall agree to provide the Director with such additional information, reports, and assurances as he may require, consistent with the purposes of this Act.

TITLE IV—DISPERSEMENT OF INFORMATION

SEC. 401. The Office shall assist the States in providing easily understandable, informational materials describing the nature of the State adopted program for property tax relief to elderly individuals.

TITLE V—APPROPRIATIONS AND EFFECTIVE DATE

SEC. 501. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 502. Payments may be made under this Act with respect to fiscal years beginning on or after June 30, 1974.

(c) In order to meet the minimum standards of real property tax relief for individuals who rent their principal place of residence a State must provide, by way of tax credits, tax refunds, cash payments, or otherwise, relief from real property taxes in an amount equal to the lesser of—

(1) an amount determined by the State, but not more than $500 per year; or

(2) an amount equal to the amount by which a percentage of the rent the taxpayer pays during his taxable year for his principal place of residence, determined by the State but not less than 20 percent and not more than 30 percent, exceeds a percentage (determined under subsection (d)) of his household income for that year.

(d) The percentage required under subsections (b) and (c) to be determined under this subsection shall be the percentage specified in the following table:

If the household income is:	*The percentage is:*
Not more than $3,000	3 percent.
More than $3,000, but not more than $4,999	4 percent.
More than $5,000, but not more than $7,999	5 percent.
More than $8,000, but not more than $9,999	6 percent.
More than $10,000, but not more than $14,000	7 percent.

(a) For purposes of this section, the term—

(1) "household income" means the aggregate annual income of all members of the taxpayer's household (including the taxpayer). For purposes of the preceding sentence, the term "income" means—

(A) wages, salary, or other comprensation for services;

(B) any payments received as an annuity pension, retirement, or disability benefit (including veterans' compensation payments, monthly insurance payments under title II of the Social Security Act, railroad retirement annuities and pensions, and benefits under any Federal or State unemployment compensation law);

(C) prizes and awards;

(D) gifts (cash or otherwise), support and alimony payments; and

(E) rents, dividends, interests, royalties, and such other cash receipts as the Secretary may by regulation prescribe;

(2) "rent" means consideration paid under a lease, whether written or oral and regardless of duration, solely for the right to occupy a dwelling house (including an partment), exclusive of charges for (or any part of the rental fee attributable) to utilities, services, furniture, furnishings, or personal property applicances furnished by the landlord as part of the lease agreement, whether expressly set out in the rental agreement or not; and

(3) "household" means the members of a family (and anyone dwelling during the taxable year with that family) dwelling together during the taxable year in the same residence.