EXTENSIONS OF REMARKS

AN ADDRESS BEFORE THE AMERICAN LEGION OF NEW HAMPSHIRE

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Thursday, July 25, 1974

Mr. COTTON. Mr. President, at the annual statewide meeting of the American Legion of New Hampshire, the Honorable Meldrim Thomson, Jr., Governor of the State, delivered a forthright speech which I request to be printed in the Extensions of Remarks of the RECORD.

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

ADDRESS TO THE ANNUAL STATEWIDE MEETING OF THE AMERICAN LEGION IN NEW HAMPSHIRE

(By Gov. Meldrim Thomson, Jr.)

My heart swells with pride when I meet a veteran.

I find in every veteran an unconquerable force for good—one who loves God, believes in his country, and labors for the welfare of his fellow citizens; one who has bound these great virtues together with the inseparable cement of personal sacrifice in the face of national danger.

When I meet a veteran I know that he, like me, is alarmed by the darkening clouds of doubt, change, and surrender that gather today on the horizons of our nation.

I am tired of seeing God driven from our schools and public places by politicians who, like the Pharisees of old, sanctimoniously importune His aid for their selfish ends while denying His presence to the youth of the land.

I am tired of indecency and immorality that encourages perversion on tax supported institutions, filth in the written word, and laughs at promiscuity that destroys the home.

I am tired of seeing our flag, the emblem of all of our Nation's glory, sat upon, spat upon, and defiled by tiny minorities who claim their rights in the name of a free speech which they would be the first to deny to others.

I am tired of murderers, drunks, and druggies of all kinds turning our prisons into social holding areas, wrecking carnage on our highways, and being returned to the public domain before their rehabilitation.

But most of all, I am sick and tired of those judges who by their distorted sense of social reform and downright stupid decisions have tried to glorify indecency, perpetuate immorality and destroy law enforcement throughout the land.

Whatever might be their motive these thoughtless men of robes constitute the greatest internal danger to our American civilization!

I am tired, also, of politicians who believe that the only answers to our energy shortages are certification, regulation and allocation.

I am tired of rising taxes and declining public services.

I am tired of high interest rates, wild inflation and market baskets that become harder to fill with every passing week.

I am tired of seeing one great American industry after another destroyed by unchecked foreign competition.

I am weary of sending wheat to Russia, rice to China, and a countless list of American products to the four corners of the world when each and all are vitally needed here at home.

I am deeply disturbed that America is no longer first in military might among the nations of the world, that our merchant marine is decadent, and that we will let foreign vessels poke to our very shorelines as they plunder and destroy our once great fishing industry.

And above all else, I am deeply concerned with a foreign policy that seeks dollar detente with old enemies while forsaking tried and true friends.

Veterans, you did not make the world safe for democracy with World War I.

You did not improve the lot of humanity after World War II by putting your trust in a United Nations organization rifled with intrigue and stacked with the sworn enemies of your homeland.

Nor did you gain a lasting peace after Korea and Vietnam.

If all of this must be held together with bribes and gifts from the American taxpayer!

Ours is a great nation. We must preserve and improve upon that greatness.

This we can do if we will rekindle in our own breasts that indomitable spirit of '76 whose bicentennial we are about to celebrate.

It is time that we think first of America.

Inflation we can lick if we speed up the engines of productivity in our free enterprise system.

But inflation we can never lick if we continue to tinker with the bureaucratic panaceas of shortages and governmental controls.

We can have energy in abundance if we will get about the business of building refineries and nuclear plants, drill and produce oil and gas, mine coal and explore the unsolved mysteries of fusion and solar energy.

We can construct new homes and great new factories, build the world's finest merchant marine, lace America together with improved highways and byways and bring back a stable and progressive prosperity if we will grasp with renewed vigor the tools of productivity.

Yes, and we can have an age of peace if we will make America the strongest nation in all the world, for it is only through strength that we will be able to deter aggression.

The America of free enterprise, of low taxes and high prosperity, of decency and morality, of equal justice for everyone—a land of shining cities and happy homes, of fertile valleys and purple mountains can be more than a dream.

The America we all want can be a reality in our times—but only if you and I will start fighting with all of our might to achieve it.

THE REVOLUTION IN WARFARE: THE COMPUTER IMPACT

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. HUBER. Mr. Speaker, there are many reasons to question East-West trade relative to the question whether our Nation's best interests are served by such commerce. The most important of such questions, in my view, is the transfer of technology which will strengthen the Soviet economy, directly and indirectly and, of course, when you strengthen the Soviet economy you are also strengthening the Soviet military establishment. One field in which the Soviet Union has lagged behind has been in the production of and wide application of the latest computer technology. This lag has resulted in their being behind both in space and missiles to a certain extent. A recent article in Human Events of July 20, 1974, by Mr. Miles Costick, points out the further problems involved in this area and the great risks involved in any commerce in computers with the U.S.S.R. I commend this article to the attention of my colleagues:

[From Human Events, July 20, 1974]

THE REVOLUTION IN WARFARE: THE COMPUTER IMPACT

(By Miles M. Costick*)

At the outset, let me say that we are concerned lest the present détente euphoria mislead us into lowering our guard toward the Communist world. Consequently, we must recognize that a crucial element in our international relations is the maintenance of a margin of military advantage through possession of a number of sophisticated technologies.

The field of computers provides a prime example. A great many modern weapons systems depend on computers, and in the technology of their production and their application in combination with systems integration we are, by conservative estimate, about 15 years ahead of the Soviets. It is not that they cannot make computers. The fact is that they have a computer industry with substantial logic design capability and one to some extent able to supply the most critical military requirements.

What the Soviets lack is the ability to build large numbers of highly reliable sophisticated machines, to provide related equipment and follow-on support, and "naked" technology; i.e., technology as such and not that embodied in a machine.

In October 1973, Control Data Corp. announced its signing with the USSR Council of Ministers for Sciences and Technology of a 10-year agreement for technical "cooperation" in developing and manufacturing advanced computing equipment.

The Soviets said a key purpose of this agreement would be "econometric modeling and management of the Soviet economy." American sources in Moscow put the ultimate worth of the agreement at about $500 million.

Admittedly, the United States must redress its foreign trade imbalances of recent years. It is my contention, however, that such dubiously profitable ventures as this help the Soviets plan what could become our eventual destruction.

The unusual enthusiasm with which Moscow announced the signing of this computer contract was, in itself, quite revealing. It was in marked contrast to the bland, general announcement disseminated by Control Data.

Working through TASS, the official Soviet

* Mr. Costick is Special Assistant to Rep. Ben Blackburn (R.-Ga.) on foreign affairs and trade. He holds degrees in mechanical engineering from the University of Graz, an MA in international economics from the University of Zurich and an MBA in finance and business from the University of Chicago.

news agency, the Kremlin leaders volunteered the information that Control Data and Soviet tracking organizations had maintained "commercial ties . . . for over six years." The TASS announcement in English on Oct. 23, 1973, states that "the Control Data Corp. is the first American firm to have signed with the Soviet State Committee an agreement for scientific-technical cooperation for a period of 10 years.

"The agreement envisages joint work in designing most up-to-date computers, computer peripheral equipment (magnetic tapes), systems of information processes, and communication and also software (language and instructions to the computer what to do) for such systems."

Furthermore, the TASS announcement went on to reveal that . . . "talks are on the way on the sale of high-speed 'Cyber' electronic computers."

This raised eyebrows in some of Washington's more sensitive sanctums. U.S. officials, as well as some Control Data officials, were surprised that TASS announced any dialogue on the Cyber System. Cyber is an extremely sensitive topic. It is a very high-speed, large-volume, third- or fourth-generation scientific computer which processes 94 million bits of information per second, or even more.

Only eight to 10 such installations exist. Typical installations belong to the Atomic Energy Commission, U.S. Air Force, NASA, and National Security Agency.

Considerable confusion exists regarding the strategic importance of computers. Many analysts point out that numerous other technologies are revolutionizing warfare. For example: giros, lasers, nucleonics, metallurgy and propulsion.

Yet, in one way or another, *all* technologies, including the computer technologies, themselves, are dependent on computers. For example, our Illiac IV, which is the key facility of the large computer network run by the Advance Research Projects Agency (belongs to NASA), the world's most advanced computer, was built with the help of several other large computers.

In short, today's emerging technologies are as dependent on computers as the technologies of the first industrial and military revolution were related to energy. Furthermore, computers, lasers and nucleonics are inter-related.

Without computers, modern weapons systems could not be built, integrated, tested, deployed, kept combat-ready and operated. In fact, weapons such as missiles, aircraft, tanks and submarines incorporate computers, as part of their armament. Avionics are intrinsically computer-linked. So is missile accuracy. MIRVing missile heads is impossible without computers. Helicopters used against tanks are provided with computers and computer links to obtain the realtime information needed for effective battlefield inaction.

In brief, there are no modern weapons systems that are not vitally dependent upon high-speed computers. A number of strategic missions are centered on high-performance computers; e.g., early warning systems, command-control-communications (C–3), all command control problems, anti-ballistic missiles defense, anti-submarine warfare, space operations and several branches of intelligence.

Simply stated, computers are not just swift calculating machines. They are entire systems. They include memory stores and testing and correcting mechanisms that include, also, peripheral equipment such as display units, input and output links, communications and "software" (instructions for computer what to do); i.e., old and new installations.

The big operational structures such as missile force or the meteorological or hydrological service must have several large general-purpose computers and special computers feeding the general-purpose machines. They also require field computers aboard mobile units such as ships, airplanes, missiles and space vehicles.

For example, in the Apollo Program a fairly large computer is carried in the Saturn booster. One is housed in the command spacecraft; two are attached to the lunar module. The launch site has a large computer installation. The vast tracking system contains many smaller and several large computers. Mission control has still another large installation. The Earth Resource Technology (ERT) program would be useless without computers to handle and "enhance" the inputs from the diverse sensors aboard the satellite.

The actual dismantling of export controls began during 1972. The Officer of Export Control staff was reduced from 206 to 138. Also reduced was the list of commodities embargoed for strategic reasons for export to the Soviet Union and other Communist-ruled countries.

Since October 1972, the Commerce Department has removed export restrictions on all but 70 of the 550 items once on that embargo list. At the same time, the Commerce Department has created a new bureau under its jurisdiction—the Bureau for East-West Trade with a staff of 150 people.

The Bureau for East-West Trade has three offices abroad: in Vienna, with 50 employes, Warsaw and Moscow. The purpose of the Bureau for East-West Trade is to actively promote commercial relations with the Soviet Union, its satellites and Red China. In addition, the United States has surprised its allies by actively seeking exemptions to restrictions jointly set by the countries in its own defense network.

In August 1972, the Congress' response prodded by the White House ordered the embargo list to be reviewed. This was in connection with the passage of the "Equal Export Opportunity Act." Commerce officials alleged that the review brought the unilateral American controls into line with the less extensive controls of "COCOM," the Coordinating Committee; the latter consisted of Japan and all the NATO countries except Ireland.

A Paris-datelined New York Times report of July 14, 1973, said: "The U.S., which used to be the main force pressing Western Europe ns to outlaw a number of items for export to Communist countries on strategic grounds, is now pushing for more exceptions to the ban list.

"The about-face in the American position came about last January 1, it was learned from U.S. officials dealing with East-West Trade in Vienna. Now, when the Coordinating Committee for the Western Allies Trade Embargo Committee meets, the American sources say, the U.S. is the major seeker for clearance of new types of products it can sell to the East.

"COCOM was intended to make sure that strategic goods did not leak through to the East as a result of competition among concerns in different Western countries. Two reviews of the forbidden list have been made recently. They reduced the number of banned items from many hundreds down to what was described as 'less than 50.' 'We no longer use the shot-gun approach,' S. Douglas Martin of the American East-West Trade Center in Vienna said recently. 'We don't ban whole categories of items. Our job here is not to enforce control.' "

Examples of commodities which have been removed from the embargo list include: vehicles for carrying liquefied gases; parts and accessories for certain kinds of helicopters; video tape recording equipment; some computers and semi-conductors, satellite communications equipment: industrial pumps; cathode ray tubes; some kinds of transistors; various kinds of quality control machinery; raw materials such as tungsten and titanium; navigation aids; and some explosives.

According to the Washington Post of Nov. 14, 1973, a highly placed U.S. official said: "If the U.S. goes too strong in delisting, the whole COCOM fabric could come apart!"

The present U.S. list is still lengthy. It contains a wide variety of chemicals (rocket boosters in which we hold a significant lead over the Soviet Union), metals, adhesives and electronics, equipment used mainly in chemical warfare agents, rocketry and military aircraft.

On paper, most computer technology is still restricted. But the U.S. has sold a variety of computers and computer hardware to a number of Communist nations. Decisions on which computers to let the Soviets buy seem to be marked by a latitude which detente buffs call judgment and which experts call "ad-hockery."

Wade B. Holland, editor of Rand Corporation's *Soviet Cybernetics Review* put it this way in *Science*, Vol. 183, Feb. 8, 1974:

"There are no rigid standards. Getting a license to export depends on how much weight you can throw or whether your timing is right, like if Nixon has just made a visit to Moscow."

In 1972 the Commerce and State Departments approved the export of 164 Centalign-B precision grinding machines. Just before the presidential election, Nicholas Leyds, general manager of the Bryant Chucking Grinder Co. of Springfield, Vt., announced a contract with the Soviets for 164 Centalign-B machines capable of finishing precision miniature ball bearings to tolerances of 25th-millionth of an inch. The U.S. reportedly never owned more than 77 of these machines.

Ball bearings are an integral part of many weapons systems; there is no substitute. The entire Soviet ball bearing production capability is of Western origin. All Soviet tanks and military vehicles run on bearings manufactured on Western equipment or on copies of Western equipment.

All Soviet missiles and related systems, including guidance systems, have bearings manufactured on Western equipment or on Soviet duplicates of this equipment. Bryant Chucking Grinder Co. has been a major supplier of ball bearings processing equipment to the Soviet Union.

"Upon purchase, in 1972, of 164 Bryant precision grinding machines, Anatoliy I. Kostousov, minister of the Machine Tool Industry in the Soviet Union, said they had waited 12 years for these machines, which included mostly the banned models: "We are using more and more instruments of all kinds and our needs for bearings for these instruments is very great. In all, we need to manufacture five times more bearings than 12 years ago."

That makes sense—the Soviets have five times more missiles than they did 12 years ago. (*National Suicide*, Antony C. Sutton, Arlington House, 1973, pp. 100.)

My inquiry with a Defense Department source regarding the Bryant equipment and precision miniature ball bearings resulted in the following reply: "They are the key to our highly accurate, miniaturized ICBM guidance systems and the MIRVing of our warheads."

Recent reports about agreements signed by General Dynamics Corp. with the Soviet State Committee for Science and Technology are also disturbing. The five-year agreement for scientific and technological cooperation covers such defense-related fields as ships and ship building, telecommunications equipment, asbestos mining and processing, commercial and special purpose aircraft, computer-operated microfilm equipment and navigation and water buoys.

Similarly upsetting: the Fairchild Corp. deal with Communist Poland for sale of U.S. integrated circuit technology used extensively in modern weapons systems and in third-generation computers.

The February 1974 issue of *Armed Forces Journal International* reports that the Soviets are asking major U.S. aerospace firms (Boeing, Lockheed and McDonnell-Douglas) to sell them, on a major scale, the manufacturing technology and managerial expertise to build wide-bodied commercial jet liners. This is but one of a series of recent deals that bring to a head the issue: How far should the United States go in cultivating new "trade" relations with the Soviet Union?

Where do we draw the line between commercial technology and military or strategic technology in our exports to the Soviet Union?

Firms now being asked to supply Moscow with a full range of technical know-how to build jumbo jets are the same firms building most of our military aircraft. It would be challenging, to say the least, for these firms to develop a major aviation complex for the USSR without some compromise of our own security.

Jumbo jets are the primary aviation in which U.S. industry holds unchallenged domination in world markets. It makes no sense to ship our technology to our self-declared adversary, thereby giving him the ability to disrupt markets, wage economic warfare and inflict damage upon the United States' economic welfare. The word for this is "suicide."

CAB PROVIDES DATA ON 30 LARGEST STOCKHOLDERS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, July 25, 1974

Mr. METCALF. Mr. President, during recent months the independent regulatory commissions have been reviewing and revising their foreclosures for collection, tabulation, and publication of data concerning corporate ownership and control. One of the commissions that is doing the most in this regard is the Civil Aeronautics Board.

CAB Chairman Timm has just provided me with the Board's special report entitled, "Thirty Largest Stockholders of U.S. Certificated Air Carriers and Summary of Stock Holdings of Financial Institutions."

It includes, in addition to the introduction, summary of findings, and technical notes, the following appendixes:

Appendix A—Air carrier Stock Held by Financial Institutions Included in Listings of Top 30 Stockholders.

Appendix B—Financial Institutions Which Held the Most Shares of Stock in the U.S. Certificated Air Carriers.

Appendix C—Financial Institutions Included Among 30 Largest Stockholders of U.S. Certificated Air Carriers.

Appendix D—Stockholders of 5 Percent or More of Outstanding Carrier Shares.

Appendix E—Air Carrier Shares Held by Top 30 Stockholders.

Appendix F—Thirty Largest Stockholders (Listed for Each Airline).

This report does not tell the reader the extent to which the various financial institutions are empowered to exercise voting rights to the stock which they hold. But this report does get behind nominee names, behind Cede & Co., the nominee for the New York Stock Exchange Commission subsidiary. This report does aggregate the holdings of the major stockholders. It is a forward step in information management by a regulatory commission. I compliment Chairman Timm, his fellow commissioners, and the CAB staff for this work.

Copies of the report may be viewed in the CAB public reference room, room 710, Universal Building, 1825 Connecticut Avenue NW.

Mr. President, I ask unanimous consent to print in the RECORD the July 19, 1974, letter I received from Chairman Timm, the introduction to the report, and summary of findings.

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

CIVIL AERONAUTICS BOARD,
Washington, D.C., July 19, 1974.

Hon. LEE METCALF,
Chairman, Subcommittee on Budgeting, Management and Expenditures, Committee on Government Operations, Washington, D.C.

DEAR MR. CHAIRMAN: The enclosed report, entitled "Thirty Largest Stockholders of U.S. Certificated Air Carriers and Summary of Stock Holdings of Financial Institutions," was prepared in response to your letter of January 3, 1974.

Each of the certificated route and supplemental air carriers operating under regulations prescribed by the Civil Aeronautics Board was directed to submit a list of the names and addresses of the top 30 stockholders with holdings in nominee accounts consolidated for each institutional holder.

This report includes the list of the top 30 stockholders for each carrier, a summary of findings, several summary tables, and a description of the procedure used by carriers for compiling the lists.

Because of the nature of your request and the interest you have expressed in the holdings of financial institutions, the summary of findings focuses on aggregate figures for the top 30 stockholders of air carriers and on the holdings of financial institutions. You will understand, however, that the holdings listed are those of record and to a considerable extent do not represent beneficial holdings, and that the Board has not concluded that industry-wide aggregations of shareholdings are necessarily meaningful.

Please let us know if we may be of further assistance.

Sincerely,

ROBERT D. TIMM,
Chairman.

INTRODUCTION

The Chairman of the Senate Subcommittee on Budgeting, Management, and Expenditures, Committee on Government Operations, has stated that: "Stockholdings are more concentrated, within a few large banks, than corporate reports to regulatory commissions indicate. The widespread use of multiple nominee accounts, by single institutional investors, distorts ownership reports and diminishes their value to regulators, stockholders, Congress and the public." He requested the Board to obtain a list of the names and complete mailing addresses of the 30 larger stockholders of each certificated air carrier. This report contains a listing of the top 30 stockholders for each carrier. Additional tabulations included in this report focus on the stockholdings of financial institutions, defined for the purposes of this report as banks, trust and insurance companies.

At present, the Civil Aeronautics Board requires information on stockholdings separately from the air carriers, stockholders, officers and directors of the carriers. The air carriers are required to report each stockholder of record holding at any time during the calendar year more than 5 percent of the carrier's outstanding capital stock. In addition, the carriers are required to inform their stockholders that the Civil Aeronautics Board under Part 245, Subpart B, of the Economic Regulations requires reports to be filed by each person holding more than 5 percent of any class of the capital stock or capital of a carrier. A bank or broker who holds more than 5 percent, beneficially or as trustee, is required to identify separately each stockholder for whom 1 percent or more of the carrier's outstanding capital stock is held.

The relationships between air carriers and financial institutions, including those institutions given special attention in this report, are the subject of detailed consideration in a formal proceeding announced by the Board in January 1974 (Board Order 74–1–132, Docket 26348). The issues in that proceeding include, *inter alia*, the adequacy of and degree of compliance with current Board stock reporting requirements and the degree of concentration of air carrier stocks held by various financial institutions. In issuing this report, it is not the Board's intention to convey any conclusions or implications respecting the issues in that investigation.

SUMMARY OF FINDINGS

The top 30 stockholders for all carriers hold 180.1 million shares of stock or 52.3 percent of the total 334.4 million outstanding shares of the 38 certificated air carriers. The top 30 stockholders for 26 of the 38 carriers hold more than 50 percent of the carrier's outstanding stock. There are 76[1] stockholders that hold more than 5 percent each of an individual air carrier's stock. Twenty-nine of these, or 38 percent, are financial institutions compared to 47 or 62 percent that are nonfinancial institutions and individuals.

Seventy-two financial institutions appear on the list of the top 30 stockholders for the 38 carriers. They hold 22.6 percent of the outstanding shares of stock of the U.S. certificated air carriers. The largest institutional stockholder holds 3.7 percent of the total outstanding shares of stock for the 38 air carriers. Major holdings are summarized below (See Appendix B for more details):

Financial institution	Shares held	
	Millions of shares	Percent of outstanding carrier shares
1. Bank of New York	12.9	3.7
2. Chase Manhattan Bank	10.3	3.0
3. Morgan Guaranty Trust	7.8	2.3
4. Bankers Trust	7.0	2.0
Total	38.0	11.0
All 68 other financial institutions included in the carriers' top 30 stockholders list	40.0	11.6
Total	78.0	22.6
Total shares outstanding for 38 U.S. certificated air carriers	344.4	

The percent of shares held by the 72 financial institutions of the total outstanding shares of individual carriers ranges from a high of 56.3 percent to a low of .3 percent (See Appendix A for more details). More than 45 percent of the total stock of four carriers is held by financial institutions included among the 72.

[1] Some stockholders appear on more than one carrier's list.

Carrier	Number of institutions	Percentage of outstanding shares held
Northwest	22	56.3
National	18	56.0
Trans World	18	45.7
United	24	45.5

Twenty-five carriers include at least one financial institution among their top 30 stockholders. Thirteen carriers show no financial institutions among the top 30 stockholders.

Five carrier reports show that 100 percent of the outstanding shares are held by one stockholder. Howard Hughes and the Summa Corporation are combined as a single stockholder.

Carrier and 100 percent stockholder

McCulloch—McCulloch Oil.

Modern—GAC Corporation.

Trans International—Transamerica Corporation.

Aspen—Ringsby Airline Systems.

Hughes Air—Hughes/Summa Corporation.

Ten carrier reports show single stockholdings (including 3 husband/wife combinations) ranging from a high of 81.1 percent to a low of 37.2 percent. All trunk carriers and most local service carriers fall below this percentage range since they have a large number of outstanding shares widely distributed among many stockholders.

Carrier, stockholders, and outstanding shares held

1. World, Edward J. Daly, 81.1.
2. Reeve Aleutian, Janice M. and Robert C. Reeve, 77.5.
3. Johnson Flying Service, Robert R. Johnson, 76.8.
4. Saturn, Howard J. Korth, 74.8.
5. Kodiak Western Alaska, Helen F. and Robert L. Hall, 66.7.
6. Capitol International, Anne D. and Jessie F. Stallings, 66.5.
7. Texas International, Jet Capital Corporation, 58.6.
8. Frontier, RKO General, 49.7.
9. Hawaiian, John H. Magoon, Jr., 37.3.
10. Wright, Don Schneller, 37.2.

Thirty-five of the 38 carriers or 92 percent have individual stockholders with 5 percent or more of the carrier's outstanding shares. Airlift, North Central and Piedmont are the only carriers in which all individual stockholders hold less than 5 percent each of the outstanding shares of stock.

SHOCKING TESTIMONY CHALLENGES THE AEC "RASMUSSEN REPORT"

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Thursday, July 25, 1974

Mr. GRAVEL. Mr. President, the Rasmussen report, which is a $2 million paper about nuclear accident probabilities, will be completed soon. The Atomic Energy Commission, which sponsored the study, has been citing selected parts of the unpublished study since January. In particular, the AEC says the report will say that the chance of a calamitous nuclear power accident is only 1-per-billion per plant per year.

That figure has already been challenged by several responsible sources.

William Bryan, of the Mechanical Engineering Department, the University of California at Davis, discussed the Rasmussen report in his testimony February 1, 1974, before the California State Assembly's Committee on Planning and Energy. Dr. Bryan has had 10 years of experience in the reliability and safety analysis programs of the Apollo effort and the AEC's nuclear rocket program.

PREDICTION IS A PSEUDOSCIENCE

Dr. Bryan, who has talked with several people working on the Rasmussen report, testified as follows:

I think, in this case, Rasmussen's study, for instance, it would be very interesting to see what they came up with the first time through. I happen to know.

Then the committee chairman, Charles Warren, asked:

Could you tell us?

To which Dr. Bryan replied:

It was nowhere near the number that it is now.

Mr. Warren asked then:

Can you tell us exactly?

And Dr. Bryan's response was as follows:

They didn't finish the analysis, so all you can tell from the bits and pieces that they started on is that they changed failure-rate data-basis several times because they were not getting high enough numbers. This is not the first time I've seen this happen. We did it before.

Mr. Warren remarked:

That's a temptation inherent in the system, I assume.

And Dr. Bryan replied:

Right. Everybody that was involved in the Apollo program that I know of did the same type of thing. You're paid by somebody to do an analysis and most of the work on the special study, for instance, is not independently funded. It is through normal AEC channels—some through their lab at Idaho run by Aerojet Nuclear and other places—that most of the people that work with Rasmussen are doing the work on this program. So it is not an independent study, and it is really still part of the AEC. The pressures are still there to come up with the right answer. And given that one set of data is as good as another, why not? You cannot justify one any more than the other. So if one gives you the right answer and one gives you the wrong answer, and they are both as easy to justify, it is much easier to pick the one with the right answer and get it done and go back to your academic studies and do something worthwhile.

Dr. Bryan explains that statement in fascinating and easy-to-follow detail in his testimony, which is truly shocking in its implications for public safety.

Mr. President, I ask unanimous consent that excerpts from William Bryan's testimony February 1, 1974, before the California State Assembly be printed as exhibit 1 at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

WHERE IS THE CONGRESSIONAL WATCHDOG?

Mr. GRAVEL. On July 10, a member of the Joint Committee on Atomic Energy told the House of Representatives as follows at page H6346:

It will not take long for the Joint Committee to review it [the Rasmussen Report] because it has been through all of the conclusions of the report time and again, with Dr. Rasmussen himself.

I am distressed by this statement. Here is a report which uses new and highly debatable methods of predicting accidents, a report which took 1½ years to prepare and will take months for independent experts to review, a report which will be the subject of debate for years to come, and a leading member of the Joint Committee announces that this "watchdog" committee will accept it with little review.

I think that Congress should consider getting itself another watchdog for the Rasmussen Report. Perhaps we should fund a team of experts at the Office of Technology Assessment or the Government Accounting Office to identify conflicting assessments of the report in the scientific and technical communities, to identify items in the report which are agreed to by both its critics and its supporters, to describe with precision those matters which are contested, and to offer guidance to Congress about the implications of the contested matters for public safety and economic stability.

THE PRESENTATION OF MEANINGLESS FIGURES

There is no doubt that the validity of the Rasmussen report will be seriously challenged. Besides Dr. Bryan's testimony, there are other sources of responsible criticism to which my colleagues can refer.

The Committee for Nuclear Responsibility—Post Office Box 2329, Dublin, Calif. 94566—issued a statement this spring after the AEC Chairman started using the one-chance-per-billion catastrophe claim, allegedly from the Rasmussen report. The committee, whose board includes four Nobel laureates and one former associate director of the AEC's Livermore Laboratory, offered four reasons why those catastrophe odds can have no meaning: first, the possibly fatal assumption that all possible paths leading to a catastrophe have even been recognized and considered by the Rasmussen team; second, the unjustifiable assumption that untested nuclear safety systems like emergency core cooling have been correctly designed; third, the lack of lengthy experience with operating nuclear hardware; fourth, the impossibility of predicting the frequency and consequences of human error and malice.

Mr. President, I ask unanimous consent that the statement from the Committee for Nuclear Responsibility, Inc., be printed as exhibit 2 at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRAVEL. Dr. Barry Smernoff, of the Hudson Institute in Croton, N.Y., has also criticized the one-chance-per-billion accident prediction; his statement is available from the Stone House Press, 4 Grove Street, New Paltz, N.Y. 12561.

TO WIPE OUT EMBARRASSING CONCLUSIONS

Dr. Bruce Welch, who is an associate professor at the Johns Hopkins University Medical School, discussed the Rasmussen report in his testimony before

the JCAE on March 28, 1974. In addition to describing the report's inherent weaknesses, Dr. Welch also presented a devastating overview of the way the AEC is trying to use Rasmussen's favorable conclusions to discredit the embarrassing conclusions of the AEC's two earlier studies.

Mr. President, I ask unanimous consent that Dr. Welch's testimony be printed as exhibit 3 at the end of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRAVEL. The Union of Concerned Scientists—Post Office Box 289, MIT Branch Station, Cambridge, Mass. 02139—is the group which has documented in detail the problems with the crucial emergency core cooling systems in American nuclear powerplants. In October 1973, this group issued a six-chapter report entitled "The Nuclear Fuel Cycle." The third chapter, which concerns catastrophic nuclear accidents, concludes with a statement which the Union still stands behind:

In our opinion, the links in the chain of assurances of reactor safety are substantially defective.

Mr. President, I ask unanimous consent that the text of chapter 3 from "The Nuclear Fuel Cycle" be printed as exhibit 4 at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

TESTIMONY OF WILLIAM BRYAN, DEPARTMENT OF MECHANICAL ENGINEERING, UNIVERSITY OF CALIFORNIA, DAVIS, CALIF. EXCERPTED FROM HEARINGS OF THE SUBCOMMITTEE ON STATE ENERGY POLICY, COMMITTEE ON PLANNING, LAND USE, AND ENERGY, CALIFORNIA STATE ASSEMBLY; HON. CHARLES WARREN, SUBCOMMITTEE CHAIRMAN, FEBRUARY 1, 1974

Chairman WARREN. Mr. Bryan, I understand that you're prepared today to give testimony concerning the fault tree analysis technique that apparently was employed by Dr. Rasmussen in his assessment of accident probability.

Mr. WILLIAM BRYAN. That is correct.

Chairman WARREN. I wonder if you might preface your comments by some brief statement of personal background, again, without any undue modesty.

Mr. BRYANT. I spent 11 years in the aerospace industry—up until 1972. Ten years of this was in the reliability and safety analysis field on two programs. One was on the Apollo program, from 1962 to 1969, and then was on the NERVA program which is the nuclear-powered upper stage vehicle program that was under development and was cancelled in 1973. On these two programs we went through a definite learning curve on how to make reliability estimates and on how to improve inherent reliability of parts. I want to reflect back on this experience to indicate my concerns as to where the A.E.C. is at the present time on this learning curve.

During the NERVA experience, I first came into contact with A.E.C. and the methodology they were using to assess safety problems of nuclear power plants. Obviously, since we were developing a nuclear plant that was going to fly over people's heads we had some of the same problems—in some cases even more severe since we were moving the plant, rather than having a stationary source. We spent a considerable amount of money on research into improved reliability techniques when we entered the NERVA program. This was primarily because of the fact that you could not build a lot of these and test them like we could in the Apollo program to find out where the problems were. During this experience, we would occasionally be analyzing a potential accident or problem and we'd see the similarity between that and what a power plant would have so we would go to the A.E.C. or to the industry and try to find out what was going on in analyzing this particular subproblem.

We were very surprised to find a lack of the overall knowledge of what the aerospace techniques were within the A.E.C. and pretty much a lack of interest in developing them. They were having a lot of problems at that time just with normal quality control (QC) type functions and were not too concerned. They were in the midst of just implementing that as a program which, of course, had been in aerospace for many years and in industry many years before then. But they were having problems implementing that type of program which, incidentally, is an inspection after-the-fact type of program whereas reliability is trying to analyze it before the fact.

And, so we didn't find a lot of help from anything that was going on within the A.E.C. or within the industry in the work we were doing. I did not make much contact then with A.E.C., or with the industry, other than through our normal reporting functions to the branch of A.E.C. that we were working with until the program was on the verge of being cancelled.

Since we had spent considerable millions in research here in Sacramento to develop some new techniques in the NERVA program for reliability and safety analysis, we were urged by our A.E.C. funding sponsors to contact other A.E.C. people to see what could be salvaged from this program and transferred over to the A.E.C. to use in the nuclear power plant analyses. So, we made many presentations in Germantown and in other places to A.E.C. personnel on just what we had gone through—what we had learned and the techniques that we had developed. We were very disappointed that they elected not to take advantage of this experience not even to consider, for instance, taking our final documents and reports of this methodology into a library function to hold until they got to the point in their learning curve that they could use them. In fact, what we found was a major concern with their own problems and a very typical resistance to change and to use any methodology that they were not themselves either concerned with or had developed or had knowledge about.

Therefore, I personally concluded that, from these many contacts and from discussions with people since those contacts, in general the A.E.C. is up to 10 years behind the times as far as implementing aerospace reliability and safety techniques, and as a substitute to good analysis are pushing phony reliability and safety numbers to assure us of just the opposite.

Chairman WARREN. Do you want to repeat that?

Mr. BRYAN. Okay. My concern, and several other people who worked with me at Aerojet on this program came up with the same conclusion—is that the A.E.C. is probably, in most cases, up to 10 years behind the learning curve or experience level that was developed in aerospace in reliability and safety technology and, therefore, as a substitute to doing this sound analysis are hiding behind or pushing phony reliability and safety numbers to assure us of just the opposite; i.e., that there are no safety problems.

In order to substantiate this conclusion, I would like to just briefly sketch the learning curve that we went through in Aerospace—where we started from and where we got to—and then from this, draw conclusions or substantiate why I think the A.E.C. is behind; in particular, why the techniques used in both the Rasmussen study and even the special task force study done before that cannot produce reliability numbers that we can believe in.

In the early '60's on the Apollo program we started out the same way. We had a numbers game that was arbitrarily handed down in terms of specifications to us. Somebody within NASA determined that the crew safety of a launch vehicle on the Apollo program should not be any worse, or have any higher risk, than an average 35-year-old living for an additional 12 months on earth. From that number, from insurance mortality tables, they then backed out reliability and safety goals for all the sub-components of the system.

In order to play this numbers game you have to realize that, when you have a system as complex as a Saturn rocket vehicle or a nuclear power plant, you have hundreds of thousands of parts in these vehicles—some of which are redundant, some of which are in series. For every 10 parts in a series you are talking about an order of magnitude change in failure rate. To explain, just let me say, if you put 10 parts in a series all of which have to work and your failure rate for the system is, say, 10^{-3} then the failure rate for your part would have to be 10^{-4}.

So as a result, since the overall goal for the vehicle was in the neighborhood of 10^{-3} some of the sub-system part reliability requirements, for instance, on the fourth stage engine on which I worked, were in the same neighborhood as the values that are now being used by A.E.C.. We were talking about 10^{-9} to 10^{-12} failure rates; that is, failure rates one in a billion operating cycles to one in a trillion operating cycles.

Well, to those of us with an engineering background when we first received these requirements, this was obviously ridiculous. There is nothing that has a failure rate that low. I don't have anything in my house that has a failure rate that low. Certainly my washing machine, vacuum cleaner and car engine don't and neither does a complex rocket system nor a system with thousands of parts like a nuclear plant.

However, in order to comply with NASA's desires most firms did the same as what our firm did. They accepted the criteria, organized a group called the "reliability and safety group", put them off in a corner to generate a lot of paper work studies that would prove that even if we couldn't today have that reliability, that at least some day in the future it might be achievable. I stress that this effort in the initial stages had obviously no impact on the engineering design of the equipment that was being built. It was a total separate paper work exercise just to try to prove that we could meet this requirement.

Occasionally we'd have a few problems in doing this. We would propagate our specification requirements down to subcontractors and now and then we couldn't get one to play the game, they would take it seriously and say, "There's no way I can build you a valve that has a failure rate as low as one in a billion", and would in some cases even refuse to do business because they would not sign a contract that had such a high requirement in it. Others would adopt the same philosophy the rest of us had and initiate the paper work studies necessary to demonstrate that it would be a feasible number.

Most of us at that point in time would discuss among ourselves the fallacy of this and even with some of our NASA and A.E.C. counterparts. But mostly when the time came to make a presentation to NASA as to whether or not it was conceivable to meet this requirement we would hedge considerably, but in general terms we would leave the impression that it was conceivable someday.

One exception to this in my personal case was when an astronaut was visiting us out

at Aerojet and we were having lunch together. He asked me aside once. He said, "Knowing what you know as the reliability manager of this program, would you fly in this vehicle?" And I honestly had to say that I wouldn't even get within range of the launch pad, let alone fly in it. I just knew too many ways that things could go wrong. He subsequently quit the program and I'm not sure what impact I had on his leaving the program.

I look back on that period and I certainly don't think that it was extremely ethical to do the type of things that I did and that others did, but I think it goes to prove a couple of points. One is that job security and the almighty dollar are great pressures. If your boss tells you that you're going to make a presentation and says that it has to be slanted a certain way you tend to slant it that way. And obviously you cannot trust or have somebody auditing themselves and that is what reliability is all about. You're really auditing your ability to meet a certain reliability requirement and if you're in the business of building and selling these parts you're not going to go around telling the world that you can't build them with a high reliability. It would be akin to General Motors going out and advertising the failure rates on their new automobiles as they come out. It's just not done. So obviously you would need somebody else as an independent audit to come in and do this kind of study, if you really wanted to get a real answer.

As I indicated, things did get better as time went on. It became obvious to some of the people in NASA and in middle management that they weren't really getting anyplace with this approach and they were only kidding themselves and the public, and that it wasn't having any effect on the hardware itself that was being developed. It was just generating a lot of paper. And in the middle '60's there was a special task force put together that did analyze the entire Saturn rocket vehicle, very superficially, but it was an analysis intended at the time to come up with an independent estimate of what the reliability of the vehicle was. Their number was so low that it was the best guarded secret in the Apollo program. It was this type of thing that convinced at least a few people in NASA that they ought to abandon this approach and start something else.

The first thing that was changed was to completely forget about trying to determine the numerical value of what the reliability was. This was an impossible task. The reason it was an impossible task was that you never have complete failure rate information on the parts that you are building, regardless of how good the analysis is. You always end up using failure rates from a slightly different configuration of a part, or for a part that was developed for a totally different use, or when you don't have any part testing experience you have to go to some kind of a qualitative guessing game method. One of the guessing games that was widely used on the Apollo and NERVA Programs was called the Delphi technique. That's where you get a lot of people together to estimate from their experience how probable each specific failure mode is.

So, it became clear that these techniques for quantifying failure rates and looking at design concepts were all right if you only use the numbers as a relative merit, when you compare it to alternative designs. We evolved into the point where we would only use the numbers game when we were comparing one design against another and the absolute value of the numbers was not used. We would always qualify in any report we put out that these numbers, we called them reliability factors, not even reliability values, were for quantitative evaluation of alternative designs only.

This was a real step forward. The other thing we did was go into a very comprehensive failure reporting, failure analysis and corrective action system. This was the real backbone of the reliability effort on the Apollo programs from the mid '60's on. The philosophy being that since we could never build enough complete units and test them to demonstrate a high reliability number, which is the only way you can really get a true reliability number, and since we have no techniques that are good enough to predict or estimate the true quantitative value of reliability; that every time we have a test malfunction or test failure we would analyze that to our utmost to determine what the cause of this failure was—not to fix the blame, but to take corrective action to redesign, to change the manufacturing process—whatever it took to eliminate or reduce the possibility that that failure even would occur.

If this was done properly and followed up to make sure that by fixing something you didn't introduce a new failure mode that was worse than the one that you originally had, then you were improving the reliability of the hardware. Even though you could not estimate or measure how much. This was commonly called the Test-Fail-Fix philosophy and this was how we got a man on the moon. In many cases we would intentionally test to the point of failure just to learn about the failure mechanism so we could then find the weak point in the design and make a design correction.

The Apollo program has a reputation for a very reliable system that was quite successful. I would like to point out, though, that in our case our fourth-stage engine had over 740 test failures and malfunctions, many of them very catastrophic, during the development phases, so we did an awful lot of learning. Also, even after these 740 failures during the development and qualification phases, there were approximately 25 to 30 significant malfunctions per Apollo flight. This is not a well-known fact and was not publicized much. Many of these, without some ingenuity of man-machine interaction at the time, would have caused mission aborts, and, in some cases, could have caused even crew fatalities. But they didn't and we had a fairly successful program. However, the probability of a critical failure occurring, if it could be measured, would most likely be in the range of one in fifty to one in 200 flights. This is certainly a far cry from our reliability and goals, and certainly nowhere close to the absurd numbers the A.E.C. is using for nuclear power plant accidents. Obviously the three astronaut deaths and the high number of flight malfunctions are evidence to this fact. This Test-Fail-Fix philosophy was used in military programs—Polaris and other manned programs during the mid '60's.

Then we went to NERVA where we were now involved with nuclear power and couldn't use this Test-Fail-Fix philosophy. Obviously, you couldn't test reactors to fail to learn about their weak points. Also, since they were very expensive, you could not build the number of units that we built in the Apollo program to test them before they were flown. So, when NERVA started we went to a much more analytical approach to try to identify problems early in the program and to see if there was some way we couldn't quantitatively determine what the probability would be of success of the vehicle.

In developing the approach we came up with several different tools, some of which had been discarded in the Apollo program and some of which we learned from the Apollo program. The most valuable tool that we developed was a computer malfunction analysis program which simulated the operation of our vehicle during flight. This program could be used to simulate malfunctions by making minor changes to the program's valve settings, flow rates and other parameters. You could then trace what happened to the vehicle, giving changes. This gave us many surprises that we had not determined in the typical failure mode approach where you just look at one problem and then you try to trace back all the things that could go wrong to create that one problem—similar to what the A.E.C. is doing now where they take one event and they go back and they say, "How can this event occur?" Well, we did that first but found out that we missed a lot of problems, especially interactive malfunctions that we discovered in this computer malfunction analysis program. We also used a technique called the System Failure Modes Effects and Criticality analysis. This is something where analytically, not using a simulated computer run, you just look at the various phases of flight and look at the types of failure modes that can happen, classify them as to how critical the effect would be if the problem did happen, and then try to trace this effect through the system.

We did use fault tree analysis to some extent to try to identify some of these interactive effects that we were after in computer malfunction analysis. We also tried to use the fault tree analysis to identify some of the single failure points. Single failure point analysis is probably one of the most critical things that can be done on a reactor. One designs a reactor with a lot of redundancy and thinks that, on the surface because they have system redundancy, that really they don't have any single failure points; that at least two bad events have to occur for you to have a failure. When you start digging back into the system, whether you use fault tree analysis, failure mode analysis, or a computer simulation program to do this, you find out that there are many, many subfailure mechanisms which are common to what you thought were redundant systems.

Going back to our Apollo engine, we had redundant valving for allowing the propellants into the combustion chamber. We had two separate bores, each of which had two valves in it—redundant in both modes. Either valve could have shut it down and if one channel didn't work, if one of the valves stayed closed, you could go into the other channel. However, as in the case of most valves, anytime you've got any contamination in the system and scored the seats or damaged the valve seats in any way they would leak. So, there was no redundancy against leakage because if something was in the system it could damage both bores and all valve seats just as easily as it damaged one, as it passed through. So, that would be a single failure point and cause leakage. If the leakage was bad enough it could cause a certain catastrophic event. It would cause enough leakage in the combustion chamber that when you went to start up the engine it would explode rather than ignite.

In our nuclear analysis we went through this and although we had complete system redundancy on our nuclear rocket we did find 62 critical single-failure points. This was just the first time through our analysis and before we got into a really detailed analysis. In the case of a nuclear power plant, a single failure point might be the burst of a high pressure steam line which will damage other equipment as it bursts. You therefore could damage your cool-down system to the extent that it could not operate. This was one of the problems we had on our vehicle. It was, in general, not possible again to quantify how this event would happen. One of the reasons you couldn't quantify was that there was not enough known, for instance, in this pipe burst example, about crack propagation in materials. Knowledge still doesn't exist today as to what stress level that particular pipe might give if you had a certain flaw that would tend to propagate into a crack as the pressure was increased.

Another problem in trying to predict prob-

ability numbers is that even in a very sophisticated analytical approach, the variability in such things as material strength or processing conditions can result in an order of magnitude difference in your reliability estimate. There's a tremendous amount of judgment involved in determining the bounds and variability of stresses and strengths when you do a detailed analysis to try to come up with a quantifiable number.

Thus, even on the NERVA program, even though we developed some sophisticated techniques for helping to identify failures that could happen so that we could take corrective design action before we built one, we still did not come up with a method that would accurately predict a numerical value, and certainly fault-tree analysis is not amenable to coming up with a number.

Chairman WARREN. Can you explain fault tree anlaysis?

Mr. BRYAN. Yes. A fault tree analysis is where you start with some system problem that can occur, some system malfunction, then you start tiering your analysis much like an organizational chart. You start with a box at the top that says you're going to have a loss of coolant accident. You then tier it down to the six or so things that can cause a loss of coolant accident and then for each one of those six things, you analyze what the number of things that could cause each of those six and you just keep tiering down until you're down to the nuts and bolts of the system.

The problem then in building fault tree and getting a number out of the fault tree analysis is obvious. You have this huge tree of possible failure mechanisms that all interreact and all lead into other events for which you have no quantifiable data. The only possible way to quantify each one of these boxes is to have a failure rate for each one. You'd have to have a failure rate for the bolt. You have to have a failure rate for the interreactive effect between two adjoining parts. You have to have the failure rate of the seal leaking between two parts. You just have to have failure rates for every point in the analysis, and there just does not exist that type of information to fill in those boxes. So, you end up doing the same thing that we've always done—where you can get failure rates you use them. Where there are industrial failure rates you use them; for instance, maybe you can't find anything on the particular burst failure-mechanics of a high pressure line that you had, so you go to the oil industry and you see what they've got. Obviously, a pipe used in the oil industry is going to fail much differently under different environment and maybe non-irradiated conditions than one would under a nuclear application. But this is the best you have got so this is what you use.

In other cases, where there is no industrial failure rate, you go back to some qualitative method like I mentioned before—like the Delphi technique or some guessing game.

If you're consistent in the use of these numbers in the fault tree, when you get done you certainly can compare one design against another and say this design is better than the other if you used a common data base for each.

Chairman WARREN. But only for comparison?

Mr. BRYAN. Only for comparison. The absolute value of the number is totally meaningless. There is just no way that number can mean anything in terms of the real world probability of failure.

Chairman WARREN. So, if someone has said to me, "The likelihood of a particular event occurring is one in one thousand million years," that then is really meaningless. The only time that could conceivably be meaningful is when compared to a competing system where the probability was assessed at one in five hundred million.

Mr. BRYAN. Exactly.

Chairman WARREN. So, that only permits the conclusion to be drawn that the event system which has an accident occurring in one thousand million years is probably safer than the other.

Mr. BRYAN. Right. But again I stress you have to use the same . . .

Chairman WARREN. Safety is still an unknown?

Mr. BRYAN. Safety is unknown. It is still as unknown as before you started.

Chairman WARREN. All right. Thank you.

Mr. BRYAN. And also you have to use the identical data information and fault tree system and even the same personnel because everybody will draw a different fault tree. No two people will go through the same mechanism because you're making judgments at every branch as to what really is going to affect the next tier, how this branch over here concerning valves is going to affect this branch over here concerning some other instrumentation; whether failure here will propagate a subsequent failure over there or changing conditions over here. You're making judgments at every point in that fault tree. So there is just no way you can quantify that and come up with a meaningful number.

It is also very subject then to qualitative manipulation, since you have to make so many judgments on what failure rate data you use. Obviously, if you go through it the first time and come up with a number that is too high, you can go back and use a different failure rate and come up with a different number. And this happened very often. If you used, for instance, a low reliability number you just go to another source and, if that didn't work, then maybe you'd go to the Delphi technique and you'd finally get a number that worked. You're really not changing the design at all. You're just manipulating the numbers to make the analysis come out right. I think, in this case, Rasmussen's study, for instance, it would be very interesting to see what they came up with the first time through. I happen to know.

Chairman WARREN. Could you tell us?

Mr. BRYAN. It was nowhere near the number that it is now.

Chairman WARREN. Can you tell us exactly?

Mr. BRYAN. They didn't finish the analysis, so all you can tell from the bits and pieces that they started on is that they changed failure rate data basis several times because they were not getting high enough numbers. This is not the first time I've seen this happen. We did it before.

Chairman WARREN. That's a temptation inherent in the system, I assume.

Mr. BRYAN. Right. Everybody that was involved in the Apollo program that I know of did the same type of thing. You're paid by somebody to do an analysis and most of the work on this special study, for instance, is not independently funded. It is through normal A.E.C. channels—some through their lab at Idaho run by Aerojet-Nuclear—and other places that most of the people that work with Rasmussen are doing the work on this program. So it is not an independent study and it is really still part of the A.E.C. The pressures are still there to come up with the right answer. And given that one set of data is as good as another, why not? You cannot justify one any more than the other. So if one gives you the right answer and one gives you the wrong answer and they are both as easy to justify, it is much easier to pick the one with the right answer and get it done and go back to your academic studies and do something worthwhile.

Chairman WARREN. On the remaining grant?

Mr. BRYAN. So, in general, you obviously have to get away from this same philosophy of the fox guarding the chickens. This is the same thing that happened locally here in our state in the timber legislation a couple of years ago when it was determined to be unconstitutional. You've got to have an independent body, independently funded from the A.E.C., whether it is at the state level or national level to perform the audit and reliability type analysis of nuclear power plants before you're ever going to get the information public as to what relative reliabilities are between alternatives and what the real problems are.

You can never come up with the number at least in today's technology that is meaningful in an absolute sense; but you could do a complete analysis that would be open for criticism where you do document through a very organized method all the types of things that can possibly go wrong and then you can start taking every one of these things that can possibly go wrong and you can say what you're going to do to prohibit that thing from happening. At the same time you perform a contingency analysis to determine what should be done in case each one of these bad events occurs. And you don't just take one failure mode or the worst event and analyze that. Because sure you probably reduce the probability of that happening, but all these others that you didn't analyze are going to happen. So you need an organized method that looks at all failure mechanisms and brings them to light so one can qualitatively state what they are going to do to reduce the potential of those events occurring. That's all I have.

EXHIBIT 2

[From the Committee for Nuclear Responsibility]

ONE-CHANCE-IN-A-BILLION?

Recently, the AEC paid professors at M.I.T. two million tax-dollars to estimate the probability of a nuclear power catastrophe. The report, which is known as "the Rasmussen study", provides the AEC with figures like one-chance-in-a-billion per plant, per year, according to the AEC.

SUCH FIGURES HAVE NO MEANING

First reason is the difficulty of predicting either the frequency or the consequences of human error (and malice). Error or malice could instantly reduce the catastrophe-odds from 1-per-billion to near certainty. Estimates about the small chance of a nuclear disaster depend on the reckless assumption that operators of nuclear plants will make no serious errors during emergencies; also, that no demented or hostile people will try to destroy the plants.

Second reason is the lack of experience with operating nuclear hardware. Since the very first 1,000-megawatt nuclear plant went into operation in June 1973, experts have hardly one reactor-year of experience to examine. They can do little better than guess when they assign reliability estimates to nuclear hardware of this type. Furthermore, for 4 years in a row, the AEC has had to scold and to fine nuclear equipment firms, engineering firms, and utilities for unacceptably sloppy quality-control, but according to a report in the Los Angeles Times, Dec. 26, 1973, the industry is still unresponsive.

Third reason is the unjustifiable assumption that nuclear safety-systems (some of them never tested) have been properly designed. This assumption denies all the recent nuclear "surprises" which show that nuclear engineers are failing to foresee all the design problems. If the design of a safety-system is defective, even perfectly working hardware will not make it effective.

Fourth reason is the flaw of assuming that all possible paths leading to a catastrophe have been recognized and considered. As recently as October 1973, the AEC's Director of Regulation, L. Manning Muntzing, admitted to a Congressional Committee (JCAE): "I'm really concerned about some of the surprises we see". How many unsuspected paths to catastrophe are still waiting to be discovered?

EXHIBIT 3

STATEMENT BY BRUCE L. WELCH, PH. D., ON POSSIBLE MODIFICATION OR EXTENSION OF FEDERAL LIABILITY INSURANCE FOR NUCLEAR POWER REACTORS UNDER THE PRICE-ANDERSON ACT, BEFORE THE JOINT COMMITTEE ON ATOMIC ENERGY, U.S. CONGRESS, MARCH 28, 1974

Mr. Chairman, Gentlemen: The Price-Anderson Act was enacted in 1957 and extended in 1965 to encourage the development of a civilian capability for nuclear power generation by relieving the nuclear industry of public liability of a magnitude that they themselves could not assume, and against which existing insurance companies would not insure.

I recommend that the Price-Anderson Act *not* be renewed or extended. The purpose of my recommendation is to discourage further development of the civilian nuclear power enterprise.

Specifically, I recommend:

(i) that the federal subsidy to the nuclear industry which is represented by the Price-Anderson Act not be extended.

(ii) that this be regarded as the first step in the deliberate phasing out of civilian nuclear power generation by nuclear fission.

(iii) and that a definitive national policy be immediately adopted to deliberately take continuing actions to phase out all civilian nuclear power production in an orderly manner and to terminate it entirely at the earliest practical date.

This, I submit, is the only responsible course that our government can take.

By way of qualifying introduction, I am Bruce L. Welch. I speak to you as an individual.

I am an Associate Professor in the School of Medicine, The Johns Hopkins University, and Director, Environmental Studies, Friends Medical Science Research Center, Inc., Baltimore. For the past twelve years my special area of professional activity has been environmental health.

I have had post-graduate training in physiology, ecology, chemistry, physics, mathematics and statistics, and I have taught courses at the graduate level which required the students to have previous advanced training in these areas. I have been licensed to do biomedical research utilizing radioisotopic procedures in three states and funded by various federal agencies to perform such research.

I have had formal training in health physics and radiation protection and have had formal responsibilities in these areas, both civilian and military.

I have an elementary acquaintance with steam turbine power plants as a result of engineering responsibilities as a midshipman and subsequently as an officer on a battleship, a heavy cruiser and on smaller vessels in the U.S. Navy.

I have had training in, and have been responsible for teaching, military demolitions and small unit special warfare to U.S. Navy, U.S. Marine, U.S. Army and foreign military personnel. For four years, I served as an officer with U.S. Navy Underwater Demolition Teams. During this period, I was in charge of independent operational detachments in various parts of the western hemisphere, and for one of these years I was in charge of the replacement training program for Underwater Demolition Teams in the eastern United States. I have had the good fortune, however, to have never been involed in direct military combat. I have approximately 300 hours experience as a private aircraft pilot.

I have studied the civilian nuclear power program very carefully for the past ten months. I have become acquainted with both proponents and opponents of the program. I have quietly attended your hearings on nuclear reactor safety.

On March 15, 1974, I formally declared my intent to seek the Democratic Party nomination for the governorship of the State of Maryland. This step was motivated in part by concern about the nuclear commitment that is evolving.

I will discuss six broad but overlapping reasons for recommending that the Price-Anderson Act not be extended:

I. THE RISK THAT THERE WILL BE LARGE RELEASES OF RADIOACTIVITY FROM NUCLEAR FACILITIES WITH CATASTROPHIC EFFECTS IS UNACCEPTABLY GREAT

Large amounts of radioactivity can be released from a nuclear reactor as a consequence of either: (i) sabotage, (ii) impact of a crashing aircraft or of another large airborne missile, or (iii) an accident in which engineered safeguards fail to function.

1. Sabotage

As one trained in special warfare and demolitions, I feel certain that I could pick three to five ex-Underwater Demolition, Marine Reconnaissance or Green Beret men at random and sabotage virtually any nuclear reactor in the country. It would not be essential for more than one of these men to have had such specialized training.

Access for purposes of taking over and placing charges could be gained by force or under ruse. Alternatively, containment could be breached from the outside with relatively small shaped charge and additional charges could be quickly set after gaining entry through the breach. The "engineered safeguards" would be minimally effective or wholly ineffective and the amount of radioactivity released could be of catastrophic proportions.

There is every reason to expect that there are now, or will someday be, competent people in the country who are willing to engage in such activities. There is no way to stop such activity other than to maintain a system of civil surveillance more strict than that maintained during the last world war, and this would be absurd—and on a continuing peacetime basis, impossible.

2. Impact of crashing aircraft or other missile

As an experienced aircraft pilot, I feel certain that I could deliberately crash a large aircraft into the containment structure of a nuclear reactor. The result, even if the aircraft was not loaded with explosives, could render the "engineered safeguards" minimally or wholly ineffective and the amount of radioactivity released could be of catastrophic proportions.

Only a few weeks ago, a young man who did not have a pilot license executed intricate maneuvers, avoided pursuers and landed on the White House lawn. There is no reason to doubt that there are now or someday will be competent but deranged people in the country who are willing to commit suicide by crashing a large aircraft into a nuclear reactor. There would be no way to stop such efforts save by manning antiaircraft and pursuit aircraft in the vicinity of nuclear reactors at all times, and this is hardly realistic.

Reactors would be logical targets for airborne missiles in time of war.

3. Accident in which "engineered safeguards" fail to function

Preliminary results of the studies of nuclear accident probabilities now being conducted under Dr. Norman C. Rasmussen estimate that the chance of a loss of coolant accident followed by failure of the emergency core cooling system and meltdown of the reactor core is one in a million per reactor year. When core meltdown occurs, the chance of "rapid" breach of containment (e.g. within two hours) is one in a hundred, but breach of containment within 24 hours is a virtual certainty.

The range of error in this estimate is at least plus or minus an order of magnitude: The probability, therefore, could as well be one in 100,000 or one in ten million as one in a million. Responsible conservatism demands that it be considered one in 100,000.

If there is one chance in a million per reactor year of this major nuclear power plant accident, then the probability of such an accident at a two-reactor site such as Calvert Cliffs is one in 500,000 per year or one in 12,500 to 16,667 during the 30–40 year plant life; and the chance of such an accident at a four-reactor site such as North Anna or Mineral (in Virginia) is twice as great. If, however, one conservatively considers the chance of such an accident to be one in 100,000 per reactor year, the probability during the 30–40 year operational life is 1250 to 1667 at a two-reactor site and 625 to 833 at a four-reactor site.

As many as 45 reactors with an aggregate capacity of about 46,000 megawatts are scheduled or likely to be scheduled for operation within 120 miles of Baltimore or Washington, D.C., or located on the Chesapeake Bay or its tributaries, within 15 years. If the probability of core meltdown is one in 100,000 per reactor year, then the chance of such an accident in this region within the 30–40 year operating life of these reactors is one in 56 to one in 74. If you want to be an optimist and stick to one in a million as the probability per reactor year, then the chance is one in 560 to one in 740. In either case the probability, considering the human and ecological damage that could be done, is unacceptably close to one.

The AEC projects that 1000 nuclear reactors will be operating in these United States by the turn of the century, which is only 26 years. If the chance of core meltdown is one in a million per reactor year, the chance of this accident occurring during the 30 to 40 year operating lifetime of these reactors will be one in 25 to one in 33. If the probability of core meltdown is one in 100,000 per reactor year, this chance is one in 2 to 3, that is, virtual certainty.

Other kinds of accident, of course, are also possible and the probability of a major release of radioactivity is the combined probabilities of these different possible accidents. As one example, the Advisory Committee on Reactor Safeguards published a report on January 14, 1974 on "Integrity of Reactor Vessels for Light-Water Power Reactors" which concluded from the analysis of available data that the probability of disruptive failure of non-nuclear pressure vessels constructed to commercial standards and con-

ventionally operated was one in 100,000 per year. The Committee arbitrarily judged that the chance of disruptive failure of a modern nuclear reactor vessel, because of presumed higher standards, was about an order of magnitude less, e.g. one chance in a million per reactor year.

The consequences of a major release of radioactivity from a nuclear reactor are determined largely by the density of population in the surrounding area and the meteorological conditions prevailing at the time.

WASH–740, a 1957 study of "Theoretical Possibilities and Consequences on Major Accidents in Large Nuclear Power Plants," commonly known as the "Brookhaven Report" estimated consequences of a major accident. It assured that a hypothetical reactor was located 30 miles from a major city near a large body of water in an area of low population density comparable to that around Calvert Cliffs; that rather typical day and night weather conditions prevailed; that fission products had 24 hours in which to decay between core meltdown and containment breach; that people were indoors during the period when most casualties were predicted (estimated radiation exposures were arbitrarily halved to take this into account); and that, in the scenario predicting the most damage, fifty percent of total fission products were released to the atmosphere. All of these assumptions except the last could reasonably apply to a modern reactor. The percentage of fission products released from a modern reactor might be less due to containment sprays, filters and deposition on containment and intra-containment structures, although this would not necessarily be the core in the event of sabotage or missile impact. Moreover, modern nuclear power plants have 6 to 12 times the generating capacity of the WASH–740 reactor and contain proportionately more fissionable material; they operate twice as long without refueling, and fission product accumulation increases with operating time. Release of only 5–10 percent of the fission products of a modern 1000 megawatt reactor would be equivalent to a fifty percent release from the hypothetical WASH–740 reactor.

WASH–740 projected that an accident occurring during a period of common nighttime thermal inversion could result in lethal radiation to 3400 people at distances up to 15 miles; severe radiation sickness in an additional 43,000 people at distances up to 44 miles; radiation at levels now believed to be sufficient to double the risk of cancer to an additional 182,000 people at distances up to 205 miles; property damage to $11.1 billion in 1974 dollars; rapid evacuation of up to 66,000 people from 92 square miles at distances up to 100 miles; and slower evacuation of 460,000 people from an area of 760 miles at distances up to 320 miles.

If the radioactive cloud was released hot during daylight hours under conditions of normal adiabatic lapse rate, if the wind was blowing away from land or if the molten core bored deep into the ground before containment was breached the number of deaths could theoretically be a few to a few hundred. But the radioactivity added to the ecosphere and widely circulated could be equivalent to that of many atom bombs and would have serious effects at a distance.

Beginning with the letter of transmittal and continuing through AEC pronouncements of the present day, the WASH–740 casualty and damage estimates have been officially dismissed as being unrealistically high, due to their being based upon assumptions of "worst possible" combinations of circumstances. A careful reading of the document, however, clearly reveals that this is not justified. WASH–740 states that the results reflect ". . . the philosophy of the study, in that there were no deliberate attempts to maximize the hazard . . . This study . . . is considered neither unduly pessimistic nor optimistic." It states that conservative assumptions were made where knowledge was insufficient but that, on balance, it emphasizes that, "Conditions and specifications . . . are chosen to be representative of a 'generalized' power reactor situation," that the assumptions made ". . . give reasonably dependable general indications of the results to be expected in a large majority of possible situations". Elsewhere, it explicitly states ". . . this study does not set an upper limit for the potential damage; there is no known way at present to do this."

Actually, there are reasons to consider the WASH–740 results much less than extreme. First, in appraising the effects of the hypothetical accident, it was necessary to define the probable extent of damage produced by various doses of radiation, and much lower doses of radiation are now known to cause damage than was thought to be the case at that time. Second, WASH–740 did not attempt to predict genetic damage or the induction of cancer. Third, the equations used for predicting the dispersion and settling out of radioactive particles led to underestimation of radioactive contamination for areas at a distance from the reactor. Fourth, all people exposed to radiation were assumed to be in good health. Fifth, gamma radiation received when not actually immersed in the radioactive cloud and radiation scattered back from the ground were ignored in estimating doses received.

II. THOSE WHO CONTROL THE NUCLEAR ENTERPRISE ARE SOMETIMES CAVALIER AND DECEPTIVE IN THEIR DEALINGS WITH THE PUBLIC AND ARE UNRECEPTIVE TO COMPETENT CRITICISM

I will give several examples:

1. Citizens, even professionals, who question the commitment to nuclear power are often given canned administratively approved platitudes about "safe, clean power", "defense in depth", and "extremely improbable" accidents. Upon closer questioning, they are often told that reactors are so complex that people who are not professionally involved cannot hope to understand them well enough to make judicious decisions about the nuclear commitment.

Yet, Dr. Dixy Lee Ray, Chairman of the Atomic Energy Commission, was a marine biologist, a specialist on marine worms, for 27 years prior to assuming Chairmanship of the Atomic Energy Commission about 13 months ago. She has had no training whatsoever in engineering principles relevant to power plant operation and has had absolutely no formal training in radioisotope methodology, radiological protection procedures or health physics. She has a confident demeanor, an outgoing personality and an exceptional ability for public relations. We are expected to believe that she knows enough about atomic energy to seal the Faustian bargain that society is being asked to accept on our behalf—while millions of other scientists and intelligent laymen must accept the bargain on faith, and on the basis of bland half-true or totally misleading commercials. The irony of this charade, gentlemen—in which our nation is being manipulated into making one of the most important decisions in its history—is overwhelming.

2. Dr. Ray, Dr. Rasmussen and Dr. Herbert C. Kouts, Director of Reactor Safety Research, have repeatedly attempted to de-emphasize the WASH–740 damages before this Committee and elsewhere by calling "WASH–740, an analysis of the worst possible case". As I have noted above, this is clearly not true if one reads beyond the cover letter of the document. Moreover, in his attempts to de-emphasize these findings, Dr. Kouts has repeatedly—including in speeches to the Atomic Industrial Forum—claimed that WASH–740 assumed a suburban location, no rapid evacuation, no attempts to avoid immediate radiation effects to persons and the worst combination of meteorological conditions. These claims are false.

3. In 1964–65, another AEC study re-examined the results of WASH–740 and predicted more serious accident consequences, proportional to the larger size of modern reactors: up to 45,000 deaths, long-term contamination of an area the size of Pennsylvania and tens of billions of dollars of damage. The study was administratively halted prior to completion, and AEC refused to make the draft report public until eight years later when threatened with a law suit under the Freedom of Information Act.

4. Dr. Ray and Dr. Kouts have reported the preliminary results of the Rasmussen study of nuclear accident probabilities to this Committee, to the press and elsewhere—in such a manner as to reassure the public that the chance of accident is so low as to be negligible. But they have not qualified their comments with appropriate information on the underlying assumptions, the limitations and the huge range of error in the Rasmussen estimates.

Yet the Rasmussen results, while having the aura of computer based sophistication, will have no more quantitative value for guiding safety decisions than WASH–740. Computer results are no better than the program and the data fed into the computer. A chain is no stronger than its weakest link. The Rasmussen estimates have the following weaknesses: (i) A huge range of uncertainty which, itself, is quantitatively very uncertain. (ii) The fact that all possible accidents cannot be anticipated. (iii) The fact that anticipated accident sequences intuitively judged to have comparable magnitude of effect are lumped into general categories and detailed probability analyses are done only for those events in each "consequence category" which are considered likely to have the highest probability. (iv) Although probabilities of failure are available for parts and components widely used in conventional plants, "best engineering judgement" is used to estimate how these probabilities differ for the "higher quality" versions of these parts and components that are used in nuclear plants, and "best engineering judgement" (e.g. educated guesses) are likewise used for the probability of failure of parts and components unique to nuclear plants. (v) The probability analysis assumes independence of accident events, whereas the most important events in an actual accident may result from common mode failures. (vi) Whereas the most critical factors in nuclear facility accidents are likely to be psychological and social factors—including sabotage, nuclear diversion, etc.—there have been no sophsticated professional studies of these factors as they relate to nuclear facilities and the Rasmussen study cannot, in any quantitative sense, take these factors into account. Attempting to sell the Rasmussen results as "quantitative" and attempting to reassure the public concerning nuclear risk on the basis of the Rasmussen results, as Dr. Ray and Dr. Kouts have done, can only reflect either extreme naivety or intent to deliberately deceive the public.

5. Dr. Ray, Dr. Kouts and the Chairman and members of this Committee have repeatedly emphasized the independence of the Rasmussen Study, associating it in their comments with the sponsorship of Dr. Rasmussen's home institution, The Massachusetts Institute of Technology, which is located in Boston, Massachusetts. In truth, however, each of you is very well aware of the fact that this study, which is funded by a $2 million contract from the Atomic Energy Commission to the Massachusetts Institute of Technology, has its personnel and facilities quartered in AEC Headquarters in Germantown, Maryland, and the research is being conducted and administered there. The extended attempt that has been made to relate the Rasmussen Study to the Massachusetts Institute of Technology will not help the credibility of the findings. Dr. Rasmussen and his staff, for the purposes of this study, are effectively employees of the AEC. More-

over, the AEC and this Committee have already demonstrated their propensity to cite these Rasmussen results in a biased manner to achieve particular desired results.

6. Referring to the Rasmussen results, and reassuring that the consequences of a nuclear accident would be much less than previously anticipated, Dr. Ray has repeatedly attempted to "normalize" the lethalities in a nuclear power plant accident by equating them to those produced by a large airplane crash—a few hundred to a thousand deaths. This is one of the most callous, misleading, intellectually insulting and reprehensively irresponsible pronouncements that I have ever heard a public official make to American citizens. In trying to minimize and simplify the effect, she has completely ignored the facts that *for each acutely lethal radiation exposure* there would be about 15 cases of severe radiation sickness, many of whom may die after prolonged sickness, over 50 people receiving radiation sufficient to at least double the risk of cancer, substantial genetic damage, evacuation of over 150 people from their homes, over $3 million in property damage and long-term contamination and consequent abandonment or loss of the use of many square miles of agricultural land. Moreover, in attempting to minimize these effects, she has ignored the fact that the quoted lethalities and damage depend upon the assumption that "average" weather conditions prevail at the time of the accident and that bad weather could increase the lethalities and damage by orders of magnitude. While Dr. Ray may be citing the statistically "most probable" results, it seems reasonable to question how much, in such an important matter, should be left to the vagaries of weather.

In defending Dr. Ray's attempt to recognize only the acute radiation lethalities caused by a nuclear power plant accident and thereby equate the effects to those of a large airplane crash, Dr. Kouts has contended that "This is all that the public is interested in or understands—the number of people killed". I wager that Dr. Ray and Dr. Kouts badly underestimate the real depth of the public interest.

7. In radiating optimism and relief as she attempted to emphasize the quantitative insignificance of such accidents relative to other predictions of more serious damage, Dr. Ray has totally avoided focusing upon one crucial fact: *the few hundred to a thousand people who are killed are those who live closest to the nuclear reactor. Living close to a nuclear reactor entails special risk.* This is a point which the utilities and the AEC have continually attempted to avoid or deny. Indeed, the AEC and the utilities strongly oppose the idea of instructing people who live in the vicinity of nuclear reactors about the actions that they should take in order to maximize their safety in the event of a nuclear accident and about the nature of the rather elaborate coordinated evacuation procedures that are planned and practiced by civil and military agencies on their behalf. They fear, they say, that this instruction might unduly dampen the public confidence in nuclear power.

8. Dr. Ray has repeatedly emphasized that she has an open door policy with regard to providing information on the civilian nuclear enterprise. The Chairman of this Committee re-emphasized this policy on numerous occasions during the hearings on nuclear reactor safety that were held here in January, and he said repeatedly that if any person had any trouble whatsoever in obtaining access to any document, he wanted to know about it personally—that he and the Joint Committee staff would see that the information was made available. Commissioner Doub has publicly promised on numerous occasions, and in print, that staff papers and other internal working documents not normally covered by the Freedom of Information Act would be made available to the public. Nonsense!

On January 28, Ralph Nader referred to a secret AEC Regulatory Staff memorandum to the Commissioner which recommends new guidelines for nuclear power plant siting with respect to population. Nader said that by those guidelines a number of existing nuclear plants would be judged to be unsafely sited.

I tried to obtain access to this document commencing on January 29. On this date I made a telephone call to the Regulatory Branch of the AEC and was told that the document was a working paper and could not be made available. My subsequent efforts, which I have continued to pursue, both because I genuinely needed access to the document and because I wanted to test the validity of the claims of openness that are being made by the AEC and this Committee, clearly demonstrate that insofar as sensitive and "un-sanitized" claims of openness have no validity at all:

February 1—I wrote a letter to Congressman Melvin Price, the Chairman of this Committee, and also a separate letter to Dr. Dixy Lee Ray, Chairwoman of the AEC, reminding them of their statements concerning open access to documents and requesting their assistance in obtaining access to the document on power plant siting mentioned by Nader. I received no reply.

Week of February 18—I made several telephone calls to the Joint Committee on Atomic Energy attempting to speak with Mr. Edward Bauser, Executive Secretary of the Committee. I stated the nature of my business to his secretary and asked for a return call. But I was not able to get in touch with him.

February 21—I telephoned Dr. Ray's office and asked an assistant to check on the disposition of my letter of February 1 and her intended reply.

February 22—I called Congressman Price's office to inquire about the disposition of my letter to him of February 1. I was told that it would have been forwarded to the Joint Committee Staff.

I tried to reach Mr. Bauser again, unsuccessfully. However, a Mr. Klug, who identified himself as a consultant, spoke with me and I called his attention to my letter of February 1 to Mr. Price and Dr. Ray and asked assistance in obtaining the requested document.

February 28—An attorney in the Office of General Counsel, Mr. Thomas Catalan, called and said that he was speaking on behalf of Dr. Ray and that "the matter" had been turned over to another attorney. Mr. Thomas Engelhardt, whom he said would call. Mr. Engelhardt, however, did not call nor would he return my call when I tried to reach him.

March 1—Called Mr. Peter Scrivner, Administrative Assistant to Mr. Price, and asked for help. At his suggestion, I wrote another letter to Mr. Price, calling attention to my letters of February 1, summarizing the problem and requesting assistance. I reached Mr. Bauser by telephone. He probed at length to learn why I wanted the document and said he had no way to get it. Finally, he agreed to look into it.

March 8—I called Mr. Scrivner and notified him that the document had not been received. He agreed to check further with Mr. Price. Mr. Bauser returned my telephone call and I queried him about the status of permission to read the document. He was contrite, rude, non-committal, hostile and mocking.

I called and reached Mr. Engelhardt for the first time. He said that everything was coming along smoothly. He had been getting things together for me and would mail them shortly.

March 15—I received a note from Mr. Bauser, saying that he had not received the reference but would forward it when he got it. I received a letter from Mr. Engelhardt, saying that he was enclosing a copy of "the draft document" prepared by the Regulatory Staff dated October 31, 1973, and released in December 1973, entitled "General Environmental Siting Criteria for Nuclear Power Plants: Topics and Bases". This, however, turned out to be an extremely bland document and not the one to which Nader referred.

March 23—I attempted to reach Mr. Engelhardt by telephone at his office and, being unable to reach him, told his secretary that this was a diversionary document, that I was attempting to obtain a regulatory staff memo to the Commission of April 23, 1973, entitled "Population Density Around Nuclear Power Plant Sites". She later called back, telling me that Mr. Engelhardt said to call Harold R. Denton, Assistant Director for Site Safety, Directorate of Licensing, to gain access to the document.

I called Mr. Denton and he said that he would have to check with Mr. Engelhardt for permission to let me see the document.

March 26—Mr. Denton called me and said that he had checked with Mr. Engelhardt and that permission to see the document was denied on the grounds that it was "considered as a working paper and, hence, not available".

I called Mr. Peter Scrivner, Administrative Assistant to Mr. Price, again to request assistance in gaining an opportunity to read this document in Washington prior to testimony; he said that he would talk with Mr. Price about it and call me back. He has not called.

After two months of effort and delay and a diversionary substitute document—I have still been unable to see the document which Ralph Nader quoted on nuclear power plant siting. It is tempting to conclude that Nader was correct that the proposed siting criteria indicate many existing and planned power plants to be unsafely sited. If this were not the case, I would expect the AEC to hasten to make the document available in order to show this serious charge to be incorrect. Moreover, I conclude that: (i) if the Regulatory Staff of the AEC called administrative attention to serious safety problems in nuclear power plant siting and recommended siting changes eleven months ago; (ii) if, as was clearly the case, the AEC proceeded just three months ago to publish and distribute an incredibly bland and innocuous document entitled "General Environmental Siting Guide for Nuclear Power Plants: Topics and Bases", with absolutely no mention of the latter problems or recommendations; and (iii) if, as has clearly been the case, the AEC has been pushing as hard as possible to capitalize on the acute energy crisis by accelerating the siting of nuclear reactors and minimizing the review process for their siting—it appears that the recently published document was deliberately diversionary and that the AEC is deliberately trying to deceive the public in these matters.

Moreover, in view of Nader's testimony before this Committee two months ago, the consternation that it caused members of this Committee and the Committee's pledge to respond to his charge, there is no reasonable doubt that this Committee is familiar with the April 23, 1973 document to which Nader referred. If the members of this Committee are not familiar with that document, they are remiss in their responsibilities. If they are familiar with this document and if Nader's charges are correct, they are a party to the AEC's deliberate continuing efforts to withhold from the public professional concern about the safety of siting for nuclear power plants and a party to administrative and AEC efforts to hastily increase the siting of nuclear power plants in spite of—and without public discussion of—the consequences.

Congressman Price is either personally unwilling for the document to be made public in spite of his public avowals to the contrary,

or he is unable to influence Dr. Ray to release it. Whichever is the case, it does not speak well for the controlling function of this Committee in matters related to the public safety.

9. In January, Ralph Nader also referred to another document that at that time was not available to the public, "Task Force Report: Study of the Reactor Licensing Process," October, 1973. This document, which outlines numerous deficiencies in quality assurance and other regulatory functions, was subsequently published in two volumes. The sanitized version was obtained for me in the course of the transactions just described both by Mr. Bauser and by Mr. Engelhardt—more than a month after the document, unknown to me, had been made public. It is instructive to compare the original version with the sanitized version that was released to the public. The released document has been extensively altered in ways that tend to minimize the concern that the comments and recommendations may cause the general public. Following, I quote examples of the differences between the original report and the modified "Study of Quality Verification and Budget Impact" which was published with a date of January, 1974:

a. *Original version,* pg. 18—"The Task Force" does not believe that the overall incident record over the past several years, combined with the common mode failures that have been identified, give the required confidence level that the probability for such an accident is 10^{-6} (one in a million) or less per reactor year."

Sanitized version, pg. 18—The Task Force "believes that further continuing actions need be taken to provide additional assurance that the probability for such an accident will be one in a million or less per reactor-year."

b. *Original version,* pg. 18—"As a matter of interest, if there were 1,000 reactors operating and the probability for a major accident were 10^{-6} (one in a million) per reactor-year, the probability would be less than 0.03 (one in 33 that such an accident would occur at one or more reactors during the 30 year lifespan of the reactors."

Sanitized—totally deleted.

c. *Original version,* pg. 59—"While it is very true that not many deficiencies have been found in vender produced items, this is only because there have been few inspections performed."

Sanitized version—totally deleted.

d. *Original version,* pg. 4–16—"It is obvious that when only AEC resources are considered as applied to the numerous facets . . . of quality assurance . . . "the result is an extremely low quantitative confidence level that the product will perform as designed."

Sanitized version—totally deleted.

e. *Original version,* pg. 16—"Review of the operating history associated with 30 operating nuclear reactors indicated that during the period 1/1/72–5/30/73 approximately 850 abnormal occurrences were reported to the AEC. Many of the occurrences were significant and of a generic nature requiring follow-up investigations at other plants. Forty percent of the occurrences were traceable to some extent to design and/or fabrication related deficiencies. The remaining incidents were caused by operator error, improper maintenance, inadequate ejection control, administrative deficiencies, random failure and combinations thereof."

Sanitized version, pg. 15—"Review of the operating history associated with 30 operating nuclear reactors has shown that during the period 1/1/72–5/30/73 no nuclear accidents occurred and no member of the public was injured in any way due to radiological causes. However, this record also contains approximately 830 abnormal occurrence reports filed with the AEC. While the vast majority of these abnormal occurrences represented failures that are anticipated, will always occur with manufactured equipment, and are protected against by the redundant design of nuclear systems; and while none of them resulted in a significant direct threat to the health and safety of the public; many of the occurrences either illustrated failures in QA programs during the construction or fabrication phases or were symptomatic of or identified design weaknesses in safety-related components and systems. Many of the occurrences also were of a generic nature requiring follow-up investigations at other plants.

10. This Committee derisively treats critics of civilian nuclear power and attempts to intimidate and ignore them. I vividly recall the testimony of Dr. David R. Inglis in this chamber last January. This 69-year-old distinguished scholar and nuclear engineer had important professional responsibilities in the original Manhattan Project. He is now a Professor of Physics at the University of Massachusetts, Amherst. He prepared a careful statement cautioning against the nuclear commitment and came here from Massachusetts in the heart of winter to testify at his own expense. He was kept waiting until near the end of the day. Then, the Chairman and all members of the Committee departed, save one, Mr. Hollifield, who was given the Chairman's responsibilities. Dr. Inglis then began his testimony while Mr. Hollifield impatiently thumbed papers. Before he completed his statement, he was asked to stop and deposit it for the record. The contrast between the attention and respect given this gentle man and that accorded Dr. Ray, who has none of his experience or professional qualifications, is deplorable.

Other experienced men who have previously had major responsibilities with the Atomic Energy Commission are likewise ignored and treated in similar manner when they attempt to question the promotion of civilian nuclear energy. How recently in reasoned public discussions or non-public policy discussions have such experienced men as Dr. George L. Weil and Dr. Karl Z. Morgan been asked by the AEC or the Joint Committee to present their views?

11. It is clear from the points that I have enumerated above that the stripes of the Atomic Energy Commission and of the Joint Committee on Atomic Energy—even in the light of the bright image projected by Dr. Dixy Lee Ray—have not changed. This Committee does not serve a regulatory function with regard to the AEC. Rather, it acts jointly with the AEC to *promote* the development of civilian nuclear energy—and regularly defers to the economic interests of the nuclear industry when conflicts with public safety emerge. It has not been many years, I recall, since the Chairman of this Committee—in the face of irrefutable evidence for their need actively attempted to prevent more stringent safety standards from being sent for uranium miners.

To have the AEC and this Committee responsible for considering nuclear safety is almost as absurd as a spectacle that I witnessed at the National Academy of Sciences on January 29: Dr. Chauncey Starr—who is an electrical and nuclear engineer, President of the Electric Power Research Institute, the original organizer of the Atomic Industrial forum and a major proponent of civilian nuclear power—had primary responsibility for lecturing to an audience of thousands on the subject of "Environmental Health and Safety" in an Academy Forum on "Energy: Future Alternatives and Risks". No physicians or public health people were involved. There were no scheduled discussions of the risks of civilian nuclear power and no scheduled discussions of alternatives such as solar, wind and ocean thermal energy. Dr. Philip Handler, President of the National Academy of Sciences, in his closing remarks did express serious concern about the civilian nuclear enterprise, partciualrly the commitment to the breeder reactor.

The atomic establishment has a strangle hold which is virtually all pervasive on most matters regarding energy research and development in the federal government. Dr. Dixy Lee Ray and the AEC have been charged with primary responsibility for developing budgets for energy research and development. It is not overly surprising, therefore, that administrative recommendations for renewable resource research and development in the coming fiscal year are considerably less than the "minimum viable" amount requested by those who have responsibilities in these areas: the amount projected for all kinds of solar, ocean, wind and biological conversion technologies combined is less than the City of Baltimore will spend on legal fees related to extension of its expressway system; far less than was recently spent printing rationing tickets for gasoline; only two-thirds the cost of a single phantom jet; 6.6 percent the amount EXXON spent changing its signs; and 1.6 percent the amount the AEC will spend on civilian nuclear power. The amount being spent this year on these technologies is less than that buried in the budget for expenses related to development of supersonic and hypersonic air transports.

It is true that after many years of doing virtually nothing to develop renewable energy resource conversion technologies, we are now beginning to move ahead—but only at a slow crawl as opposed to sitting dead still.

A new office for determining future policy and goals for energy research and development was recently established in the Executive Office of the White House. Dr. Alvin Winberg—a leading proponent of civilian nuclear power, and previously Director of the Oak Ridge National Laboratory—was placed in charge. It was hardly two years ago when he publicly said that if we developed a drug to prevent or halt the growth of cancer we could cease worrying about most exposures to radiation.

III. THOSE WHO CONTROL THE NUCLEAR ENTERPRISE ARE OFTEN CAVALIER ABOUT MATTERS THAT AFFECT THE PUBLIC SAFETY

1. A modern nuclear reactor may contain radioactive fission products equivalent to those produced by the explosion of thousands of Hiroshima-sized atomic bombs. There are problems of scale, and this country has less than 45 years total operational experience with large nuclear reactors having an electrical generating capacity of 400 megawatts electrical or greater. Not one reactor with a power rating of over 809 megawatts electrical has a full year of operational experience. Human error is the most likely cause of a nuclear accident. There are extreme shortages of qualified personnel for building and operating nuclear power plants and continual safety related personnel problems. Milton Shaw continually emphasized this during his period of tenure as Director of the Reactor Research Division, and he repeatedly emphasized this in his testimony before Congress in support of the fiscal 1974 budget. Experience has shown that an average of 20 abnormal incidents per year may be expected in an operating nuclear reactor, and that many of these incidents have important safety implications. Fully 20 to 25 percent of the commercial reactors in the country are often shut down and inoperative due to safety related problems.

Yet, the Administration, the AEC and this Committee are doing everything in their power to increase the speed of nuclear power plant siting, minimize public review and discussion of proposed sites and attain the goal of increasing the number of nuclear reactors from the present 42 to 1000 within the short period of 27 years.

2. There are no protective systems in any reactor that mitigate against catastrophic releases of radioactivity in the event of a primary reactor pressure vessel rupture. Many older reactors are constructed of lower quality steels than those currently considered acceptable for nuclear reactor vessels. Moreover, the belt zones of these ves-

sels have been subjected to prolonged high-intensity irradiation. Although systematic information is not available, it is known that prolonged irradiation weakens steel and increases the probability of vessel failure. The probability of pressure vessel failure in a non-nuclear vessel made of this quality steel is about one in 100,000 per vessel-year. We may guess that the probability of pressure vessel failure in these older nuclear reactors is even greater than this. Yet, they continue to operate, and there has been no indication that operation is to be stopped. (Refer: Stratton report, Jan. 14, 1974).

3. It is anticipated that a need for emergency shut-down will arise at least once in the operating life of a reactor. Thus, it was officially recognized by the AEC and this Committee last December that reactors should have redundant emergency shutdown ("SCRAM") systems. Yet, the prescribed redundancy of SCRAM systems will be required in the design of nuclear power plants only for applications submitted subsequent to October 1, 1976. That is two and a half years from now, and many new applications are expected to be processed before that time. The need for this safety feature should have been acknowledged years ago. Now, an extremely relaxed approach is being taken to enacting this important safety precaution on behalf of the public.

4. The new Acceptance Criteria for Emergency Core Cooling Systems that were promulgated on December 28, 1973, recognized that it is in the interest of safety for higher standards to be required in the fabrication of fuel rods. Yet, fuel has already been fabricated to the old standards for 53 reactors that are now under construction. Although most of these reactors will not be ready for operation for several years, it is planned to use these inferior fuel rods. Moreover, since fuel rods are replaced at the rate of only 30 percent per year during operation, it will be three years—as much as ten years from now on some reactors—before these reactors will be equipped with the improved fuel rods that are judged, in the interest of safety, to be desirable today.

5. The AEC has recently suggested (WASH–1270, "Technical Report on Anticipated Transients Without Scram") that a goal be set for the risk level to be accepted for nuclear reactors in the country at large such that the probability of an accident killing 100 to 1000 people would be "less than" one in 1000 per year ("less than" in statistical jargon means no greater than one in 1001—for practical purposes, it means no more often than once in 1000). From this, one may conclude: (i) In the year 2000, when we are expected to have 1000 operating reactors in the nation, we should be happy if we achieve the goal of experiencing only one such accident each year. (ii) The AEC policy, reflecting Dr. Ray's public pronouncements on related subjects, is ignoring the tremendous damage done by such an accident aside from the acute lethalities and ignoring the ability of adverse weather to increase these deaths and other casualties and damage by orders of magnitude. I think that I can confidently say that if the public were told that they could expect such an accident, the seriousness of which would depend upon the weather, each year—they would reject the nuclear option hands down.

6. Radiation Management Corporation, a small company in Philadelphia, is responsible for coordinating the evaluation and treatment of radiation casualties at civilian nuclear facilities in the central eastern region of the United States. Utility emergency evacuation plans prepared to protect the public near nuclear reactors specify that people receiving 100 rad or more of whole body irradiation will be transported to Philadelphia for diagnostic and treatment procedures under their auspices. The Corporation has rental access to two or three helicopters each of which carry two patients. The U.S. Marines could be asked to supply 100 helicopters in a major emergency. In the kind of accident referred to above, in which 100 to 1000 people received acutely lethal radiation exposures, thousands of people would receive doses in excess of 100 rads and would have severe radiation sickness and many would require prolonged special treatment. Upon query to Radiation Management Corporation, I have been told that the emergency plan actually covers only patients who are severaly overexposed *on site*, i.e., their services are geared to treatment of a few casualties occurring within a nuclear facility. Their special clinical facilities, which are located at the University of Pennsylvania Hospital, have capacity for full treatment of only 2 or 3 patients. I was told that by purchasing mobile reverse isolation units from a local supplier, the number of patients that could be accommodated could be increased to between 50 and 100.

It is obvious that there is no reasonable way to provide for the adequate care of the number of patients who would be sublethally but seriously irradiated in the event of an accident such as that discussed above.

7. Although our civilian nuclear program is now far advanced and nuclear power plant siting is being rapidly accelerated, the AEC has no substantive program for verifying the quality of components that go into reactors. They have no authority or arrangements for inspecting even such important manufacture and fabrication activities as those of nuclear steam system supplies. The utilities, whose capabilities in these areas are often limited, are held "responsible". Adherence to "high standards" specified on paper is largely handled by assurances on paper. The January, 1974, Task Force Report "Study of Quality Verification and Budget Impact" recognizes this and recommends increased staffing and an increased budget to overcome these deficiencies. These recommendations come late in the game when one considers that the AEC and this Committee have been assuring the public of "high quality," "stringent inspections" and "defense in depth" for years.

The report emphasizes that if the recommendations made by the Task Force had been on the conservative side with regard to safety, the recommended increase in personnel and budget would be much greater. The report states, ". . . it should be made clear that the Task Force's recommendations really represent the *minimum* program that is believed to be consistent with providing reasonable assurance that an appropriate level of risk will be achieved."

A small pilot program for in residence inspectors to be on two construction sites and a modest increase in inspectors for component vendors are now projected. But the increased effort projected for the coming fiscal year in no sense approximates that which the report indicated would be necessary to provide adequate quality and safety assurance in nuclear reactors.

8. Current issues of 10 CFR Part 100 which specify Reactor Site Criteria still refer "For further guidance in developing . . . the low population zone . . . to Technical Information Document 14844, dated March 23, 1962, which contains a procedural method and a sample calculation that results in distances roughly reflecting current siting practices of the Commission." This document, "Calculation of Distance Factors for Power and Test Reactor Test Sites" gives sample calculations of a low population zone radius around a 465 megawatt electrical reactor of 13.3 miles. Yet present day reactors two and a half times that size have low population zone radii of only three miles, e.g., less than a quarter as treat. This is justified, as specified in Regulatory Guide 1.4, by assumptions concerning the probable attenuation of released radioactivity by engineered safeguards, e.g., containment sprays, recirculating filter systems, etc.

The effectiveness of these engineered safeguards, however, is dependent upon the assumption that the main containment is not breached, that it leaks contained radioactivity only at a low technically specified rate, usually 0.1 or 0.2 percent per day. If containment is breached, as by an airborne missile, sabotage or internal missiles and dislocations as would likely be experienced in the event of a pressure vessel rupture or a complete core meltdown, these engineered safeguards are largely ineffective. It is such events as these to which my previous discusison had applied.

Core meltdown or pressure vessel rupture, however, are not design basis accidents. It is not presently considered possible to design for protection against them. The only protections are assumptions of improbability and distance. Consider for a moment the real significance of the "Maximum Credible Design Basis Accident" to which standard calculations of low population zones apply.

The design basis accident or "maximum credible accident" assumes release into an intact containment of an amount of radioactivity calculated to be made available if total core meltdown were to occur—an event which most authorities think cannot occur without containment being breached. It is, therefore, purely hypothetical and portrays a less severe than possible accident situation. Moreover, even in this relatively benign hypothetical situation in which all engineered safeguards work, the total radiation dose to the adult thyroid on the outer boundary of the low population zone could be up to 300 rem. Doses for people within the law population zone and near its inner perimeter could be much greater. Biologically, these are not low or innocuous adult radiation exposures. While using these exposures as criteria for calculating low population zones, 10 CRF 100 says in a footnote: that . . . "these site criteria guides are . . ." not ". . . intended to imply that these numbers constitute acceptable limits for emergency doses to the public under accident conditions. Rather, . . . the 300 rem thyroid value . . . has been set forth as . . . a reference value . . ., which can be used in the evaluation of reactor sites with respect to potential reactor accidents. . . ." In practice, however, this is the risk that we decide to take for an accident in which all engineered safeguards work when we calculate low population zones on this basis. These criteria, as Ralph Lapp has pointed out, do not consider the fact that one would expect a ten-fold higher radiation dose for the infant thyroid than the adult thyroid for the same uptake of radio-iodine, and 3 to 4 times the adult dose in young children exposed to common air concentrations of radio-iodine.

Hence, even the most optimistic accident assumptions that are used in calculating low population zones leave much to be desired where public safety is concerned.

In spite of this, the AEC did not move to prohibit the siting of reactors on an island in the Delaware River 11 miles from Philadelphia—where 50,000 people would have been contained in the "low population zone"—until the State of Pennsylvania insisted that reactor siting be prohibited there.

According to "Guide to the Preparation of Emergency Plans for Production and Utilization Facilities," December, 1970, a low population zone should be designated such that all people therein can be evacuated within two hours.

In many instances where nuclear reactors are being sited at low population densities, the population is expected to increase four-fold by the turn of the century. Low population zones, therefore, cannot realistically be expected to remain "low population zones" forever.

Is there any acceptable safe way, gentlemen, in the eastern United States, to site a nuclear reactor?

IV. THE CIVILIAN NUCLEAR COMMITMENT IS DESTROYING FREE ENTERPRISE IN THE ELECTRICAL POWER AND RELATED INDUSTRIES—RESULTING IN THEIR VIRTUAL NATIONALIZATION—EXCEPT THAT THE INCREDIBLY FREE ENTERPRISE OF SHOVELING AS MUCH PUBLIC MONEY AS POSSIBLE OUT OF THE U.S. TREASURY REMAINS

The nuclear power industry has been deliberately created by the government through the auspices of this Committee. It could not have become a reality without the government gift of nuclear technology, access to utilization of government facilities, billions of federal dollars in research and development funds, matching funds for demonstration plants, state and federally supported monitoring and emergency programs, and federal liability insurance. Some states are now expending large sums for advance location and evaluation of sites which will eventually be used for power plants by the utilities. Some efforts have been made to stimulate "competition" by such methods as attempting to contract demonstration plants to more than one manufacturer. In fact, however, the cost of each is so great and so few companies are sufficiently large and well equipped with expertise and resources that competition is nil. The effect of the nuclear program is to make these few companies larger yet.

The need to standardize nuclear facilities to federally determined specifications and to increase quality assurance will increasingly favor federal control of the power industry and the growth of a few large companies to the exclusion of others. The evolving recognition of a need for resident inspectors of construction and of component manufacture will inevitably lead to greater federal control. The need to protect against sabotage of nuclear facilities and against diversion of nuclear materials will lead in the same direction. Theodore Taylor suggested to this Committee in January that a federal police force costing $100 million per year would be needed by 1980 to provide adequate protection of nuclear facilities and shipments.

By declaring the future of electrical power generation to be nuclear, by claiming that nuclear power would be so cheap that it would not be worthwhile to meter it, and by providing numerous incentives the federal government effectively made most utilities fear that it would be uncompetitive for them not to "go nuclear". If some now have doubts, they are, nevertheless, "hooked". They have now invested huge amounts of capital and years of advance planning, and they are trapped. The nuclear commitment has effectively robbed a large sector of American business of three most basic elements of the free enterprise system: initiative, competition and risk. The pigeons of this planning and economic fiasco will eventually come home to roost, with the disbandment of this Committee. But the damage will long since have been done.

The various solar energy options would have required far less federal research and development support and would have been amenable to more diversified activities within a more viable and independent free enterprise economy. Ironically, the $100 million that Taylor suggests as an annual cost of policing nuclear facilities is exactly twice the fiscal 1975 Administration budget recommendation for the "solar" energy options.

V. THE FORCED DEVELOPMENT OF CIVILIAN NUCLEAR POWER BY THE GOVERNMENT HAS PLAYED AN IMPORTANT ROLE IN PRODUCING THE PRESENT ENERGY "CRISIS". IF ALLOWED TO CONTINUE IN ITS PRESENT COURSE, IT WILL CONTRIBUTE TO EVEN MORE SERIOUS ENERGY CRISIS IN THE FUTURE

The strong federally motivated emphasis upon nuclear power over the past twenty-six years has played an important role in encouraging the decline of the coal mining industry, in delaying the evolution of production methods for liquification and gasification of coal, and in diverting interest from earnest efforts to develop mature technologies for conversion of the naturally renewable energy resources.

Considerably less effort and money placed into solar, wind, ocean thermal and bioconversion technologies over the past twenty years than has been placed into nuclear technology could have resulted in far more energy being produced, more cheaply, more reliably and more safely from these sources than is being produced by nuclear energy today. There would be no energy crisis.

VI. CIVILIAN NUCLEAR POWER DECREASES THE NATIONAL SECURITY

It *directly* decreases the national security by rendering us more vulnerable to natural disaster, civil disorder and military attack. The concentration of relatively large quantities of potentially lethal fission products is a prime reason for this increased vulnerability. Also important, however, is the fact that nuclear power, because of the economies of scale, favors increased dependence upon central sources of power.

Solar energy sharply contrasts with this. No extraordinary hazard is created by destruction of a solar facility. Also, it favors decentralization of power sources. Virtual independence of large portions of residential and commercial buildings through the utilization of solar energy is not an unreasonable goal.

Civilian nuclear power *indirectly* decreases the national security by making international terrorist activities more likely and by otherwise setting the stage for large scale disruptions in less developed countries of the world. If it taxes our ability to safely use civilian nuclear energy on a large scale, can we expect the less developed countries to use it safely to meet their energy needs and solve the dilemma of balancing resources and population? The answer is clearly "No". On the other hand, I can think of no commitment that this nation could make that has greater potential for assuring world peace than to develop the various solar, wind and ocean energy conversion technologies on a crash basis.

The Atomic Energy Act of 1946 stated a national policy of developing and utilizing atomic energy to "assure the common defense" and for "improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace". In each of these policy areas, the civilian nuclear power commitment is now doing, or threatens to do, the exact opposite of that which was intended.

Moreover, in view of the deliberate deception of the public with regards to the risks of the civilian nuclear enterprise, the indifference to constructive criticism, and the self-righteous "more qualified to decide than you" arrogance of those who control the nuclear enterprise—the civilian nuclear commitment threatens to undermine the most fundamental principles on which this government is based. The decision to fully embrace or to reject nuclear fission as our primary future source of energy may be more momentous than the decision to elect any individual president. It is now past time for the American public to become involved in this decision. I personally believe that it is time for our government to squarely face the fact that the commitment to civilian nuclear fission was a great mistake and to set about extricating itself from that commitment as rapidly and as gracefully as possible.

EXHIBIT 4

THE NUCLEAR FUEL CYCLES A SURVEY OF THE PUBLIC HEALTH, ENVIRONMENTAL, AND NATIONAL SECURITY EFFECTS OF NUCLEAR POWER, OCTOBER 1973

THE AUTHORS

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CHAPTER III—CATASTROPHIC NUCLEAR ACCIDENTS

(By Daniel F. Ford and Henry W. Kendall, Union of Concerned Scientists)

1. Introduction

The large quantity of radioactive material that accumulates in each operating nuclear reactor implies the need for the most stringent care to see that no appreciable portion ever escapes. If any major release were to occur, the stage would be set for an accident of unprecedented scale.

Whether the safety systems, specifically the emergency core cooling systems (ECCS), installed in the present generation of water-cooled nuclear power reactors are adequate to prevent the major loss of radioactivity during an accident has recently become a matter of national controversy, a controversy in which the Union of Concerned Scientists (UCS) has played a leading role. The public debate on reactor safety began in 1971 following the failure of some critical safety system tests. Within a year, two reports [1] were released identifying weaknesses in the design of present ECCS and setting forth the size and scale of an accident that might possibly occur as a result of these weaknesses. Stimulated in part by these reports, the Atomic Energy Commission (AEC) initiated a rulemaking proceeding [2] in January 1972 in which USC provided the technical and scientific support to an intervening coalition of citizens groups, the Consolidated National Intervenors. This hearing did not end until July 1973. The accumulated record of oral proceedings was over 22,000 pages long with

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a nearly equivalent volume of documents of record. The hearing record [2] has proved to be a major embarrassment to the AEC and the nuclear industry. It exposed for the first time major disagreements over the design criteria for ECCS promulgated by the AEC, disagreements between the AEC's staff in Washington and the majority of the reactor safety experts on whom it relies for its safety research and technical evaluations.

The matters discussed at the ECCS hearing were highly technical and, as the size of the hearing record indicates, of great volume. It is not possible to summarize the technical arguments and positions in a brief but satisfactory manner.[2] However, discussion of the risks and consequences of catastrophic accidents in the reactor program cannot be omitted from a review of the nuclear fuel cycle without damaging the review's completeness. Accordingly, we have set forth in this chapter a brief, largely non-technical summary of these important matters drawing on the ECCS hearing record, several UCS analyses, and other sources. The references will allow the interested reader access to the material on which our summary is based.

2. The consequences of a major uncontrolled accident

The potentially devastating consequences of a major nuclear reactor accident are related to the prodigious quantities of radioactivity that accumulate during normal operation. This radioactivity is, in turn, a result of the fissioning or splitting of the original Uranium-235 nuclei in the fuel elements. The quantities of radioactivity in a reactor are measured in the tens of billions of curies. This radioactivity includes materials with short and intermediate half-lives and some alpha-active elements referred to as "transuranics," * some of which have half-lives on the order of tens of thousands of years. The radioactive accumulation in a large power reactor is equivalent to the fallout from thousands of Hiroshima-size nuclear weapons and great care must be taken to prevent any inadvertent release. Consider, for example, that 20% of a reactor's radioactive material is gaseous in normal circumstances, and, if released to the environment in one way or another, could be swept along by the winds for many tens of miles to expose people outside the reactor site boundaries to what could be lethal amounts of radioactivity. The lethal distance may approach 100 miles. Injury to health, genetic damage, and increased susceptibility to a variety of diseases can occur at hundreds of miles.

A typical urban population density might exceed 8000 persons per square mile, and reactors are now more often being sited close to major population centers. Thus, for example, the Indian Point site has three reactors and is situated in heavily populated Westchester County, within 24 miles of New York City. The Zion, Illinois reactors are within 8 miles of 80,000 persons in Waukegan, Wisconsin. An accident under temperature inversion conditions at Indian Point could result in a strip up to 2 miles wide extending from the reactor site to the Atlantic ocean in which more than 100,000 persons might receive lethal or near-lethal radiation exposures. Property damage and claims for such an accident could range in the tens of billions of dollars.

The AEC has initiated two major studies whose goal has been a quantitative assessment of the damage that could result from a major reactor accident. These studies, undertaken in 1957 and 1964–65, were carried out for the AEC by the Brookhaven National Laboratory. The earlier study, as described in AEC report WASH–740, presented a set of calculations describing the effects of a major release of radioactivity from a reactor then considered to be large, but small compared to today's devices. The 1957 calculations showed 3400 deaths, 43,000 injuries, and $7 billion worth of property damage.

In the years following the release of WASH–740, it was felt that a new study employing a more sophisticated approach would demonstrate that the earlier procedures were too conservative, that is, has resulted in unrealistically large consequences of a major accident. Moreover, a new study could deal with the reactors then under design: five times larger than the reactor of WASH–740. Accordingly, an updated version of WASH–740 was commissioned.

The update, however, established that WASH–740 was *not* unduly conservative. Indeed, the more sophisticated analysis method employed in the analysis of accidents with the larger reactors led to a prediction of 45,000 fatalities, contamination of an area "the size of the state of Pennsylvania," and many tens of billions of dollars damage in the event of an accident. The AEC did not make public any report on the results of its reevaluation of WASH–740. The AEC apparently determined that the release of this information would prove too detrimental to the nuclear industry.

In June 1973, however, under threat of a Freedom of Information Act lawsuit, the AEC releasd its internal files from the 1964–65 study. An assessment of these AEC papers is being carried out by UCS.

3. The nature of a reactor accident

The uranium fuel in a reactor core is placed inside long, thin zironium alloy tubes forming the fuel rods. The tens of thousands of fuel rods are mounted inside the reactor pressure vessel, itself installed within another protective shield, the containment building. As the fuel is gradually "burned," a great deal of radioactivity is created, which generates heat which cannot be turned off. Thus, even if the reactor is shut down so that fissioning ceases, these waste materials continue to produce appreciable heat. In the event of a reactor cooling pipe rupture, or certain other kinds of malfunction, the reactor's normal cooling water could be lost from the hot core. If this water were lost and emergency coolant not supplied promptly and in adequate amount to the reactor core, then a very rapid heatup would start, which after a period of a few minutes could no longer be controlled. The reactor core would, in these circumstances, melt down and broach all man-made structures, with what appears to be the inevitable release of at least the gaseous components of the fission products. The multiple barriers to radioactive release would in this event all be of no use. The details of such an accident are not completely understood, but there is little controversy that an uncontrolled meltdown would result in the very serious circumstances we have outlined above and could present an unparalleled hazard to people at great distance from the plant.

What has been at issue in the ECCS hearing is whether or not the systems designed to provide emergency core coolant in the event of loss of reactor coolant can in fact effectively control the accident. The hearing record, discussed below, plainly demonstrates that adequate assurance of emergency cooling system effectiveness is absent.

4. The chance of an accident

In reviewing the assurances of reactor safety, we must ask the following questions: 1) what is the probability of having the kind of rupture or other event which could give rise to meltdown, and 2) what is the probability that the emergency systems will in fact perform their function of preventing meltdown when they are called on?

Determining the probability of a major pipe rupture is one of the most important tasks in establishing assurances of safety. The probability of a serious rupture is frequently referred to as "highly unlikely" or "extremely remote" by the AEC and the nuclear industry. Nevertheless, it is considered likely enough so that, by AEC regulations, emergency cooling systems must be provided to reflood a reactor core or provide spray cooling to it in the event of a pipe rupture. It is an event of sufficient concern to be the principal subject of AEC safety research.

Recently the AEC, in a document entitled "The Safety of Nuclear Power Reactors and Related Facilities, WASH–1250," [4] has indicated that a pipe rupture might occur as frequently as once in a thousand reactor-years of operation. This is not too different from a General Electric estimate [5] applicable to its own reactors where a *major* pipe break is expected once in ten thousand reactor-years of operation.

The first important consequence to be drawn from these estimates is that accidents are, in our opinion, *not* highly unlikely at all. In fact, they are unacceptably large. The U.S. now has over 170 reactors operating, under construction, or ordered. When these are all operating, we can expect, on the basis of the AEC's best estimates, to have one pipe rupture approximately every 7 years and, by the end of the century when we have a thousand reactors, one pipe rupture every year. It is difficult to imagine by what criteria such a high frequency rate can be regarded as "highly unlikely."

In the published estimates of probability in WASH–1250, the AEC states that there is only roughly one chance in a thousand that elements of the emergency core cooling system will in fact fail to function when called on in the event of an accident. The AEC's estimate of ECCS "failure" ignores the message inherent in the very lengthy transcript and documents of the record of the recently concluded emergency core cooling hearing. In this hearing, it was established that the large majority of the nuclear reactor safety experts in the AEC's own safety research laboratories, together with the AEC's Advisory Committee on Reactor Safeguards and senior AEC Regulatory Staff scientists, have substantial reservations about the assurances of proper operation of the emergency core cooling system.

In a letter [6] of December 6, 1971 from William Cottrell, Director of Nuclear Safety Programs at Oak Ridge National Laboratory, he stated, writing in behalf of the experts in his group:

"We are not certain that the [licensing] criteria for emergency core cooling systems adopted by the AEC will, as stated in the Federal Register, 'provide reasonable assurance that such systems will be effective in the unlikely event of a loss-of-coolant accident.' "

D. O. Hobson and P. L. Rittenhouse,[7] Oak Ridge metallurgists, wrote a letter to Dr. Morris Rosen of the AEC's Regulatory staff on March 1, 1971, which stated:

"We believe that there is a consensus that what might occur during a major loss-of-coolant accident is still open to question."

George Lawson, a heat transfer expert from Oak Ridge, testified on March 1, 1972 at the ECCS hearing:

"Any conclusion with respect to the effectiveness of emergency core cooling systems is speculative."

And Norman Lauben of the AEC Regulatory Staff on February 10, 1972, testified:

"It is possible that for certain [loss-of-coolant accidents] which now calculate a temperature of 2300° [F] that the cladding temperature calculated could reach melting."

William Cottrell also stated in the Oak Ridge National Laboratory Nuclear Safety Program annual information meeting, February 16, 1971,[10] that, in view of the results that Oak Ridge had obtained in studying fuel rod swelling and damage (which aggravates the course of an accident), *he believed it was doubtful* that the emergency

Footnotes at end of article.

core cooling would work. And finally, Milton Shaw, Director of the AEC's Division of Reactor Development and Technology, in a memorandum of February 1971 to Robert E. Hollingsworth, General Manager of the AEC, stated:

"No assurance is yet available that emergency coolant can be delivered at the rates intended and in the time period prior to clad and subsequent fuel melting due to decay heat generation."

In view of these statements and many similar ones in the transcripts of the hearings, it is apparent that the contention that emergency core cooling systems will work satisfactorily 999 times of 1000 is, at best, dubious. In fact, UCS studies [12] have indicated that the margins of safety once believed to exist in these emergency systems have in some cases vanished entirely, and that there are certain accidents associated with pipe ruptures for which these systems will provide no protection. In the event of a major pipe rupture, where the emergency cooling systems fail to perform, a major accident as described above is virtually certain to result.

It is a reasonable conclusion, based on the above, that, within ten years or so, there may be a catastrophic release of radioactivity from an operating nuclear power reactor. This conclusion is based only on the AEC's own stated probability of a pipe break. This estimated accident rate neglects other possible initiating events, such as pressure vessel rupture, operator error, and other presently undefined events.

The estimated likelihood of a major radioactive release, stated above, may well substantially underestimate the actual rate of occurrence. Included among the factors that will likely increase the rate are the extensive defects in the workmanship with which nuclear power plants are constructed. The Rand Corp., well known for its work for the U.S. Department of Defense, recently commented on ". . . [the] increasing reports of poor quality control and documented carelessness in the manufacture, operation, and maintenance of these complex nuclear machines." [13]

5. Defects in the AEC'c analysis of accidents

There is a class of accidents for which the emergency core cooling systems as presently designed are, in principle, ineffective; pressure vessel rupture is one such.

It has been stated in the AEC hearing concerning the McGuire reactor by Professor Robert Whitelaw that the bolts which hold down the main pressure vessel cover could rupture, allowing the entire cover to be released and projected vertically, leaving the reactor internals open and taking the control rods with it. The preliminary estimates that he made of the probability of this occurrence was one in a thousand reactor years of operation.

There are apparently a number of reactors—Kewaunee and Prairie Island, for example—for which the placement of the steamlines is unacceptable. In some plants, the steamline passes through the auxiliary building outside the principal reactor containment. A rupture here could disable all of the emergency equipment and leave the reactor with no residual core heat removal capability. Meltdown is a real possibility in such a case. In other plants, the main streamline passes under the control room, where a rupture could destroy the control room and kill the plant operators. These defects passed all review procedures of the architects, engineers, the reactor vendors, the utilities, and the AEC Regulatory Staff, from the design stage through final construction. An anonymous letter to the AEC was required to alert the agency to the defects. It is difficult to see how this situation could have developed if AEC claims of thoroughness and care are taken at face value.

There are several other unassessed effects that can aggravate a loss-of-coolant accident. It appears now that radioactive heating of the core has been underestimated. Steam generator tube failure in reactors occurs normally but will be aggravated in an accident. It has been shown that this effect can defeat entirely the reflooding capability that is required to mitigate a loss-of-coolant accident in a pressurized water reactor. Flow blockage arising from fuel damage remains unassessed. It was this phenomenon that occasioned Mr. Cottrell's comments that he doubted that the emergency systems would work.

There have been severe and far ranging defects in the management of the reactor safety program that has contributed to the situation in which the private views of so many reactor safety experts are at variance from official pronouncements. These defects and how the safety controversy developed are set out in a series of articles in *Science*.[14] Other defects in the program are discussed in additional articles.[15]

In our opinion, the links in the chain assurances of reactor safety are substantially defective. This view is based on our own very substantial analysis and on the relevations of the emergency core cooling hearing record. This circumstance results in what we believe is one of the most serious of the several public safety aspects in the nuclear power program. There is presently no adequate remedial action being taken to diminish the risk—surely among the greatest of any technology the country has ever implemented.

FOOTNOTES

* These are formed in the reactor during normal operation of "build-up" nuclear reactions that result in elements heavier than uranium. Plutonium is one of these. The radioactive transuranics are especially potent cancer producing materials.

[1] *Nuclear Reactor Safety: An Evaluation of New Evidence,* Ian Forbes, Daniel F. Ford, Henry W. Kendall, James J. MacKenzie, Union of Concerned Scientists Report, July 1971.

Nuclear Reactor Safety: A Critique of AEC Interim Standards for Emergency Core Cooling Systems, Daniel F. Ford, Henry W. Kendall, James J. MacKenzie, Union of Concerned Scientists Report, October 1971.

An article abridging the material of the two reports above was published in *Environment,* Vol. 14, No. 1, p. 40, Jan./Feb., 1972.

[2] Emergency Core Cooling Systems (ECCS) Hearings. AEC Docket RM–50–1. The hearing record, and other AEC records and reports referenced below are available for inspection at the AEC Public Document Room, 1717 "H" Street, N.W., Washington, D.C. A report on the first nine months of the hearing, by Daniel F. Ford and Henry W. Kendall, is in *Environment,* Vol. 14, No. 7, p. 2, September 1972; a later book-length report on the ECCS hearing by the same authors is: *"An Assessment of the ECCS Rulemaking Hearing,* Union of Concerned Scientists report, April 1973.

[3] *Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants, WASH–740,* USAEC, March 1957.

[4] *The Safety of Nuclear Power Reactors and Related Facilities, WASH–1250,* USAEC, July 1973.

[5] Appendix A to General Electric Document, GEAP–4574.

[6] Exhibit 1112, ECCS Hearing (ref. 2).

[7] Exhibit 251, Ibid.

[8] Transcript page 5447 and Exhibit 137 (ref. 2).

[9] Transcript page 2084 (ref. 2).

[10] *ORNL Nuclear Safety Program—Annual Information Meeting, February 16–17, 1971, Oak Ridge, Tennessee.* Summary by A. A. Katterhenry.

[11] Exhibit 1011, ECCS Hearing (ref 2).

[12] Incorporated in UCS documents prepared in connection with the ECCS hearing:

(a) Direct Testimony, Exhibit 1041, March 1972.

(b) Redirect and Rebuttal Testimony, Exhibit 1153, October 1972.

(c) Concluding Statement, April 1973.

[13] R. D. Doctor et al, *California's Electric Quandary* (RAND Corporation, R–1116–NSF/CSA, Sept. 1972), Vol. 3, p. 25.

[14] *Science,* Vol. 177, September 1, 1972; Vol. 177, September 8, 1972; Vol. 177, September 15, 1972; and Vol. 177, September 22, 1972.

[15] *Science,* Vol. 176, May 5, 1972; Vol. 177, July 28, 1972; Vol. 178, November 3, 1972; Vol. 179, January 26, 1973; and Vol. 181, August 24, 1973.

NEW GUIDELINES PREPARED TO SAVE ENERGY IN LARGE U.S. BUILDINGS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. TIERNAN. Mr. Speaker, residential and commercial buildings currently consume some 33 percent of total U.S. energy. Studies conducted by the National Bureau of Standards indicate that on the average, about 40 percent of that energy is wasted through design of the building, construction practices in implementing design, and occupant practices in using the buildings. These deficiencies lead to an annual waste of energy equivalent to about 345 million tons of coal or 65 billion gallons of oil or 9 trillion cubic feet of natural gas. There are also consequently substantial environmental effects stemming from this waste.

In view of the current energy problem, and in conjunction with prior environmental efforts, I have introduced legislation, H.R. 16020, instructing the National Bureau of Standards, in cooperation with any interested Federal agencies or industrial groups such as the American Association of Home Builders and the American Institute of Architects to prepare building insulation standards, varying by climatic conditions and type of building. These standards, besides being immediately applicable in new Federal building construction, would serve as an information base to aid State and local governments in designing their own insulation codes.

There are very few areas where such a substantial savings can be realized by so small an investment. Proper insulation can save enormous amounts of our Nation's precious resources. Federal initiation is necessary, because the technical complexity of the subject precludes State and local governments from doing a thorough job. However, a degree of implementation is left up to the States and local governments who can best account for varying local factors such as: building materials, severity of energy crisis, and so forth.

Prof. David C. White, of MIT, stated in testimony to the Subcommittee on Science, Research and Development of the Science and Astronautics Committee of the House that—

Conservation to slow down waste while satisfying the other needs of society has a greater social payoff than any other single factor today including new energy supply developments and new resource discoveries.

The benefits of increased insulation are not confined to the Northern areas of our country. A New York Times magazine article of July 14, 1974, documents that—

Some architects seem to think air-conditioning . . . may not be necessary at all—or only infrequently so as if buildings are designed for coolness. They talk these days, with all the excitement of original discovery, of windows that open, of cross ventilation, and thick walls.

It should also be noted that proper residential insulation would be a necessary adjunct to the introduction of solar energy for residential heating and cooling.

The bill is enclosed for the Members' perusal. Also included is an article from the Washington Post, June 1, 1974, which delineates the work already done by the National Bureau of Standards in this area and the enormous amount of effort still necessary if this Nation is ever to realize a substantial energy savings through insulation standards:

[From the Washington Post, June 1, 1974]

NEW GUIDELINES PREPARED TO SAVE ENERGY IN LARGE U.S. BUILDINGS

(By Joseph C. Davis)

A significant but somewhat insecure advance has been made in the complex and difficult task of bringing rational guidelines to energy conservation in building construction throughout the United States.

In late January the National Bureau of Standards of the Department of Commerce issued a draft energy document for review by competent authorities—a document that will ultimately be a guide for builders, architects and state and local officials for constructing residential and large buildings that will allow a minimum of wasted energy.

This draft document should help take up the sloppy slack of the construction energy waste of the 1950s and 1960s. It has the lofty title, "Draft Design and Evaluation Criteria for Energy Conservation in Buildings," and is the conception of the National Conference of States on Building Codes and Standards.

An important idea whose place in history came easily, it was dreamed up originally by Joseph Stein, formerly building commissioner of New York City and associate member of the standards and evaluation committee of NCSBCS. It took hold quickly once it was suggested in late spring of 1973.

A guide, such as this draft document ultimately promises to be, was a natural.

States and other jurisdictions were in the process of planning guidelines of their own and incorporating them into legislation for ensuring energy conservation in building construction in their own communities. California already was in the process, and Stein's state of New York was about to start the writing of guidelines.

Everywhere was a waste of our good things that come from the earth and the sun.

Once the amazing shock of the energy crisis struck the minds of the people in the building community, they looked around them and noticed, almost for the first time, the tall skyscrapers with their glass-curtain walls, overabundances of light, and unrecovered heat thrown to the winds of the big cities. Good guidelines, they saw, were needed urgently.

The document pulls few punches. It subtly, and with certainty, narrows the builder down with requirements and suggestions toward reasonable building practices.

Among the items included are restrictive requirements relating to heat losses, air-leakage control, condensation, window heat loss, lighting, heating and cooling equipment, and electrical distribution. There are other requirements just as important.

Many builders and architects may be disappointed and puzzled at first when they see the final document and the method of presentation. Performance requirements rather than the specific and detailed requirements and specifications they are familiar with will be listed.

A performance requirement is one in which a prescribed accepted level of performance is specified but the writer of the requirement cares not how the performance level is accomplished.

In this case a builder can use any technique he desires, and his materials can be burlap or gold ingots as long as he complies.

An example taken from the text states: "The entire duct system for heating, ventilating and air-conditioning systems shall not leak more than 5 per cent of the design airflow at design duct pressure."

Now the builder may not be equipped to know whether his duct leakage will be more than 5 per cent. The requirement would take some sophisticated equipment.

Therein lies a problem: more has to be done. That's why the Center for Building Technology of NBS and advisers from industry and from professional societies, have elected to call the energy document a draft, and it has not yet been formally presented to NCSBCS.

Some way must be found and more funds collected, so the nuts and bolts and techniques can be carefully related to the performance requirements, and complete assurance is reached that the finished guide will be accepted by architects and builders.

This means more study, but more than that it means real laboratory work will be necessary to determine material and detail requirements that will comply with the printed material in the guide.

A library of reference sheets with the needed information could be prepared for general use. The task is formidable. But so is the need.

Some interesting performance requirements are worth mentioning at this point, not only because of the way they are presented but because some magnitude of the improvement can be gleaned from their reading. For example, the amount of glass in a building is not specified explicitly.

Instead an overall coefficient of thermal transmittance through a wall that included windows and doors, known as the U value, is given for the entire wall. The architect can specify anything he wants in the wall: if he wants a reasonably large glass area he must specify double-glazed windows (two panes of glass with an air space between). And he must beef up the insulation properties of the opaque parts of the wall.

What will this save in energy? Only the sharp and knowledgeable engineers from the Bureau of Standards, with their differential equations and Bessel functions, can tell with some certainty, but a good guess might be 30 per cent.

Another interesting requirement relates to lighting. Here the designer is inexorably nudged into using a concept known as task lighting.

The requirement states in part: "The level of illumination in the immediate area of the specified task shall be no greater than that recommended by the Illuminating Engineering Society Lighting Handbook, 5th edition, for the task . . . and task illuminance shall be produced by local luminaries directed only at the immediate task areas, and such luminaires shall be individually switched at the task area."

Also: "the general level of illumination in the space surrounding the task areas shall not be more than ⅓ of the task level . . ." This is serious stuff.

There probably will be serious resistance by industry to the new document. There always is to anything as sweeping and with such an impact. Some manufacturers may be seriously affected.

But compliance is voluntary: It's not a restrictive measure coming from the government—a procedure that has been anathema to industry. Also if anybody can pull it off, it will be NCSBCS.

Through the past decade as one school of building researchers strove through legislation to build up a strong building-research station under government control such as exist in countries like Canada, Finland and England, and industry strove just as hard to limit government building research to the small Center for Building Technology at the Bureau of Standards, NCSBCS represented the middle way.

Such enviable position comes about mostly because the organization promotes state and local autonomy.

Ultimate disposition of the document after it has been formally prsented to NCSBCS is not known. Several avenues are open. Some states may want to make it mandatory in the future.

It might, under the sponsorship of the NCSBCS, go through what is known as the voluntary consensus process where approval is reached by a committee of the American National Standards Institute whose membership is made up from industry and government.

During a recent meeting of the American Society of Heating, Refrigerating and Air-Conditioning Engineers in Los Angeles, and the morning after a general review of the NBS staff members, the board of the society offered to assume sponsorship of the document.

(The author retired from the National Bureau of Standards in 1969. He was a member of the staff of the Center for Building Technology.)

H.R. 16020

A bill to direct the National Bureau of Standards to prepare building insulation standards

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

FINDINGS AND PURPOSE

SECTION 1. (a) The Congress finds that—

(1) the United States potentially faces an energy shortage of acute proportions during the next decade;

(2) the problem of inadequate supplies of energy has already manifest itself in the form of power blackouts, school closings because of the scarcity of heating fuels, and shortages of gasoline and other fuels for automobiles and farm equipment;

(3) a significant easing of the energy problem can be achieved by eliminating wasteful uses of energy and by promoting more efficient uses of energy;

(4) a substantial amount of energy is used to heat, cool, and otherwise control climatic conditions in homes, schools, stores, offices, factories, and other buildings;

(5) such energy is used most efficiently when buildings are designed and constructed in ways which minimize the adverse impact of external climatic and meteorologic conditions upon interior temperature and humidity levels; and

(6) standards for determining whether buildings are so designed and constructed are not now readily available, and the technical complexity of such standards precludes individual State and local development.

(b) It is the purpose of this Act to promote the efficient use of energy by directing the Secretary of Commerce acting through the Director of the National Bureau of standards which can be used by municipal Standards, to prepare building insulation governments and others interested in establishing energy conservation requirements for new construction.

DEFINITION

SEC. 2. As used in this Act, the term "Secretary" means (unless the context requires otherwise) the Secretary of Commerce.

PREPARATION OF BUILDING INSULATION STANDARDS

SEC. 3. (a) The Secretary shall prepare building insulation standards (hereafter in this Act referred to as "standards"), applicable to new construction, which can be incorporated into building codes for use in determining whether a building has been designed and constructed in such a way that external climatic and meteorologic conditions will have the minimum practicable adverse impact upon temperature and humidity levels within such building.

(b) The Secretary may prepare different sets of standards for—

(1) different types or classes of buildings; and

(2) buildings located in different climatic regions.

(c) In preparing standards the Secretary may consult with—

(1) the Secretary of Housing and Urban Development, and other appropriate Federal officials; and

(2) private individuals and entities, including professional engineering and architectural societies, trade associations, and consumer organizations.

DISSEMINATION OF BUILDING INSULATION STANDARDS

SEC. 4. (a) No later than June 1, 1975, the Secretary shall issue a bulletin for public distribution containing (1) the standards prepared pursuant to section 3 of this Act, and (2) the best available estimates of the amount of energy which would be saved by incorporating such standards into design and construction requirements for new buildings.

(b) The Secretary shall (1) publish the contents of such bulletin in the Federal Register, and (2) take such additional steps as he deems appropriate to inform appropriate agencies of State and local government of the availability of the standards.

EXERCISE OF FUNCTIONS

SEC. 5. The Secretary shall exercise his functions under this Act through the Director of the National Bureau of Standards.

COURTS UPHOLD FEDERAL ADVISORY COMMITTEE ACT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, July 25, 1974

Mr. METCALF. Mr. President, advocates of open and participatory government can be heartened by three recent court orders in the U.S. District Court for the District of Columbia concerning Public Law 92–463, the Federal Advisory Committee Act.

On June 18, Judge Aubrey E. Robinson, Jr. issued an order in the case of Margaret Gates et al. against James R. Schlesinger et al. This case involved an advisory committee known as DACOWITS—Defense Advisory Committee on Women in the Services. In his order, Judge Robinson ruled that—

(1) Exemption 5 of the Freedom of Information Act (which deals with internal memoranda) could not be used to prohibit the public from appearing before a meeting of the advisory committee;

(2) Notice of the advisory committee's meetings, except those of an emergency nature, should be published at least thirty days in advance;

(3) Notice should be published in media other than (and in addition to) the Federal Register;

(4) Public notice of meetings should note if the meeting is to be closed under a Freedom of Information Act exemption; and

(5) Members of the public had the right to talk in the advisory committee meeting, subject only to reasonable restrictions.

On June 21, Judge William B. Bryant issued an order in Aviation Consumer Action Project against Jack Yohe and the Civil Aeronautics Board. The order enjoined the defendants, their agents, and employees from convening future meetings not in full compliance with Public Law 92–463, and from excluding plaintiff, its agents or employees from any such meetings.

On June 28, Judge Charles R. Richey issued a memorandum opinion and order in Food Chemical News against Rex D. Davis, Director of the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms. Judge Richey concluded that informal meetings of the agency with consumer and distilled spirits industry representatives were subject to the act. He enjoined the Government official from convening future advisory committee meetings without complying fully with the act, and from excluding plaintiff, its agents, or employees from any such meetings.

Mr. President, I believe these orders and opinions will be of interest and value to Members. They also provide guidance for committee management officers, and for the heads of agencies who may be considering advisory committee matters. Therefore, I ask unanimous consent to print in the RECORD the three items to which I have referred along with the July 9, 1974 article by Bob Kuttner in the Washington Post, headlined "U.S. Lobbying May Be Open to Public."

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

[U.S. District Court for the District of Columbia]

ORDER

Margaret Gates, et al., Plaintiffs, v. James R. Schlesinger, et al., Defendants. Civil Action No. 1864–73.

Upon consideration of the complaint and the answer, the parties' motion for summary judgment, the respective pleadings in support thereof, the parties' statement of material facts as to which there is no genuine issue, and for the reasons set forth in the Memorandum filed on October 10, 1973, accompanying the Order granting a preliminary injunction, it is by the Court this 8th day of June, 1974;

Declared that under the Federal Advisory Committee Act, exemption 5 of the Freedom of Information Act (5 U.S.C. § 552(b)(5)) cannot be used to prohibit plaintiffs and the public from attending or appearing before any DACOWITS meeting or session;

Declared that the requirement of Section 10(a)(2) of the Federal Advisory Committee Act that timely advance public notice be given of each DACOWITS meeting is not met except for emergency meetings, by any notice not published as required at least thirty (30) days in advance;

Declared that Section 10(a)(2) of the Federal Advisory Committee Act requires defendant to publish notice at least thirty (30) days in advance of a meeting in media other than the Federal Register;

Declared that the Federal Advisory Committee Act requires that where defendants have decided to close a meeting because its subject matter relates to an exemption under the Freedom of Information Act, this action must be set forth in the public notice;

Declared that Section 10(a)(3) of the Federal Advisory Committee Act grants members of the public the right to participate orally in DACOWITS meetings, subject only to reasonable restrictions, and it is

Ordered that plaintiffs' motion for summary judgment be and it hereby is granted.

AUBREY E. ROBINSON, Jr.,
U.S. District Judge.

[U.S. District Court for the District of Columbia]

ORDER

Aviation Consumer Action Project, Plaintiff, v. Jack Yohe and Civil Aernautics Board, Defendants. Civil Action No. 707–73.

Upon consideration of plaintiff's motion for summary judgment, the pleadings, points and authorities, exhibits and arguments of counsel in support thereof and in opposition thereto; and it appearing that there is no genuine issue of material fact; that the meeting of April 9, 1973 convened by defendants was a meeting of an advisory committee within the meaning of the Federal Advisory Committee Act of 1972; that the defendants violated the Act by not establishing the committee in accordance with Section 9(a), by not filing the committee's charter in accordance with Section 9(e) prior to the commencement of the meeting, and by closing such meeting and excluding the public therefrom contrary to Section 10(a) of the Act; and that plaintiff is entitled to judgment as a matter of law, it is by the Court this 21st day of June, 1973,

Ordered that plaintiff's motion for summary judgment be and is hereby granted; and that the defendants and their agents and employees be and are hereby enjoined from convening any future meetings of any of plying fully with the Act, and from excluding plaintiff or its agents or employees from any such meetings in contravention of the Act.

WILLIAM B. BRYANT,
Judge.

[U.S. District Court for the District of Columbia]

ORDER

Aviation Consumer Action Project, Plaintiff, v. Jack Yohe and Civil Aeronautics Board, Defendants. Civil Action No. 707–73.

It is hereby, this 21st day of June, 1974,

Ordered that judgment be, and hereby is, entered for plaintiff in the above-entitled action.

WILLIAM B. BRYANT,
Judge.

[U.S. District Court for the District of Columbia]

MEMORANDUM OPINION OF U.S. DISTRICT JUDGE CHARLES R. RICHEY

Food Chemical News, Inc., 1341 G Street N.W., Washington, D.C., Plaintiff, v. Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C. 20226, Defendant. Civil Action No. 74–215.

Appearances: For the Plaintiff: Ronald L. Plesser, Esquire and Alan B. Morrison, Esquire.

For the Defendant: Robert M. Werdig, Esquire and Assistant United States Attorney.

The issue before this Court is whether the two separate "informal" meetings with consumer and distilled spirits industry representatives relative to drafting proposed regulations of the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department (hereinafter, "Bureau"), on ingredient labeling of distilled spirits were meetings of "advisory

committees" utilized by Defendant Rex Davis, Director of the Bureau, to obtain advice within the meaning of Section 3(2) of the Federal Advisory Committee Act of 1972 (hereinafter, "Act"), 5 U.S.C. App. I, and, therefore, "open to the public". 5 U.S.C. App. I & 10(a)(1). The Court has concluded that the two meetings in question were subject to the Act and, accordingly, the Defendant was required to provide public access to each meeting pursuant to Section 10(a)(1) of the Act and to follow the Act's procedural requirements. The Court will, therefore, grant Plaintiff's Motion for Summary Judgment and enjoin the Defendant and his agents, servants, and employees from convening any future meetings of the advisory committees discussed herein, or meetings of any of their advisory committees, without complying fully with the Act's requirements, and from excluding plaintiff or its agents or employees from any such meetings in contravention of the Act.

I. BACKGROUND

Plaintiff Food Chemical News, a weekly trade journal that reports generally on matters concerning the Government regulation of food products and chemicals, brought the instant action under the Federal Advisory Committee Act of 1972 to compel Defendant Davis to open to the public certain meetings he scheduled separately with consumer and industry groups. In an effort to delay the meetings until the public access issue could be effectively resolved, Plaintiff applied to the Court for a Temporary Restraining Order seeking to enjoin the Defendant from holding the meetings unless Plaintiff would be permitted to send a representative to them. On February 4, 1974, Judge Corcoran of this Court, sitting as motions judge, denied Plaintiff's application, but set down a date for argument on Plaintiff's Motion for a Preliminary Injunction and Defendant's Motion to Dismiss which were heard by this Court on February 13, 1974. In light of the fact that both meetings had already taken place at the time of oral argument before the Court, the parties agreed to stipulate that the case could be disposed of as a matter of law and their respective motions could be treated as cross motions for summary judgment. In addition, the parties reached agreement upon and ultimately filed with the Court a stipulation of material facts which are not in dispute. Such is the present posture of this case. The Court has jurisdiction pursuant to the provisions of 28 U.S.C. § 1361 and 5 U.S.C. §§ 702–4.

The undisputed facts indicate that the Bureau is presently considering amendments to 27 C.F.R. Part 5, which covers the labeling and advertising of distilled spirits, and in this regard has prepared a draft of several proposed amendments to the regulations set forth therein. Prior to the commencement of this suit, the Director of the Bureau, Defendant Davis, obtained the preliminary views of representatives of interested industry and consumer committees respecting the proposed amendments and scheduled separate meetings with these groups to discuss the proposals and obtain the group's "comments or suggestions". (See Exhibit A to the Amended Complaint.) These meetings were intended to precede any notice of the proposed rulemaking or notice of a public hearing in the Federal Register.

Plaintiff, by letter of January 24, 1974, advised the Defendant that Plaintiff was entitled to send a representative to both meetings pursuant to Section 10(a)(1) of the Act, which provides in pertinent part:

"Each advisory committee meeting shall be open to the public." 5 U.S.C. App. I § 10(a)(1). (Emphasis added.)

Plaintiff sought access to the meeting in order to report to the public on the discussion and recommendations behind closed doors of these groups as to the Bureau's proposed regulations pertaining to the alleged widespread use of artificial colorings and synthetic chemical preservatives in the preparation of wine, beer and distilled spirits. At present such ingredients and additives are not fully listed on the labels of these products as offered to the consumer. In response, the Defendant denied that the Act indeed applied to the scheduled meetings and explained that the meeting would be closed to the public and, therefore, members of the press such as Plaintiff would be excluded. Plaintiff then brought the instant action and shortly thereafter the Defendant met separately with the two groups in question.

II. THE DEFENDANT'S UTILIZATION OF THE INDUSTRY AND CONSUMER COMMITTEES IN ORDER TO OBTAIN ADVICE ON THE DRAFT AMENDMENTS TO AGENCY REGULATIONS SUBJECTS THE COMMITTEES TO THE STRICT PROCEDURAL REQUIREMENTS OF THE ADVISORY COMMITTEE ACT INCLUDING, AMONG OTHER THINGS, THAT MEETINGS BETWEEN THE DEFENDANT AND PRIVATE INDIVIDUALS COMPRISING THE COMMITTEE BE ACCESSIBLE TO THE PUBLIC

It is the Court's opinion that the industry and consumer committees were "advisory committees" within the meaning of Section 3(2) of the Act which reads in pertinent part:

"The term advisory committee means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or any other subgroup thereof (hereinafter in this paragraph referred to as committee) which is . . .

"(c) *established or utilized by one or more agencies*

"In the interests of obtaining advice or recommendations for the President or one or more agencies or officers of the federal government . . ." (Emphasis added).

It is undisputed that the Defendant utilized an *ad hoc* committee of industry representatives in order to obtain advice. Such a relationship, like that with the consumer group, clearly comes within the terms of Section 3(2) of the Act. *Aviation Consumer Action Project* v. *Yohe*, et al, CA No. 707–73 (D.D.C. June 24, 1974).

Defendant argues that an "advisory committee" under the Act may not meet or take any action until its establishment is determined as a matter of formal record pursuant to the provisions of Section 9(a)–(c) of the Act. It does not follow, however, that because such formalities were not observed with respect to the instant committees, the meetings of the committees were not subject to the Act's public access requirement. Clearly where, as here, a federal agency utilizes an advisory committee for the purpose of obtaining advice, the agency must charter and establish the committee in compliance with all the terms of the Act. Failure to comply with such requirements cannot be employed as a subterfuge for avoiding the Act's public access requirements.

The purpose of the Federal Advisory Committee Act to control the advisory committee process and to open to public scrutiny the manner in which government agencies obtain advice from private individuals is furthered by the Court's action herein. Indeed, Congressional concern for informal meetings such as those in the case at bar contributed to the statute's enactment:

"The lack of public scrutiny of the activities of advisory committees was found to pose the danger that subjective influences not in the public interest could be exerted on the Federal decision-makers." S. Rep. 92-1098, 92d Cong. 1st Sess. 6 (Sept. 7, 1972).

The potential dominance of the advisory committees in an increasingly complex bureaucratic environment and the evils that would flow from such dominance were fully reported by the House Committee on Government Operations which, in reporting out the legislation, stated in part:

"One of the great dangers in the unregulated use of advisory committees is that special interest groups may use their membership on such bodies to promote their private concerns. Testimony received at hearings before the Legal and Monetary Affairs Subcommittee pointed out the danger of allowing special interest groups to exercise undue influence upon the Government through the dominance of advisory committees which deal with matters in which they have vested interests." H. Rep. 92–1017, 92d Cong., 2d Sess. 6 (Apr. 25, 1972).

The subject matter of the meetings in question involved serious and much-debated public health issues concerning the merits of chemical additive labeling requirements for beer, wine and distilled spirits. The Government's consideration of such sensitive issues must not be unduly weighted by input from the private commercial sector, lest the Government fall victim to the devastating harm of being regulated by those whom the Government is supposed to regulate in the public interest. *Moss* v. *C.A.B.*, 430 F. 2d 891, 893 (D.C. Cir. 1970).

Finally, there is the interest of consumers who, for the purposes of their individual well-being, seek information regarding the chemical additives applied to the foods and beverages they purchase, have an identifiable interest in the information considered by the Government in conjunction with advisory meetings held with industry and consumer committees. To a large extent, such individuals must depend on the press, and in particular, trade journals like Plaintiff, to advise them of new developments in the Government's regulatory efforts. Plaintiff's ability to adequately inform the public respecting Government conduct turns on the Government's compliance with the Advisory Committee Act's procedural requirements. Thus, it is imperative that public access to advisory committee meetings be provided by the Government if the Act is to become a reality and individuals such as Plaintiff are to have the opportunity to discharge their responsibility to inform the public. It is this Court's intention to fully enforce the Act's procedural requirements and thereby involve the public in the advisory committee process in the manner Congress intended. To do otherwise would allow the powerful executive branch of government to conduct its business behind closed doors in a manner that would prevent the press from performing its aforementioned responsibility to keep the public informed.

The press, as represented here by Plaintiff, has a statutory right under the Act as well as a First Amendment privilege to report on the manner in which Government affairs are conducted. This Court regards such a right or privilege as among this nation's most sacred protections against tyranny and oppression at the hand of the Executive, and, accordingly, the Court will do all that is within its power to safeguard the public's right to know.

For all the foregoing reasons, the Court will grant Plaintiff's motion for summary judgment by Order of even date.

CHARLES R. RICHEY,
U.S. District Judge.

JUNE 28, 1974.

[U.S. District Court for the District of Columbia]

ORDER

Food Chemical News, Inc., Plaintiff, v. Rex D. Davis, Director, Bureau of Alcohol, Tobacco, and Firearms, Defendant. Civil Action No. 215–74.

Upon consideration of the parties' cross-motions for summary judgment, and the memoranda filed in opposition to, and in support thereof, and the oral argument of counsel, and upon consideration thereof, and for all the additional reasons set forth in the Court's Memorandum Opinion of even date

herewith, it is by the Court, this 28th day of June, 1974,

Ordered that defendant's motion for summary judgment be, and the same is, hereby denied, and it is

Further ordered that plaintiff's motion for summary judgment be, and the same is, hereby granted; and the defendant and his agents, servants, and employees be, and the same are, hereby enjoined from convening any future meetings of the advisory committees which met on February 6, 1974, and February 8, 1974, respectively, or any meetings of defendant's advisory committees, without complying fully with the Act, and from excluding plaintiff or its agents or employees from any such meetings in contravention of the Act.

CHARLES R. RICHEY,
U.S. District Judge.

JUNE 28, 1974.

[From the Washington Post, July 9, 1974]

U.S. LOBBYING MAY BE OPEN TO PUBLIC

(By Bob Kuttner)

Private meetings between industry lobbyists and government bureaucrats could be opened to the public, if a little-noticed ruling by a federal judge last month is upheld and applied.

At issue in the case was the right of a trade paper, Food Chemical News, to send a reporter to two separate meetings where officials of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms discussed regulations on ingredient labeling with representatives of distilling companies and consumer groups. The Treasury was deciding whether to require labeling of artificial coloring and chemical preservatives in beer, wine and hard liquor.

Although lobbying on Capitol Hill is more familiar, Washington lawyers for major corporations and trade associations probably spend more of their time in contact with regulatory agencies downtown.

When Food Chemical News managing editor Ray Gallant was told by Treasury officials that the meeting on liquor labeling would be closed to the press, the trade weekly sued under the 1972 Federal Advisory Committee Act.

That legislation was an effort by Congress to clamp down on the more than 1,500 committees composed largely of industry specialists established in recent years to advise various government agencies. An investigation by the Senate Government Operations Committee last year found that some corporations such as RCA and ITT had representatives on nearly 100 different committees.

In reporting the legislation, the House Government Operations Committee concluded that "one of the great dangers in the unregulated use of advisory committees is that special-interest groups may use their membership on such bodies to promote their private concerns." The 1972 law set standards for advisory committees, and provided for public access to all committee meetings and records.

In his ruling in the Food Chemical News case June 28, U.S. District Court Judge Charles R. Richey held that even though the industry and consumer representatives meeting with Treasury aides were not an official committee, they were in effect functioning as advisory committees under the 1972 law.

Consequently, Judge Richey reasoned, the meeting should have been open: "The government's consideration of such sensitive issues must not be unduly weighted by input from the private commercial sector, lest the government fall victim to the devastating harm of being regulated by those whom the government is supposed to regulate in the public interest."

Richey's order prohibited the Bureau of Alcohol, Tobacco and Firearms from closing future advisory meeting to the plaintiff, Food Chemical News, or presumably to anybody else.

The government has not yet decided whether to appeal. According to the plaintiff's lawyer, Ronald L. Plesser, who specializes in public access cases, the ruling could permit the public to monitor meetings between regulatory agencies and industry representatives generally.

In another recent case brought under the Federal Advisory Committee Act, U.S. District Court Judge Aubrey Robinson ruled that the Pentagon not only had to admit the public to meetings of its advisory committee on women in the services, but also had to give advance notice in the Federal Register and other media. In addition, said Robinson, the plaintiff, in the suit, Margaret Gates of the Center for Women's Policy Studies, had a right to participate in the meeting.

Lobbying of the executive branch has also come under attack by Common Cause, which bills itself as a "citizens' lobby." Fred Wertheimer, Common Cause's legislative director points out that while congressional lobbyists are required to register with the clerk of the House and the secretary of the Senate, no such registrations are required for executive branch lobbying.

Last May Federal Energy Director John Sawhill said he agreed in principle with a Common Cause suggestion that his agency devise a method of logging all contacts with industry representatives.

CLOSING TAX LOOPHOLES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mrs. SCHROEDER. Mr. Speaker, yesterday I spoke about the need for tax cuts to bring relief from inflation to the average wage earner. Each day these citizens pay more to live. Each year they pay more in taxes than many of their most wealthy compatriots. Yet, for all the decency of moderate-income taxpayers in accepting such a burden, their only reward has been castigation from the administration for refusing to support a tax increase which was never requested, and administration proposals for further tax concessions to big business. We should not be making further giveaways to big business. In fact, we need to close many of the current loopholes which serve no valid purpose in order to insure that all citizens pay their fair share of taxes and to raise revenues to offset the costs of tax relief measures.

The panel of economists advising the Democratic Steering and Policy Committee made a series of suggestions for major revenue-raising tax reforms including: First, a strengthening of the minimum tax; second, repeal of the Domestic International Sales Corporation (DISC) system of tax incentives for exports of often scarce commodities; third, elimination of U.S. tax credits for taxes and royalty payments paid by oil producers to foreign governments; and fourth, cracking down on hobby farm tax deductions which bid up the price of agricultural land. Many Members, including myself, already have submitted legislation in this area to the Ways and Means Committee. There are, for example, fourteen bills to revamp the minimum tax, and over fifty sponsors of legislation to repeal DISC. The Ways and Means Committee has held 3 months of hearings and over 30 days of markup on these and other reforms. Out of all this deliberation, there have been only two instances where the House was in the vicinity of considering a tax reform measure. The first was a Committee-opposed move to amend the debt ceiling bill to strengthen the minimum tax, a move which was effectively stifled in the Rules Committee. Then the House was privy to "almost consideration" of the Oil and Gas Energy Tax Act which would have given us a chance to repeal the oil depletion allowance, but this measure too has fallen victim to a power struggle in the Rules Committee.

Mr. Speaker, support of tax reform is meaningless if we who support it cannot even reach tax reform measures for debate and passage. Equity, the economy and already ample hearings and consideration leave no excuse for the present inaction.

NATO ALLIANCE RESTORED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. DERWINSKI. Mr. Speaker, while events in Cyprus are somewhat clouded, new developments in Greece must be throughly analyzed. I believe that overall what could have been a disaster and a NATO tragedy for Greece, Turkey, and Cyprus has been avoided.

In my judgment, the NATO alliance emerges strengthened from this potential disaster situation and that, in fact, objective consideration of a long-term solution to the chronic Cyprus problems may be forthcoming.

It is also my opinion that the total diplomatic effort by which this possible disaster was avoided represents a great triumph for the U.S. diplomatic leadership. The President, Secretary of State Henry A. Kissinger, and Under Secretary of State, Joseph Sisco were greatly instrumental in engineering this diplomatic achievement.

Mr. Speaker, in furtherance of this point, I direct the Members' attention to a column by James Reston in yesterday's July 24 Washington Star-News which I believe to be an accurate appraisal of the situation:

NATO ALLIANCE RESTORED

(By James Reston)

One of the reassuring aspects of Greek-Turkish settleemnt of the Cyprus crisis has been the speed and unity of NATO diplomacy.

Only a few short months ago, officials were complaining that American leadership was crippled and that the European allies couldn't agree on anything, but in the last few days they have demonstrated what can be done when consultation and trust are restored.

Within two hours, Secretary of State Henry A. Kissinger and the other nine foreign ministers were able to talk to one another and agree on the wording of a sharp demarche to the Greek and Turkish governments. The result has been a transformation of the mili-

tary and political situation in the Eastern Mediterranean.

No doubt there will be sporadic fighting for a few days, and considerable political maneuvering before a new order is firmly established in Athens and Nicosia, but the outlook is now infinitely better than it was before the fighting started.

The U.S. government is particularly pleased by the political developments in both Greece and Cyprus. Even Kissinger, who played a key role in the settlement and was optimistic from the start that a major Greek-Turkish war could be avoided, had not dared to hope that the military junta in Athens would summon former Greek Premier Constantine Caramanlis back from exile in Paris to form a civilian government of national union.

Washington is also pleased that Glafkos Clerides, speaker of the Cypriot House of Representatives under the regime of Archbishop Makarios, has replaced Nikos Sampson as interim president of Cyprus.

Meanwhile, consultations are continuing between the United States and Britain over the future of Archbishop Makarios. This will be for the Cypriot people to decide, and while London and Washington are not wholly in agreement about Makarios, the main difference is that Britain is a coguarantor of the independent constitutional government of Cyprus, and the United States, whose enthusiasm for Makarios is not unbounded, has no such official responsibility.

For the future, the main thing is that the allies have rediscovered that they can be effective when they work together on common problems. In the latest war between Israel and the Arab states, the Europeans complained that Kissinger was not consulting them on military moves that might affect their vital interests.

At the same time, Kissinger was complaining publicly that the European members of the alliance were excluding the United States from their talks on the energy crisis and other matters and were confronting him with decisions whenever they were able to agree, which wasn't often.

Since the installation of new governments in London, Paris, and Bonn, however, there has been a new spirit of cooperation.

Washington is now eager to see a political transformation in Athens that will restore liberty to that country while retaining allied cooperation in the Greek bases on the mainland and in Crete.

This is regarded at the Pentagon as fundamental to the lines of communication between Europe and the Middle East.

What Kissinger hopes to do now is to expand the allied cooperation into the economic field, and particularly to move forward to a better understanding on monetary control, trade and energy.

His argument has been that the problems of inflation, trade, and defense are linked and cannot be eased without greater consultation and cooperation, not only between Europe and the United States but also with Japan.

These are more difficult questions than avoiding a war between two of the allies, but there is a little more confidence in Washington as a result of the last week's diplomacy that the alliance is back on a stronger foundation.

SEARCH FOR ELDORADO

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. SYMMS. Mr. Speaker, once again gold has been discovered in Idaho, this time in the Idaho State Auditor's wastebasket.

Joe Williams has been the Idaho State Auditor for many years and still can show us all a trick or two.

I would like to share the following article from the July 24 Wall Street Journal with the readers of the RECORD:

SEARCH FOR ELDORADO

The Idaho state auditor's office sold five tons of waste paper and used data processing cards to a paper recycling company, thus enriching the state treasury by some $850. The auditor was so pleased with the sale, according to UPI, that he intends to make this standard procedure for other state agencies.

Even in our inflationary age, that amount of money is nothing to sneeze at. And if one department of government in a sparsely populated state can recycle paper, imagine the riches awaiting to be harvested along the banks of the Potomac. Recycling the federal bureaucracy's endless procession of memos, laws, regulations and decrees may not produce money enough to pay off the multibillion-dollar national debt. But every little bit helps, especially when prices everywhere are skyrocketing with an important assist from the government's printing presses.

Washington has done a poor job of protecting the value of money, but it may have done the next best thing. By perfecting the simple declarative sentence to book length, officialdom may inadvertently have created a city of untapped riches, an Eldorado constructed of red tape. And who among us could have foreseen that in terms of financial clout, the Gnomes of Zurich might one day be supplanted by an army of nameless paper shufflers?

OWNERSHIP OF THE MASS MEDIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. RANGEL. Mr. Speaker, access of minorities to ownership of the mass media is being pursued by many people who are concerned about the great desparity between minority representation in the general population and the presence of minorities in the media at all levels. Despite the fact that minority groups are an integral part of our national life, we remain the "invisible men" in mass media representation.

Now the House has passed and the Senate is considering a bill which threatens the small progress which has been made to increase minority ownership of the Broad Cast Media the Broadcast Licensing Renewal Act of 1974 as I have stated repeatedly provides for the further entrenchment of the white broadcasting individuals and corporations, who historically have neither provided adequate nor positive coverage of the minority community's concerns and aspirations.

The bill prohibits the Federal Communications Commission from considering as a factor in the license renewal process the "Cross ownership" or the owning of more than one station, communications media or businesses by existing licensee or one seeking a new license. In other words, cross ownership allows a broadcaster or newspaper to operate radio and television stations in the same service area. This poses distinct antitrust questions that should have been referred to the House Judiciary Committee but were not. Cross ownership blocks minority access to broadcast media ownership and perpetuates the control of mass communications in the hands of those who have not satisfactorily established and implemented equal hiring and programing practices and who continue to put forth the white interpretation of life in America as the only interpretation.

Another aspect of the bill provides for an extension of the licensing period from 3 to 5 years. The additional 2 years further enhances the position of existing licensees and makes it extremely difficult for minorities challenging the existing broadcast licensees even if they have legitimate grounds for the challenge. The extension will serve to lessen the competition for existing licensees and will make it more difficult to use the license challenge procedure as a lever to make existing broadcasters more responsive to the needs and interest of our community.

The Puerto Rican Media Action and Educational Council, Inc. today presented testimony before the Subcommittee on Communications of the U.S. Senate. This testimony which I include in the RECORD clearly states the danger which the Broadcast Renewal Act poses to the limited gains minorities have enjoyed in this field. The testimony is presented by a group which is struggling to provide opportunity for the Puerto Rican and other minority communities to be represented in the New York metropolitan television market which remains dominated by broadcast corporations that have not been responsive to the needs of our communities. It is groups such as the Puerto Rican Media Action and Educational Council, Inc., that are on the front line of this struggle, it is a worthy struggle which we in the Congress should be assisting rather than impeding through passage of such regressive legislation as the Broadcast Licensing Renewal Act.

I commend the leadership of the Puerto Rican Media Action and Educational Council, Inc., and its able counsel, Jose Rivera, for their forthright and eloquent testimony on this vital issue:

TESTIMONY BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS, U.S. SENATE, JULY 25, 1974

(By Jose A. Rivera)

I thank you for the opportunity to appear before the Committee to testify concerning H.R. 12993 which would amend the Communications Act of 1934. The Puerto Rican Media Action and Educational Council, Inc. is a non-profit corporation formed to insure and foster equal employment opportunity in the broadcast industry and to encourage and assist stations to be responsive to the needs, interests and views of the Puerto Rican and Latino communities.

The extension of the licensing renewal period from three to five years can only have a devastating impact on the movements by the various minority communities to insure that broadcast stations are responsive to their needs, interests and views. It is important to note that discrimination not only appears in unresponsive programming but also in such areas of importance as denial of employment and promotional opportunities and in the case of

non-commercial broadcasters, discriminatory funding practices. The Council is right now in the midst of a license challenge against a non-commercial broadcaster charging discrimination in both of these latter categories. To extend the licensing period to five years would have the effect of allowing culpable broadcasters to institutionalize almost irreversible discriminatory hiring, promotional, and seniority practices. Further, considering the often phlegmatic nature of grants in the non-commercial area, five years would allow a station to funnel literally millions of dollars into discriminatory and unresponsive programming. The five year period would be long enough for broadcasters with discriminatory practices to engage in last minute "pork barrel" programming and hiring so that their five year balance would seem neutral.

Presently, broadcasters are required to file annual reports showing the ethnic makeup of the station's workforce. Obviously, the Commission cannot police or even audit these reports to ascertain whether broadcasters have non-discriminatory employment practices. The Courts and the Commission have recognized that this job must be left, for the most part, to the public, acting as "private attorneys general".

It is my belief and that of the Council that to extend the renewal period to five years may indeed have the effect desired by many broadcasters, that is, limit the number of license challenges. This same effect would also have the effect of significantly hampering the ability of minority communities to insure equal opportunity and responsiveness within the broadcast industry.

We are not opposed to the language contained in the proposed sec. 307(d)(2)(A) requiring the Commission to consider among other things whether "the licensee has engaged in broadcast operations during the term of the license which were substantially responsive to those needs, views and interests." However, we are distressed by that section of the Committee Report suggesting that "the applicant/licensee should be granted renewal if it has provided minimal service to its service area." Not only are these two views antithetical but the Committee's interpretation vitiates the meaning of the word substantial. Under the "minimal service" standard it would not matter whether licenses were renewable in one, three or five years. "Minimal service" merely requires broadcasters to pay lip service to affirmative action in employment and would make a mockery of responsive programming. Under this standard any programming, if it is marketable, will also be responsive. "Substantial responsiveness" on the other hand epitomizes affirmative action and recognizes that licensees, who are given a virtual monopoly in transmission, have a *positive* duty to respond and relate to the community they seek to serve. Negative statutory language or interpretation only invites negative or half-hearted compliance.

In the comparative license renewal situation, the Council renews its insistence on the "substantial responsiveness" standard. If consideration is to be given to an incumbent, then such consideration should only be given a licensee that has been "substantially responsive" to the needs, interests and views of the community it seeks to serve. To require less is to reward mediocrity and thereby perpetuate the status quo.

It is important to understand that even "substantial responsiveness" is a step down from the present state of the law as enunciated by the Courts. The Council strongly feels that in comparative license renewal situations at least equal weight should be given to the proposal being advanced by the competing applicant.

Section 309(i), which codifies the service area principles, fails to take into consideration the various and diverse communities in our country. To require the use of such an inflexible standard of ascertainment without regard to geography is to assume that the "service area" requirement will have the same impact in let us say, Indianapolis as in New York. This deficiency can be easily corrected by adding to the second sentence of subsection (i) the words "and different geographical regions."

My final point concerns the appeal provisions of section 402. The Council feels, and rightly so, that the broadcast industry is upset with the pro-public positions and opinions of the District of Columbia Court of Appeals. Without belaboring the point but with due regard to the accumulated expertise of the District of Columbia courts, we would propose that the appellant from an adverse decision be allowed to appeal either to the Court of Appeals for the circuit where the broadcast facility is located or directly to the Court of Appeals for the District of Columbia.

It is important to understand that the groups traditionally excluded from participation in the broadcast industry have been Puerto Ricans and other Latinos, Blacks, Asian Americans and Native Americans. A weak bill or a bill that does not take this into full consideration will only serve to condone the exclusion and perpetuate the cultural segregation of our Nation's minorities.

NUCLEAR DEVELOPMENTS DICTATE CLOSER CONGRESSIONAL CONTROL

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. SHRIVER. Mr. Speaker, I am pleased to join with my able colleague from Massachusetts (Mr. CONTE) in introducing legislation designed to obtain adequate information by the Congress on developments in the field of nuclear energy, both at home and abroad. This legislation would substantially bolster the responsibilities of the Joint Committee on Atomic Energy over the nuclear activities of the Atomic Energy Commission, the Department of Defense, and any other Government agencies which might become involved in the field.

I am joining this effort because of my growing concern and the concern expressed by my constituents about the problem of nuclear proliferation. We only need to look at the increasing number of nuclear powerplants being licensed and constructed throughout the country, the recent proposals to sell nuclear reactors to Israel and Egypt, and the detonation of an atomic bomb by India.

In view of these developments, it is no longer sufficient for a few Congressmen on selected committees and a few agency people to be informed on what is happening. The safety of our citizens and of citizens around the world from abuses or accidents involving nuclear materials is the responsibility of all Members of Congress. To exercise that responsibility, we must become more knowledgeable in the field.

This bill requires that the joint committee hold hearings during the first 90 days of each session of Congress on the development, growth, and state of nuclear power. Upon completion of the hearings, the committee would be directed to report to both Houses of Congress on their findings.

Another provision of the bill requires the Atomic Energy Commission and the Department of Defense to keep Congress fully informed on nuclear energy. To the extent possible, these reports would be presented in open committee sessions and in unclassified written materials.

CITIZEN CONCERNS EVIDENT IN ANNUAL COUGHLIN POLL

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. COUGHLIN. Mr. Speaker, in keeping with my regular practice, I am pleased to insert into the CONGRESSIONAL RECORD the results of my yearly poll of residents of Pennsylvania's 13th Congressional District.

Not only the answers to the questions, but the added coments on questionnaires and the mail generated by the poll express a high degree of concern by citizens in a number of key areas. From the impeachment question to means of combating inflation, my constituents indicate their anxiety over the course of our Federal Government and its actions, or lack of actions, in meeting the compelling problems that face us.

While these questionnaire polls—started my first year in the Congress—always have drawn heavy responses, I think it interesting that this year's figures remain high even though a much shorter period was specified in which to return answers.

A total of 16,982 individual responses were received before the July 15, 1974, deadline.

My congressional district consists of most of Montgomery County and Philadelphia's 21st Ward. Much of the district is urban and suburban in character with a few sparsely populated areas of rural nature.

To insure accuracy of results, I again instructed my staff to tabulate carefully using statistical procedures designed to make sure that errors were kept to a minimum.

As a further check, all results were weighted by ZIP code to help protect the legitimacy of the final figures. This also enabled the staff to compare sentiments from various parts of the district. Sentiment as evidenced in replies to questions showed little variance in different parts of the district.

In a two-part question on President Nixon, constituents split sharply over whether they favored not impeaching, impeaching, or awaiting House Judiciary Committee findings before deciding. A clear majority, however, did not approve generally of the way Mr. Nixon is handling his job.

I think it of interest to note that last year's questionnaire included a question ranking in order a list of seven specified major problems confronting the Nation. At that time, my constituents rated Watergate as last in that list.

Constituents were asked to rank 1, 2, 3, and 4 in order of credibility President Nixon, the Congress, the courts, and the news media. Using cumulative percentages in order not to discriminate against any of the four, the results proved interesting.

Ranked first in credibility were the courts. Following behind the courts was the Congress. The news media received third ranking while Mr. Nixon was last.

Inflation and the economy were rated first in last year's poll as the major problem. Since it was apparent that this issue has intensified, I asked a question in the 1974 poll on what steps constituents favored in combating inflation.

The results emphasize that those responding want positive Government action with an overwhelming majority favoring some form of wage and price controls with, at the very least, standby controls. Only 2 out of 10 want to operate without controls.

On which specified actions should the Congress take to meet the energy crisis, more than half of the constituents answered that oil companies should be regulated as public utilities. This option drew the highest approval, while reducing auto emission standards was accorded the lowest.

A strong majority of constituents want methods of financing political campaigns changed. Of those favoring reform, a nearly even split was evidenced between those who want complete public funding of campaigns and those who approve of a blend of public and private funds.

While tax reform is an overriding issue, my constituents took a responsible approach to the problem, with a plurality responding "no" to a question asking if reduction in personal income taxes was warranted even with its tendency to increase inflationary pressures.

A number of proposed reforms were listed with the highest percentage wanting credits to elderly for taxes and rent, retirement income exemptions. The least favored alternative was providing tax credits for nonpublic elementary-secondary education expenses.

A question on health care drew a highly mixed bag of answers.

In a series of "yes-no" questions, majorities feel enough money at all levels of government is being spent on public education, believe the United States should make necessary expenditures to maintain parity with the Soviet Union in defense capabilities, approve of a Federal agency with the authority to advocate the consumer viewpoint in Government proceedings, and want the United States to maintain its sovereignty and control over the Panama Canal and the Canal Zone.

The questionnaires were printed—not at Government expense—and sent to all households, apartments, and boxholders in the district.

I am also sending a copy of the results to President Nixon.

The results follow:

QUESTIONNAIRE RESULTS

1. Which of the following actions should the Congress take to meet the energy crisis? (one or more)

[*In percent*]

Relax air quality standards to permit more use of coal	32.5
Reduce auto emission standards	23.8
Continue year 'round Daylight Saving Time	38.3
Initiate gas coupon rationing if shortages reoccur	28.9
Retain domestic oil depletion allowance to encourage exploration	24.4
Regulate oil companies as public utilities	57.8

2. Tax reform is an overriding concern of the American people.

A. Is a reduction in personal income taxes warranted even with its tendency to increase inflationary pressures?

[*In percent*]

Yes	41.3
No	45.7
Undecided	13.0

B. Which of these proposed reforms do you favor? (one or more)

[*In percent*]

Tax credits for high education expenses	45.1
Tax credits for non-public elementary-secondary education expenses	23.3
More effective provisions for tax payments on high incomes	60.2
An increase in personal income tax exemptions	37.3
Credits to elderly for taxes and rent, retirement income exemptions	69.6
Excess profits taxes on oil companies	66.3

3. The effect of Watergate-related disclosures on President Nixon and his ability to govern is a topic of major national concern.

A. Do you approve generally of the way Mr. Nixon is handling his job?

[*In percent*]

Yes	33.4
No	59.7
Undecided	6.9

B. On the basis of information now available to you, would you? (one only)

[*In percent*]

Vote not to impeach	29.0
Vote to impeach	37.8
Await Judiciary Committee findings	30.4
Other (specify)	2.8

4. Do you believe that methods of financing political campaigns should be changed?

[*In percent*]

Yes	84.2
No	9.5
Undecided	6.3

If "yes", would you favor? (one only)

[*In percent*]

Complete public funding of campaigns	44.3
Blend of public and private funds	41.4
Other (specify)	14.3

5. Please rank 1, 2, 3 and 4 in order of credibility. President Nixon, fourth; The Congress, second; The Courts, first; The news media, third. (Compiled by cumulative percentages in ranking).

6. Senate and House committees have refused to report out legislation to continue wage and price controls. In combatting inflation, which would you favor? (one only)

[*In percent*]

Reimpose controls	29.6
Establish standby controls	15.3
Selective controls on food and rent	24.9
Operate without controls	21.4
None of the above (specify)	8.8

7. Which course would you prefer the Congress to pursue in health care? (one only)

[*In percent*]

Tax financed government plan of medical care for all	31.0
Tax financed government plan for catastrophic illness only	21.9
Present reliance on private plans with government paying for low income	21.2
Government-industry plan using private insurers	20.8
Other (specify)	5.1

8. Considering expenditures of Federal, state and local governments, do you feel enough money is being spent on public education?

[*In percent*]

Yes	61.7
No	32.1
Undecided	6.2

9. Should the United States make the necessary expenditures to maintain parity with the Soviet Union in defense capabilities?

[*In percent*]

Yes	65.1
No	23.3
Undecided	11.6

10. To provide consumer protection, should the Congress establish a Federal agency with the authority to advocate the consumer viewpoint in government proceedings?

[*In percent*]

Yes	70.1
No	21.7
Undecided	8.2

11. Should the United States maintain its sovereignty and control over the Panama Canal and the Canal Zone?

[*In percent*]

Yes	64.1
No	18.5
Undecided.	17.4

Party preference of those responding:

[*In percent*]

Republican	58.1
Democrat	21.9
Non-partisan	18.2
Other	1.8

Ages of those responding:

[*In percent*]

18 to 21	1.6
21 to 35	23.5
35 to 50	29.3
50 to 65	28.1
65 and over	17.5

TALK TURKEY TO THE TURKS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ADDABBO. Mr. Speaker, as one who has joined in leading the effort to cut off illegal narcotics from our shores, I want all of my colleagues to share a recent editorial in the Long Island Press, July 23, 1974, which vividly points up the needs and the problems.

The editorial follows:

TALK TURKEY TO THE TURKS

Rep. Lester L. Wolff wants President Nixon or Secretary of State Kissinger to hold top level negotiations immediately to convince Turkey not to resume harvesting of the opium poppy. It's a good idea.

Keeping the poppy out of production will be a serious blow to Turkish farmers. That's too bad. But resumption will mean death for millions of people throughout the world—particularly the young. That's intolerable.

It doesn't mean that we should consider the use of military force to keep the ban in

effect. But we can put a tight economic squeeze on that country as we have done to other nations that have tried to harm us—like Cuba—by cutting off all economic and military aid. To this end, President Nixon and/or Secretary Kissinger should talk turkey to the Turks.

SAM STEWART, JOURNALIST

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. CHARLES H. WILSON of California. Mr. Speaker, on September 1, 1974, Sam Stewart will retire his brilliant journalist's career as editor of the Daily Breeze newspaper in Torrance, Calif. Sam Stewart has occupied this editor's chair for the past 18 years. And, during that time, he has spun thousands of words of commentary into a column under the banner, "The Bay Window."

To read all of Sam's columns in their entirety would be a course in history, one enlivened by his straightforward writing style and incisive journalistic ability. The kindness in his writing reflects the man himself, for he tells of events as they are and so lives up to the hallmark of the Copley publications, "The Ring of Truth."

It was on September 1, 1950 when the Stewart family packed its belongings in Ogden, Utah, and moved to the South Bay area of Los Angeles. The past 24 years have seen many changes and Sam's job as managing editor has evolved in the process. In the early days his newspaper reached 8,500 homes. Today more than 78,000 homes receive its message daily. His editorial staff of six has swelled to more than 50—gathering the news from its 15 surrounding cities—and thus changing from a folksy fledgling to what is no wa major suburban publication.

Because of this growth, I know Sam misses the old days when he knew every person by their first name, how many kids they had, and where they were from. Sheer numbers now make that an impossibility. Yet, by the folksy sparkle in Sam's eyes when talking to him, you feel you are his neighbor for he has a sincere interest and concern for people.

Including his work on his high school newspaper, Sam's journalism career spans 50 years. Upon graduation from the University of Colorado in 1929, his first job was as police reporter for the Colorado Springs Gazette-Telegraph. He was promoted to sports editor, then to managing editor, and moved to Ogden also as a managing editor. Feeling that he had shoveled his share of snow and coal, he brought his wife and two children to Southern California in 1950 and also made a move up the journalism ladder.

In the ensuing 24 years, he has garnered a host of honors and an impressive record of involvement in community activities. Sam Stewart has received three awards from the Freedoms Foundation, four Copley Ring of Truth awards for editorial excellence, and recognition from law enforcement agencies for his support of their cause. "The Bay Window" has carried his byline for more than 18 years, and his community activities have been legion—more than most persons can accomplish in several lifetimes.

He has served on the board of directors for several chambers of commerce, is past president of Hermosa Beach Rotary Club, former vice chairman of the Redondo Beach Cultural Committee, and past president of the South Bay Visiting Nurses Association. Also, he was one of the original advisory board members at California State College, Dominguez Hills, and has in the past served on the board of directors at Torrance Memorial Hospital.

But because his profession has commanded his active attention, he was in the past selected as chairman of the Southern California Associated Press News Executive Council and is a member of the American Society of Newspaper Editors, the American Press Institute at Columbia University, Sigma Delta Chi, Los Angeles Press Club, and the Southwest Press Association.

Sam Stewart's name on the masthead will be missed by many—his fellow journalists as well as his wide audience of readers. But his ability and dedication to serving his community stands as an inspiration to us all.

H.R. 69

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. PRITCHARD. Mr. Speaker, I am taking this opportunity to encourage all of my colleagues in the House of Representatives to support the conference committee report on H.R. 69, which yesterday overwhelmingly passed the Senate.

I can appreciate the disappointment that many of our Members have over the conference committee compromise; but it is my conviction that the importance and significance of the substance of the amendments to the Elementary and Secondary Education Act (H.R. 69) far outweigh the deficiencies some of our Members believe exist.

I believe this for the following reasons:

First. Its title I funding is of utmost importance to urban school districts in this country, if educationally and economically deprived children are going to continue to have a chance to break the poverty cycle.

Second. Many of our school districts need the extension of the impact aid programs, if they are going to provide a reasonable education for their children.

Third. The substantial strengthening of the Bilingual Education Act is of utmost significance, if we are going to eventually allow another segment of our population to move into the mainstream of American life.

Fourth. The extension of the Education of the Handicapped Act with its accompanying improvements should be of concern for all of us who have friends, acquaintances, and relatives who have handicapped children.

Fifth. The national reading improvement program authorized in this bill should be important to all of us who are concerned about our children's future welfare.

Sixth. The inclusion of the Women's Equity Act which is designed to insure educational equity for women in the United States is long overdue.

Seventh. The provision for forward funding which obligates appropriations 1 year in advance of actual disbursements will finally give State and local education agencies adequate time for advance planning and budgeting of Federal moneys to meet the intent of the programs contained in the legislation and thereby the direct need of the children they serve.

I propose that we approve the conference committee's recommended compromise, in spite of its inadequacies, and that in doing so we place the welfare of deserving children ahead of other considerations when we vote on this bill.

NEW GOVERNMENT OF GREECE

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. CRONIN. Mr. Speaker, on Monday I plan to introduce a joint resolution congratulating the new Greek Government and the Greek people on their recent endeavors. This new civilian government is dedicated to solving the present problems and creating a renewed peace. Reports today indicate that 12,000 Turks and their tanks are massing, ready to invade Cyprus in continuing abuse of the Greek willingness to overlook the Turkish genocide in favor of peace. Once again the Turks are neglecting their responsibility toward the world and all peace-loving nations.

By contrast, the Greek civilian government is working through legal formalities to solve its problems and create stability for its people. They are trying to help Cyprus unify once again, while we hourly hear reports of continuing violations of the cease-fire by the Turks in a direct attempt to thwart those efforts.

We must, therefore, stop and step back to take a look at what the Greeks have done and at our relations with them over our history. The Greeks have always been staunch allies of the United States and have solidly stood by our side since we fought together at Tripoli. They have been continuing supporters of NATO from the very beginning.

The Greeks have always warmly welcomed Americans—both officials and tourists—and since the inception of the Truman Doctrine in the late forties have always been grateful to the United States for our help in keeping Greece from falling to the Communists during their civil

war. Our Mediterranean Fleet is based in Greece, and the hospitality shown to us has always been notable.

Again in contrast, the Turks have continually abused the American offers of friendship and have damaged our ally, Greece, whenever the opportunity has presented itself. Even today, following years of negotiation with the United States, followed by monetary assistance and our own offers of friendship, the Turkish Government has sanctioned the growth of poppies for sale of opium and morphine—the recognized source of the heroin on the streets of our country and the scourge that continues to destroy the youth of America.

Mr. Speaker, I urge you and my colleagues to join with me in welcoming the new Government of Greece as a freedom-loving nation and to encourage them to work with us in the continuing efforts to achieve world peace and harmony.

URBAN MASS TRANSIT ACT OF 1974

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. RINALDO. Mr. Speaker, I was very pleased that the House Rules Committee has cleared for floor consideration the conference report on the Urban Mass Transit Act of 1974. This legislation is badly needed.

I have made increased funding for mass transit one of my highest legislative priorities since coming to Congress. I worked closely with the principal sponsor, my distinguished colleague from New Jersey for passage in the House of this legislation. The energy crisis this year has pointed up more than ever the need for expanded mass transit.

This bill will give a great deal of flexibility to local government in determining the use of the funds; $800 million will be made available over the coming 2 years for either operating assistance or capital expenditures.

The conference report adopts the most important parts of the House-approved bill, taking our basic formula which uses as factors both population and passengers carried by the transit system.

The House bill contained an important provision, which I strongly supported, to allow discount fares for elderly and handicapped riders. While the Senate bill has no similar provision, I feel that the conferees did the right thing by insisting on this House language.

Approval of this bill will mean $40 million for my State. Of this sum, over $35 million will go to the densely populated northern area of the State in which my district is located. Mass transit is desperately needed.

While the energy crisis has shown that there are times when environmental issues must be weighed against energy shortages, this is one bill that attacks both problems. Expanded mass transit will decrease automobile exhaust pollution, which is the No. 1 cause of deadly air in many of our urban areas, and it will also decrease the demand for gasoline as fewer cars are used.

I have already called on the Union County Board of Chosen Freeholders in my district to designate an appropriate agency so they will be in a position to move quickly on obtaining funds under this program.

MEMBERS OF NORTH CAROLINA GENERAL ASSEMBLY TESTIFY ON LEGISLATION TO SAVE THE NEW RIVER

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. MIZELL. Mr. Speaker, the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs has reported out legislation which would designate a section of the New River in North Carolina and Virginia as a potential component of the National Wild and Scenic Rivers System.

During hearings on this legislation, two distinguished members of the North Carolina General Assembly, Representatives William S. Hiatt and E. Lawrence Davis, who are from this general area, testified before the subcommittee and presented excellent comments on the need to save the New River.

For the benefit of my colleagues, I would like to insert their testimony at this time:

TESTIMONY OF REPRESENTATIVE WILLIAM S. HIATT

Mr. Chairman, and distinguished members of this committee. I would first like to express my appreciation to you for allowing me to appear before you this morning.

I am honored to be able to join Congressman Wilmer Mizell, Senators Jesse Helms and Sam Ervin and others in recommending your favorable consideration of House Bill 11120, a bill to study the beautiful and historic New River for inclusion into the National Wild and Scenic River System.

The New River in northwestern North Carolina is perhaps new to many people but it is, according to geologists, the second oldest river in the world, second only to the Nile in Egypt. Both of these great rivers are unique in that they flow north.

The New River originates in the northwestern corner of North Carolina and its waters flow a few miles in Ashe and Alleghany counties before going into Virginia, merging with the Kanawa River in West Virginia, on to the Ohio and Mississippi Rivers and eventually to the Gulf of Mexico.

The Section of the River described in this bill is scenic in every way and is almost pollution free, the only such major river in eastern United States.

The New River is now threatened by the proposal of two dams to be erected in Virginia by Appalachian Power Company of Roanoke Virginia, a subsidiary of the American Electric Power Company of New York City, which sells hydroelectric power in Virginia and north of Virginia thoughout the Midwest. The proposed project would flood thousands of fertile farm land and would involve vertical drawdowns in North Carolina, ranging up to 12 feet in the upper impoundment to 44 feet in the lower impoundment; even during the recreational season. A 12 foot vertical drawdown on the upper impoundment would mean stretches of wide mud flats along the hundreds of miles of shoreline. A 44 foot vertical would mean the conversion of a beautiful and historic river into the equivalent of a flush tank on a water closet. Federal Scenic River status will not only preclude the foregoing adverse environmental effects, but will avoid the destruction of family roots and ties in the area proposed to be flooded and the creation of a vast number of displaced people.

One of the great tragedies of so called progress is that we often overlook humanity. In addition to the rare and beautiful species of plants and wildlife which inhabit this area, there is another rare and quite endangered group for which the New River banks have been home for generations. This is a group called "PEOPLE", people who live, and whose ancestors have lived, close to the land, people who live in the same houses their ancestors built years ago, People whose ancestors were among the earliest settlers of the American Frontier.

For the foregoing reasons, the North Carolina General Assembly has repeatedly passed resolutions stating its opposition to impoundment of the New River. The most recent was Senate Joint Resolution 668, passed by the 1973 Session. The 1974 General Assembly passed House Bill 1433, which I cosponsored with Representative Davis; this bill designates a segment of the New River in North Carolina a part of the state's Scenic River System, under state law. Mr. Chairman, this bill passed the North Carolina House of Representatives without an opposing vote.

It has been my privilege to represent the wonderful people of Alleghany and Ashe Counties, as well as Stokes, Surry and Watauga Counties in the North Carolina General Assembly. I have visited with the people of these counties often as a candidate for office and then as their elected representative. I have heard from many and their repeated request was to help them save their beautiful home land by blocking the construction of the proposed dams. Until as late as February of this year only a handfull of people had informed me of their desire to see the dam completed. When House Bill 1433 was pending in the North Carolina General Assembly and U.S. Senate Bill 2439 was pending in the U.S. Senate, in February of this year several people did make their views in favor of the dam known. I say this in fairness to them, but I must also add that in my opinion this does not represent the feelings of the majority of the people of Alleghany and Ashe Counties. The County Commissioners of both of these counties have informed me that the majority of the people favor the scenic river status rather than the impoundment of the beautiful New River which flows through their county.

Mr. Chairman, my desire in testifying to this committee is to represent the wishes of the majority of the citizens which reside in my district; to do otherwise would be inconsistent with a representative form of government.

Mr. Chairman, members of the committee, I urge you to include the New River in the National Wild and Scenic River System at the earliest possible date, so that our nation will not lose what Senator Sam Ervin has described as "one of the most beautiful areas that the Lord God Created."

Thank you.

TESTIMONY OF REPRESENTATIVE E. LAWRENCE DAVIS

The New River in northwestern North Carolina may indeed be a new river to many people, but the geologists tell us it is the second oldest river in the world—second only to the Nile in Egypt, and that it has been flowing for over 100 million years. The river originates in the northwestern corner of North Carolina and its waters flow only a few miles in Ashe and Alleghany Counties before going on to Virginia, merging with the Kanawa River in West Virginia, on to the Ohio and Mississippi Rivers and eventually to the Gulf of Mexico.

The section of river described in Senate Bill 2439 is scenic in every way. According to the North Carolina Department of Natural and Economic Resources, it is the home of several forms of rare plant and animal life. It is the best smallmouth bass fishery in the state and one of the few remaining streams where smallmouth bass still exist in significant quantity.

The New River is now threatened by two proposed dams proposed to be erected in Virginia by the Appalachian Power Company of Roanoke, Virginia, a subsidiary of the American Electric Power Company of New York City, which sells hydroelectric power in Virginia and north of Virginia throughout the midwest. The proposed project would involve drawdowns in North Carolina ranging up to 12 feet in one impoundment and up to 44 feet in the other impoundment even during the recreation season. A 12-foot vertical drawdown would mean a 60-foot stretch of mud flats along hundreds of miles of shoreline. A 44-foot drawdown would mean the conversion of a scenic river valley into the equivalent of a flush tank on a water closet.

Federal scenic river status will not only preclude the foregoing adverse environmental effects, but will also avoid the destruction of family roots and ties in the area proposed to be flooded and the creation of a vast number of displaced persons.

Thomas Wolf, in writing of the mountain region of western North Carolina, composed the magnificent novel, *You Can't Go Home Again*. Unless you will act now, thousands of residents of this area will have permanently lost all physical ties to their ancestral homes and the nation will have lost what Senator Sam Ervin has described as "one of the most beautiful areas that the Lord God Almighty created".

For the foregoing reasons, the North Carolina General Assembly has repeatedly passed resolutions in opposition to the proposed Blue Ridge Dam Project of the Appalachian Power Company. The most recent of these resolutions being Senate Joint Resolution 668, 1973 Session Laws, Ratified Resolution 79. During the 1974 Session, the General Assembly by overwhelming majorities passed House Bill 1433, ratified as Chapter 879 of the 1974 Session Laws designating a segment of the New River in North Carolina as a scenic river area and including it in the North Carolina Natural and Scenic Rivers System. The General Assembly passed Senate Joint Resolution 646, 1974 Session Laws Ratified Resolution 170, calling for a study of the possible inclusion of the south fork of the New River as a scenic river under state law. Under the Supremacy Clause of the United States Constitution the Federal Power Commission has the authority to ignore the action by the General Assembly to preserve and protect the New River. It is for that reason that we seek your support in providing at the federal level for study and recommendation by the Department of the Interior as to the inclusion of the New River in the National Wild and Scenic Rivers System.

U.S. MILITARY AID POLICIES: GREECE AND CHILE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. HARRINGTON. Mr. Speaker, like many of my colleagues, I laud the recent events in Greece, particularly the appearance of a trend toward a more democratic government than the military regime which has ruled there since 1967. However, it is not my purpose here to discuss those specific events. Rather, it seems to me that the reaction of the U.S. Government in dealing with an impending military and political crisis of major proportions offers an instructive lesson for our dealings elsewhere in the world.

Throughout the hectic days leading up to the restoration of civilian rule in Greece, it became clear that the United States was using its military assistance programs as a leverage point to turn both Greece and Turkey from all-out war. Officially, there was no cessation or suspension of military aid. But an intention to cut off the furnishing of military articles was made plain to Greece and Turkey. In addition, two F–4 aircraft, which were en route to Greece as part of the foreign military sales program, were detained for several days in Spain, ostensibly because of the uncertainties of delivery and the general instability in Greece.

It is perhaps naive to assume that the prospect of a halt to U.S. military supplies encouraged the Greek military leaders to turn political control over to civilians, as well as to turn back from a course that seemed to lead to full-scale war with Turkey. Nevertheless, it appears that the United States was willing to believe that such an effect was possible, and that subtle pressure could be exerted by an implicit threat that aid would be withdrawn.

Given the context of our policies of the past few days, it seems to me to be inconsistent for the administration to continue to insist on providing military assistance to Chile, which is also controlled by a military junta, that will total more than $21.3 million in fiscal 1975. That sum does not even include arms that will be sold by commercial manufacturers under State Department licenses, but covers only direct grants for military training and credits for purchases under the Foreign Military Sales Act. What is the justification for a policy that allows a foreign government to draw on U.S. arms stocks until a crisis, such as the one in Greece this week, finally erupts? Past experience, and particularly the lesson of the last few days, ought to indicate by now that our military assistance policies require much closer scrutiny and reexamination.

If such a needed rethinking of our policies is undertaken, I am convinced that military aid to the military junta in Chile would be eliminated. It is surely better to exercise our leverage before the fact, by clearly indicating to the current Government of Chile that neither do we favor their retreat from democracy nor will we continue to supply them with the tools to maintain the tight military control over the population. Otherwise we will be forced, at some future date, to react to a crisis with brinkmanship diplomacy, in a desperate effort to reverse the detrimental effect of years of unthinking arms sales and military assistance.

I urge all my colleagues, and particularly those on the House Foreign Affairs Committee, to think about the lesson that I believe the episode in Greece so dramatically reveals, and to support an amendment to the foreign assistance bill that I intend to introduce which would terminate all U.S. military assistance to the junta in Chile.

BADILLO HAILS SUPREME COURT TAPES RULING

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. BADILLO. Mr. Speaker, the Supreme Court is to be applauded for its definitive ruling that the laws of this land are rooted in the Constitution and not in nebulous doctrines of executive privilege and Presidential confidentiality.

I believe that the decisive unanimity of the Court in its Wednesday ruling will help reverse the drift toward defiance of coequal branches of the Government that has characterized the Nixon administration since it took office in 1969. Surely it is a danger signal for our society when the highest court in the land must inform the President that he is subject to those very laws that he is sworn to execute and uphold, and that the right to interpret the law rests not with the Executive but with the judicial branch.

The record is now clear enough for inferences to be drawn. The Nixon administration has been taken to court more than any other in modern times in nearly every instance has been ordered to desist from unlawful activities. Whether it be impoundment of funds appropriated by Congress in fulfillment of its constitutional duty, the ad hoc dismantling of a duly constituted Government agency with whose purposes the Oval Office disagrees, or withholding of potential criminal evidence in affairs unrelated to the conduct of public business, we have witnessed the emergency of a pattern of contempt for the law by those sworn specifically to enforce the laws of the land impartially.

Furthermore, the total lack of substance in the President's case as presented to the Supreme Court must be taken as but another sign that the strategy of the Nixon administration is to draw out the pursuit of the truth in the Watergate affair as long as possible, keeping the country polarized by divi-

siveness that can only result in further deterioration of respect for Government institutions.

Mr. Speaker, the Supreme Court has earned our thanks for making it plain that the Constitution cannot be revised for Executive expediency. In their 8-to-0 vote the Justices unequivocally rebuffed the usurpation of judicial prerogatives by the White House, as well as showing that an affirmation of the bedrock principles embodied in the Constitution is the remedy for the national malaise.

The Nixon administration has likewise attempted to assume the constitutional role granted to the Congress to determine how to conduct impeachment proceedings. We in the House now have the same opportunity embraced by the Supreme Court to halt the spread of Executive power. Our success in asserting our prerogatives will affect the conduct of the public business far into the future.

MIKE FORD'S PRAYER

HON. EDWARD YOUNG

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. YOUNG of South Carolina. Mr. Speaker, we in the Congress know better than anyone what a great Vice President we have. Well, he has a very fine son who delivered a moving prayer at the prayer breakfast last month. I want to share it with the country.

MIKE FORD'S PRAYER DEDICATION GIVEN AT THE VICE PRESIDENTIAL PRAYER BREAKFAST, JUNE 27, 1974

Dear Heavenly Father: We come before you this day in knowledge and recognition of our own personal shortcomings and insufficiencies.

So often as we go through life we are misled by our pride and self-centered confidence. We find ourselves guilty of thinking that we can prevail and lead a victorious life on our own merits and work. Again and again we try to make it alone in this ever-demanding world, and again and again we are humbled before Thee.

But Lord we thank you for the stumbling blocks and obstacles you have set before us, the daily struggles in our lives that call for us to stop and reevaluate our relationship with you.

We know that we must never stop asking ourselves the question, "Where does Christ stand in my life? in the center, or on the fringe?"

We thank you for the patience you have continued to show us even in the times of our unfaithfulness. And above all we thank you for the everlasting and infinite love you have given us in Thy Son, Jesus Christ—Our Redeemer, Our Saviour, who died on the Cross in our Place that we, believing in Him, might be reconciled with Thee.

And in the midst of the burdens, and the tasks and the many responsibilities of this world we rejoice in the newness of life which you have given to us through our faith in Christ.

We give praise for the truth and power you have revealed to us through Thy Holy Spirit and celebrate in the joy and peace you have blessed us with in knowing you as a loving and personal God.

Lord we come together this day, each of us unique creations in your image and yet united in the Body of Christ.

You have blessed *everyone* of us with special gifts and abilities and we look forward with excitement to the jobs and tasks you have called us to perform for your kingdom.

We fully acknowledge our great helplessness and the complete dependency we have upon your grace—and so we ask most humbly that you might grant us wisdom and understanding as we set out on our separate paths.

And Lord as we gather together today to affirm each other, we collectively uplift to you one of your children, Jerry Ford.

In the position of Vice President of this great nation, you have called him to a tremendously demanding task at a turbulent and critical time in history.

Our new Vice President brings to this most important position so many wonderful qualities of leadership and service, but it is only through *Thy* grace that these special gifts in this man might work together in a way so as to have a positive impact on the lives around him.

It is our prayer Lord that you would bless him with discernment and good judgment as he seeks to faithfully carry out the many responsibilities laid before him.

Protect him and keep him strong in spirit, mind, and body throughout all his days—the trials, the tests, the temptations before him.

Grant him the courage to trust in you always and not in the things of this world.

Work in his heart the desire to seek your guidance and direction in all things.

And Lord, we pray most humbly that your Holy Spirit which reveals all truth and which gives all life may dwell in him, and also in us—That we together as your faithful children may walk in Thy ways and glorify Thy name. We ask this in Christ's name. Amen.

THE HECKMAN FOUNDATION

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. HELSTOSKI. Mr. Speaker, one of mankind's major health problems is the problem of kidney disease, and today I would like to call our attention to some very fine work being done in this area by the Heckman Foundation.

The Heckman Foundation, a nonprofit corporate foundation, was named in honor of Hudson County Superior Court Judge August Heckman. Judge Heckman gave up one of his own kidneys in an unsuccessful attempt to save his son's life, and his daughter is now on a dialysis machine, having received a kidney from her mother.

Under the leadership of administrative director, Jacob Robinson, the foundation has been instrumental in raising funds for research and for the purchase of equipment such as dialysis machines. The foundation also intends to establish a program to urge people to donate kidneys upon death to those who need them.

Mr. Speaker, kidney disease is the fifth largest cause of death in the United States. When viewed within the context of this statistic, the work of the foundation becomes even more important. Hence, I would like to take this opportunity to thank those associated with the foundation for the fine work they are doing, and to offer my best wishes for continued success.

THE SINS OF THE TIMES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. CARTER. Mr. Speaker, Francis Bacon, the noted author, statesman, and chief judge of the realm in England, underwent many trials and tribulations during the course of his life. Today, however, students of history consider him to be one of the most intelligent and literate men of all time. Many suggest that the plays of Shakespeare flowed from his pen.

I include for the RECORD a most interesting article by William Safire:

THE SINS OF THE TIMES

(By William Safire)

In 1620, Francis Bacon, the lord chancellor of England, was riding high.

"He had reached the age of 60, and had gained the object of his ambition," wrote biographer R. W. Church in 1884. "More than that, he was conscious that in his great office he was finding full play for his powers, and his high public purposes. He apprehended no evil; he had nothing to fear, and much to hope from the times.

"His sudden and unexpected fall, so astonishing and so irreparably complete, is one of the strangest events of that imperfectly comprehended time."

In his climb to great place as chief judge of the realm, Bacon had made his share of enemies, among them Sir Edward Coke, a man of the House of Commons who believed that the judges of the Chancery Court were too subservient to the king.

Prodded by Coke, Parliament began looking into the widely known practice, common to judges of the day, of accepting emoluments from parties in suits before them. Judges felt that as long as they did not permit the gifts to influence their decisions, they were free to line the pockets of their black robes.

A committee on inquiry put the heat on a Bacon aide: "An infamous forger of chancery orders," writes Church, "finding things going hard with him, and 'resolved,' it is said, 'not to sink alone,' offered his confessions of all that was going on wrong in the court."

This created a stir, but Bacon did not worry; the investigation was of the court system generally, and was not likely to reach him. Then, suddenly, a couple of suitors appeared before the bar of the house to accuse Lord Bacon himself of taking their money; they were angry because he had then decided the cases against them.

Parliament Rose in wrath; Bacon, suspecting this was all a plot by Coke and other enemies, said, "I know I have clean hands and a clean heart . . . but Job himself, or whosoever was the justest judge, by such hunting for matters against him as hath been used against me, may for a time seem foul, especially in a time when greatness is the mark and accusation is the game."

But the investigation fed on itself; not to be outdone by Commons, the House of Lords appointed three committees: "Considering that the future judges had of their own accord turned themselves into the prosecutors," wrote the biographer, "the unfairness was great."

Belatedly, Bacon took alarm, seeking support from king and prime minister, but he was already tainted too much for that.

Bacon could not fight the torrent alone; he succumbed, confessed, and offered no defense.

Such confession did him no good with pub-

lic opinion, which reviled him all the more for not defending himself. "I have been no avaricious oppressor of the people," the puzzled Bacon wrote the king. "I have been no haughty or intolerable or hateful man in my conversation or carriage but am a good patriot born. Whence should this be?"

Bacon was sent to jail for four days and then pardoned. The last five years of his life were the most productive of all in terms of writing history, but he went to his grave believing that "there are *vitia temporis* as well as *vitia hominis*, and that his enemies had made him suffer for the sins of the times.

Three hundred and fifty years later, Bacon is revered by scientists as the father of empirical reasoning, by thinkers as the pioneer of natural philosophy, by writers as the first of the great English essayists. Some people even claim he wrote plays under the pseudonym of William Shakespeare.

But as lord chancellor of England, Francis Bacon was one corrupt judge. History has a tendency to overlook the faults of men who mattered, just as contemporaries overlook the contributions of men who fail while daring greatly.

S. 1868, RESTORING RHODESIAN SANCTIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. FRASER. Mr. Speaker, on March 25, 1974, I introduced into the CONGRESSIONAL RECORD a World Federalist fact sheet on "The Case for Restoring U.S. Compliance With U.N. Sanctions Against Rhodesia, H.R. 8005 and S. 1868." I said at that time that the World Federalists' publication was a very helpful, concise, and straightforward presentation of the issues involved.

The Federalists have now issued an updated version of their fact sheet. Entitled "Restoration of U.S. Compliance With U.N. Sanctions Against Rhodesia, S. 1868," it is of the same high quality as the original fact sheet. I hope many of my colleagues have an opportunity to read this fine publication:

RESTORATION OF U.S. COMPLIANCE WITH U.N. SANCTIONS AGAINST RHODESIA, S. 1868

Within the coming weeks Members of the House will have the opportunity to vote for legislation, S. 1868, to restore the United States to full compliance with United Nations sanctions against the minority ruled government of Southern Rhodesia. On June 27, 1974, the House Foreign Affairs Committee favorably reported S. 1868 by a margin of 25–9. An identical bill passed the Senate on December 18, 1973, by a vote of 54–37. This legislation has the effect of repealing the Byrd Amendment by exempting UN sanctions from the operation of Section 10 of the Strategic and Critical Materials Stock Piling Act. The Byrd Amendment, which passed in 1971, has the effect of allowing importation from Rhodesia of chrome ore, ferrochrome and nickel.

Sanctions against Rhodesia were imposed following Southern Rhodesia's unilateral declaration of independence from Great Britain in 1965 and its establishment as a regime dedicated to white-minority rule. These mandatory sanctions, which were requested by Great Britain and vigorously supported by the United States, provide for comprehensive prohibition of all trade with Rhodesia. With the passage of the Byrd Amendment, the United States became the only nation other than South Africa and Portugal to openly violate sanctions.

World Federalists, USA urges the House of Representatives to pass S. 1868 for the following reasons:

1. *Violation of sanctions endangers international relations and undermines US access to essential raw materials from African countries, who adamently support sanctions.* The energy crisis is evidence of how foolhardy it would be to ignore the views of African nations on whom we are increasingly reliant for our supply of natural resources. Already a large share of our imports come from the African continent where US private investment totals more than $4 billion (as compared to $56 million in Rhodesia). Continued cooperation will require an increased sensitivity to the Africans' concern that minority rule be abolished in southern Africa. Secretary of State Henry Kissinger recently stated that:

"The Byrd provision has impaired our ability to obtain the understanding and support of many countries, including such important African nations as Nigeria, a significant source of petroleum and a country where we have investments of nearly $1 billion."

2. *Rhodesia is not the only source of competitively-priced chrome ore.* In fact, only a small portion of US crome ore comes from Rhodesia. In 1972, only 10% of our imports of metallurgical chromite (the type used in the production of stainless steel) came from Rhodesia and in 1973 only 11%. Numerous countries have substantial reserves of chrome ore at prices that are often cheaper than Rhodesia's. Among these are Turkey, Brazil, Pakistan, the Philippines, Iran, South Africa and the Soviet Union. Willis C. Armstrong, Assistant Secretary of State for Economic and Business Affairs, testified that:

"Reimposition of the US ban on imports of Rhodesian chrome ore and other materials would not deprive the US of any needed raw materials. Adequate domestic and other foreign supplies are available. Moreover, foreign supplies of ferrochrome are available from South Africa, Finland, Brazil, Norway, Sweden and others."

Contrary to unsubstantiated charges the USSR is the best source of high quality chrome ore in the world. The US Bureau of Mines reports that Russia has the highest grade chrome ore available, with a chrome to iron ratio of 4:1 as against the 3:1 of Rhodesian cromite. At the same time, Soviet ore is less expensive than the Rhodesian variety. Figures from the Bureau of the Census for the first quarter of 1974 showed that the US pays only $43 per ton for Russian chrome ore while paying $74 per ton for chrome ore from Rhodesia.

3. *The USSR does not transship Rhodesian ore to the United States.* Despite factual evidence to the contrary, supporters of the Byrd amendment continue to circulate the canard that the USSR covertly purchases Rhodesian chromite and subsequently transships it to the United States at inflated prices. There is no truth to the charge. The US Geological Survey has examined samples of chrome ore imported from the Soviet Union and concluded that the composition was such that they could not have originated in Rhodesia.

4. US National Security would not be impaired by observance of sanctions against Rhodesia. When the Byrd amendment passed in 1971 its proponents argued that the national security of the United States depended upon the supply of chrome ore from Rhodesia. The demand for metallurgical grade chrome ore for military and defense needs, however, is relatively small in relation to the numerous alternative sources of chromite. The Defense Department reports that only 8 to 10 per cent of US consumption of high grade chromite is used for national defense. The rest is consumed for non-defense related purposes such as home appliances, auto trim and civilian jet engines. Secretray of State Kissinger has stated:

"I am personally convinced that the Byrd Provision is not essential to our national security, brings us no real economic advantages, and is costly to the national interest of the United States in our conduct of foreign relations."

In 1971, supporters of the Byrd Amendment claimed that sanctions against Rhodesia resulted in the US becoming too reliant upon the Soviet Union for chrome ore. The Byrd amendment, however, has not resulted in a reduction of US imports of Soviet ore. In fact, chrome imports from the USSR have increased.

Unlike Rhodesia, whose internal and external disruptions make its long term reliability increasingly less certain, the USSR has proven to be a reliable source of chrome ore. It is extremely unlikely that it would attempt to cut off shipments of ore to the US since the Soviets are dependent upon the US for key strategic materials. In 1971, for example, the Soviet Union relied on the US for 59% of its imports of aluminum oxide, which is used in abrasives essential to the manufacture of machinery. Thus, during the 1962 Cuban Missile Crisis, the Vietnam War and the Middle East wars, the USSR not only continued chrome imports, but actually increased them. Moreover, Soviet economic development rests heavily upon infusions of superior US technological and managerial skills in virtually every industrial field.

5. The US has an ample stockpile of chrome ore. Aside from reliable foreign sources of chrome ore, the US has a huge stockpile of surplus chromite. According to data supplied by the National Materials Advisory Board and the Department of Defense, the U.S. stockpile of Metallurgical grade chrome ore is sufficient to meet our military needs for 42 years of war and over 7 years of civilian and military consumption. As a result, President Nixon has proposed that 4 million tons of chrome ore be sold as surplus. In addition, low grade chromite can be converted to ferrochrome. Finland, for example, converts low grades of chrome ore into ferrochrome for stainless steel production at prices competitive on the world market. Finally, recoverable stainless steel scrap could annually supply 40% of America's demand for chrome.

6. *Jobs in America's domestic ferrochrome industry are endangered by the flood of cheap Rhodesian ferrochrome.* Although the Byrd amendment has not resulted in vastly increased imports of chrome ore, an unexpected result of its passage has been the flood of Rhodesian ferrochrome (a chrome-iron alloy used in making stainless steel) into the United States. In 1973, Rhodesian imports of high carbon ferrochrome claimed 46% of the US import market, thus threatening the very existence of our domestic ferrochrome industry. Rhodesian ferrochrome imports have already cost the jobs of hundreds of American workers whose plants have had to shut down. Rhodesia's ferrochrome is less expensive than the US product because its industry is allowed to employ cheap and frequently forced labor under working conditions which deny Africans the right to strike or bargain collectively. In addition, the Rhodesian government subsidizes freight and power rates while allowing industry to avoid even minimal environmental protection standards in its quest for foreign currency. Thus the threat to American jobs comes not from adherence to sanctions, as the stainless steel industry has claimed, but from continued competition of Rhodesian ferrochrome. As I. W. Abel, President of the United Steelworkers of America, wrote to Congressman Donald Fraser:

"If any job loss argument can be made, then it would have to be that American ferrochrome jobs have been jeopardized by the partial lifting of the embargo for chrome products—not that reimposition of the embargo would cost jobs for American specialty steelworkers. . . . Do not make your decision under the misimpression that American steelworkers will suffer if the United Nations sanctions are enforced. The reverse is true."

7. *Restoration of sanctions will not cause large increases in the price of stainless steel.* If sanctions are restored, replacement of Rhodesian ferrochrome by purchases of ferrochrome from other foreign producers costing an additional $100 per ton will cost the stainless steel industry only slightly over $3 million annually, not the $96 million it has predicted. The stainless steel producers have not passed on to the consumers any cost savings that may have come from breaking sanctions. In fact, stainless steel producers have recently hiked prices by 10 to 15% on top of previous price increases of as much as 6% in 1973.

8. *Sanctions are an effective method for the international community to bring peaceful pressure upon a government that endangers the peace of southern Africa by its policies of denying the most basic principles of human justice.* In Rhodesia, where a small minority dominates 95% of the population, sanctions can serve as an effective and legitimate means of bringing the black majority into the political, economic and social fabric of the country. The United States has a treaty obligation under the UN Charter to comply with sanctions. The UN Charter, which the United States ratified as a Treaty, gives the Security Council authority to impose mandatory sanctions when it *"determines the existence of any threat to the peace,"* which Rhodesia's racial policies clearly represent to the region of southern Africa. By failing to comply with sanctions, the US violates international law and undermines its credibility as a law abiding member of the international community.

9. *Sanctions against Rhodesia have been effective.* Despite US failure to fully comply with sanctions, Rhodesia has suffered severe economic strain. Sanctions have resulted in a serious balance of payments deficit for Rhodesia. In addition, they have denied Rhodesia access to the capital necessary for economic expansion, as well as frustrated efforts to obtain materials essential to the maintenance of the country's agricultural, industrial and military capacity.

10. *Repeal of the Byrd Amendment would provide the decisive impetus for peaceful change in Rhodesia.* Internal and external forces opposed to the Smith regime are rapidly building. The recent coup in Portugal has made a black-ruled government in Mozambique inevitable, thus cutting Rhodesia's direct access to the sea. Even South Africa is now urging a quick settlement and may be prepared to limit its military commitment to Rhodesia if the white Rhodesians continue to be intransigent. House passage of S. 1868 would provide additional and probably decisive pressure on the Smith regime to reach an equitable settlement; thus averting a tragic war that could engulf the entire southern region of Africa.

OLDER AMERICANS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. STOKES. Mr. Speaker, I have received a letter on a subject in which I have long had a very great concern. I know many of my colleagues share my belief that the contribution of older Americans has not been adequately recognized. I am, therefore, particularly pleased to present for the information of the public and my colleagues, a copy of a letter which I received from Miss Esther I. Test, director, Senior Community Service Aides Project, American Association of Retired Persons:

CLEVELAND, OHIO.

Hon. LOUIS STOKES,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STOKES: We are in the process of designing a commemorative postage stamp honoring Older Americans—A Great National Resource.

In addition to being on honor long overdue it is also a way of expressing appreciation for their unheralded and much needed contribution to our society.

The increasing number of older Americans with their rich store of experience, if recognized and utilized, could be the catalyst resulting in an improvement of the quality of life for many older Americans and for our society in general.

When the design is completed and submitted to the Citizen's Stamp Advisory Committee we will notify you.

If you agree with this concept please give this idea now and later the widest possible circulation through your particular contacts. We will need and do now ask your help in getting the idea of our stamp accepted.

Cordially,

Miss ESTHER I. TEST,
Director,
Senior Community Service Aides Project.

PROFESSIONAL STANDARDS REVIEW ORGANIZATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. CRANE. Mr. Speaker, recently the Wall Street Journal carried two letters to the editor on the subject of PSRO's.

These letters are significant because they are from rank and file doctors, not bureaucrats or professional lobbyists.

The analogy that Dr. Ritter makes between PSRO's and Watergate activities is an intriguing one that I particularly commend to the attention of my colleagues:

PEER REVIEW

Editor, The Wall Street Journal:

Regarding Jonathan Spivak's page-one article "'Heal Thyself. . . .'" (June 24):

Mr. Spivak's article on the physician Professional Standards Review Organization debate missed one point. It is that most physicians are already involved in peer review. Hospitals have committees of physicians which review a new physician's credentials before he is allowed on the staff, a surgical review committee which oversees his operations, a tissue review committee which checks to see what is being removed, a transfusion committee to determine whether or not blood is being administered in proper amounts and various other similar committees.

The majority of medical societies has within it various peer review committees. We have a Foundation for Medical Care which reviews utilization, length of hospital stay and charges for not only Medicare and Medicaid patients but for other insurance covered-patients as well.

Mr. Spivak cites that the Foundation for Health Care Evaluation in the twin cities in Minnesota has cut hospital stays. He fails to mention that this was done on a local basis and not set up by the federal government. Again, he referred to Bethesda Lutheran reviewing charts. This too is being done by the local physicians and not the federal government. The advocates of a federally legislated PSRO try to allay the fears of physicians by stating that such review would continue to be done at a local level. If this is true then why not repeal the law which gives the federal government the right to have the final say? If, on the other hand, the name of the game is "control" of medical care then the federally directed PSRO is a good beginning. There is no way to nationalize 300,000 physicians without nationalizing 200 million Americans. Physicians are not against peer review but are against centralized control.

MATTHEW C. GLEASON, M.D.,
President,
San Diego County Medical Society.

SAN DIEGO.

CONFIDENTIALITY

Editor, The Wall Street Journal:

Mr. Spivak totally missed the point on the issue of confidentiality under the "professional Standards Review Organization" amendment to the Medicare law. Doctors are concerned because PSRO legalizes the activity for which John Ehrlichman and the "plumbers" are being prosecuted. Under PSRO, government agents can walk into a hospital or doctor's private office and inspect the medical records of his patients.

Those records contain the intimate details of our patients' personal lives, matters they are even reluctant to discuss in the confessional. PSRO simply makes it impossible to be guardians of our patients' privacy any longer.

Medicare carriers are presently microfilming patients' medical records and forwarding them to the Bureau of Health Insurance in Baltimore where they are stored. And BHI is demanding more and more personal information, including "social histories," on our patients.

It is patently impossible to keep a secret once government becomes privy to the matter.

KENNETH A. RITTER, M.D.

NEW ORLEANS.

CHARLES McQUEENEY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. GIAIMO. Mr. Speaker, Connecticut has lost a distinguished journalist this week with the death of Charles T. McQueeney, retired managing editor of the New Haven Register.

Charles McQueeney was a man whose name was synonymous with both journalism and community service in New Haven. He worked for the Register for more than 46 years, and spent 20 of those years in the position of managing editor.

Through the Register, Charley made many important contributions to the life and spirit of New Haven, especially through his work with the Register fresh air fund, a campaign which annually sends many deserving youngsters to camp, and with many other city clubs aimed at the development of the potential of New Haven's young people.

Just as importantly, Charley McQueeney was the guiding inspiration behind the development of a generation of news people, both those who stayed to grow with the Register, and those who left New Haven to work on other prominent papers.

Active in journalists' organizations, in educational institutions, in rehabilitation, in health, in police and fire work, Charles McQueeney was literally a man of many interests, many talents, and thousands of friends.

The excerpted article and editorial from the New Haven Register of July 18, detailing the work and the life of the man who was "Mr. Newspaper" and "Mr. Register" to New Haven follow:

CHARLES MCQUEENEY, EDITOR, DEAD AT 64

Charles T. McQueeney, who retired last Sept. 1 after 46 years with The Register, the last 20 as its managing editor, died Wednesday, July 17, 1974, Yale-New Haven Hospital. He would have been 65 on Aug. 21.

Memorial contributions may be made to Our Lady of Grace Monastery, North Guilford, or to the Register Fresh Air Fund.

The J. Markiewicz and Sons Funeral Home, 14 Trumbull St., is in charge of arrangements.

Widely known for his civic activities, Mr. McQueeney began his newspaper career during his senior year at the old Commercial High School, when he was a member of the school's newspaper staff and served as a high school correspondent for The Register. When he began his fulltime association with The Register in 1927 it meant relinquishing a boyhood ambition to be a member of the New Haven Fire Department. He was a department "buff," however, all of his life, and eventually he was designated an honorary chief of the department.

He was particularly known in the community for his work with the Register Fresh Air Fund, the Albie Booth Memorial Committee, Farnam-Neighborhood House, and the Boys Club.

A man of warm personality with an infectious sense of humor and a flare for the funny story—particularly about himself and fellow newspapermen—Charlie McQueeney personified The Register for innumerable people in the New Haven area. He was an eager recipient of news "tips" and he had an attentive and sympathetic ear for the ordinary men and women who might drop by his desk for the managing editor's help in preparing a personal news item or an organizational release.

At his retirement in August of 1973, Mr. McQueeney wrote his final "Saturday Journal." The column was in its 11-year span a popular feature of the Saturday Register, and he closed with comments about his appreciation for the "support and encouragement" received through the years—factors that were reciprocated on his part in many community ventures.

"We broke into the business," he wrote, "when The Register was on Crown Street and under the tutelage of a couple of hard-nosed but knowledgeable newsmen, the late John Day Jackson, publisher, and Roger A. Connolly, managing editor, our predecessor who was in the spot for 26 years. We owe much to both and the success we enjoyed can be attributed to their teaching and unrelenting drive."

Similarly, during his dedicated career, Mr. McQueeney was to be the force behind the development of many of the city's newsmen, and he was a familiar figure directing staff members at the scene of many of the major news stories—particularly fires—through the years.

Mr. McQueeney exuded a friendship and loyalty that touched people in all walks of life. He possessed the facility of knowing the names and individual interests of hundreds of people, and this was amply expressed in his "Saturday Journal" columns listing names and extending greetings on special holidays during the year.

He was known personally by a great variety of people—from the news dealer at Church and Chapel Streets to mayors and governors who dropped in to see him when they were visiting New Haven. In one of his columns he mentioned talking to J. Edgar Hoover, the late director of the FBI, only to draw a sarcastic letter from a reader who thought "Charlie" was name-dropping about a luminary he had never actually met. A week later, Mr. McQueeney reproduced in his column a personal note from Hoover.

His friendships extended beyond the area and he was widely known throughout New England newspaper circles. Mr. McQueeney always found particular delight in attending the annual "Banshees" luncheon in New York, a gathering of people high in the news profession as well as headline personalities. His attendance at this New York event was an occasion to renew friendships with those prominent in the news field, while at the same time reflecting his feeling of dedication in being a part of the newspaper business.

Devoted to the Catholic Church, he was warmly greeted by bishops, priests and nuns as he attended dinners throughout the state. Friends riding with him soon learned that he tipped his hat whenever he drove past a Catholic church. Clergymen from throughout Connecticut—large numbers of them non-Catholic—knew him on a first-name basis and sought-out "Charlie" when there was church news to be reported.

On the occasion of his 35th anniversary with the newspaper, Mr. McQueeney was guest of honor at a dinner where he was lauded as a "newspaperman's newspaperman," an apt summary of his life work.

Many time over, Mr. McQueeney was singled out for specific honors by groups and organizations he assisted through the years. He was cited as a man who had made his "mark in life" through his work with the Register Fresh Air Fund, with handicapped Boy Scouts and the Albie Booth Memorial Committee effort to get a new building for the Boys Club.

With his close friend, the Rev. Robert G. Keating, he received the New Haven Chapter of the National Foundation and Hall of Fame 1967 Distinguished American Award. The citation read, "in his role as a trustee of the Fresh Air Fund, Charlie McQueeney has played a big part in helping to provide summer vacations for thousands of underprivileged New Haven youngsters."

A rare form of recognition came to Mr. McQueeney on his retirement when Mayor Bartholomew F. Guida declared Aug. 31, 1973, "Charles T. McQueeney Day" in New Haven. The proclamation, usually reserved for those in public service, stated that the longtime chronicler of the day-to-day activities of the communities served by The Register "made the time, no matter what the pressures, for deep loyalty and solid friendships."

Mr. McQueeney was born Aug. 21, 1909 in New Haven, the son of the late Patrick J. and Margaret Cooney McQueeney. He attended the old Skinner School, St. Boniface School and was graduated from Commercial High School in 1927, starting the same year as a proofreader with The Register.

He was to serve the newspaper as a reporter, state editor in charge of suburban coverage, telegraph editor handling world news, city editor, and starting in 1953, managing editor. He became assistant secretary of The Register Publishing Co. in 1971, and a member of the company's executive committee.

As a trustee of the Register Fresh Air Fund he dedicated himself to annually increasing funds to provide as many campership as possible for underprivileged children of the area.

Mr. McQueeney held office in several journalistic organizations, including presidency of the Connecticut Circuit of the Associated Press from 1963 to 1965.

He was a charter member of Carmel Council, Knights of Columbus.

His civic affiliations included the board of directors of Albertus Magnus College, Highland Heights, New Haven Area Rehabilitation Center, United Fund of Great New Haven, Farnam Neighborhood House, and the advisory board of the Hospital of St. Raphael.

Mr. McQueeney also served as a member of the Citizens Welfare Advisory Committee of the State Welfare Commission and with the State Tuberculosis Appeals Board.

Mr. McQueeney through the years enjoyed the friendship of many members of both the New Haven Police and Fire Departments. He was recipient of honorary chief badges from both departments.

He served as chairman of the sponsoring committee for Handicapped Scout Troop No. 3, under the direction of Mr. and Mrs. Anthony Basilicato of North Haven. A patrol unit is named in his honor.

Among his honors were the 1957 Animal Welfare League Certificate of Merit; the first New Haven County Bar Association Liberty Bell Award in 1965; the 1966 Hibernian's Distinguished Friendship Award; the Governor's Horse Guard "Man of the Year" award in 1968; the 1969 New Haven Club of Providence College Veritas Award; the 1969 American Legion Department of Connecticut Award; the 1970 citizenship award of the Sgt. Stanley Fishman Post, Jewish War Veterans.

Also, the 1971 Jimmy Fund Award—a trophy inscribed "To a Man With a Million Friends"; the 1972 Eagle Man of the Year Award; the 1972 Americanism Award of the American Legion Department of Connecticut; and the Horace Hayden Award of the Connecticut Dental Association.

Besides his wife, Mr. McQueeney is survived by a son, Charles T. McQueeney Jr., and a daughter, Miss Mary Beth McQueeney, both of North Haven; a sister, Mrs. Thomas O'Keefe, of New Haven; a brother, John McQueeney, of Branford, and a granddaughter, Krista. He was predeceased by two brothers, Joseph McQueeney and William M. McQueeney.

MAYOR DECLARES SATURDAY OFFICIAL DAY OF MOURNING

Mayor Bartholomew F. Guida today declared Saturday an official day of municipal mourning in honor or Charles T. McQueeney, retired managing editor of The Register, who died Wednesday afternoon in Yale-New Haven Hospital.

The Board of Aldermen, during a special meeting Wednesday, passed a resolution hailing Mr. McQueeney's many years of service to the community. The resolution said New Haven had "lost from its midst a truly outstanding citizen."

Guida said he was personally grieved at

the death of Mr. McQueeney. "He was a dear friend both to my father and to myself. Our personal friendship goes back over 50 years and my father knew him from the day he gave Charlie his first haircut.

"My father and Charlie's father were in politics together in what was then the old 8th Ward. Our families were close friends and I'll miss him, not only as a friend, but as mayor of the City of New Haven."

Guida expressed a feeling of deep loss for the entire community because of Mr. McQueeney's "involvements in so many humanitarian and charitable causes. Charlie always gave unstintingly of himself to help his fellow man."

He noted that many inner-city youngsters owe him a debt of grattiude for his untiring efforts in behalf of The Register Fresh Air Fund.

Mayor Guida said, "because Charlie always represented the father's image in shepherding his flock—which included everyone he came in contact with—because he contributed so much towards a better way of life for the people of the New Haven area, I hereby declare Saturday, an official day of mourning in our city in memory of this great humanitarian."

An official escort of firemen, policemen and city officials will attend the funeral service.

CHARLES T. McQUEENEY

In his final "Saturday Journal" column on this page, which appeared last Sept. 1, Charles T. McQueeney said of himself after graduation from high school: "We went looking for a job but found a home."

It was a remark that in its self-deprecating way symbolized a lifetime of extraordinary dedication and devotion to the mistress that is journalism. It was a "home" only in the sense that his love for the profession knew no bounds. In a full working career of 46 years, he gave unstintingly of his time; night and day he was at the beck and call of his mistress.

Charlie's love and zeal for the business of gathering and printing news was revealed especially in his unswerving loyalty to The Register as the voice of the press in the community—to many, Charlie was The Register and The Register was Charlie.

To Charlie, getting the story was important, but so was the good of the community as a whole. Sensationalism needed to be balanced against a story's impact on the community or on an individual's life. He was ever aware of the newspaper's role as a forger of attitudes, a rallying point, a salient for the good cause, as well as a bearer of good and bad tidings. Charles, through his many civic social and religious undertakings, forged a unique bond between The Register and the community—and was its personification.

Unrelentingly harsh with the green reporter or errant veteran, Charlie had an often irrepressible compassion for others that led the more discerning to realize that underneath the stern exterior was a deeply-feeling heart. His concern for people and causes had led to a shower of awards and other recognition, throughout his career, from a grateful public.

Charlie's acts of generosity and kindness were seldom on a grand, attention-drawing scale. He preferred the deeds to be small and unnoticed. But his beneficiaries numbered in the hundreds, perhaps thousands. They, as well as those who knew the man under the crusty exterior of a managing editor, will miss him.

OH IT'S WONDERFUL TO BE AN AMERICAN

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. HANRAHAN. Mr. Speaker, Mrs. B. R. Fitzgerald of Riverdale, Ill., wrote a song in 1955 which tells of her great love for America. I wish to insert her recent letter to me and her lovely song:

RIVERDALE, ILL.

DEAR CONGRESSMAN HANRAHAN: Enclosed you will find a copy of a song that I wrote in 1955. Please place it where all in Congress may read it. For there is no greater country than our beloved America. I enjoy reading all your answers which appears in our local paper (The Pointer).

Sincerely,

Mrs. B. R. FITZGERALD.

OH IT'S WONDERFUL TO BE AN AMERICAN

(Copyrighted 1955 B. R. Fitzgerald)

Oh its wonderful to be an American
and live in a land thats free
To have free speech is a blessing to humanity.
Oh its wonderful its wonderful to look up in the sky
and watch Old Glory flying her colors high.
Each nite I pray God keep our flag flying always
and if the need may ever be
America dear America you can count on me
For I am proud to be an American
and live in a land of opportunity
Bless you America the land of the free
Bless Bless dear America my Country.

INVENTORY OF FREEDOM

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. STEED. Mr. Speaker, in an editorial observing the 198th anniversary of the United States, the Daily Oklahoman of Oklahoma City had some things to say that are worthy of consideration.

It serves to remind us that eternal vigilance is still the price of liberty, and that our country, in spite of scandals and misfortunes, is still one of the great achievements. As one of the citizens of my district, Mr. Seward E. Robb, commented:

It reminds us of the true value of being an American in 1974.

The text of the editorial follows:

[From the Daily Oklahoman, July 4, 1974]

INVENTORY OF FREEDOM

On this 198th anniversary of the signing of the Declaration of Independence, it seems to be appropriate to note that our country has some of just about everything in the world, good and bad, and to give credit to those responsible for all of it.

We have a great deal of freedom. We may go where we please, work at jobs of our choice, worship as we believe, speak our minds, vote for candidates we favor, and give our children opportunities for education and success in life. We have these freedoms because far-sighted leaders wrote them into our form of government, and millions of Americans have fought to preserve them in peace and in war.

We also have many restrictions, put upon us by those who want to dominate their fellow men, or who demand more than their fair shares of wealth, privileges and power.

The backbone of this nation still is the character of the majority of the people who have faith in God, who uphold moral principles, who support freedom of enterprise, who practice honesty in their dealings, and who vote for integrity in government.

This character is tarnished by a sizable minority who hold to no religion, who practice and advocate spread of immorality, and whose way of life is to cheat in business and steal from the government.

We have a great deal of patriotism, love for country and concern for people. Many flags are flying today because Americans want the world to know that they stand for peace, but are willing to give their lives, if necessary, in the cause of freedom.

Not all of those who benefit from our freedoms hold our country in this esteem. They will desecrate our flag, jeer at patriotic celebrations, and violently abuse law-abiding citizens. They can do these things because lawmakers and courts have lost sight of the rights of the majority in overly-zealous concern for lawbreakers and riotous fanatics.

Millions of Americans will enthusiastically sing "The Star Spangled Banner" and thankfully recite the pledge of allegiance to the flag of the United States of America. Others will deride our anthem, even though none of them has ever composed a finer song or helped to build a better nation. Others may refuse to salute our flag because they are selfishly seeking their own welfare, not appreciating what others have given that they might have.

Our nation has weaknesses and imperfections, but it still has more to offer than other countries. As we take inventory of our freedoms, let us remember that the true seat of government is in the heart of each citizen, rather than in stone buildings in Washington, D.C. It is here that the good things of our country will be preserved and it is here that determination must be made to correct those things that are wrong.

VOTE ON STRIP MINING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. FRENZEL. Mr. Speaker, because I had to return to my district today, I was not present for the final vote on the strip mining bill, H.R. 11500. Had I been present, I would have voted for the bill and against the motion to recommit.

THE GREAT PAYCHECK RAID

HON. MICHAEL HARRINGTON
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. HARRINGTON. Mr. Speaker, today I would like to bring a third article in Bill Duncliffe's series, "The Great Paycheck Raid," which appeared in the July 9 Boston Herald-American, to the attention of my colleagues. The following text explores the tax burden on the typical white-collar, middle-income, working family in this country—amply demonstrating that the weight of this burden is something which all of us should seriously consider. Clearly, the conclusion follows that reform is needed desperately—and now.

The text follows:

THE GREAT PAYCHECK RAID—HUSBAND, WIFE CONTRIBUTORS TO SOCIAL SECURITY A "RIPOFF"

(NOTE—Each week your livelihood—and that of every other person in Massachusetts—is being picked apart by a multitude of national, state and local taxes.

But while everyone is aware of how much is taken in withholding and Social Security taxes, few realize how large a slice of their income is being consumed by the many other levies to which they are subjected.

Two typical wage earners opened up their financial records and family budgets to the Herald American in order to explore just how these indirect and hidden taxes hurt them.

What was found—and what it all means, to you as well as to them—is told in this series, "The Great Paycheck Raid.")

(By Bill Duncliffe)

What greatly disturbs a 35-year-old white-collar worker about the inroads which a whole horde of direct and hidden taxes are making on his money each week is the conviction that he and his wife are being overcharged and under-served by their federal and state governments.

But what rankles him still more is the growing suspicion that in one specific tax—Social Security—they may even be getting gypped.

Legally.

And this is how:

Last year, SS took 5.85 percent of the first $10,800 a worker earned. The maximum tax any one wage earner could be hit with was $631.80. He earned $14,475.64—and so he paid the full amount.

Fine.

But his wife worked too, and made $4,552.57—out of which the government took $266.36 in Social Security. Added together, that meant they were dunned $898.16, well above the maximum, on that particular levy.

Yet when they filed their joint income tax return for 1973 they were unable to claim a refund on the overpayment, and the unusually short IRS explanation for that was:

"The tax is computed separately for individuals and not by couples. Therefore, filing a joint return has no effect."

The white-collar worker's reaction to that was even shorter.

"I think we're being ripped off," he declared.

Those with a paragraph-by-paragraph knowledge of the Social Security law say he's wrong—but if he's right he and his wife are being victimized by an even more maddening ripoff right now.

That results from the fact that while the rate for the SS tax remains at 5.85 percent the salary limit is now $13,200. That means his paycheck will be whacked for a new maximum of $772.20, his wife will pay as before—and there's absolutely nothing they can do about it.

What makes the whole deal worse in his eyes is that if he should drop dead tomorrow his widow and infant son would receive benefits only on what he paid into the Social Security Fund.

They'd get nothing of what she contributed—and that, he said, is but one of the reasons why he believes he's being short-changed by those who govern him.

And he just might be right.

Last year, 38 cents of every dollar of personal income in Massachusetts was gobbled up by federal, state, and local taxes, and every working man and woman in the Commonwealth had to work from Jan. 1 to May 1 to meet the dollar demands of government.

The effects of some taxes—like the withholding, Social Security, property, and auto excise levies, for example—were painfully apparent in that all one had to do to see how large a hunk they were taking out of every person's income was to glance at a check stub or a bill.

Both federal and state governments inflict a multitude of other, more subtle, assessments on their citizens and businesses. There are taxes on tires, tubes, and motor oil; on transportation, telephones, and telegrams; on liquor, tobacco, corporations, farmers, producers, distributors, and retailers; on meals, deeds, hotel rooms and racing.

Most of them are paid—eventually—by the ordinary citizen, and their impact is hard to measure.

In an effort to do so, the Herald American asked two taxpayers—the white-collar worker and a $10,000-a-year factory hand—to make their financial records available to us and to discuss them candidly and at considerable length with a reporter.

Both agreed to do so, and what developed was this:

A breakdown of the big bites and little nibbles which all manner of taxes took out of the factory man's $201 paycheck revealed that he was left with slightly more than $100 a week with which to provide for his wife and five minor children.

The white-collar worker was somewhat better off than that—primarily because his income was higher—but he, too, felt the heavy hand of government tugging at his livelihood. This is his story:

Nine years ago, after finishing a hitch in the Army and completing his college education he began working for a medium-sized firm with headquarters near the center of Boston's commercial district. He married, had a son, and gradually saw his salary rise until his check came to $278 a week.

He and his wife wanted, above all else, to own a home of their own, and she went to work in order to help save enough for a down payment. Her job, in a community on the outer fringe of the metropolitan area, paid $87.50 a week. Last year, after putting aside every spare penny for four years, they moved into a $35,000 home in one of Boston's bedroom suburbs.

Their combined salaries came to $365 a week, and ordinarily that would have made it an easy matter for them to get by—but they failed to figure just how much of that would be eaten up by taxes.

To begin with, $46.25 went to the federal government for income taxes and another $17.25 was taken for Social Security. Then the state withheld $15.45 for its income tax.

Those three tabs alone totaled $79.25—and when that was subtracted from their checks their take-home pay was reduced to $286.25.

Both need cars for their jobs; he has a two-year-old medium-price sedan and she drives a foreign car of slightly more ancient vintage. Together, they paid excise taxes of $208—or $4 a week—on them. They burned an average of 35 gallons of gas a week and that meant another $4 in taxes—which brought their income down to $278.25.

"The days of happy motoring are over for us because as far as we're concerned driving isn't a pleasure any more," the white-collar worker said. "The cars are strictly for work, for getting us back and forth from home to the job and for any business driving we might have to do during the day.

"We'll be able to live with the gas taxes (11½ cents on every gallon) as long as they don't go up, but I get upset when I read that some legislators are thinking of hiking the state tax because receipts are down. The price of gas is high enough without it being raised even more.

"And the excise tax—why is it even necessary? They're getting us with taxes on tires, gas, motor oil, and everything else that goes into a car. They belt us with a sales tax when we buy a car, and then we get hit with an excise. We're being taxed everywhere we turn."

He wasn't fully aware, though of how true that was until he took a closer look at his expenses. For example:

Last year's real estate taxes nicked him for $1,255—nearly $25 a week.

When he and his wife moved into their new home they splurged on such things as a new dining room set, color TV, a stove that had enough controls to be hydromatic, a family-sized refrigerator, a dishwasher, and the like. That cost them $143 in sales taxes—or about $2.56 a week.

Those two things took another $27.56 out of their income, and cut it to $250.69.

The white-collar worker likes to keep drinks in the house, to have on hand when visitors arrive. In an average week he bought a fifth of liquor; the federal government's cut on that was $1.68, and the state's was $2.27. He also bought a case of 12-ounce cans of beer. Washington placed a 65-cent assessment on that, and the state's share was about 25 cents.

So it cost him $4.85 in taxes to be a sociable host.

He and his wife smoke, too; each used about two packs of cigarets a day. Since the state taxed them at 16 cents a pack and the federal government added another eight, it costs them 96 cents a day—or $6.72 a week—to indulge in that diversion.

In short, smoking and drinking clipped them for $11.57 each and every week—and reduced their incomes to $239.12.

That taxes were part of his utility bills—and it should be noted that utility companies pass every dime of taxes charged to them on to their consumers—broke down to $2.00 a week for his phone, and $1.50 each for his gas and electricity.

That came to $5, and cut the income he and his wife could call their own down to $234.12—before another large and very much hidden slice was taken out of it.

The white-collar worker tried—and usually succeeded—in putting aside some money out of every paycheck into a saving program. It averaged around $14, which left him and his wife with $220.

That's what they had each week for living expenses. Experts claim that about 20 percent of the cost of anything a family buys can be charged to taxes which the manufacturer, processor, distributor, and retailer are passing along to their customers.

If that's an accurate figure, these hidden taxes took another $44, which left the white-collar worker and his wife with $176—a far cry from the $365 they earned.

That's not bad, but it's not nearly as much as they believe they should be entitled to keep. Neither one beefed about paying a reasonable level of taxes, but both are convinced they and everyone else is being dunned unreasonably hard. And they think they know who to blame for that.

"I don't have any complaint against my town government," the white-collar worker said. "I believe the people there are doing the best they can with a bad situation. But when I figure what the state and federal governments are taking from us in taxes—and when I see what they're giving us in return—I think we're being cheated."

PENDING DISTRICT OF COLUMBIA BILLS—H.R. 11108

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. LANDGREBE. Mr. Speaker, a number of very important bills will be up before the House next Monday, July 29. As a member of the D.C. Committee, I would like to call the attention of my colleagues to H.R. 11108, the extension of the District of Columbia Medical and Manpower Act of 1970. I was a cosponsor of this bill when it first was introduced last October, but my position has changed due to the enactment of the home-rule legislation late last year.

Briefly, H.R. 11108 is a direct subsidy from the U.S. Treasury to private schools in the District of Columbia.

Since enactment of the home-rule bill last year, however, I can see no justification for such direct Federal subsidies. Even though title III of Public Law 93-198 will not go into effect until January 2, 1975, there is no reason why the moneys appropriated by this bill cannot be administered by and under the authority of the D.C. government. The position of the Department of Health, Education, and Welfare as stated in hearings before this committee ought to be considered:

The critical equity issue that constantly arises with respect to proposals to support private District of Columbia medical and dental schools out of Department of Health, Education, and Welfare appropriations is whether there are overiding reasons of public policy to justify singling out, from the entire universe of private medical and dental schools in the United States, the schools in the District of Columbia for preferential funding treatment from the general revenues of the Nation. We feel that there are no such reasons.

In summary, we believe there is not sufficient justification for special preferential Federal legislation of the kind under consideration today, to assist these particular schools of medicine and dentistry.

If public support is to be provided to these District of Columbia private schools, as it is provided by some States to private schools within their jurisdictions, we would respectfully suggest that this be provided by the District of Columbia government which in this situation occupies a role analogous to that of a State government. The District government is in a position to judge whether the schools' asserted need for such support makes a compelling demand from the city's limited financial resources. . . . Therefore, Mr. Chairman, the administration recommends strongly against enactment of H.R. 11108.

At this point Mr. Speaker, I would like to include the text of a letter from Mr. Frank Carlucci, Under Secretary of Health, Education, and Welfare, to my colleague, Mr. ROMANO L. MAZZOLI. In this letter, Mr. Carlucci reiterates his opposition to the bill, H.R. 11108, and urges its defeat.

THE UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., July 23, 1794.

Hon. ROMANO L. MAZZOLI,
Chairman, Subcommittee on Labor, Social Services and the International Community, Committee on the District of Columbia, Washington, D.C.

DEAR MR. MAZZOLI: We understand that House floor action is now expected on July 29 on H.R. 11108, the extension of the D.C. Medical and Dental Manpower Act of 1970, which provides a special program of assistance for the medical school of George Washington University and the medical and dental schools of Georgetown University.

In advance of consideration of this measure by the House, I would like to reiterate the Department's opposition to it. We have testified against the bill and its Senate companion. Our reason is simple: These schools have received substantial support under the health manpower programs of the Department on an equitable basis with other schools. There exists no special Federal interest in the schools which distinguishes them from all the other medical and dental schools in the United States and warrants the conferring of a special favor.

Moreover, we note that the peer review process which determines the eligibility of schools for funding under the financial distress program disapproved the applications of these schools, using the same criteria applied to all other financial distress applicants.

Consequently, we have recommended that no special legislation for these schools be enacted calling for HEW funding. If the Congress determines that the circumstances of the schools warrant additional support, we have recommended that such support be provided through the District of Columbia budget. We note that the House Committee report accompanying H.R. 11108 has recognized the weight of this argument and itself recommends that special funding for the schools be provided, after the expiration of H.R. 11108, through the D.C. budget. Of course, continued Federal support for all medical schools is now being considered by both Houses of Congress and the D.C. schools will share in whatever programs are finally enacted.

In summary, our position on H.R. 11108 remains unchanged, and I shall be pleased to do anything which would make plain our continued opposition to this bill.

Sincerely yours,

FRANK CARLUCCI,
Under Secretary.

There is one further consideration. The act which would be extended by this bill was enacted in 1970. In 1971 Congress passed the Comprehensive Health Manpower Training Act. Under this act in fiscal year 1973 the Georgetown University Medical School receives $1,447,563; the George Washington University Medical School, $1,047,290; and the Georgetown University Dental School, $859,571. These amounts total $3,354,424, compared with $720,500 that these institutions received under the District of Columbia Medical and Dental Manpower Act in fiscal year 1971.

If H.R. 11108 is passed, these private institutions will be singled out as deserving a double subsidy from the Federal Government, for they will receive funds under both the 1970 and 1971 Manpower Acts.

HISTORIC REENACTMENT

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ROSE. Mr. Speaker, Sunday, July 21, was a historic day in the port city of Wilmington, N.C., in the eastern part of my district. The occasion was the dedication of the customhouse in that city as one of 18 in the Nation as a historic site. But it was more than that. It was the beginning of North Carolina's celebration of the Nation's Bicentennial which is to conclude on July 4, 1976—although it will really be celebrated all of that year.

Guests included Ms. Francine Neff, Treasurer of the United States, Hon. Vernon D. Acree, U.S. Commissioner of Customs, Mr. Herbert Brand, the mayor of Wilmington, Mr. L. D. Strom, regional administrator of the GSA from Atlanta, Rev. Edwin E. Kirton, rector of St. Mark's Episcopal Church, Mr. W. Douglas Powell, chairman of the New Hanover County board of commissioners, and others, including Mr. William J. O'Shea, district director of Customs.

The collection district of Wilmington was established on February 8, 1790, and included all the waters from Little River Inlet to New River Inlet to the north.

On April 16, 1819, a lot on North Water Street, between Market and Princess Streets in Wilmington, was purchased by the Federal Government for the purchase of locating a customhouse on the aforementioned lot. This building fulfilled its function until it was destroyed by fire on January 17, 1840. Additional land was then purchased, such was the flourishing nature of the port of Wilmington, and a new customhouse, designed by John Norris, a noted New York architect of that period, was erected in 1844.

This excellent example of the architecture of that period stood and served until it was demolished in 1915 to clear the land for the structure that still stands until this day. Construction was begun in 1916, but owing to the war raging in Europe it was not completed until 1919. It then functioned as the customhouse, appraiser's stores, and the Federal courthouse, making it the third known customhouse to exist on the same site overlooking the Cape Fear River.

A unique architectural feature of the building is the incorporation of the design of the front facade of the 1844 structure into the projecting wings of the present building. The details in the metal railings on the second floor, with the American eagle motif are also a replica of the earlier customhouse.

Today the building, which has undergone some modifications over the years, ironically does not house the office of the U.S. Customs; that office was relocated in 1968 at the North Carolina State Ports Authority. But it does house such Federal agencies as the Army Corps of Engineers, Federal district court, naturalization and immigration offices, and Selective Service System.

It was historically significant that the customhouse in Wilmington should be dedicated as a historic monument on July 21, 1974. For 200 years ago on that same date, July 21, 1774, marked the first overt Tar Heel act against the British crown when William Hooper as chairman headed a call by a group of Wilmington citizens for the First Provincial Congress.

The reading of that document was stirringly enacted by William Whitehead, a member of Wilmington's historic district, dressed in the garb of that era so long ago, who played the role of that distinguished patriot and signer of the Declaration of Independence, William Hooper, and read the document with all the fire and fervor of the original, I am told.

The call for the First Provincial Congress opened with this preamble:

PREAMBLE

At a General Meeting of the Inhabitants of the district of Wilmington in the province of North Carolina held at the Town of Wilmington, July 21st, 1774.

WILLIAM HOOPER, Esq.,
Chairman.

"Resolved, That Col. James Moore, John Ancrum, Fred Jones, Samuel Ashe, Robert Howe, Robert Hogg, Francis Clayton and Archibald Maclaine Esqrs be a Committee to prepare a circular Letter to the several Counties of this Province expressive of the sense of the Inhabitants of this district with respect to the several acts of Parliament lately made for the oppression of our Sister Colony of Massachusetts Bay for having exerted itself in defence of the constitutional Rights of America.

"Resolved, That it will be highly expedient that the several Counties of this Province should send deputies to attend a General Meeting at Johnston Court House on the 20th day of August next then and there to debate upon the present alarming State of British America and in concert with the other Colonies to adopt and prosecute such measures as will most effectually tend to avert the miseries which threaten us.

"Resolved, That we are of the opinion in order to effect an uniform Plan for the conduct of all North America that it will be necessary that a General Congress be held and that Deputies should there be present from the several Colonies fully informed of the sentiments of those in whose behalf they appear that such regulations may then be made as will tend most effectually to produce an alteration in the British Policy and to bring about a change honorable and beneficial to all America.

"Resolved, That we have the most grateful sence of the spirited conduct of Maryland Virginia and all the Northern Provinces and also the Province of South Carolina upon this interesting occasion and will with our Purses and Persons concur with them in all legal measures that may be conceived by the Colonies in general as most expedient in order to bring about the end which we all so earnestly wish for.

"Resolved, That it is the opinion of this meeting that Philadelphia will be the most proper place for holding the American Congress and the 20th of September the most suitable time; but in this we submit our own to the general convenience of the other Colonies.

"Resolved, That we consider the cause of the Town of Boston as the common cause of British America and as suffering in defence of the Rights of the Colonies in general; and that therefore we have in proportion to our abilities sent a supply of Provisions for the indigent Inhabitants of that place, thereby to express our sympathy in their Distress and as an earnest of our sincere Intentions to contribute by every means in our power to alleviate their distress and to enduce them to maintain with Prudence and firmness the glorious cause in which they at present suffer."

CONGRESSMAN ASPIN ON RAILROAD REHABILITATION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. REUSS. Mr. Speaker, my colleague, LES ASPIN, recently introduced two bills, the Federal Aid Railroad Act of 1974 (H.R. 15503) and the Railroad Revenue Act of 1974 (H.R. 15504) which are designed to solve the deterioration roadbed. Tom Wicker of the New York Times in an article on Sunday, July 21, and decay of our Nation's track and 1974, discusses these two important proposals. The text of the article follows:

MAKING TRACKS

(By Tom Wicker)

The French Line has made one of the more melancholy announcements of the summer—that its great passenger liner, the France, will be withdrawn from service after Oct. 25. A veteran of several trans-Atlantic crossings in the France can hardly help wondering why something couldn't be done to preserve this leisurely and civilized means of travel. Must everything be sacrificed to speed and efficiency?

Something is being done, for example, to preserve, perhaps even restore, rail travel in America. Only a few years ago, it seemed as moribund as the France; now, while many problems remain, the vital signs are strong.

Most recently, Amtrak and several states have announced the restoration of some useful routes in the continental rail system, with several others about to be put into service. This is the result of Federal legislation providing that Amtrak must make passenger service available when states demanding it agree to assume two-thirds of any operational losses. Federal funds make up the deficit.

This ought not to be dismissed as a "subsidized" service. In the first place, if the service can be improved enough, there need be no great operating losses; but even if there are such losses, it makes sense that government should help finance a useful and desirable public service, rather than requiring that it necessarily pay for itself or make a profit. The Government does not require that Federal highways make a profit, and it pours huge sums into airport construction and other support to the airlines.

The state-Federal underwriting of operational losses has led to restoration, beginning this fall, of direct New York-Detroit service, via Albany, Buffalo, Niagara Falls and a run through Ontario. New York State also is arranging to underwrite renewed service between New York City and Montreal on the Hudson Valley route (service through Vermont has been restored), and from New York to Binghamton.

Michigan is getting ready to finance a link in a Chicago-Toronto service, Florida is proposing a turbo-train to run along the Gold Coast, and other states have various additional routes under consideration. Thus, many of the gaping holes in the original Amtrak route system may soon be filled and something like a national service provided.

But if that could be swiftly achieved and modern, new equipment provided, Amtrak passengers would still be facing a major obstacle to really good service—as any rider on the lucrative New York-Washington line could testify. On that route, even the comforts of the Metroliners, Amtrak's premier trains, cannot conceal the fact that much of the roadbed is obsolete.

From New York to Boston, the turbo-train does its best, but the roadbed is too elderly and meandering to permit a really competitive schedule. Much of the trackage over which Amtrak's trains must run is literally dangerous; most of it is old and rough, at best; many routes have duplicating tracks; and many are not as direct, as they would be if they had been built to serve contemporary needs.

The fact is that no major intercity rail line has been built in America since the nineteen-twenties. As the railroads have declined, moreover, they have not kept the existing trackage in the best condition. This is a limitation on Amtrak service that Amtrak alone cannot meet; and most of the freight carriers can't either.

Representative Les Aspin of Wisconsin has proposed a means of dealing with the roadbed-track problem that seems well worth consideration. His legislation would set up an Interstate Railroad Corporation that would take over, rehabilitate and maintain the national railroad track sysetm—but not the railroads themselves. Private carriers and Amtrak would continue to operate the trains.

Existing railroad companies could turn their trackage over to the new corporation, or continue to own and maintain it themselves. The trackage turned over to the new system would be "rehabilitated" with the proceeds of a one per cent tax on all surface freight shipments for a six-year period. Long-term maintenance would be provided by a charge of $1 per 1,000 gross ton-miles levied on freight and passenger carrier. Mr. Aspin thinks such a maintenance charge would be less than most carriers now pay for equivalent costs. Carriers retaining their own trackage would have to meet the standards set by the Interstate Railroad Corporation.

There may be other ideas, but Mr. Aspin has grasped an essential point—that Metroliners and Turbo-trains need a decent roadbed if they are to deliver their full potential to the growing numbers of railroad passengers.

LET US MATCH THE DUTCH OUT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. GAYDOS. Mr. Speaker, the New York Times reported recently that the North Atlantic Alliance has sharply criticized the decision of the Netherlands to cut her NATO forces by 20,000 men.

A communique, the Times said, terms the reduction "unjustified," urges the Netherlands to reconsider and points out that such a "weakening" of the NATO defenses would impose added burdens on other member states.

Perhaps all this is true. But I for one am not going to get too excited about it. The Dutch may be pointing the way for us Americans to ease our own NATO burdens. If the Dutch can cut, then why cannot we? Our forces are there to protect the Dutch and other Europeans. If the Dutch are not interested, why should we be so dutiful?

Many in this Congress have sought over the months to have our NATO com-

mitment lessened on the grounds that we no longer can afford the great expense involved and also that the NATO urgency does not demand our present degree of participation. Senate Majority Leader MIKE MANSFIELD has been one of those trying to bring a sizable U.S. cutback. But the Nixon administration has continued to prevail.

Now we have the Dutch example and I would suggest this solution to our own problem. Let us match every NATO reduction made by a European number. Thus, let us answer the Netherlands 20,000 cut by bringing home that number of Americans. And let us inform the other states that if they want to lower their troop commitments, we will see it as their privilege, but that for every European withdrawn from the NATO forces, we will call home one American.

If this in time should bring about the dissolution of NATO, then the reasons would be obvious. Either the Europeans saw no true need for our being there, or they did not really want our protection. In either case, it would be well for us to be out of there and back home where an increasing number of Americans think our Forces should be kept.

PENDING DISTRICT OF COLUMBIA BILLS—H.R. 15888

HON. EARL F. LANDGREBE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. LANDGREBE. Mr. Speaker, one of the bills being brought before the House next Monday is H.R. 15888, a bill to establish a District of Columbia Community Development and Finance Corp. Briefly, this bill would establish a public corporation with its own bonding authority, its own power of eminent domain, and its own power to engage in all sorts of real estate operations. This bill would create, in effect, a city government independent of the city government established by the home-rule bill and independent of the Congress. About the only Control Congress retained over the District of Columbia government in the home-rule act was control over capital expenditures. This bill would surrender that control to an independent corporation that would rival the District of Columbia government in its authority.

In his testimony before the District of Columbia Subcommittee on Business, Commerce and Taxation, Mr. James G. Banks, assistant to the Mayor for housing programs, said:

> We also do not support the provision in the bill which gives the Corporation the power to issue its own bonds. The City can use its power to issue bonds to raise funds which may be required by the Corporation.

But the bonding authority Congress would be granting to this corporation would not be the greatest power it would possess. It would also have an almost unlimited power of eminent domain, a power that can be exercised without the approval of Congress.

I consider granting such authority to an independent corporation utterly foolish. Congress would be surrendering control over the federal district to a corporation which will proceed to distrupt the economy of the District, and expropriate the private property of the residents and businesses in the District. In his testimony Mr. James Banks said:

> We suggest that the power of eminent domain be deleted from the bill.

He continued:

> Placing planning, programming and budgeting within the Corporation would create another orbit of policy control outside of the City Government. The bill states only that the Corporation should "consult" with District agencies in the development of its plans. This does not require the Corporation to conform with other District departments' plans and programs. The bill should clearly provide that the Mayor is responsible for community development planning and that the Corporation's activities and projects will be designated in the Mayor's plans.

The bill makes no requirement for periodic audit of the corporation's operations; it would allow the corporation to hire an unlimited number of employees without regard to Federal or D.C. salary scales; it contains no language that explains the corporation's relationship with the already existing D.C. urban renewal agencies.

In conclusion, I ask that a letter from Mr. Richard Wolf et al. be printed in the RECORD at this point, for it is an excellent and concise critique of H.R. 15888. I urge the overwhelming defeat of this bill, for the good of the people of the District of Columbia, and the Government of the United States

The letter follows:

JULY 23, 1974.

Re: H.R. 15888, D.C. Community Development and Finance Corporation.

Hon. MEMBER OF CONGRESS,
U.S. House of Representatives,
Washington, D.C.

DEAR MEMBER OF CONGRESS: We wish to bring to your attention our views regarding proposed legislation to create a District of Columbia Community Development and Finance Corporation which has been recently reported out by the House District Committee. We are a group of citizens and citizen organizations who have taken active roles in zoning and planning issues in the District over the past few years. Our names and organizational affiliations appear at the end of this letter.

Let us say at the outset that we are most concerned regarding the limited extent of citizen participation in the development of this legislation. The hearings before the Stuckey subcommittee were announced on such short notice that many civic groups and individual citizens who would have wished to testify never learned of them until after they were held, and others who did attempt to appear were told that the witness list was closed. As a result, the committee heard a very one-sided and, we believe, misleading series of representations concerning the state of economic health and development patterns in D.C.

Nevertheless, we made an effort through a letter similar to this one to inform members of the District Committee of our concerns, and several of our suggestions were adopted. Accordingly, the statement in the Committee report that "No testimony was received, nor statements filed, in opposition to the bill" is not accurate.

Despite these changes in the legislation there still remain a number of problems, some of which were not reviewed thoroughly in our first letter. Therefore, we would like to bring to your attention those issues in this revised bill which we think are of major concern:

This Bill Pre-empts and Complicates the Tasks of the New City Government.

We believe that consideration of this bill at this time is premature. Consideration by the Congress of legislation such as this which can so affect planning and zoning in the District of Columbia as well as touching on crucial questions concerning the effectiveness of such agencies as the Redevelopment Land Agency and the National Capital Housing Authority is inappropriate in view of the home rule legislation recently enacted by the Congress, which gives a newly elected District Government responsibility for these agencies and a mandate to develop comprehensive plans and zoning for the District.

The report on this bill recognizes that the District's past efforts to deal with planning, zoning, and housing in a comprehensive and integrated manner have been either nonexistent or fragmented. Enactment of this bill at this time would further fragment the District's approach to these problems, and thus further complicate the situation for the newly elected city government. In a real sense this bill is putting the cart before the horse because it is creating a solution before the nature and extent of the problem is known.

The Bill Creates Opportunities For Circumvention of Regular Approval and Budgetary Processes

The Corporation is very likely to become a vehicle for back door creation and funding of capital improvements for the District of Columbia. The opportunity to by-pass normal approval procedures for such projects lies in the very broad charter of authority established for the Corporation. It can engage in an unlimited variety of real estate-related and mortgage banking activities using both public and private money. Even though lip service is given in the bill to the development of low and moderate income housing, the Corporation also has the authority to build such projects as convention centers, schoolhouses, office buildings, industrial plants, warehouses, towns, and even streets and highways. And it has specific authority to "construct, manage, or operate any public facility for the District of Columbia government, at its request, and to construct or manage any public facility for any other public body at the request of such body." Sec. 201(a)(18).

For example, a convention center could be approved through the project approval procedure required in the bill and yet not have to go through the budgetary approval cycle because funding was being supplied by the Corporation and private investors—utilizing the Corporation's powers of land assembly, condemnation, and construction to accomplish the task. In turn, the District could end up purchasing the facility through a series of lease-option arrangements and block grants.

Even less visibility for such a project could be gained by the expedient of avoiding project approvals altogether. This could be accomplished by structuring the deal so that the convention center were treated as "physical improvements in which the corporation's primary action is the provision of financial assistance"—an activity which is specifically excluded by the bill's terms from the project approval requirement.

We also believe that such a large scale public facility project would become a natural cooperative venture for the Corporation and the proposed District of Columbia Development Bank (H.R. 7414), particularly where the risks of such a venture for private capital are high.

Another approach to back door public funding and avoidance of any approval requirements is through the authority of the Corporation to acquire land for future development and if *"use or uses programmed for that land are not immediately feasible of attainment to utilize such land for interim use as would not be inconsistent with the objectives of this Act."* (Italics supplied) Sec. 201(a)(2). There is no definition of "uses programmed" or limitations of time on "interim uses" in the bill.

CONFLICTS OF INTEREST

The bill does not adequately cover the potential conflicts of interest of its directors who will consist of persons in "planning, real estate development, construction property management, finance, and community organization." Sec. 105(b). The bill, in fact, seems to contemplate self-dealing as an integral part of the Corporation's activities. The Directors are merely subject to a requirement that their financial interest in a transaction with the Corporation "shall be disclosed in the minutes of the Corporation and no director having such an interest may participate in any decision affecting such dealing." Sec. 108.

Further, the only detriment incurred by the Director for failure to disclose is that he is subject to personal liability for "any damage to the Corporation resulting therefrom," and the transaction may be declared void. There is no concept in the bill that such self-dealing may be a violation of public trust even though the Corporation may have benefitted financially from the conflict.

Moreover, there is no prohibition against trading to one's financial benefit on the basis of inside information. The opportunities for unscrupulous use of inside knowledge of future activities of a real estate development corporation operating in a limited area like the District of Columbia is, we believe, very real.

We find the bill's sketchy treatment of these potentially explosive problems inconsistent with the Corporation's stated purpose to exercise "public powers" for "public uses" on which "public funds may be expended." Sec. 102(b)(4).

Other Problems

There are many more problems in this bill relating to such matters as condemnation powers, adequacy of relocation provisions, lack of required audits, limited access to corporate information, contracting out of governmental functions and so forth which also deserve your attention but our time and resources do not permit us to analyze them in detail.

In summary, as we said in our first letter, the possible enactment of this bill with the problems described gives many of us, who fought over the years to assure sound planning and adherence to proper legal procedures in connection with development, great concern. The bill would grant great power and very limited accountability to the Corporation. Before making a grant of such broad authority, we would like to know what are the problems that require this kind of approach and why existing agencies can't do the job. We believe these questions need to be thoroughly reviewed by a locally elected D.C. Government before this bill, or anything like it, is enacted.

This statement is endorsed by the following persons (organizational affiliations are for identification purposes only):

John P. Barry.

Mary C. Barry.

Grosvenor Chapman, President, Citizens Association of Georgetown.

Charles J. Clinton, Chairman, Wisconsin Avenue Corridor Committee.

J. George Frain, Secretary, Adams-Morgan Federation.

Christine E. Garner, concerned citizen.

Harriet B. Hubbard, Executive Committee, D.C. Federation of Citizens Associations, Adams-Morgan Organization, Dupont Circle Citizens Association, North Dupont Circle Community Association.

Helen Leavitt, Chairman, Committee on Community Environmental Concerns, North Cleveland Park Citizens Association.

Rosamond E. Mack, Chairman, Zoning Committee, Burleith Citizens Association.

C. N. Mason, Executive Committee and Former President, Chevy Chase Citizens Association, Treasurer, Wisconsin Avenue Corridor Committee.

Catherine H. McCarron, Dupont Circle Citizens Association.

Kay Campbell McGrath, President, Citizens for City Living.

Lawrence A. Monaco, Jr., Chairman, Zoning Committee and Former President, Capitol Hill Restoration Society.

Franz M. Oppenheimer, Chairman, Zoning Committee, Committee of 100 on the Federal City.

Peter G. Powers, Immediate Past President, Capitol Hill Restoration Society.

Thomas P. Rooney and Angela Rooney, Upper Northeast Coordinating Council.

Carol M. C. Santos, President and Former Chairman of Zoning Committee, Capitol Hill Restoration Society.

Richard N. Wolf, Vice President and Chairman, City Planning Committee, Capitol Hill Restoration Society.

This statement is endorsed by the following organizations: Businessmen Severely Affected by the Yearly Action Plan (BSAYAP); North Cleveland Park Citizens Association; Upper Northeast Coordinating Counsel; Washington Circle-West End Associates.

CITIZENS FORUM OF INDIANAPOLIS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. BRAY. Mr. Speaker, the following editorial from the July 9, 1974, Indianapolis Star speaks for itself:

MAKING BETTER NEIGHBORS

Ten years ago today a small group of people founded Citizens Forum Inc., which has proved to be a remarkably energetic and effective organization for the betterment of Indianapolis neighborhoods and hence of the community at large.

At its top were Mattie Coney and her husband Elmo. They knew where they wanted Citizens Forum to go, and that the way to get there lay through desire and determination.

A brochure published a few years ago describes the organization as a "Better Neighbor" program, "planned basically as an educational effort to encourage good citizenship, individual responsibility, self-improvement, simplicity, truth and Americanism."

"It is biracial, interfaith, nonpolitical in character and aims to work for the good of all."

And that it has done.

Best known of Citizens Forum activities has been the organization of block clubs, whose purposes are to keep neighborhoods clean and orderly and imbue their residents with the spirit of individual responsibility and good citizenship. There are now more than 2,000 of these. Their impact has been tremendous in all kinds of neighborhoods—Negro, white and integrated.

There has been a strong emphasis on work with children. There is a program for "improving the citizenship of children," operating through parent-teacher groups. The "helping hand" project promoted through city and township schools encourages adults to work with children to reduce loitering, vandalism and street crime.

Other projects have ranged from planting flowers and trees to getting rid of rats.

Common threads running through all the programs include down-to-earth practicality and emphasis on voluntary effort and individual responsibility. Citizens Forum has demonstrated over and over again that a neighborhood is what its people make it.

The organization emphasizes that membership and participation in its activities are open to all. "There is only the requirement of a desire for improvement, and everyone is urged to become involved."

We salute Citizens Forum, Mattie and Elmo Coney who have been its sparkplugs, and the thousands of people who have indeed become involved, to the incalculable good of the community.

CALM APPROACH TO IMPEACHMENT INQUIRY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ASHBROOK. Mr. Speaker, I received the following resolution from the Crawford County Republican Committees of the State of Ohio. I believe it expresses a calm and fair approach to the impeachment controversy which is on everybody's mind at the present time. I congratulate them for the clarity of their thought. Following is the text of their resolution.

RESOLUTION

We, the members of the Crawford County Republican Committees, State of Ohio, believe the proceedings now before the Judiciary Committee, of the U.S. House of Representatives, relative to the possible impeachment of the President of the United States, calls for an expression of views, constructive thought, objective conclusions and deep feelings.

We believe that the entire situation demands an evaluation of the constitutional process involved, and a constructive attitude which all Americans should take with respect to it.

Impeachment, both by term and interpretation constitutes the most serious step which the Government can take against the Chief Executive Office of our land, the Commander-in-Chief of our Armed and Naval Forces and the unquestioned exponent of United States foreign policy throughout the world. It demands grave and responsible judgment on the part of all Congressmen, as well as sober, judicious and cautious restraint on the part of every American.

We believe all should be concerned, not only with the question of guilt or innocence, but also, whether this question is resolved in a responsible, dignified and fearless manner by those charged with making decisions without partisanship bitterness, rancor or political advantage.

We believe all members of the Judiciary Committee and the House of Representatives should be sure that the basic rules of fair play and justice prevail, that the constitutional concept of innocence, until proven guilty, be rigidly respected and that decisions be made completely free from any and all personal prejudices, and political passions, and that the welfare of the United States of America be the first and primary consideration in all deliberations which are conducted in which the result will be finally concluded.

To that end, we call upon you, all members of the Judiciary Committee and the House of Representatives, to meet your responsibilities with a full realization that only within the framework of fairness, justice and freedom from the pressures and passions of the moment, can a just decision be made.

We further urge, that all Americans, irrespective of party affiliation, to fully comprehend that it is morally wrong to attempt to influence the members of the Judiciary Committee as well as all members of Congress with hasty conclusions, based on the bias of a partisan press, false, misleading, pernicious, libelous, and malicious propaganada, flaming headlines and the biased judgment of zealous partisans.

We must all realize that the decision reached relative to impeachment must be made by our elected representatives, and be based solely on the evidence of record, and within the constitutional definition of impeachment.

We believe that future of our country, the strength of our Government, as well as the survival of our two-party system, which for two centuries has served all Americans of every political faith so well, depends on a rigid adherence to the principles herein enunciated.

CRAWFORD COUNTY REPUBLICAN COMMITTEES.

SALUTE TO PIONEER VOLUNTEERS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. DERWINSKI. Mr. Speaker, I insert into the RECORD at this point an article by Harry "Scoop" Sklenar, editor of the Desplaines Valley News of Argo, Ill. Mr. Sklenar is a veteran reporter in the weekly newspaper field.

As a strong supporter of home rule and local responsibility, I found this editorial one with which I can strongly identify. The article follows:

[From the Desplains (Ill.) Valley News, July 18, 1974]

SALUTE TO PIONEER VOLUNTEERS

(By Harry Sklenar)

There were no revenue sharing funds then.

There were no income tax funds.

There were no sales tax funds.

There were no powerful appeals, merely a need which the Bridgeview residents felt when they pitched in to construct their own village hall with their modest contributions and effort, not with any portion of the estimated $1 million revenue sharing fund which it will take to remodel the structure.

What should hurt the early pioneers who had spent their effort in funds for material, and labor in pouring cement, and willingly put up the building, little by little, is that the plaque which was affixed to the front entrance, giving tribute to that effort has been removed.

The previous village hall, known better as the community building, was also constructed by volunteer effort and resident funds. The people than were proud of their community.

They constructed a third building, the firehouse in Bridgeview Gardens.

The morale was so high in the volunteer fire department that when they needed money for more equipment or pay necessary bills, dances were held and the hat was passed among members for contributions. The bills were paid.

Today, the fire department has a 17 man full time force. That cooperative service, dedication and volunteer effort dropped a bit no doubt, since when the volunteers constructed their own quarters, they took pride in fire service.

The first Bridgeview Fire Chief still lives in the person of Merrille Miller, now township auditor and head of the Bridgeview Friends of the Library unit. Perhaps Merrille can find out just what happened to that plaque which gave tribute to the pioneer resident builders of the first hall and fire station. It could be put on display in the Bridgeview Library as a relic of the past when residents put in hours of effort after their regular jobs to give Bridgeview a monument.

But as time goes on, that monument had to give way for expansion.

When Bridgeview was first incorporated over 25 years ago, it barely reached 79th street. Today it extends into three townships. It had less population than Summit. Today, it is fast exceeding Summit's population.

Building a municipal structure with a $1 million revenue sharing fund is a simple matter. Think of the effort given to build that first hall before all those additions were made.

The determination, patience, and willingness to aid the village without compensation is lost as the population expands with town houses, condominiums, and high rises. Outside of the municipal offices, there are few residents that can name every person living in their block.

What was lost? The neighborliness that went with lending a hand to one goal. What similar volunteer effort is there constructing like structures today? It takes pride in the community to volunteer such effort, and this writer believes that with growth, paved streets, services at a price, that pride loses since seldom one volunteers his own effort to cut weeds in an adjacent vacant lot.

Now, where did you say that memorial plaque was put?

THE 22D ANNIVERSARY OF PUERTO RICAN CONSTITUTION DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. BIAGGI. Mr. Speaker, today we mark a most momentous occasion, the 22d anniversary of Puerto Rico's attainment of commonwealth status within the United States. It is a fine opportunity to pay tribute to this great nation who since 1952 has grown enormously in stature and stability irrespective of the turmoil and unrest which has plagued her neighbors in Latin America.

Under her present Constitution which was designed entirely by her citizenry, Puerto Rico has consistently worked to strengthen her bonds of freedom, and maintain her close ties with the United States. Her citizens, who are also citizens of the United States, have benefited from many of the privileges of statehood while maintaining the fundamental right of self-government for their own local affairs. One might say that Puerto Rico has attained the status of an "Associated Free State."

While we recognize Puerto Rico's internal success as a nation, let us not forget the numerous achievements and contributions which the large Puerto Rican community in the United States has made to bettering our Nation. Their accomplishments have been felt in all aspects of our society, Government, business, sports, and entertainment.

Particularly significant have been their contributions to the fields of politics and government. In my home city of New York which has the largest Puerto Rican community outside the homeland, a number of Puerto Ricans have held prominent offices in both municipal and State government. An example of one Puerto Rico's finer public servants is my colleague from New York, Mr. BADILLO whom I salute and congratulate on this day.

The business world has felt the enormous contributions of the Puerto Rican community as after struggling have established numerous businesses assisted by such groups as the Puerto Rican Merchants Association as well as the Small Business Administration.

Puerto Rico has had their share of stars in the sports and entertainment worlds. They have done much to enhance the quality of cultural and visual enjoyment associated with our growing entertainment industry.

Mr. Speaker, it has been my privilege to join with my colleagues in marking this important day on the world calendar. We owe much to the Puerto Ricans in this Nation and salute them on 22 years of unparalleled progress.

At this time I would like to pay a special tribute to my good friend, and colleague, Mr. BENITEZ, to whom the people of Puerto Rico have been so ably served here in the Congress. I salute him, and I wish him years more success in service to the great people of Puerto Rico.

EPA: WHERE ARE YOU?

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. VANIK. Mr. Speaker, Last week I outlined my objections to a report on waste oil recovery which was recently submitted to Congress by the Environmental Protection Agency. I am concerned that the EPA—for reasons I have not been able to understand—has decided to duck the waste oil problem. Essentially, the EPA's report recommends only a reexamination of administrative rulings by the Internal Revenue Service and the Federal Trade Commission which discriminate against re-refined oil. The report contains no coherent EPA policy statement on waste oil recovery.

Mr. Speaker, there is ample evidence to support action to reverse—immediately—both of these rulings. I would like to remind EPA of just a few of these facts.

Item. IRS revenue ruling 68–108—which is the source of the re-refiners tax problem—was issued under a dubious legislative history. Despite the confusion that this ruling has created, the stated

intent of Congress was to protect the re-refining industry. According to the report of the Ways and Means Committee to the Excise Tax Reduction Act of 1965:

For reasons indicated above, your committee concluded that generally the lubricating oil tax was an undesireable tax to continue . . . However . . . your committee also recognized that outright repeal of this tax might also present problems for re-refiners of oil who are not subject to the lubricating oil tax and whose profit margin is generally smaller than the amount of the tax. *Therefore, to repeal this tax outright would drive the re-refiners out of business. This would have the effect of encouraging the dumping of used oil in our streams rather than salvaging it through re-refining* (emphasis added).

Despite this clear statement in support of rerefining, the impact of the tax law has not fulfilled the intent of Congress. One lawyer who has examined the situation in detail has observed:

Even though this legislative history indicates that Congress intended to provide rerefiners with at least a partial incentive, Congress may not have been aware of the disincentive it was actually providing to re-refiners with respect to nonhighway use.

Reversal of IRS ruling 68–108 would restore some measure of the original intent of Congress.

Item. On July 26, 1968, Senator J. Caleb Boggs introduced, with Senators MUSKIE and RANDOLPH as cosponsors, legislation to revise the FTC labeling requirement for used oil. At that time, Senator Boggs outlined the two-pronged obstacle to recycling waste oil: Federal labeling requirements and the excise tax treatment of lubricating oil. Senator Boggs stated, in words that could be used today:

Mr. President, it is the feeling of the cosponsors of this legislation that the situation is so serious that we cannot wait another 18 months before getting a solution to this problem.

Well, we have waited—not 18 months, but 6 years.

Item. In January 1969, Arthur D. Little, a noted research and consulting firm, issued a report entitled: "Study of Waste Oil Disposal Practices in Massachusetts." This is the first comprehensive report on waste oil conducted in the United States. The report stated:

Reprocessing of automotive waste oil for reuse as a lubricating oil is no longer practiced in New England and does not represent an outlet for waste oil generated in the Commonwealth. *Once the major outlet for waste automotive oil, reprocessing to a lube oil has become less competitive and less economically viable because of . . . disadvantageous tax situation as compared to virgin oils; (and) labeling requirements to indicate that the oil was "previously used"* (emphasis added).

Item. Both IRS and FTC rulings were drafted without an analysis of environmental impact. In view of the mandate of the National Environmental Policy Act, these policies should be reversed to facilitate the recycling of lubricating oil. According to section 101(b) of NEPA, it is the continuing responsibility of the Federal Government:

to use all practicable means, consistent with other considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the nation may . . . (6) enhance the quality of renewable resources and *approach the maximum attainable recycling of depletable resources* (emphasis added).

Item. In April, 1971 the State of Maryland issued a study entitled: "Used Oils: A Waste or a Resource?" This report states:

Two factors brought about the decline in the waste oil market. These are summarized below:

(1) In 1964, the Federal Trade Commission enacted a general trade regulation requiring that all lubricating oils sold in interstate commerce which are composed in whole or in part from previously used oils must bear a label disclosing such prior use . . . the labeling requirement of the Federal Trade Commission knocked the bottom out of the re-refined oil market . . .

(2) The *coup de grace* of the oil re-refining industry was administered in 1966. Beginning in that year, the excise tax of 6c a gallon imposed on new (so-called "virgin") oil was removed for all oil used in non-highway purposes . . . *These two Federal policy decisions resulted in a significant reduction in the amount of re-refined waste oil* (emphasis added).

Item. On October 6, 1971, I received a letter from Mr. Graham W. McGowan, Director of Congressional Affairs at EPA. Mr. McGowan's letter was in response to my inquiry on the impact of the FTC labeling requirement on waste oil recycling efforts. Mr. McGowan wrote:

Discharges of waste lubricating oil constitute a chronic environmental problem * * * Changes in the Federal Trade Commission's labeling requirements, coupled with other actions, would assist in alleviating the waste oil problem.

Item. In December 1972 the Defense Supply Agency released a report entitled: "Waste Oil Recycling Study." The study states:

The rerefining industry grew steadily after the war and reached an actual capacity of about 300 million gallons by 1960. Since that time, various factors have made it increasingly difficult for the rerefiner to operate in an efficient and profitable manner. Rulings by the Federal Trade Commission and the Internal Revenue Service have contributed to the rerefiners' problem (emphasis added).

Item. An unpublished study of the waste oil problem, prepared for the public interest law firm Tax Advocates and Analyst, has put the problem as follows:

At a time when the disposal of waste oil has become a serious environmental problem, U.S. Government policies, and particularly those of the Internal Revenue Service, are frustrating the technology and industry which can solve it. Instead of of encouraging recycling of used oil, the Government is placing the rerefiner and the consumer of re-refined oil at a decided disadvantage in the marketplace.

Item. Environmental Action in January 1973, published an article by Albert Fritsch's article, "Waste Oil Disposal: Time for a Change," states in part:

Tax policies are considered highly unfair. The Excise Tax Reduction Act of 1965 allowed nonhighway users to claim a 6-cents-per-gallon refund on lubricating oil. The oil re-refiners pay a 6-cent excise tax on virgin oil purchased to be blended with their own stock and cannot claim a credit, nor can their customers. This has placed the re-refiners at an economic disadvantage when selling their processed oil to railroads and other customers.

Dr. Fritsch goes on to point out—

To compound these difficulties, the oil re-refiners have not been able to get their product labeled "recycled" by the Federal Trade Commission (FTC). A stigma is attached to products labeled "reused" or "previously used" which is not connected with "recycled" products.

Item. Senator STROM THURMOND introduced comprehensive waste oil legislation (S. 409) on January 16, 1973. This legislation followed a similar, but less comprehensive bill, introduced by the senior Senator from South Carolina in the 92d Congress. In introducing S. 409, Senator Thurmond stated:

Mr. President, even in view of this problem, very little of this valuable and *potentially* dangerous oil is re-refined and recycled. The reason is that the Federal government has imposed obstacles and restrictions that actually prevent the petroleum re-refiners from marketing their products in competition with the major oil companies. GSA will not buy it for use in government vehicles; IRS makes off-highway users pay more for it; FTC insists that every can be labeled so that few motorists will buy it; and no one will set oil quality standards and performance requirements that will give the re-refiners a chance to prove that their product can be just as good as the original. This is an incredible series of discriminatory practices which came into existence through a series of unfortunate circumstances.

Item. The Association of Petroleum Rerefiners testified before the Ways and Means Committee in March of 1973.

Mr. Belton Williams, president of the association, offered these comments on the state of his industry:

In 1965, in connection with final consideration of what ultimately became the Excise Tax Reduction Act of 1965, this association again urged the then existing tax not be altered. However, the final bill removed the tax with respect to oils used for off-highway purposes and thereby removed at least one-half the cost differential umbrella for the re-refining industry.

In 1967 the association testified before the Senate Public Works Committee in connection with consideration of anti-pollution legislation. The association pointed out that in substantial parts, because of the partial elimination of its excise tax cost advantage, nearly half of the small businesses in the rerefining industry had been forced to terminate their operations.

In 1971 the association advised all members of Congress that the number of operating plants had again been reduced very sharply by reason of the now inadequate cost advantage. In a survey made only two weeks ago, the association determined that of the 150 rerefining businesses in operation prior to 1965, fewer than 40 still remain operative.

Item. Governor Malcolm Wilson of New York, who is interested in establishing a waste oil recovery program for his State, recently wrote to members of his congressional delegation. Governor Wilson wrote, in part:

I am convinced that restoration of the uniform 6 cents per gallon tax on motor oil, with the continuation of the blanket exemption for rerefined oil, will help significantly to stimulate the rebirth of the rerefining industry in New York State and throughout the country . . .

Item. The Environmental Law Institute, on contract to EPA in connection with the recently published waste oil re-

port, submitted an analysis of the Federal excise tax treatment of lubricating oil—appendix E of the waste oil report. In its analysis, ELI states:

Reversal of Revenue Ruling 68-108 is suggested because, on its face, it places the rerefiners at a disadvantage in the nonhighway lubricating oil market.

Item. The EPA staff which prepared the waste oil report recommended reversal of IRS ruling 68-108. This recommendation did not, however, survive the internal review process at EPA. Nonetheless, on page 87 of the report, we are offered this candid assessment—

The IRS ruling 68-108 should be reversed to permit the non-highway user of re-refined oil to obtain refunds of taxes paid on virgin oils blended with rerefined lubes.

Mr. Speaker, several pieces of legislation have been introduced over the years to deal with the waste oil problem. Aside from the first legislation introduced by Senator Boggs, I introduced legislation on December 2, 1971. This bill was followed by a more comprehensive measure, The National Oil Recycling Act. This measure is cosponsored by over 40 Members of the House.

In the Senate, aside from the efforts of Senator THURMOND, Senator DOMENICI, joined by Senators STAFFORD, MCCLURE, RANDOLPH, and BAKER, introduced S. 3625, the National Oil Recycling Act. In addition, Senator HART has introduced S. 3723, the Resource Conservation and Energy Recovery Act of 1974. This legislation, which has been reported out of the Environment Subcommittee of the Senate Commerce Committee, contains language to revise both the tax treatment and the labeling requirement for re-refined oil.

In view of all this evidence, why has EPA chosen not to act?

SUPPORT FOR CONSUMER REFORM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. RANGEL. Mr. Speaker, clearly, the issue of consumer protection and reform is one of the most compelling facing us today. At their 68th annual meeting held during the first week of July, the National Association of Attorneys General dealt with this matter in the form of two resolutions. The full text of these statements are now submitted for the consideration of my colleagues.

RESOLUTION ADOPTED BY THE 68TH ANNUAL MEETING OF THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

CONCERNING PRIMARY CONSUMER ENFORCEMENT RESPONSIBILITY

Whereas, the Attorneys General of the individual states of the United States of America are in the forefront in the vital area of consumer law enforcement; and

Whereas, the experience and the cooperative efforts of the National Association of Attorneys General in state-to-state, state-to-federal, and state-to-local communications have resulted in authoritative support for upgrading our legislative, investigative, and enforcement procedures; and

Whereas, any diminution of the enforcement authority of state Attorneys General can only result in fragmentation and dilution of efforts to protect the consumer; and

Therefore, the National Association of Attorneys General meeting at Coeur d'Alene, Idaho, on this 26th day of June, 1974, resolves that while the Attorneys General of the States do welcome the cooperation and need the support of all consumer advocate agencies—city, county, regional, and federal, the Association reemphasizes its long standing commitment to the principle that consumer law will be served best if primary enforcement responsibility remains entrusted with the Attorney General for the States.

RESOLUTION ADOPTED BY THE 68TH ANNUAL MEETING OF THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

CONCERNING FEDERAL CONSUMER ADVOCACY

Whereas, the National Association of Attorneys General, whose members have provided leadership for consumer protection law enforcement in their respective States, wholeheartedly support the creation of an independent and effective Consumer Protection Agency to afford consumer advocacy at the Federal level; and

Whereas, it is the Association's firm belief that the consumer should be afforded adequate protection through the coordinated efforts of local, state and federal enforcement agencies; and

Whereas, this goal can best be achieved through insuring adequate funding to strengthen each agency's ability to respond quickly to consumer needs,

Therefore, be it resolved, that the National Association of Attorneys General urge the United States Congress to pass legislation which establishes an independent and effective Federal Consumer Protection Agency to afford consumer advocacy involving only interstate transactions and designed to strengthen State and local consumer programs through Federal grants-in-aid, and which would recognize the necessity for maintaining effective control of our consumer protection laws on a state and local level.

Signed this the 26th day of June, 1974, at the Annual Meeting of the National Association of Attorneys General at Coeur d'Alene, Idaho.

U.S. REPRESENTATIVE JOHN D. DINGELL INTRODUCES LEGISLATION TO HALT COURT DECISION POWERS ON ABORTION MATTERS AND TO RETURN SUCH POWERS TO THE STATES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. DINGELL. Mr. Speaker, the question of the legality or morality of abortions is not an issue to be decided by the Federal Government. Historically, this authority has been reserved to the States under their police power. Nine men on the U.S. Supreme Court have recently determined, most erroneously, that the Federal Government may override State law.

Abortion is a question which quite properly belongs in the State legislative process where the peoples of the States have most immediate access to comment, review, and readily participate in the decision making process. The Constitution gives the Federal Government no power in this area.

I have many times stated my opposition to abortion. I strongly oppose it on moral grounds. I cannot differentiate between abortion and any other taking of human life.

The U.S. Supreme Court decision of January 1973, usurped the States' rights on the abortion issue by overturning all State criminal abortion statutes. In some States, such as Michigan, the U.S. Supreme Court overruled the majority vote of the States' citizens who overwhelmingly agreed by ballot to make abortion illegal in Michigan.

I therefore believe that the U.S. Supreme Court exceeded its jurisdiction, entered into matters properly under the jurisdiction of the States acting under their police power, and injected the Federal Government into matters where it does not properly belong.

I therefore am introducing two pieces of legislation today on the subject of abortion. One is an amendment to the Constitution of the United States which would restore the power of the States to legislate abortion matters. The States, territories, and the District of Columbia would be enabled to allow, to regulate, or to prohibit the practice of abortion.

The second measure is a jurisdictional limitation bill designed to remove from the U.S. Supreme Court and the district courts the power to make any decisions on the abortion issue in any form. It withdraws appellate jurisdiction of the courts to hear appeals regarding "any case arising out of any State statute, ordinance, rule, regulations," relating to abortion.

The text of the two bills follows:

H.J. RES. 1098

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. Nothing in this Constitution shall bar any State or territory or the District of Columbia, with regard to any area over which it has jurisdiction, from allowing, regulating, or prohibiting the practice of abortion."

H.R. 14337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Appellate jurisdiction; limitations

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this Chapter the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, or any part thereof, or arising out of any Act interpreting, applying, or enforcing a State statute, ordinance, rule, or regulation, which relates to abortion.".

(b) The section analysis at the beginning of chapter 81 of such title 28 is amended by

adding at the end thereof the following new item:

"1259. Appellate jurisdiction; limitations.".

SEC. 2. (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1363. Limitations on jurisdiction

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The section analysis at the beginning of the chapter 85 of such title 28 is amended by adding at the end thereof the following new item:

"1363. Limitations on jurisdiction.".

SEC. 3. The amendments made by the first two sections of this Act shall take effect on the date of the enactment of this Act, except that such amendments shall not apply with respect to any case which, on such date of enactment, was pending in any court of the United States.

PUERTO RICO CONSTITUTION DAY

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ROONEY of New York. Mr. Speaker, 22 years ago today I had the great privilege of presiding over this body at the historic session which gave the people of Puerto Rico their status as a Commonwealth of the United States. I shall always be grateful to my dear friend the late Speaker Sam Rayburn for granting me this opportunity. I thought at that time that I had reached the apex of my interest in serving the fine people of Puerto Rico, but today I recognize that that significant event was only the beginning of many years of rewarding association with the esteemed leaders of the Commonwealth. Each year, as I have watched Puerto Rico develop with almost miraculous attainments I have taken personal satisfaction in those successes. I have had the temerity to believe that I have had some share in the expansion of Puerto Rico's future.

Today on this, the Puerto Rico Constitution Day, we can truly rejoice with the hundreds of thousands of Puerto Ricans living here and with millions who now enjoy a greatly improved standard of living on their enchanting island.

As I get closer and closer to the termination of my membership in this body I begin to look less and less at the future and more and more to the past wherein so many rich and rewarding events took place.

One of those great highlights of yesteryear was the successful achievement of Commonwealth status for the people of Puerto Rico. It was the gratifying culmination of months and months of hard work with the fine Puerto Rican leaders who are now revered as Puerto Rican heroes. Such leaders as former Gov. Luis Marin Munoz, the mayoress of San Juan, Dona Felicia Rincon, and his equally dedicated colleagues impressed me as having heroic characteristics even then—long before their adoring countrymen put them on a pedestal. No true observance of this great anniversary would be complete without due recognition of these stalwart mentors of Puerto Rico's destiny.

So, Mr. Speaker, as I join my many friends and constituents in celebrating this important anniversary, I do so with great thanksgiving. I am grateful for the cooperation extended to me and for the inspiration given me by Puerto Rico's magnificent statesmen, all of whom I have known in the past 30 years. I am grateful for the role which I was permitted to play in the birth of a new Commonwealth. I shall treasure always the privilege of helping to assist this young government both as a toddler and through its tricky teenage years. Now I can truly rejoice because it has reached its majority in a remarkable show of mature judgment and dedicated zeal.

I congratulate all those who have guided the Commonwealth of Puerto Rico to its present heights of achievement. I congratulate even more the people of Puerto Rico for their choice and loyal backing of their chosen leaders, all of whom reside on the island of Puerto Rico.

PENDING DISTRICT OF COLUMBIA BILLS—H.R. 15643

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. LANDGREBE. Mr. Speaker, next Monday, July 29, the House will be considering H.R. 15643, a bill to create a land grant University of the District of Columbia. I have already filed a lengthy statement of my views on this bill in the District of Columbia Committee Report. I do not intend to repeat my entire statement here, but I would like to make some of my same criticisms again and to call the attention of my colleagues to the committee report and my full statement against this bill.

I believe that H.R. 15643 ought to be defeated when it comes before the House. I say this not only as a Member of the District of Columbia Committee, but also as a member of the Committee on Education and Labor.

FEDERAL COMMITMENT

Congressional action at this time on H.R. 15643 establishing such a university on the eve of "home rule" implies to me a continuing, specific and larger Federal financial commitment. Section 205 of the bill refers to "the several schools, colleges, campuses, and units of the University of the District of Columbia, which shall include but not be limited to colleges of science and technology, liberal and fine arts, education and professional studies, including graduate programs, and postgraduate programs." Accordingly, it would appear quite clear that in voting favorably on this bill, the House would be committing itself to a broadening of programs, financial aid, and generally to a capital expansion program as the needs are determined by the local government and the Board of Trustees of the University of the District of Columbia. Currently, the proposed capital program for the existing institutions for the next 4 years already exceeds $240 million. A large part of this is provided by the Federal Government.

BUDGET PREPARATION

The budget process is unclear as set forth in this bill, particularly with respect to the role of the Mayor, City Council, and the Congress as compared to the procedure originally set forth in the District of Columbia Self-Government and Governmental Reorganization Act of 1973. But I view it as a "hands off" provision to the Mayor and City Council, such that they are not authorized to make recommendations or comment on the university's budget during the course of the congressional budget cycle. This goes far beyond the authority given the third arm of the District government, the District of Columbia court system, in the Self-Determination Act, section 445, wherein the Mayor and City Council have authority to make recommendations as to the court's budget.

REPROGRAMING AUTHORITY

Reprograming is the transfer of funds from one line item to some other line item or end use as determined by a Federal agency or in this case the University of the District of Columbia.

The reprograming authority in the amount of $200,000 provided for in this bill is excessive in view of the fact that the reprograming authority provided the Mayor and the Council of the District of Columbia under the Self-Determination Act is in the amount of $25,000. In other words, the Board of Trustees of the University of the District of Columbia will have 8 times the reprograming authority that the Mayor and the City Council themselves will have under "home rule." It would appear to me that this would be of major concern to members of the Appropriations Committee who would see this expanded reprograming authority for the University of the District of Columbia as an opening wedge to expand the reprograming authority for the Mayor and the City Council.

The reprograming authority authorized for the University of the District of Columbia should, at a minimum, require prior approval of the Mayor and City Council in the event that Congress is willing to relinquish its prior approval authority as it relates to the reprograming of the University of the District of Columbia's funding.

PERSONNEL SYSTEM

The bill as drafted would allow establishment of a completely independent personnel system for all university employees. What we would be establishing is another government within a government as it relates to personnel policies and procedures for the University of the District of Columbia. Salary levels, retirement benefits, et cetera, could be increased without the approval of the Mayor or the City Council, and inasmuch as this would be done by regulation, it is questionable whether Congress itself would have any review other than to originate legislation to undo what the University of the District of Columbia might adopt by way of regulation. Such

a broad grant of authority would jeopardize the city government's ability to live within a balanced budget, since one part of it, that is, the University of the District of Columbia, would in effect be outside the budget that would have to be balanced. Moreover, the broad grant of authority to the university would create inequities for other city employees, whose agencies are not granted this very special authority.

LABOR-MANAGEMENT RELATIONS

The provisions of this bill, section 206 (b), provide that the board of trustees shall incorporate the provisions of Executive Order No. 70–229 of the Commissioner of the District of Columbia "or similar policies developed by the trustees to guarantee collective bargaining rights of employees subject to this section." In my view this is the broadest kind of delegaton of authority for the board of trustees to engage in collective bargaining with respect to paying salaries fringe benefits such as retirement, et cetera. Also, in my view, it could be interpreted as authorizing the Board of Trustees to engage in binding arbitration between management and employees of the University of the District of Columbia.

Obviously, there would be controversial questions involved if the Board of Trustees were to adopt a regulation that would provide for binding arbitration such that they may or may not try to bind the Council of the District of Columbia. However, as a practical matter, any regulation that they passed which provided for binding arbitration would make it difficult, if not impossible, for the Council of the District of Columbia to refuse to adopt the recommendation or decision of the binding arbitration procedure. Carrying this a bit further, if the Council of the District of Columbia felt it was bound or at least went along with the binding arbitration, it would appear that in effect they would be binding Congress, inasmuch as the District is required to submit a balanced budget to Congress. The question inevitably would be whether the increase in salaries which occurred through possible binding arbitration would be paid out of revenues raised by the District itself or whether they would be paid primarily out of the Federal payment. In any case, if the City Council were bound as a practical matter—Congress would also be bound.

OFFICIAL EXPENSES

The amount proposed in this bill, section 301(b), for expenditure by the president of the University of the District of Columbia in the amount of $25,000 with only a signed certificate as a voucher is, in my opinion, excessive.

The Self-Determination Act allows the level of such allowances for the Mayor to spend to be established by the Council of the District of Columbia. If the Congress is going to set the amount at $25,000 for the president of the University of the District of Columbia, it appears to me we are setting a very poor example for the City Council.

LAND GRANT FUNDS

The amount provided for in section 208 under the act of July 2, 1862, is apparently unlimited since no amount appeared in my copy of this subsection 208(b) of H.R. 15643.

FEES AND TUITION

Under the provision of section 205(h), it appears that the University of the District of Columbia will be able to use the receipts from "fixed fees, in addition to tuition," such that they shall be deposited in a revolving fund and shall be available to the trustees for any purposes which the trustees shall approve without fiscal year limitation. This would appear to me to give unprecedented authority to the trustees of the university.

GIFTS AND ENDOWMENTS

The trustees of the University of the District of Columbia are authorized to accept gifts and endowments and such money is authorized to be disbursed in "such amounts and in such manner as the trustees may determine." It does not appear to me that there is any limitation to this whatsoever. I would consider this to be an excessive grant of authority to the trustees of any university.

Mr. Speaker, I urge anyone who is interested in more informaiton of this bill to consult the committee report and read my dissenting views. I would also urge my colleagues to defeat this bill next Monday.

OUR CRIMINAL LAWS MUST BE ENFORCED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. BIAGGI. Mr. Speaker, lawmakers, local, State and Federal, have in recent years, attempted to fulfill their responsibilities to their constituents by enacting strong criminal laws designed to help allay citizen fears about the ever-surging crime rate in this country.

Those responsible for law enforcement, particularly the judiciary, have on the other hand systematically destroyed these efforts through lax and lenient methods of imposing and enforcing these laws.

In recent years, this Nation has mourned the deaths of a number of prominent and beloved public figures, including President John F. Kennedy, Martin Luther King, Jr., and Robert F. Kennedy, and most recently, Mrs. Martin Luther King, all of whom died needlessly and prematurely at the hands of depraved criminals in possession of illegal firearms.

New York State currently has one of the strongest gun control laws in the United States which was brought about largely to attempt to combat the dramatic increases in homicides by handgun in that State. Included among the provisions of this law is a penalty of up to 7 years in prison for the first conviction. Yet as good as this law is in theory, thanks to the judicial system in New York State, it has been virtually ineffective in practice.

According to a recent study conducted by the New York City Police Department, only about 1 in 10 cases involving individuals arrested for illegal firearm possession has resulted in the criminal being put behind bars. A further look at this study indicates the virtual ineffectiveness of this law, due to a systematic failure to enforce the law.

Out of 300 cases affecting 342 defendants, who were in possession of a concealed, loaded handgun, a felony, only 182 were convicted, either at a trial or by pleading guilty. Ninety-five, or almost 30 percent of these individuals were acquitted, 8 never faced criminal charges, and some 57 were awaiting trial.

Out of the convictions which were achieved, many of them were garnered through the use of plea bargaining which resulted in these charges being reduced to misdemeanors.

Yet, when examining the penalties which were dealt out in these cases, here we find the most staggering statistics. Less than 20 percent of the convictees received jail sentences. Of those who did almost 80 percent received 1 year or less. Almost 60 percent were merely slapped with fines, or placed on probation.

One must ask? What is the sense of a town council or a State legislature, or even the U.S. Congress enacting strong criminal laws, when the enforcers of these laws are so lax and reluctant to enforce them? The American judicial system has for years religiously upheld the rights of the criminal, at the expense of their obligations to the law-abiding citizens of this Nation who look to the judiciary to use every method at their disposal to get the lawless elements in our society off the streets and behind bars.

Murder, the single biggest crime in this Nation has increased dramatically in recent years. It has affected all segments of the society, rich and poor, powerful and weak. No one group has felt the brunt of these increases more than the brave men who man our police forces across this Nation. In the last 10 years, the numbers of policemen killed in the line of duty has risen by over 200 percent.

How have the judicial systems responded to this? Merely by eliminating the strongest deterrent we have against committing murder, capital punishment which the highest judicial board in the land, the Supreme Court ruled unconstitutional in 1968. By employing such travesties of justice as plea bargaining the most heinous of crimes have been punished by virtual slaps on the wrists.

How long do we as a nation have to wait before we act to curb the growth of crime? Who else, or how many more people, must be killed before we act to change our judicial priorities and begin to fully enforce the laws against those who violate them. We are a nation of laws and not of men, our judges and prosecutors are obligated to enforce and impose the law, and not interpret it to their liking. The laws of this Nation are designed to be applied equally to all, and so are the penalties for those who violate them.

As a former policeman, for 23 years, I have seen firsthand how efforts to uphold and enforce the law have been devastated at the hands of soft judges who

would rather coddle a criminal than punish him.

We must as national legislators continue to enact strong criminal laws. We must also work to insure that equally as strong men and women enforce these laws. Inherent to a strong democracy is strong law enforcement, without it our democracy is indeed in danger.

TRIBUTE TO WAYNE MORSE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Ms. ABZUG. Mr. Speaker, it is with great sadness that I rise to pay tribute to the late Wayne Morse. It seems as though an era has come to an end with the passing this week of Wayne Morse and the death last month of Ernest Gruening.

The death of Wayne Morse in the middle of a hard-fought campaign is a fitting tribute to his life. He was a battler, a conscientious legislator, and a man who recognized the need for leadership, clear thinking, and clear speaking.

He was prophetically far ahead of his times on the most important issue for the 1960's, the war in Indochina. It was during his struggle to educate other Members of the Congress about the war that I first met Wayne Morse and I always considered him a valuable friend and ally.

But during his career prior to his election to the Senate and in his distinguished 24 years of service to that body, he was much more than a one issue man.

Born on October 20, 1900, Wayne Morse was raised a farmer's son in La-Follette, Wis. He graduated from the University of Wisconsin and received law degrees from both the University of Minnesota and Columbia University. He taught law at Columbia and later at the University of Oregon, where he became dean of its law school in 1931. Morse had developed a thorough knowledge of labor matters and had established a reputation for arbitrating labor disputes with skill and justice. President Franklin D. Roosevelt named him a public member of the War Labor Board in 1942.

In 1944, Mr. Morse was first elected to the Senate, as a Republican, with strong labor support. He was a hard-working outspoken Senator who took his job seriously. He was reelected to the Senate term after term from both parties and, in 1952, as an independent. His election in 1956 was on the Democratic ticket, after vigorous disagreement with the Republican position on the Korean war settlement. A man of integrity, he would never compromise principle for party line.

Wayne Morse openly critcized President Johnson's war policies long before others even questioned them. He was only one of two Senators who opposed the Gulf of Tonkin resolution on August 7, 1964. This was an act of great courage and forthrightness. From that time on, he voted against every piece of legislation, including appropriations bills, that would maintain any American troops in Vietnam. He tirelessly traveled throughout the country speaking out against the war and he vigorously supported Senator Eugene J. McCarthy's candidacy for President in 1968 because of his antiwar platform. Mr. Morse's outspokenness and activism on subjects before they were commonly acceptable exhibited his courage and independence. Senator MARK HATFIELD of Oregon, once said of Mr. Morse:

> His early prophecies and warnings about Vietnam were such that we all owe him a great debt.

Wayne Morse described his own philosophy as one of "constitutional liberalism." He was a strong supporter of the civil rights movement in the early 1950's when to do so was not only unfashionable but sometimes dangerous. He was a firm believer in civil liberties and worked hard on civil rights legislation. He fought for home rule for Washington, D.C., trade unionism, and Federal support for education. In short, he was a fierce fighter for the common people.

Although blunt and outspoken for his beliefs, Morse was well respected by his colleagues as brilliant and conscientious. He was an accomplished legislator with expertise in foreign policy, education, and labor legislation. He managed President Johnson's land-mark aid-to-education bill on the Senate floor and when it passed, Johnson said of Morse:

> No one else could have done it.

Wayne Morse's defeat in 1968 by Mr. BOB PACKWOOD for the Senate was very close. His chances for returning to the Senate this election were considered quite good; he was vigorously campaigning last week when he became suddenly ill. Wayne Morse will be long remembered for his honesty and integrity as a man who truly served the American people. His forthrightness and perspective will be sorely missed.

ONE VIEWPOINT ON OUR CRIMINAL JUSTICE SYSTEM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ROYBAL. Mr. Speaker, at the request of one of my constituents, I am inserting the remarks of Justice Macklin Fleming of the California District Court of Appeals, delivered before the Wilshire Bar Association of Los Angeles on July 23, 1974. Even though I do not share all the views expressed in his speech, I find Justice Fleming presented thoughtful arguments for his position.

The remarks follow:

THE PRICE OF PERFECT JUSTICE

(By Justice Macklin Fleming)

The inference of my title, "The Price of Perfect Justice," is not that the price of justice is too high, but that perfect justice is a mirage. In the pursuit of the illusion of perfect justice, we jeopardize and endanger the attainable justice that lies within our grasp. Voltaire made the same point more gracefully when he said, "The best is the enemy of the good." In the field of criminal procedure we see the validity of his observation demonstrated daily.

Viewed as a whole, our system of criminal procedure amounts to a chronic scandal, a scandal which has existed for so many decades its inevitability is assumed. Not so plain are the reasons why this should be so. In my view one basic cause of the scandal is found in our enchantment with the vision of perfectability—our belief that perfect criminal law and perfect criminal procedure lie within reach, and our conclusion that perfection may be attained mechanically through the creation of additional legal machinery. As a consequence of this vision the machinery of criminal procedure *tends to* proliferate like some blob from outer space dropped into a favorable environment.

Let me illustrate. We have long insisted on the best and most elaborate techniques possible to ensure the perfectability of a criminal *trial*, since the trial puts the defendant's life or liberty at risk. For almost as long a time we have insisted upon the best possible *preliminary examination*, in which everything to be presented at trial is first presented in advance of trial, on the theory that unjustly forcing a man to defend himself in a criminal trial is a terrible thing. In the past few years we have extended the same elaborate methods to the issuance of a *warrant* for arrest, and we require nearly the same procedures and showing for the issuance of a warrant as for a trial, on the theory that an unjust arrest is a terrible thing that should not happen.

Recently, the same ideal of perfectability has been extended to the opening of an *investigation*, and the law has sought to bring interrogation, issuance of subpenas, temporary detention, even surveillance, within the perfection of all possible safeguards, on the theory that to unjustly initiate a criminal investigation into a person's affairs is an intolerable intrusion. Each step in this process appears good in itself. But the net result is that legal procedures appropriate for trial have multiplied themselves into similar requirements for preliminary examinations, for issuance of warrants, and for opening of investigations—with the consequence that a showing of criminal liability in a given matter may be required over and over again. This proliferation of safeguards leads not to perfectability of criminal procedure but to paralysis of criminal legal procedure.

Consider another aspect of criminal procedure—multiple review. As you know, our system of criminal review after trial encompasses possible review by the appellate court, the state supreme court, and the United States Supreme Court. Thus four courts may pass on a given cause. But in addition to a system of appellate review after trial we have what amounts to a system of appellate review before trial and even during the trial itself. We also have a system of constitutional law under which state and federal courts operate concurrently and/or sequentially, upon the same subject matter. The result of this proliferation of legal machinery is that a contested cause of any consequence will—not may, but will—take years for its resolution. The main product of the unresolved cause is the frustration of criminal justice.

Those who believe in perfect justice argue that all this machinery is essential in order to achieve due process of law. They are satisfied with the present system and assume it inevitable to spend in some cases four to five weeks to select a jury, to spend four to five years to resolve a criminal cause, to try the same cause three, four, as many as five times, to indulge a system that permits twelve or more judicial examinations of the

same issue (our machinery has so multiplied that in theory 50 examinations of the same issue are possible). But is this inevitable? We cannot, of course, accurately compare our present system of criminal law with what it might be under other circumstances but it is possible to compare it with the system used in England, the country that invented due process of law and whose fairness of judicial procedure is admired throughout the world. For this purpose I have selected like causes in England and America and compared their disposition. First, the causes of Lord Haw-Haw and Tokyo Rose.

During World War II Lord Haw-Haw (William Joyce) and Tokyo Rosa (Iva D'Aquino) made repeated radio propaganda broadcasts on behalf of Germany and Japan respectively. At the end of the war each was arrested and each was charged with treason. The defense in both cases was similar—at the time of the broadcasts the defendant did not owe allegiance to the prosecuting country. Both defendants were ultimately convicted. But their cases followed quite different chronologies.

1. Joyce was arrested in Austria in May 1945 and the following month he was flown to England and charged with treason. Trial was set for July but was continued to September in order to allow defense counsel further time to prepare. Trial started in September 1945 and lasted about three days, at the conclusion of which the jury found Joyce guilty of treason. In October Joyce's appeal was heard by the Court of Criminal Appeal, and in November that court dismissed the appeal. In December 1945 the House of Lords affirmed the decision of the Court of Criminal Appe..l and dismissed the appeal. On 3 January 1946 Joyce was hanged.

2. D'Aquino was arrested and interned in Japan in October 1945, released in October, 1946, and rearrested in Tokyo in August 1948. She was flown to San Francisco and indicted for treason in October 1948. Her trial began on 6 July 1949 and lasted until 30 September 1949, when the jury found her guilty of treason. In October 1949 she was sentenced to 10 years in prison and fined $10,000. She began her sentence in November 1949, but in February 1950 she was granted bail pending appeal by Supreme Court Justice Douglas sitting as a circuit justice. The court of appeals heard her appeal in March 1951 and affirmed the judgment of conviction in October 1951. Her petition for rehearing in the court of appeals was denied in December 1951, her petition for certiorari to the United States Supreme Court was denied in April 1952, and her motion for leave to file a second petition for rehearing was denied on 6 April 1953.

The disposition of Joyce's case from time of arrest to final judgment took less than seven months. The disposition of D'Aquino's case from time of arrest to final judgment took 90 months, a period roughly 13 times as long. If we compare time periods from initial accusations to final judgment the period for Joyce was six months while that for D'Aquino was 54 months, a period nine times as long.

Consider the Great Mail Train Robbery, England's most celebrated cause of the century and the longest criminal trial in English history. That trial lasted 48 trial days. Until very recently the longest murder trial in England was that of Dr. Adams, whose trial lasted 21 trial days. When we examine the disposition of causes of similar notoriety in this country we find such causes as that of the Manson group in Los Angeles, whose trial took 9 months, or the murder trial of Bobby Seale in Connecticut, where selection of the jury alone took 5 months. Selection of a jury to try an English criminal cause normally takes only a few minutes.

You all remember the Sirhan Sirhan case, the assassination of Robert Kennedy and the wounding of five other persons on 5 June 1968 in full view of a dozen or more witnesses, where the principal issue concerned the mental state of the defendant. Sirhan was not brought to trial in a California state court until seven months after the assassination, and in a trial that lasted 46 trial days he was convicted of murder and assault with intent to murder over a principal defense of insanity. Until February 1973 Sirhan's appeal remained pending in the appellate courts. A case involving comparable publicity and comparable issues occurred in England this year, when on March 20, Ian Ball sought to kidnap for ransom Princess Anne and was captured and subdued after a gun battle. On May 23 of this year, some two months after the event, Ball pleaded guilty to attempted kidnapping and attempted murder and was ordered confined to a mental institution for an indefinite period. Disposition of the Sirhan case took 4½ years. Disposition of Ball's case took 2 months and 3 days.

It can, of course, be argued that English law is something special and that because of that country's long tranquility comparisons with England are unfair. Consider Ireland. Last April 26, as a result of an armed robbery committed by four men and one woman, paintings valued at 20 million dollars were stolen from a private house near Dublin. Thereafter demands were made for £500,000 ransom and the transfer of Irish terrorists from British prisons to jails in Northern Ireland. On May 4 Bridget Rose Dugdale, 33-year-old daughter of a British millionaire, was arrested in County Cork in possession of the stolen paintings. On June 25 she pleaded guilty in Dublin to a charge of receiving stolen property and was sentenced to 9 years imprisonment.

Thus, Miss Dugdale's cause was disposed of within 52 days of the date of her arrest. Two other factors caught my attention in this case. First, while it seems highly probable that Miss Dugdale was one of the robbers proof of that charge was apparently not certain and the robbery charge was dismissed in favor of the charge of receiving stolen property. Second, Miss Dugdale enjoyed the opportunity to berate the government that had prosecuted her, and to present IRA propaganda. But her opportunity was not unlimited, for the entire court proceedings were concluded in 2 hours, and Miss Dugdale's oration lasted only 10 minutes. It staggers the imagination to contemplate the length of time it would take in this country to resolve criminal charges involving a millionaire's daughter purportedly acting in a revolutionary cause. In Ireland, the time was less than 2 months.

The relevancy of these comparisons is distressingly simple but one we tend to put out of mind. Justice delayed is justice denied. Long delay in the resolution of a criminal cause frustrates the criminal law function, whose principal purpose is to deter others from future criminal conduct. With loss of speed in the punishment of the guilty person, at least one who has been caught, goes loss of the deterrent effect of the criminal law on the conduct of others. The relationship of crime to punishment as one of cause and effect becomes blurred. Ultimate punishment years later is seen at that time as mere vindictiveness.

How can matters be improved?

I have four suggestions, two relating to state of mind, and two to mechanics of criminal justice.

First, we must try to eliminate procrastination as a way of life in the criminal law. Procrastination is a sin of lawyers, trial judges, clerks, reporters, appellate judges, in brief everyone connected with the machinery of criminal law. When I first went on the bench I was shocked to discover that some lawyers routinely scheduled two to three matters for the same hour, knowing in advance they would be able to fulfill only one of their commitments. Not uncommonly, 12 jurors, several other lawyers, the trial judge, and court attaches, found themselves awaiting the pleasure of a single lawyer tending to other business elsewhere. But I was even more shocked to find the high degree of tolerance for such conduct.

For example, under the rules a felony charge should proceed to trial within 60 days. In Los Angeles County less than half the criminal cases do. A criminal appeal should be resolved within 5 to 7 months of the time of sentence. In this district last year the average time period for criminal appeals from notice of appeal to appellate disposition ran from 12 to 15 months. Procrastination must be recognized for the sin that it is. Once we cease to tolerate procrastination, its use will fall into disfavor and in time acquire the character of unprofessional conduct.

Yet all is not unrelieved gloom. Consider the case of Arthur Bremer, who wounded Governor George Wallace and three other persons in May 1972 and was immediately arrested. Bremer was brought to trial in a Maryland state court within 2½ months of the shooting, and in a trial that lasted 4 days, he was convicted of assault with intent to murder over a principal defense of insanity. His conviction was affirmed on appeal and the Maryland Court of Appeals denied a hearing in October 1973, about 1½ years after the assassination. Thus a case practically identical with that of Sirhan Sirhan went to final disposition in about a third of the 4½ years the later case took.

My second suggestion concerns retroactivity. Under retroactivity when a new rule of law is established, courts decree that everything that has been done before contrary to the new rule has to be done over again. Nothing is more disruptive of an orderly system than to have it regularly torn down because blueprints for a new structure have just come off the drawing board. Undoubtedly in the year 2004 many procedures we use today will be thought primitive by a successor generation and will have been improved upon, but this is no good reason to deny the validity of dispositions of criminal causes made today under the rules now in effect. Unlimited retroactivity means that no judgment is ever final, and nothing is ever adjudicated. It should have no place in the criminal law.

My third suggestion is that a defendant be tried only once to judgment. If on appeal after judgment of conviction the trial is found substantially defective or unfair the judgment should be reversed and the defendant go free. If defects are found in the trial but the defects have not substantially influenced the result, the judgment should stand and become immune from further judicial examination. The occasional mistakes and mishaps discovered after judgment can be cured through executive action and the pardoning power without infringing upon the integrity of the court's judgment. To some of you this proposal may sound revolutionary, but it is actually a return to first principles. The English have always had a system of only one trial to final judgment. Justice Story in 1834 thought the same rule applicable in this country, and it was not until 1896 in the case of *United States* v. *Ball* that multiple trials were sanctioned in the federal courts. One trial would certainly sharpen the responsibility of everyone connected with a criminal cause, trial judge, counsel, witnesses, appellate court, to whom the seriousness of what they were doing would be brought home by realization of its finality.

My last suggestion is that this country adopt a unified system of courts for all criminal and related causes. The past 22 years experience of state and federal courts operating as courts of general jurisdiction on the

same subject matter, either simultaneously or sequentially, has been a disastrous experience for all those connected with the criminal law except those defendants who have used this parallel jurisdiction to frustrate the operation of the law. It seems to me this country has reached a point in its development where serious consideration must be given to the creation of a unified system of courts.

This could be accomplished in two ways. Either the various state court systems operating up to the United States Supreme Court could be retained, and the lower federal courts phased out in the way the federal commerce court and the circuit courts were phased out; or a federal system of courts of general jurisdiction could be created to enforce both federal and state law and the state courts discontinued. A system of state courts is relied upon in Australia, where the state courts are exclusive arbiters of both state and federal law. By contrast, a federal system of courts is the basic system used in Canada, where the provincial judges are appointed by the federal government and enforce both provincial and federal law. Both systems, funnel into a federal supreme court at the apex. I hope that within the next few years legal scholars will study the possibilities of a unified system of courts in this country and propose ways and means to restructure and simplify our judicial system.

To sum up—perfect justice, no; attainable justice, yes. In criminal law, as in church, the holiness of the proceedings should not be equated with the length or repetitiveness of the services.

UNIVERSITIES' INDEPENDENCE ERODING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. TEAGUE. Mr. Speaker, several articles of late have come to my attention that speak of the increasing infringement by the Federal Government on this Nation's institutions of higher learning.

One of those articles appeared in the Battalion, which is the student newspaper at Texas A. & M. University. That article quotes the president of Texas A. & M. University, Dr. Jack Williams, as saying that the Department of Health, Education, and Welfare's auditing methods "is something akin to harassment." The remainder of Dr. Williams' comments are also disturbing.

I include with the article about Dr. Williams, an additional article that appeared in the Houston Chronicle, Houston, Tex., on June 28.

I commend the articles to you, my fellow Members, and the general public.

The articles follow:

TAMU PRESIDENT TELLS CHAMBER OF COMMERCE: UNIVERSITIES' INDEPENDENCE ERODING

(By Gerald Oliver)

Encroachment of the federal government is resulting in steady erosion of the independence of higher education, said TAMU president Jack Williams in a speech before the Bryan-College Station Chamber of Commerce on Tuesday.

Williams said that universities have been the target for every type of control. He said that the question of which professors will receive tenure may soon be decided at the federal level. The federal government is also imposing quotas on minority groups employed by the university. Williams said no potential employe may be required to have qualifications greater than the least qualified person holding an equivalent position.

In the past the university was audited by the Defense Department. This job has been taken over by the Department of Health, Education, and Welfare. Williams said that HEW auditing "is something akin to harassment."

Williams said that due to 18-year-old rights and recent court cases, the university is losing control over student discipline.

"Bureaucracy is moving steadily to control us in a way Orwell never envisioned in '1948.' My fears are very real and I express them very seriously," said Williams.

[From the Houston Chronicle, June 28, 1974]

MINORITIES HURT FACULTY QUALITY—REPORT

(By Gene I. Maeroff)

NEW YORK.—The affirmative action program by which the federal government is compelling colleges and universities to hire more women and blacks is lowering standards and undermining faculty quality, says a report published today under the sponsorship of the Carnegie Commission on Higher Education.

Lacking an adequate pool of qualified women and blacks for tenured appointments, the 168-page report asserts, institutions are "playing musical chairs," pirating the limited number of minority and women faculty members from each other.

Moreover, it is charged that new minority and women appointees may be paid more than white male faculty members at the same level and that some do not have proper qualifications for the tenured and untenured positions to which they are appointed.

"The whole affirmative action system by which it is determined whether a university is underutilizing women and blacks in tenured positions should not really apply in choosing a medieval historian," Dr. Richard A. Lester, the author of the report, said Thursday. "It is a statistical system that deals more with the hiring of typists, bricklayers or unskilled labor."

Lester is an economic professor at Princeton University and Former Dean of the faculty. The report entitled "Anti-bias Regulations of Universities: Faculty problems and Their Solutions," was one of several projects that were under way when the Carnegie Commission in 1973 completed its six-year, $6 million study of higher education.

His findings are based on the research of others and a study he made of the way in which affirmative action programs were carried out over five years at 20 leading institutions, most of which are among the largest federal contractors in the academic world.

The report is part of a series of research studies by individual scholars or groups of scholars published by McGraw-Hill with the sponsorship of the Carnegie Commission, but separate from the 21 reports issued by the commission itself.

It is urged in the document that the stress on hiring minority members should be accompanied by a more appropriate emphasis on increasing the supply of well-prepared women and blacks with doctoral degrees.

Writing in the book's forward, Dr. Clark Kerr, chairman of the Carnegie Commission, says that Lester warns that affirmative action programs "fail to take into consideration either the inadequate supply of qualified people among those groups currently underrepresented on our faculties or the characteristics of academic employment that distinguish it from employment in industry."

"At stake," Kerr says, "is not only an equitable system of academic employment, but also loss of financial support as government applies economic sanctions to achieve numerical hiring goals that often have little relevance to the character and mission of universities."

The federal government, through the Department of Health, Education, and Welfare, is requiring the 1,500 colleges and universities with various federal contracts to develop affirmative action programs for increasing faculty representation of minority groups and insuring their equal treatment. The groups covered are women, blacks, native Americans, Asian Americans and Spanish-surnamed Americans.

Institutions found to be in violation face a cutoff of federal funds, which run into the tens of millions of dollars for the large universities with extensive research contracts.

Lester maintains that the competition of the institutions for the limited number of qualified minority academicians—a study in "The Journal of Higher Education" estimates there are no more than 3,500 black Ph.D.s in the entire country—has at times driven up salaries "well above those for whites with equivalent or better qualifications."

Dr. Mary M. Lepper, director of the higher education division of HEW's office for civil rights, said she agreed with Lester's criticisms regarding some of the mechanics of the affirmative action program.

"But I take strong exception," she said, "with his basic premise that affirmative action is lowering the excellence of higher education. The charge that women and minorities are not prepared as potentially excellent educators as white males cannot be substantiated.

"We are only asking universities to hire based on men and using standards of merit. There is no doubt that higher education will be the richer for bringing in women and minorities to represent the pluralism that exists in American society."

Dr. Lepper, a former political science professor at California State University at Fullerton, said she was well aware of the supply shortage of minority Ph.D.s cited by Dr. Lepper and that in the future more than half the efforts of her ——— would be directed toward increasing the supply by insuring more equitable treatment of women and minority students.

HAWAII STATE SENATE HONORS DOROTHY ROSE FISHER BABINEAU, "THE BIRD LADY OF LANIKAI"

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. MATSUNAGA. Mr. Speaker, long before the original Endangered Species Act was passed by Congress, Hawaii had its own unofficial protector of wildlife. She is Mrs. Dorothy Rose Fisher Babineau, affectionately known throughout the islands as the Bird Lady of Lanikai.

Mrs. Babineau, whose unselfish concern for wildlife has since been recognized by the U.S. Fish and Wildlife Service as well as the State of Hawaii, is the founder of a convalescent hospital for wounded birds. Her characteristic concern for living creatures extends far beyond birds, however. She is also a dedicated and highly effective volunteer at Hawaii's Suicide and Crisis Center.

Now writing a book on birds and bird care, Dorothy Babineau was recently

honored by the Hawaii State Senate for her important contributions to the people of Hawaii. I am sure that my colleagues will find of interest the text of the Senate resolution, a salute to an individual who truly cares, and whose efforts have made a real difference to the people of Hawaii. As a gesture of congratulations, I submit the resolution for inclusion in the RECORD:

SENATE RESOLUTION HONORING DOROTHY ROSE FISHER BABINEAU, "THE BIRD LADY OF LANIKAI"

Whereas, among the long list of man's best friends are the fine feathered friends—the birds who bring much joy, pleasure, color and music to the residents of Hawaii; and

Whereas, among the best friends of the birds of Hawaii has been Dorothy Babineau, whose home in Lanikai is, and has been for years, a convalescent hospital for many feathered creatures in the area; and

Whereas, baby birds, middle-aged birds and older birds have all found refuge, solace and friendship in the Babineau bird hospital over the years; and

Whereas, Mrs. Babineau has been involved in the rescue and care of many famous birds, including "Sebastian and Barney" two mynah birds raised from babies, as well as "Scooby Booby", a red-footed booby bird that had been accidentally shot at the Kaneohe Marine Corps Air Station; and

Whereas, Mrs. Babineau has permits from the State and Federal wildlife agencies to treat birds that fall under her protection and is now working on an important book on birds; and

Whereas, Mrs. Babineau has been honored for her volunteer work not only with birds, but for caring for people through the Suicide and Crisis Center; and

Whereas, Mrs. Babineau has made an important contribution directly to the people of Hawaii, by her unselfish care and recognition of the interrelationship between people and wildlife; now, therefore,

Be it resolved by the Senate of the Seventh Legislature of the State of Hawaii, Regular Session of 1974, That this body recognize Mrs. Dorothy Rose Fisher Babineau, the bird lady of Lanikai for her contributions to the State of Hawaii; and

Be it further resolved, That a certified copy of this Resolution be transmitted to Mrs. Dorothy Babineau, 143 Pauahilani Place, Lanikai.

REMARKS OF REPRESENTATIVE HENRY P. SMITH III ON IMPEACHMENT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ROBISON of New York. Mr. Speaker, I would like to call the attention of my colleagues to the remarks of our colleague, Hon. HENRY P. SMITH III, made in the general debate on impeachment by the House Judiciary Committee on the evening of July 24, 1974.

I may not, ultimately, reach the same conclusion as has my friend and colleague, Mr. SMITH. Nevertheless, his remarks are thoughtful and judicious, and fully consonant with the high standard of workmanship and service that HENRY SMITH—who is retiring from Congress at the end of this session—has brought to bear as a conscientious and valued Member of this body during his 10 years of service here.

The statement of HENRY P. SMITH III follows:

STATEMENT OF HON. HENRY P. SMITH III

Mr. Chairman, ladies and gentlemen of the Committee: I know that we all feel the weight of the historic action we are about to take, after months of diligent inquiry into the question of whether or not the President of the United States should be impeached. It is a solemn duty we have undertaken pursuant to the requirements of the Constitution of the United States. How we decide here, how the House of Representatives may decide if we recommend impeachment, how the Senate may resolve the issue if the House shall vote impeachment of the President, are decisions which will affect our nation in one way or another forever.

I take this opportunity of expressing my respect for the other 37 lawyer members of this committee who have borne the gruelling work of this inquiry for months. And I take this opportunity also to express my respect and thanks to the members of the impeachment inquiry staff and the regular staff members of this Committee for the dedicated professional jobs each and every one of them has done during this historic project. The massive amount of information, documents, testimony and legal precedents they have gathered, assimilated, organized and presented with skill during these months of this inquiry, are almost beyond belief.

The Constitutional duty of this Committee in regard to impeachment, possibly that of the House and possibly that of the Senate, always a sad duty, is a particularly sad one here in that it contemplates the possible impeachment and conviction of a President who has ended our direct participation in a better and divisive war which was not of his making, and who, history may show, has done more than any person now living to bring about peace and brotherhood in this world, through his bold initiatives in establishing communication and bases for understanding with other powerful nations and other powerful peoples, and through his initiatives, carried out by the painstaking and tireless work of dedicated aides, in creating the climate for and the support of a real cease fire in the Middle East and now in Cyprus.

But, even so, if this President has also been guilty of "Treason, Bribery, or other high Crimes and Misdemeanors", then it is the Constitutional duty of the House of Representatives to impeach him and the Constitutional duty of the Senate to convict him. To determine whether there are valid grounds for impeachment has been the duty of this Committee. We have a Resolution and Articles of Impeachment before us and we have for months examined mountains of evidence and listened to witnesses. There is here no charge of treason, so the question is, do we think the President is guilty of the charges of "Bribery or other high Crimes and Misdemeanors"? The President says he is not.

What measure or standard of evidence is necessary for this Committee to say he is or may be guilty? I think it is something more than "probable cause" which is sufficient for indictment by a Grand Jury, and something less than "satisfaction beyond a reasonable doubt" which is required for conviction of a crime. Mr. St. Clair, the President's lawyer, has suggested a standard of "clear and convincing proof," and Mr. Doar, the chief counsel of this Committee's impeachment inquiry staff, appeared to endorse this statement.

Except for one area, I am not satisfied that there has been produced before this Committee "clear and convincing proof" of the President's personal involvement in actions which would be impeachable. The testimony is generally not solid and clear. It raises inference after inference, many negative ones against the President and some positive ones in his favor. But there is precious little solid hard evidence of his personal impeachable misdeeds.

Except for the area of the secret bombing in Cambodia at the President's order between March 18, 1969 and May 1, 1970, where I have not yet made up my mind, I should have to vote against impeachment of the President on the state of the evidence which we have seen. This is why I was delighted today when the Supreme Court ruled 8 to 0 that the President must deliver the tapes and memoranda subpoenaed by Special Prosecutor Jaworski. I believe this means that this Committee will at last have this material available for inspection so we can determine once and for all whether the President is guilty of impeachable offenses or whether he is not.

I think it is absolutely imperative that this Committee make the effort to secure this evidence. I believe that any other course, in the present state of the evidence before this Committee, would be self-defeating and not worthy of the effort which has already goine into this inquiry and investigation.

Thank you, Mr. Chairman. I reserve the balance of my time.

CITY PROBLEMS WITH THE FAIR LABOR STANDARDS ACT

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ARMSTRONG. Mr. Speaker, I would like to point out an unfortunate by-product of the recently passed Fair Labor Standards Act amendments.

The application of overtime and work hour provisions of the 1974 Fair Labor Standards Amendments to State and local governments has created an unfortunate situation for many municipally-owned utilities in the United States, particularly those operating on a 24-hour continuous schedule.

One such case in point was brought to my attention by the mayor of Colorado Springs. Over a period of years, the city and the municipal employees have reached a mutually beneficial, flexible scheduling system—a system which is now against the law.

Mayor Marshall wrote to me, explaining:

The work scheduling for 24-hour operations on a 40-hour week, 8 hour day basis proves to be extremely cumbersome and is generally unacceptable to the employees involved due to the inconsistency of work periods which are felt to be detrimental to the employees' personal plans and results in a reaction of frustration and discontentment to all concerned. The employees formulated their own work scheduling, which not only meets their own personal desires, but also is compatible with operational goals as well. Modifying the 12-hour rotating schedule, previously in effect, to conform to the legal requirements of the Fair Labor Standards Act has resulted in discord and discontent among the employees affected.

In addition, 100 percent of the affected employees petitioned the Colorado Springs City Director of Utilities to avoid compliance with the new Federal law if

at all possible. The following is the text of their petition:

DEAR MR. PHILLIPS: The undersigned operations personnel presently on shift work wish to go on record as being unanimously and bitterly opposed to the proposed legislative changes in our present work schedule. We do not do this as a challenge to the authority of anyone in the City Administration, but simply to make our feelings known in a frank and straight-forward manner.

Most, but not all, Legislators have never worked shift work, and are, therefore, unfamiliar with the unique problems associated with frequent changes of shift. A person accustomed to a 9-to-5 day, five days a week, has no conception of what is entailed in a shift change, and we are not discussing an isolated instance or two. We are referring to the month-to-month and year-to-year schedule that most of us have worked for many years.

We consider the present shift changes as ideal for this plant. Much thought and midnight oil went into its preparation, it covers all shifts fairly and equitably, and is satisfactory to everyone.

The problem of frequent shift changes is one of human body chemistry. It takes several days to adjust your sleeping and eating habits both at the beginning and end of a shift change. After a long run of graveyard, for example, it may take three or four days before a man can sleep at night, and to adjust his meal times. If we are to be expected to change to five-day work week with two days off, serious health and fatigue problems will result, without even considering morale problems.

We urge very strongly that every consideration be given to our request that such changes not be made if at all possible, and we solicit your understanding, support and cooperation in what we view as a very serious matter.

Very Respectfully,

(Signatures.)

Because of these developments, the city of Colorado Springs suggested a modification to the Fair Labor Standards Act which would allow overtime to be computed on the basis of a 4-week period of 160 hours, rather than the present 40-hour, 1-week period.

The bill I have introduced today would amend the Fair Labor Standards Act to allow overtime provisions computed on the 160-hour, 4-week basis—provided the State or local authority and the affected employees both agree on such a system of compensation.

This legislation will allow cities such as Colorado Springs the necessary flexibility in public utility work scheduling while still protecting the rights of the employees.

PENTAGON SEES SAIGON AID CUT TO AMMUNITION, FUEL, AND PARTS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. SPENCE. Mr. Speaker, last week our colleague from Wisconsin (Mr. ASPIN) expressed alarm at the possibility which he raised that jet fighters sent to Vietnam as military aid are being illegally dismantled and sold for scrap. I am happy to reassure him that the story is without foundation, and that the two reports from Saigon which he inserted in the RECORD are gross distortions of the facts.

An investigation under the direction of our Embassy staff on the scrap pile seizure in the Hac Mon district on May 20 has revealed that all of the items were unserviceable, and were properly demilitarized scrap. This includes the A–37 wings about which such concern was raised. They were legally acquired by the owner from the MACV property disposal office in 1972. A team, including American members of the DAO staff, inspected the items only last week, and has confirmed this.

In showing our colleague that his fears are without foundation, deriving as they do from a totally false story, I hope I am acting in time to prevent the myth of the A–37's from joining the equally untrue stories of the so-called "tiger cages" and the alleged "200,000 political prisoners" in the lexicon of leftwing propaganda.

Far from abusing our military aid, the facts show that the Vietnamese are desperate for it. Faced with a brutal campaign of terrorism and aggression from the Communist forces, in complete violation of the cease-fire agreement, the people of South Vietnam need all possible assistance to defend themselves. I insert the following article by John W. Finney from the New York Times of July 3, 1974, to show that Vietnam will be desperately short of defense equipment in the coming year. The article shows that this may well be limited to fuel and spares, and may place in jeopardy our commitment to replace their losses on a one-for-one basis.

I insert the article in order that my colleagues may appreciate the very real possibility which exists that we might abandon not only our ally, but our honor. The South Vietnamese are in no position to waste our military aid, and in disposing of these untrue stories about the A–37's, we should not forget the very real and continuing need of the Vietnamese people for the means of their self-defense.

The article follows:

[From the New York Times, July 3, 1974]

PENTAGON SEES SAIGON AID CUT TO AMMUNITION, FUEL, AND PARTS

(By John W. Finney)

WASHINGTON, July 2.—United States military aid to South Vietnam in the current fiscal year will probably be limited by Congressional budget cuts largely to ammunition, petroleum and spare parts, Pentagon officials said today.

The State and Defense Departments, according to Pentagon sources, are discussing with the American Embassy in Saigon a sharp curtailment in planned military aid to South Vietnam in the fiscal year that began yesterday.

Based on Congressional actions thus far, Defense Department planners are assuming that Congress will authorize $900-million to $1-billion in military aid for South Vietnam. The Administration had requested a $1.6-billion ceiling on the aid program.

ESTIMATE ON AMMUNITION

The House cut the request to $1.126-billion, the same level authorized for the last fiscal year, and the Senate reduced the amount to $900-million. In an action not yet announced, a House-Senate conference committee has set the ceiling at $1-billion. According to Congressional sources, the House Appropriations Committee, in acting on the defense appropriations bill, is prepared to set the level at $900-million.

The $900-million, according to Pentagon officials, would just about meet requirements of the South Vietnamese for ammunition, petroleum and spare parts. On the basis of the current level of military activity in South Vietnam, for example, the Defense Department had budgeted nearly $500-million for ammunition alone.

The anticipated Congressional cuts, Pentagon officials said, would leave little for the planned new equipment for the South Vietnamese forces, such as tanks, armored personnel carriers, weapons and airplanes.

One of the possibilities, officials said, is that the Administration will have to scrap or defer plans to provide 128 F–5E fighters at a cost of about $200-million. If so, a controversy over whether the United States is complying with the letter of the Paris cease-fire agreements will have been pushed aside by Congressional budget cuts.

Under the agreements, the United States is limited to one-for-one replacement of South Vietnamese weapons that have been destroyed, worn out or damaged. The Defense Department has maintained that the supply of the advanced models of the F–5E fighters represented a replacement of F–5A's provided earlier to South Vietnam and did not represent the introduction of a new weapon into South Vietnam.

Defense officials said that $900-million would be insufficient to finance a one-for-one replacement of weapons losses by South Vietnam.

"AID" VERSUS "INTERVENTION" IN CHILE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. BROWN of California. Mr. Speaker, no American cares to admit that his country, his Government, has contributed to the destruction of another nation's democratically elected government; namely, the Allende government of Chile. Many of us tend to shrink from our responsibility, as representatives of the people, to investigate the extent to which the United States, whether by military or carefully manipulated economic aid, supported the military coup which took place in Chile on September 11, 1973.

Gary MacEoin, the author of many contemporary studies on Latin America, summarizes the current actions being taken by various committees on this problem in the following article which was published in American Report on July 22, 1974:

QUESTION. DID U.S. AID CHILEAN COUP?

ANSWER. GOBBLEDYGOOK—UNINTELLIGIBLE!

(By Gary MacEoin)

NEW YORK.—The strength of U.S. ties to the military junta ruling Chile is getting embarrassingly blatant, thanks to clashes over proposed restrictive amendments to the 1974 foreign aid bill (S. 3394). A movement led by groups concerned over violations of human rights in Chile seeks to cut off military aid to governments which violate generally accepted international standards in their treatment of their own citizens.

One instance of the clash occurred in a June hearing of a House committee in which a probing Congressman elicited a series of extremely revealing non-answers from a State department hard-liner.

HATCHET MAN

The administration spokesman was Harry W. Shlaudeman, Deputy Assistant Secretary of State and a man with a reputation as a hatchet man. He was chief political officer in Santo Domingo from 1962 to 1965, playing a major role in negotiations with Dominicans which led to the ouster of President Juan Bosch, the U.S. invasion and the restoration of the dictatorship. From 1969 to 1973 Shlaudeman was deputy chief of mission in Chile.

Shlaudeman testified the day after the committee heard a statement by Ramsey Clark in which the former U.S. Attorney General had established that the Chilean junta's declaration of a "state of siege" is illegal under the Chilean constitution. Shlaudeman said the State Department position is that the state of siege is legal.

Then Congressman Donald Fraser of Minnesota zeroed in on a portion of Shlaudeman's opening statement asserting that the U.S. government had "adhered to a policy of non-intervention in Chile's affairs during the Allende period."

FRASER. "If it turned out to be a fact that the U.S. channelled money covertly to opposition political parties, would that be at variance with the policy of non-intervention?"

SHLAUDEMAN. "Well, I am not sure. I am not sure that it would be. I would like to think about that. . . ."

FRASER. "Did the U.S. government covertly supply money to opposition political parties following the 1970 election?"

SHLAUDEMAN. "Well, I would like to postpone that question. . . ."

FRASER. "Are you prepared today to deny an assertion that the U.S. funneled money covertly to opposition political parties following the 1970 elections in Chile?"

SHLAUDEMAN. "I am not. . . ."

FRASER. "You do agree that you have some knowledge of the facts?"

SHLAUDEMAN. "Of course I do."

FRASER. "You do know the facts?"

SHLAUDEMAN. "Yes."

FRASER. "On the basis of that knowledge you are not prepare to deny that the U.S. funneled money covertly to opposition political parties after the 1970 election in Chile?"

SHLAUDEMAN. "I would like to be careful about what I say. . . ."

FRASER. "If money went through other political parties such as in Europe and came back to Chile, you would conclude that is a direct form of aid?"

SHLAUDEMAN. "This is getting in a very complicated situation. . . . I would prefer to have the opportunity to make sure that I am precisely correct when I answer."

FRASER. "Would you then be agreeable to returning to the subcommittee after you have rechecked the facts and responding as fully as you can to the question which I have put you?"

SHLAUDEMAN. "I would have to check that, too."

It began to seem that if Fraser asked Shlaudeman the time of day, the witness would defer his answer for clearance by the department. But in further testimony, Shlaudeman did acknowledge that the executive branch is ignoring Section 35 of the Foreign Assistance Act of 1973.

The section called on the President to urge the Chilean junta to protect the human rights of Chileans and foreigners. It also urged the President to support international initiatives, for the protection and resettlement of political refugees and to ask the Inter-American Commission on Human Rights to inquire into recent events in Chile.

"PRISONERS OF CONSCIENCE"

The reason for ignoring this section, Shlaudeman testified, is that the junta has assured the U.S. government that there are no "political prisoners of consicence" in Chile, that all prisoners are being held either for reasons of public security or to be charged with crimes under statutes dating from before the military seizure of power.

At almost the same moment, the several hundred prisoners still being held in the stadium in Santiago were being told by General Bradanovic, Minister of the Interior, that they would soon be moved to quarters more appropriate to the status as "prisoners of war."

LIMITS TO ARMS AID

Proposed amendments to the new foreign aid bill would block aid to Brazil and Bolivia as well as to Chile. The administration wants to increase total military credit sales from $325 million to $555 million.

Sen. James Abourezk (South Dakota) has formulated in two amendments the minimum ingredients for a foreign policy that values human rights. They would make military aid contingent on a government's providing access to international humanitarian agencies; and they would end support for foreign police, paramilitary, internal surveillance, and prison systems.

Congressmen Fraser and Michael Harrington (Massachusetts) are preparing similar amendments in the House, Fraser seeking a general restriction on all violators of human rights, Harrington concentrating on Chile.

Sen. Abourezk is also considering an amendment obligating the President to report to Congress on the status of human rights in any country requesting military aid, a report comparable to an "environmental impact statement."

Congressional investigative units have been concerned with human rights in Chile ever since the junta seized power last September. First was a Senate investigation headed by Edward Kennedy, of refugee and humanitarian issues. Then came a House study of human rights, under Donald Fraser, which established the fact of "widespread torture" in Chile and found "the response of the U.S. government to be lacking in view of the magnitude of the violations committed."

More recently, in May and June, an impressive roster of witnesses gave testimony, most of them just back from on-the-spot investigations. They were unanimous in their condemnation of the junta's continuing violations of human rights.

Several witnesses, including Ramsey Clark, reported on the "show trials" now being conducted, the first trials in the military courts since the junta seized power. They included Charles Porter and Ira Lowe (Fair Trial Committee for Chilean Political Prisoners), Covey T. Oliver, former Asst. Sec. of State for Latin America (International Commission of Jurists), and Judge William Booth of New York. The Clark-Booth study was funded by the National Council of Churches.

In other areas, Richard Fagen, incoming president of the Latin America Studies Association, testified on the violations of academic freedom in Chile, and Professor of Law Newman (Berkeley) reported on the efforts of the UN Commission on Human Rights on behalf of refugees and political prisoners in Chile.

The foreign aid bill is still in committee in both the Senate and the House. The bill may be called on the floor of the House during the last week of July, and in the Senate probably early in August.

I urge my colleagues on the Foreign Affairs Committee to broaden and continue this line of questioning concerning the involvement of the State Department in Chilean activities, and I commend their past efforts.

CONGRESSMAN FRASER'S STATEMENT SUPPORTING ADMISSION OF WOMEN TO SERVICE ACADEMIES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. FRENZEL. Mr. Speaker, my colleague and neighbor, Congressman DONALD M. FRASER, of Minneapolis, recently testified before Subcommittee No. 2 of the Armed Services Committee in favor of H.R. 10705, permitting admission of women to the service academies.

I have also testified before that subcommittee in support of the same bill and the same cause, and share Mr. FRASER's enthusiasm for equal rights in our service academies.

I commend his statement and invite the attention of all Members to it. Like DON FRASER, I hope the subcommittee and the full committee will speedily pass H.R. 10705 or a similar bill imposing the same concept, so we can provide equality in our armed services.

Congressman FRASER's statement follows:

STATEMENT OF DONALD M. FRASER

Much excellent testimony has already been given on the admission of women to the service academies. It has dealt with many of the issues far more thoroughly than I can. Therefore I am simply going to present a case—something that happened in my district—in the hope that it will make the problem more real to you and speed serious consideration of the question before us.

We were fortunate in Minneapolis this year that four of our first five nominees for an opening to the Air Force Academy were accepted: the principal candidate and the first, third and fourth alternates. Of all the applicants interviewed, our interviewer said that two had the outstanding characteristics he looks for in the people he recommends for the academies. The first, our principal candidate, had excellent college board scores, four years of football, letters in track and wrestling, National Honor Society, boy and eagle scouts, president of the student council . . . the list goes on and on.

The other outstanding candidate was in the top 25% of the class, captain of the tennis team, had three years of swimming, was a racing skiier with a score of gold medals; had participated in debate and forensics, in an institute for talented youth, and a camp to learn how to survive alone in the wilderness living entirely off the land, and had been an exchange student. This was also the only applicant with a background in flying. This applicant, who became our second alternate, had a private sailplane license (and recognition as the youngest sailplane pilot in the State of Minnesota), and several hours of duo in a T-34. Along with this excellent preparation came a very specific ambition: to become a fighter pilot and to qualify for future aerospace programs.

We recommended both these outstanding applicants highly; the first was accepted; the second, the one with flying experience and the only one of our first five applicants to be so, was rejected. Evidently this nominee had reason to write "Please don't disregard this letter and throw it in the trash simply because I am a girl." Her nomination was "returned without action" with a letter saying, "Present Air Force policy restricts admission to males only, and we do not foresee a change in this policy for the class entering the Academy in July '74."

I cannot concur in the Air Force's casual dismissal of our candidate's—we shall call her Mary's—application. I think that this decision would better have been made on individual merit than on blanket characterizations of one sex by the other.

Mary is thus far the best trained of all our candidates. She has prepared herself at her own time and expense specifically for this curriculum. She is also the best motivated of our applicants. Well aware of the difficulties a woman would face, our interviewer questioned Mary closely on her plans: "What would you do," he asked, "if you aren't accepted to the Academy?"

Her answer: She would enroll in the Force ROTC program of the University of Minnesota and work towards a four year nursing degree. Next year she would re-apply to the academy. If denied admission again, she would complete the four year program.

Why nursing? With nursing and ROTC in her background, Mary said, "I can get in the Air Force as a nurse, and if they decide to open up space travel to women, I'll be in the right spot." The interviewer's conclusion: "Mary was the most mature person I interviewed."

I am not here to demand Mary's automatic acceptance into the Academy. I am only here to say it is unreasonable that she was not even given a hearing, that the Academy would not even take action on her application. How unfair it is that General Clark, Superintendent of the Air Force Academy should say that she is "incapable of competition, combative and contact sports, rugged field training, use of weapons, flying and parachuting, strict disciplines and demands to perform to the limit of endurance mentally, physically and emotionally."

He has never met Mary; how does he know this?

I believe it is very possible that Mary could do between three and twenty pull ups, jump between 5.3 and 9.6 feet, make between 35% and 95% of her basketball throws, and run the 300 yard shuttle in less than 67 seconds to satisfy the phylsical aptitude exam for admission to the Air Force Academy. Many women are not capable of the Academy's rigorous physical program; many men also are not. Academy applicants are an exceptional group of young people; the average—regardless of sex—cannot expect admission to these elite institutions.

How particularly unfair that General Clark could say that Mary and women like her will "erode the (Academy's) vital atmosphere." I am offended on Mary's behalf. I think it an insult to any American to assume capabilities inferior to those they possess, and deny privileges and opportunities on the basis of that false assumption.

Many instances from our history belie his remarks: During our war for independence, Mary Hayes was recognized by General Washington at the Battle of Monmouth. Her heroism has come down to us under a generic name, "Molly Pitcher." Another revolutionary soldier, Margaret "Captain Molly" Corbin, was cited for her courage by the Continental Congress after being wounded at Fort Washington. She is buried at West Point.

Testimony before this committee has shown the courage and ability of women under a variety of adverse conditions, such as war correspondents, nurses captured in the Pacific during World War II, etc. Since weaponry progressed beyond the club, the strong have possessed no necessary advantage over the weak. Since the development of the sword, the advantage has gone to the quick and well-coordinated; since the development of the rifle, to the best eye. With the development of a sobering technology of destruction, it is our responsibility to place the capability in the hands of the most stable and most intelligent decisionmakers at every level; neither sex has a monopoly on qualities of that kind.

The armed forces themselves tacitly admit the value of women in their recruiting of women into the services. An article on women in *Occupational Outlook Quarterly* states that—

"Servicewomen are now able to train for many jobs that have not been available to them in the past. While only 35% of all job specialties were open to women in early 1972, the number jumped to 81% in 1973. Women can now train for jobs as construction equipment operators, boiler technicians, military intelligence analysts and missile maintenance mechanics."

The services hope to quadruple the total number of women by 1977, indicating that far from being the near-useless appendages sometimes implied in debate on combat roles, women are important contributors in this profession, despite the restrictive regulations they now face.

Therefore, it seems that the issue before us is not whether women can serve in combat, nor whether they shall be admitted to the armed forces—they already are admitted in ever increasing numbers. The issue is one of sex discrimination: will women be admitted to the ranks, but not the higher ranks?; will men and women hold positions of equal responsibility in the services, or will men monopolize the positions of leadership and prestige to which academy graduation admits them, while women in the military—as in civilian life—continue in jobs that are less attractive, less prestigious and lower paying? You may argue that women have been upgraded, that there are even women generals now, but it is still true that until women are admitted to the academies, the most important route to advancement is denied them.

As I said earlier, I am not here today to demand the Academy accept Mary, only that it consider qualified applicants regardless of sex. Mary recognizes this in her letter of application when she says, "I realize there is a considerable amount of competition, however with my qualifications and the changing of the times, I feel I deserve an equal chance." And that's what I ask here today—for an equal chance—that well-qualified candidates be considered on their merits, not turned down on the basis of arbitrary factors over which they have no control: religion, race, or sex. We ask of the academies that they become blind to the distinction of sex as they have already become color blind.

Not to do so is wasteful to all of us:

It is wasteful to Mary. Her application has already been returned without action once. She is applying to the University of Minnesota, to the nursing program and to A.F. ROTC. She is only willing to re-apply once more; after that the loss of college credits becomes prohibitive and she will lose her chance of attending the Academy. Be very clear: as our interviewer said, "Mary will never be a waste; she will be productive whatever she does."

But women a few years younger will rise faster, accomplish more, find their way easier than Mary because they came to college age when prejudice against women in the academies was overcome, while Mary left high school before we were willing to admit the justice of her case.

Non-admission of women is wasteful not only to Mary, but to the Academy as well. It is losing a valuable cadet, and if lost it can never regain her particular capability, intelligence, dedication and fine training.

Such discriminatory policy is also a loss to Mary's fellow soldiers—both women and men. We are denying them the finest in leadership by automatically excluding half the potential participants in our top leadership program.

An Air Force recruiting billboard in the Midwest anounces in large letters: "Come as You Are", and in the middle of the group of young people is an attractive young woman with an ironic resemblance to Mary. How cynical that while we make an effort to recruit women into the forces—to quadruple their number by 1977—we are denying them access to the best educational program of their profession. We are squandering our human resources.

And finally, non-admission of women is a shameful waste to the country. We are currently searching for recruits for a volunteer army. We need the Aviation Career Incentive Act to attract volunteers for aviation crewmember duties, yet we are disqualifying potential fliers on the basis of sex alone, without considering the merits for each case. As Susan Wells, herself an applicant to Annapolis, testified here on Tuesday, "I believe the country should utilize qualified people disregarding sex." I add to that, how can we obtain 100% results using only 50% of our people?

The Air Force wrote that Mary "Is to be commended for her desire to become a career officer in the U.S.A.F." The letter went on to suggest that I could pass along a pamphlet on Air Force ROTC for women.

But I do not wish to pass it along. Mary is far more knowledgeable than I in the routes through which she may obtain a commission. I wish instead to pass along a letter that says:

"We have carefully considered the letter of applicant Mary Jones and are pleased to— or regret to— inform you that Ms. Jones has been accepted—or rejected—as a cadet in the U.S.A.F. Academy in Colorado Springs."

Until I can give that letter to her, I believe we do a disservice to Mary, to her fellow soldiers, and to the country.

SUPPORT FOR PRESIDENT NIXON

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. LANDGREBE. Mr. Speaker, it is with great pride that I submit for the record two documents which I think accurately reflect the feelings of my constituents and the vast majority of Americans. The first is a resolution which passed unanimously at a meeting last week of the Second Congressional District Republican Central Committee praising President Nixon and recognizing the many good things he has done for America.

The second document is a letter which was sent to President Nixon, again signed by every member of the Second District Central Committee, inviting the President to visit the second district at his earliest convenience.

At a time when the media says such actions of support for the President are not popular, I think that these sincere expressions by prominent Republicans and loyal Americans are of national significance.

Although none of those who signed these documents has ever been contacted for their opinion in the much-quoted "national polls," and although none of them have been quoted in the eastern liberal press, and although none of them have been asked to appear on national radio or television to express their views on President Nixon, in Indiana they are each recognized as community leaders who care about their area, about their

State and about their Nation. These are great Americans in the truest sense of that term—and I believe that their sentiments are closer to the real America than all of the liberal press ramblings will ever be. I submit these historic documents for the RECORD:

A RESOLUTION OF AND BY THE SECOND CONGRESSIONAL DISTRICT REPUBLICAN CENTRAL COMMITTEE OF THE STATE OF INDIANA

Whereas, President Nixon kept his promise of an honorable peace in Viet Nam; and,

Whereas, President Nixon stopped the killing of our American men in Viet Nam and brought home over 543,000 American troops and prisoner's of war; and,

Whereas, President Nixon ended the military draft after a third of a century; and,

Whereas, President Nixon has drastically reduced crime in our cities; and,

Whereas, President Nixon is combating inflation by working toward a balanced budget and supporting the American free enterprise system; and,

Whereas, President Nixon has made far reaching and unprecedented accomplishments in the field of foreign affairs; and,

Whereas, President Nixon has delivered on his promise of peace with prosperity; Therefore,

Be it resolved by the Second Congressional District Republican Central Committee of the State of Indiana that: Richard M. Nixon, be commended for his many accomplishments as President of the United States. Let it further be known that we, pledge our continued support and dedication to this great American President.

JULY 18, 1974.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Second Congressional District of Indiana has long been considered Republican territory and "Nixon Country".

We further appreciate very much the many good things that have taken place in the Congressional District because of your long standing friendship with our Congressman, Earl Landgrebe. We deeply appreciate your policy of ending the war in Viet Nam and securing a peace with honor. We particularly appreciate your fighting inflation by supporting the free enterprise system and advocating a balanced budget. Also appreciated is the great friendship and loyalty developed between our Congressman and our President.

We have specifically seen this team effort applied to several problems affecting the District, perhaps the most dramatic situation was the proposed C-Selm sewage plan, a project you both opposed and blocked. The latest in a long line of benefits this District has enjoyed from by the Nixon-Landgrebe team is the National Dune Lakeshore completion compromise.

To show our great appreciation for the many things you have done for this Congressional District and this Nation, we wish to honor you by hosting a rally and reception for you and Congressman Landgrebe. Through this rally we wish to show the people of the Second District and the nation the sincere and loyal support you have here in the "Heartland of America". We further feel that your campaign appearance for Congressman Langrebe will assist him in tallying the largest plurality ever accumulated in this Congressional District!

Loyally we remain,

Donald H. Heckard, 2nd District Chairman, Cass County Chairman; Pat Northacker, Tippecanoe Co., Vice Chairman, 2nd District Vice Chairman; E. Dewey Anderson, Starke Co., Chairman; Bill Gee, Marshall Co., Chairman; Helen Johnson, Marshall Co., Vice Chairman; Ed Pratt, Kosciusko Co., Chairman; Pauline Jordan, Kosciusko Co., Vice Chairman.

Annalou Rasborshek, Pulaski Co., Vice Chairman; John Kruger, Pulaski Co., Chairman; Milton D. Storey, Newton Co., Chairman; Lucille Davidson, Newton Co., Vice Chairman; Sandra Culp, Jasper Co., Vice Chairman; Joe A. Vaughn, Benton Co., Chairman; Lillian Goetz, Benton Co., Vice Chairman.

Quentin Blachly, Porter Co., Chairman; Margaret Buchanan, Porter Co., Vice Chairman; Syd Garner, 2nd District Representative, Lake County; Martha Collins, 2nd District Representative, Lake County; William L. Altherr, White Co., Chairman; Leona Wright, White Co., Vice Chairman; Clyde Lewis, Tippecanoe Co., Chairman.

Louise Van Horn, Starke Co., Vice Chairman; James Beaver, Jasper Co., Chairman; Lois Wright, 2nd District Representative, LaPorte Co.; Ray Sheely, 2nd District Representative, LaPorte Co.; Joni Wilson, 2nd District Representative, Cass Co.; Thom Wertenberger, Wabash Co., Chairman; Mrs. Bette Reed, Wabash Co., Vice Chairman.

IMPEACHMENT

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. HANRAHAN. Mr. Speaker, the impeachment issue is getting hotter and hotter every day. Now television coverage has begun and all citizens can observe the Judiciary Committee in its investigation. For the interest of my colleagues, I would like to insert the following articles from the Washington Post and Wall Street Journal respectively:

[From the Washington Post, July 19, 1974]

BROADCASTING THE IMPEACHMENT DEBATES

By approving Rep. Wayne Owens' resolution to permit broadcast coverage of open committee meetings in the House, the House Rules Committee has taken the first important step toward letting the entire nation witness first-hand the momentous impeachment debates which begin next week. The full House must still approve the Owens measure, and then the Judiciary Committee itself must agree to let the cameras in. But both hurdles can be cleared easily if enough members recognize the utility of providing direct, complete nationwide coverage of these historic events.

The key question is how much the nation should be able to learn about congressional deliberations on the impeachment of the President—the committee's actions, the House floor debates and, if the House votes for impeachment, the Senate trial. If tradition prevails and broadcasting is barred, the only direct observers of these proceedings would be the few members of the press and public who can squeeze into the chambers. The rest of the nation would be blacked out. Fortunately, more and more legislators are coming to realize how unwise such restrictions on communications would be. In addition to the Rules Committee's 10–3 vote, Rep. Sidney R. Yates (D.-Ill.) now has at least 87 cosponsors of his resolution to authorize live broadcasting of the House impeachment debates. So far, however, Speaker Carl Albert and Majority Leader Thomas P. O'Neill have failed to exercise any leadership toward enlarging public understanding of the actions of the House.

There is still some congressional uneasiness about the possible effects of full coverage. Some feel, for instance, that the presence of the cameras is inherently disruptive, but this is not necessarily the case. The major networks, including public broadcasting, have pledged that, if permitted to cover the sessions, they will do so in decorous and unobtrusive ways. This would probably mean continuous coverage without any arbitrary interruptions, using relatively soft lights and fixed cameras. There need not be any reporters cluttering the chamber, any panning of the audience, or any of the other techniques which could create an unseemly convention-like atmosphere.

The next question is whether, no matter how well the broadcasters behave, the fact of being televised would alter the legislators' demeanor. Some suspect that, with the cameras on, some representatives might be tempted to grandstand, to engage in histrionics, or otherwise trifle with the solemn undertakings. That danger always exists. But continuous broadcasting could well be a steadying, restraining force, since all members would know that their constituents are watching how they carry out the most important duty of their political careers.

Another problem of possible distortion has been raised, especially by Republicans such as Rep. Delbert Latta (D-Ohio) who worry that the networks might not be "fair." But this is really an argument for more comprehensive coverage, not less, since the dangers of distortion or over-simplification by the media would be greatest, one would think, when the public is forced to rely entirely on compressed, selective reporting through the printed press and broadcast summaries. The more voluminous the evidence, the more intricate the debate, the more ambiguous a few particulars may be, the more important it becomes for the entire nation to have every opportunity to watch the arguments, to hear the tapes, and to weigh for themselves the presidential conduct which is being judged—and the conduct of the Congress sitting in judgment.

The notion that the nation should be watching these events continues to trouble some, mostly lawyers and mostly outside Congress, who equate impeachment debates with criminal proceedings from which broadcasting has traditionally been barred. That analogy does not stand up. However judicious impeachment ought to be in its procedures and findings, it is not, strictly speaking a judicial process. It is a political process in the most basic constitutional sense, it is the means by which the people's elected representatives assess alleged abuses of the public trust. Public opinion as reflected in the mail or polls should not be the decisive influence on any member's vote. But in the long run popular opinion will provide the ultimate judgments on the outcome and the way in which it is reached. Thus it is in the best interest of everyone for Congress to give the public every opportunity to be fully informed at every stage of the process, by permitting the full, nationwide airing of the debates ahead.

[From the Wall Street Journal, July 22, 1974]

IMPEACHMENT POLITICS

Not the least of President Nixon's problems stemming from Watergate is that it has colored his critics' way of looking at just about every move he makes. Everything from trips to the Middle East and Russia to his visit to the Grand Ole Opry is interpreted as largely a bid to stave off impeachment.

The most notable recent example occurred after the House of Representatives killed a land-use bill last month. Sponsor Morris Udall wasted no time denouncing White House withdrawal of promised support for the bill. "The President is grandstanding for

the right wing," he declared. "He's giving in to them on every major issue. This was straight impeachment politics."

Almost immediately, commentators echoed the "impeachment politics" theme. Almost no one bothered with the White House explanation that the bill provided too strong a role for the federal government. And none bothered to speculate whether Mr. Udall's pique may have had anything to do with the fact that the bill was killed largely through efforts of Representative Sam Steiger, a fellow Arizonan and a potential Udall rival for higher political office. Interestingly, when Congressman Udall was asked by The New York Times for evidence that impeachment politics led to the death of his bill, he was unable to produce any.

As a matter of fact, the Times survey turned up almost no one who could cite evidence that President Nixon has been tailoring legislative tactics and dealings with individual Congressmen to win support against impeachment. Neither the Democratic leadership nor rank-and-file congressional critics could cite any examples of impeachment lobbying, although some—apparently through intuition—continue to insist that Mr. Nixon is playing impeachment politics for all it's worth.

In a very general sense, of course, the claim is not without plausibility. Politicians are playing some sort of politics almost all of the time and "impeachment politics" is as good a description as any of the President's efforts to mend fences in Congress. There would be some cause to worry over a politician who wasn't trying to prevent himself from being impeached.

But it is something else to contend that the President is reversing his own positions and violating his own principles to buy votes in Congress and save his skin. A decision to leave land use to the states is not exactly contrary to the principles of a President who has made a motto of "The New Federalism." Unless the President's critics can come up with more plausible evidence, someone might get the idea that it is they, not the President, who are more involved in impeachment politics.

A CHICAGO POLICEMAN'S VIEWS ON HANDGUNS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ROSTENKOWSKI. Mr. Speaker, a basic freedom of the citizens of the United States should be the right to enjoy public streets, parks, and transportation facilities without the constant fear of bodily harm. In recent years this freedom has been increasingly threatened by the unlimited supply of handguns. I have in this Congress again introduced my bill, H.R. 3167, which would sharply curtail the availability of handguns by banning their importation, manufacture, sale, or transportation with a few minor exceptions.

An article appeared in the June 23, 1974, Chicago Tribune written by Richard Rae, a lieutenant in the Chicago Police Department that, in my opinion, reinforces the need for handgun legislation. I hope that the reading of Lieutenant Rae's article will help to convince my colleagues that further delay on this matter can only deepen the fears of those of us who are living in a handgun dominated urban society.

The text of Lieutenant Rae's article is as follows:

THE REAL VILLAIN IN URBAN CRIME: GUNS

(By Richard Rae)

It was just a small article in the back pages of one our major newspapers. It described the arrest of two men who had been charged with murdering a 24-year-old man as an outgrowth of a dispute. The victim had been shot down by a .22-caliber automatic pistol.

Fortunately, the police were able to take the alleged offenders into custody. The "front line infantry" had comported itself effectively and even valorously. It could take credit for success in what would have to be, in the broad overview of criminality and its containment, a "minor" skirmish.

Meanwhile, the County Morgue had garnered another "statistic" and our public laws which permit dangerous psychotics, drug addicts, juveniles, alcoholics, terrorists and assassins, to acquire handguns with relative ease—or complete ease, depending upon which part of the country one is in—had remained absolutely unchanged.

The gun-lobby continues to dictate policy to the American people rather than the other way around.

After 22 years of active police service, most of this time spent in the city's highest crime rate areas. I can state flatly and unequivocally that the mere availability of firearms, and especially handguns, is a crucially significant factor in the genesis of most of the gore and terror that has stained our city and has made mere urban existence a nightmare for millions of innocent people.

I've been there as have thousands of other police officers:

The 13-year-old with the "Saturday Night Special."

The woman whose face was blown away by a shotgun fired by her irate lover.

The shopkeeper gunned down by the nervous stickup man.

The homeowner who shoots down his next door neighbor because he was a "burglar." He wasn't. Only drunk.

Sorry about that. We Americans do have the "right to keep and bear arms" don't we?

What the guns-or-everybody crowd carefully refrains from mentioning is that the Constitution *does not* contain a legal guarantee to "keep and bear arms." The Supreme Court has already ruled that this "right" refers merely to the authority granted to the states to maintain armed militia organizations. What connection is there between the Illinois National Guard and a couple of street gangs having a wild shootout on some street corner, with innocent bystanders cut down in the process? It eludes me.

A great many gun owners will never use their weapons unlawfully. But their mere presence can escalate a verbal dispute into a murder indictment. It is true that we shall probably never be able to completely disarm the professional "hit" men and other hardened criminals.

But most gun-related violence is caused by hotheads and amateurs. Not the experienced, hardened pros.

I am totally convinced that the handgun must be abolished altogether. No more stalling. No more grovelling before National Rifle Association manipulators. No more buck passing. The expungement of the handgun from American life is an idea whose time has come.

The supreme paradox of the American experience is that we carved a great nation out of the wilderness, educated the immigrants and their sons and daughters by the millions, provided the many with unparalled abundance and astonished a skeptical world with our scientific and artistic accomplishments. Nor did we do so poorly in the justice department. After all, we did fashion a Bill of Rights, free the slaves, initiate social reforms and pass compassionate civil right laws.

In spite of all this, we are still not civilized enough to demand an end to handgun pollution that compels scores of millions of people in this country to live in dread. Time and time again public figures such as Mayor Daley have spoken out against this gun insanity that threatens the very mental balance of our country.

Superintendent Rochford, an experienced field commander, denounces this madness with equal intensity. More recently, First Deputy Superintendent Spiotto had expressed the hope, that ultimately, the police themselves will someday be unarmed as they are in England and a number of other foreign countries.

I urge all citizens and police officers who also feel that the anarchy of uncontrolled possession, sale, and manufacturing of handguns should now come to an end to contact the Committee for Handgun Control, 111 E. Wacker Dr., Chicago, Ill. 60601.

The committee was organized in September, 1973, and is registered in the state of Illinois as a not-for-profit corporation and as a lobbyist body with Congress.

We must act now. We dare not delay this desperately needed reform by even one unnecessary day.

WILLIS EMERSON STONE

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ROUSSELOT. Mr. Speaker, Willis Emerson Stone is a man who believes that the supreme law of the land is the Constitution of the United States. In the finest tradition of American greatness, he has dedicated his life to this great cause.

Willis E. Stone was born in Denver, Colo., on July 20, 1899. He served in the U.S. Army during World War I. After the war, he helped organize the first American Legion post in Colorado.

This great patriot enjoyed meteoric business success until the great depression. Mr. Stone, however, is a man who cannot be kept down for long. He soon became prosperous again.

Willis Stone had been irked with the manipulations of money by the Federal Reserve System, which he felt had triggered the depression. He also was concerned with the increasing power and scope of the Federal Government.

When this great American heard Attorney General Francis Biddle remark that "The Government can do anything not specifically prohibited by the Constitution," he launched into action. Stone knew that the language, philosophy, and intent of the Constitution were exactly the opposite.

Willis Stone knew that something had to be done to stop the increase of Federal power. After years of research study and sacrifice, he came up with the Liberty amendment.

But Willis Stone's deep love for his country precluded him from being content with merely suggesting an idea, he has persevered in the effort to seek acceptance of this concept.

The amendment was introduced in Congress in the 1950's. Today, it is in Congress as House Joint Resolution 23.

Seven States have adopted it, and passage narrowly failed in others.

Only complete dedication has kept Willis Stone fighting without compromise for the principle that the American people should be allowed to say how they feel about the tyranny of the Federal Government, especially in the area of its confiscatory, Marxist "progressive" income tax. Politicians have used every trick in the book to prevent the Liberty Amendment from becoming an issue to be decided by the voter.

The IRS knew a fighter when they saw one, and they decided to battle Stone. They declared Stone's Liberty Amendment Committee should not be tax-exempt. The Supreme Court upheld IRS, thus, in effect, sustaining the contention of the IRS employee who said:

It doesn't make any difference what the Constitution of the United States or the statutes say. So far as we in the Internal Revenue Service are concerned, this (their own regulation) is the supreme law of the land.

Lesser men would have given up. Not Willis Stone.

He has logged over a million air miles, speaking, being interviewed, explaining, educating people on how the Liberty Amendment will restore lost liberties. This task has consumed his own fortune and 25 years of his life. Does Willis Stone have any regrets? Yes. Such is the measure of this man's greatness that he regrets he has not done more.

Why does Willis Stone continue to dedicate his life toward passage of the Liberty Amendment? Willis Stone knows that the Liberty Amendment is the right thing. The truth is a powerful weapon; so is knowledge that one's cause is right and just.

At an age when most men are idly living out their days, Willis Stone is a human dynamo who travels to spread the word of the Liberty Amendment where anyone will listen. He has just finished a book, another book will be out shortly, his letters and writings are being preserved as historic documents in the archives of the library at the University of Oregon, and he is listed in "Who's Who." His many honors include awards from the Congress of Freedom, the George Washington Medal from the Freedom Foundation, and the Patriot's Award from the American Coalition of Patriotic Societies.

Willis Stone is a very great American. I thank him for what he is, and may God continue to bless him.

REPUBLICAN CONGRESSMAN ROBERT McCLORY DISCUSSES IMPEACHMENT

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. SMITH of New York. Mr. Speaker, our Republican colleague, Congressman ROBERT MCCLORY, presented signficant and challenging remarks in his discussion of proposed articles of impeachment against President Nixon in the televised Judiciary Committee meeting yesterday.

While these remarks may be of particular interest to citizens who are affiliated or favorable to the Republican Party—and to Mr. MCCLORY's position as a Republican member of the House Judiciary Committee in its difficult role inquiring into possible impeachment of a Republican President, his statement is both responsible and illuminating.

Mr. Speaker, I am attaching a copy of Mr. MCCLORY's remarks for the benefit of those who may not have seen and heard the second ranking Republican on the House Judiciary Committee in the opening debate on this issue:

REMARKS OF CONGRESSMAN ROBERT MCCLORY AT OPENING DEBATE ON PROPOSED ARTICLES OF IMPEACHMENT

Mr. Chairman: Let me, first of all, express the view that the impeachment inquiry undertaken by our House Judiciary Committee has been both historic and honorable.

Impeachment is, of course, a political process, both political in the sense of governmental action—and political in that it involves partisan interests and views.

It would be the grossest understatement to suggest that Watergate and all that the word implies has not caused serious injury to my party, the Republican Party. And this is so—despite the facts that no element of our established Republican Party organization was involved and no Republican Member of the Congress has been in any way implicated in this whole affair.

Let me assert on the contrary, that Republicans, even more than Democrats, are anxious to erase this blemish on our Party.

I have heard it said by some that they cannot understand how a "Republican could vote to impeach a Republican President."

Let me hasten to assert that that argument demeans my role here. It would infer that no matter what high crimes or misdemeanors might have been committed, and if attributable to a Republican President, then I, as a Republican, am foreclosed from judging the merits of the case.

I cannot, and do not view my role in that dim light.

As a purely partisan matter, would it enhance our Republican Party if, despite the evidence and the weight of Constitutional law, we as Republicans decide to exonerate a Republican President accused of high crimes and misdemeanors, simply because he—and we—are Republicans?

I see that line as leading only to Republican Party disaster.

A viable two-party system is—to my mind—an institution worthy of preserving second only to our Constitutional system of checks and balances.

Preserving our Republican Party does not to my mind imply that we must preserve and justify a man in office who would deliberately and arbitrarily defy the legal processes of the Congress. Nor can our Party be enhanced if we as Republican Members of the United States House of Representatives tolerate the flouting of our laws by a President who is constitutionally charged with "seeing to the faithful execution of the laws."

We will enhance our Republican Party and assure a viable two-party system only if we are courageous enough—and wise enough—to reject such conduct, even if attributed to a Republican President.

The essential question which we must answer is not what is best for the Party but what is best for the Nation.

While the investigation has been far reaching and has, in my opinion, delved into some peripheral areas, I cannot help but recognize that on the major subjects which have been investigated, the work of the Committee and our Committee staff has been objective and bipartisan.

I would like, particularly, to observe that we have been assisted by able counsel, and to make a general observation that the members of the minority staff have contributed substantially to the overall work product of our inquiry. Despite our partisan differences, I would add that you, Mr. Chairman, have in general been fair with the minority. The American public need have no fear that the Republican interests have not been ably and appropriately served by our ranking Member, Mr. Hutchinson, and my other able colleagues who sit on the Republican side in this committee room.

I shall turn at once to the main subject of our inquiry; namely, the numerous allegations of wrongdoing charged against the President of the United States—all of which allegations we have investigated over a period of many months for the purpose of ascertaining whether or not President Nixon should be charged with the commission of an impeachable offense.

The most serious allegations—and those upon which the President's accusers have placed principal reliance—go under the general title of "Watergate—and Cover-Up."

Our majority counsel, Mr. Doar, in interpreting the information before us, has expounded the thesis that the President organized and managed the Watergate cover-up from the time the break-in on June 17, 1972, to the present time.

While serious questions exist regarding the President's authorization or acquiescence in an obstruction of justice—a conclusion which might be reached from examining the transcripts of tape conversations and other evidence—the thesis advanced by Mr. Doar that the President was in charge of a cover-up from the time of the break-in is, in my opinion, unjustified in light of the evidence presented to this Committee.

Our chief minority counsel, Sam Garrison, made an important and extremely significant point in his final summation of the Watergate evidence. He said:

"Mr. Doar's case of circumstances showing presidential involvement from the beginning is a very, very weak one . . . because you cannot simply aggregate suspicions. You cannot aggregate inferences upon inferences. You can only aggregate facts . . ."

Watergate is a serious matter. Many in and out of the White House were involved in this tragic episode. But while voluminous evidence has been produced, I question seriously that it is of the clear and convincing nature that should impel us to indict the President on a charge of cover-up or obstruction of justice. Instead, the case against the President rests upon circumstantial evidence, inferences, innuendoes and a generous measure of wishful thinking on the part of some who would indicate the President even without adequate proof of wrongdoing in the Watergate affair.

In light of today's Supreme Court decision, there may, indeed, be available to this Committee within the next few days or weeks, substantial additional evidence in the form of White House tapes, upon which this Committee can better judge the guilt or innocence of the President in the whole Watergate affair.

The doctrine of absolute "Executive privilege" upon which the President and his counsel have consistently declined to respect our subpoenaes and requests for taped conversations and other relevant materials has been effectively rejected by the Supreme Court.

The President and his counsel should make these materials available to our Committee at once—and without equivocation—on the assurance that any irrelevant materials, particularly those which might relate to national security or other sensitive subjects, would be excised under established procedures

Although, on the basis of evidence thus far

received, the case involving Watergate has been less than convincing, there are other subjects in which the facts are virtually undisputed—and where the only unsettled question is whether an "impeachable offense" under the Constitution has been committed.

If the extremely serious subject of Watergate results, nevertheless, in a weak case against direct involvement by the President, this should not be construed to mean that there has been no wrongdoing at the White House

Watergate—and the alleged cover-up—involves the offense of obstruction of justice: for instance, payments of hush money, inducing witnesses to commit perjury, or withholding evidence from a prosecutor.

These offenses have all been committed—at the White House—or by the President's most intimate and trusted aides.

But if the President is not personally and criminally liable—because the evidence does not directly and personally implicate him—nevertheless, we may appropriately ask:

"Has the President fulfilled h obligation to see to a faithful execution of the laws—a solemn obligation imposed on him by Article II of the United States Constitution?"

This obligation is above and beyond that of other citizens—all of whom are required to obey the laws. We may ask further:

"Is the office of the presidency being operated in the manner intended by the Constitution—when under the quise of national security, dissatisfaction with the head of the FBI on personal animosities for enemies—and "friends"—we experience burglaries, unlawful wiretaps and bugging, shredding and concealment of evidence, misus of the CIA, FBI, IRS—and a host of misdeeds?"

It should not be hard for my solid, Midwest constituents—Republicans, Democrats, and Independents alike—to see, and understand, what is troubling me.

Believe me, it is also troubling them. The question remains whether these acts and omissions of Richard Nixon—as President—are to be approved—or denounced.

If—in these respects—the President is to be denounced—and if this President is to be called to account for such acts—and omissions—impeachment is the appropriate—and constitutionally designated vehicle for delineating specific charges—against him.

What about the offenses committed by—or charged against Haldeman, Ehrlichman, Colson, LaRue, Dean, Liddy, Hunt, Magruder, Chapin, Mardian, Strachan, Kalmbach, Mitchell and Kleindienst?

There is substantial authority for attributing their misconduct to the President in a strictly legal sense—and require him to account for their offenses.

But there is the higher constitutional obligation to see that such criminal acts are not committed—or condoned—a constitutional demand to see that the laws are obeyed—particularly, in the President's own house—which we call, the White House.

After receiving evidence for weeks and weeks—evidence which has been frequently peripheral, as it relates to direct involvement of the President in Watergate and other crimes—I ask myself—is this any way to run a White House—or a country?

Finally, the clearest and most convincing issue before us, and one which is perhaps more fundamental to our inquiry, is that of the Committee's subpoenaes requesting information from the President.

Fundamental to this entire impeachment inquiry is the obligation on the part of the House Judiciary Committee and the President to serve our respective roles, as delineated in the Constitution. The President, through his counsel, as well as through his public announcements, has asserted the need for a strong Chief Executive. That is implicit in our Constitution, and is entitled to full recognition by the Congress, as well as by the courts.

Likewise, it is essential that the President respect that part of Article I of the United States Constitution which vests in the House of Representatives "the sole power of impeachment." The House Judiciary Committee, as a designated unit of the House of Representatives, is endeavoring to fulfill that role with honor and with dignity, consistent with the responsibility reposed in us at this critical hour of our history.

This particular time in our history demands a Congress capable of exercising its full powers of law-making, and, in addition, a Congress able to conduct the extraordinary function of impeachment which, indeed, enables the Congress on those occasions when acts of treason, bribery or high crimes and misdemeanors are committed to assert this dominant power granted by the Constitution which neither the Executive nor the Judicial branch possesses.

Earlier this year, the President promised full cooperation with our inquiry, consistent with his responsibilities to the office of the presidency. Despite this pledge, the Committee has not received any of the 147 tape recordings which it has subpoenaed, and it has received very few of the documents and materials it has sought. The bulk of material before the Committee has been received from the Special Prosecutor and not through any cooperation from the White House.

On May 30, the Committee sent a letter to the President informing him of the possible consequences of his failure to comply with our subpoenaes. We write—and I quote:

"In meeting their constitutional responsibility, Committee members will be free to consider whether your refusals in and of themselves might constitute a ground for impeachment."

The Committee has taken this stand because the President's noncompliance with the Committee's subpoenaes is a defiance of the power of the House of Representatives, and a serious breach of his duty to "preserve, protect and defend the Constitution of the United States." Our subpoenaes have been narrowly drawn and strictly limited to material directly relevant to our inquiry. They seek only those tapes, and other materials necessary to conduct a full and complete inquiry into the existence of possible impeachable offenses.

In this sense, the President's failure to comply—threatens the integrity of the impeachment process itself. His action is a direct challenge to the Congress in the exercise of its solemn constitutional duty to act by way of impeachment as the ultimate check on presidential conduct, with all relevant facts as its disposal.

These, then, are the issues which are disturbing me, as we approach this final phase of our assignment under the House Resolution authorizing and directing the comprehensive impeachment inquiry which my colleagues and I have been conducting and which we must resolve deliberately and responsibly within the next few days.

Thank you, Mr. Chairman.

PUERTO RICO CELEBRATES CONSTITUTION DAY

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. BADILLO. Mr. Speaker, on this date 22 years ago Puerto Rico became a commonwealth when the U.S. Congress voted to approve the constitution which had been drafted by the people of that island nation. This historic event climaxed a long struggle by the Puerto Rican people to achieve both economic and political progress and an element of self-determination.

On July 22, 1952, the citizens of the island were able to look back on nearly 5 centuries of recorded history—from the discovery by Columbus in 1493, through the long period of colonization to a degree of autonomy in the 20th century, the struggle for economic development in the 30's, 40's and 50's, in the face of tremendous obstacles—and forward to even greater progress which their new political status promised.

During this long period of history many individuals emerged as great leaders, two of the best-known and most important of whom were Luis Muñoz Rivera and his son, Luis Muñoz Marin. It was the latter who guided Puerto Rico through the program of economic development popularly known as Operation Bootstrap and eventually served as one of the principal authors of the constitution. It is significant to note, I think, that Luis Muñoz Marín recognized the need for political status for the island long before he made the matter a public issue. His greatest concern was for the well-being of the people, and he dedicated himself in his earlier years in public life to transforming the island from an agricultural to an industrial society.

In 1949, almost 10 years after he had set out to revolutionize the economy, Muñoz Marín finally decided that the time for political reform had arrived, and the movement to establish Puerto Rico as a "free, associated state" was created. By 1952 the movement had succeeded—Puerto Ricans won the right to govern the island themselves, and the United States agreed to defend it; while the inhabitants of the island would remain U.S. citizens, they would pay no taxes and thus have no vote in the national government. In the elections of that year, Puerto Ricans approved the new constitution and chose Luis Muñoz Marin as the first popularly elected Governor of the Commonwealth.

Today almost a quarter of a century later, the Commonwealth status remains and the island's economic development continues. Though much has been accomplished much still remains to be done. Puerto Ricans, both those on the island and those on the mainland, continue to struggle for that equality of opportunity which will eventually bring them into the mainstream of American life.

Although the Puerto Rican community in both the island and mainland has been confronted with enormous obstacles and handicaps, our goals and aspirations are no greater than those of other ethnic and nationality groups. Puerto Ricans seek economic security and independence; full access to our educational, social and political institutions; and the enjoyment of human rights and freedoms. We desire to stand on an equal basis with other ethnic groups and to actively participate in the progress of this country. However, until the island and mainland Puerto Ricans achieve their full and fair share of Federal aid and are assisted and encouraged to the fullest possible extent, this goal will not be achieved. The Congress bears

a special responsibility and must take the initiative in bringing equity to the treatment of Puerto Rico and to our fellow citizens on the island and mainland.

Mr. Speaker, I take great personal pride in my Puerto Rican heritage and birth. As many of our colleagues will recall, when I first joined this body 4 years ago, I pledged that I would work to insure that Puerto Rico is included on an equitable and just basis in every piece of legislation which we consider. I will continue this effort in cooperation with the distinguished and able Resident Commissioner. I hope that our colleagues will join in promoting meaningful and substantive programs so that Puerto Ricans may achieve their full potential and realize our community's aspirations.

NEW YORK STATE AUTOMOBILE ASSOCIATION

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. WALSH. Mr. Speaker, I recently received a letter from the New York State Automobile Association setting forth resolutions on ambient air quality standards, the energy crisis, and the Federal income tax deduction for State gasoline taxes, which were adopted at the association's 71st annual convention.

Because of the worthwhile contributions this organization has made to the American motorist and their active participation in Federal and State matters, I feel that my colleagues in the House will find their resolutions of interest:

RESOLUTION ON AMBIENT AIR QUALITY STANDARDS

Despite compelling evidence of serious shortcomings in the 1970 Clean Air Act, Congress has failed to suspend or amend the controversial ambient air quality standards mandated by this legislation.

Consequently, in adherence to deadlines set by that act, the U.S. Environmental Protection Agency had been attempting to force New York State to begin implementation of controversial features of the New York City Metropolitan Area Air Quality Plan's Transportation Controls. Although it subsequently modified its alarming demands, at one time EPA had threatened to take enforcement action against state or local officials who failed to implement onerous measures such as imposition of restrictive tolls on 13 presently toll-free East River and Harlem River Bridges.

Commendably, Governor Wilson and the State's Department of Environmental Conservation have resisted the precipitous action demanded by the federal government. They are re-evaluating whether implementation strategies are really needed and their studies have already found that anticipated emission problems in the Rochester area will not materialize because older model vehicles there are being replaced at a rate faster than had been expected. As a result, New York State has rescinded the plan that would have imposed new vehicle inspection requirements on Rochester motorists. The state has also submitted other scientific studies to the National Academy of Sciences for its forthcoming report to the Congress, indicating that existing standards exceed what is necessary for the public health. And in recent testimony before a Senate subcommittee, the state has urged Congress to extend the present statutory deadlines to provide sufficient time to evaluate new scientific data and investigative alternative strategies.

The New York State Automobile Association, which endorses these actions by the state, believes that implementation of the ambient air standards at this time, in adherence to the deadlines set by Congress in the Clean Air Act would be unwarranted and unjustified because—

The existing primary standards are no longer accepted as valid by the scientific community;

Improved ambient air quality, attributable to the consequences of the gasoline shortage, may have rendered additional stringent controls unnecessary;

There is no proof that ambient air quality would improve if restrictive strategies such as the bridge toll proposal are implemented—in fact, air pollution might be increased.

Therefore, the New York State Automobile Association calls upon Congress to act promptly to suspend the statutory deadlines for achieving ambient air quality standards, just as it has already suspended the automobile emissions deadlines. Congress should also reexamine the Clean Air Act of 1970 in light of the forthcoming National Academy of Sciences findings, and amend the law to avoid ill-conceived schemes that will abruptly and needlessly alter life-styles, commerce and transportation.

It is directed that copies of this resolution be sent to the Governor, all members of Congress from New York State and other interested agencies and officials.

NEW YORK STATE AUTOMOBILE ASSOCIATION,
July 11, 1974.

RESOLUTION ON THE ENERGY CRISIS

Faced with an energy crisis of unprecedented proportions, the motoring public earlier this year achieved commendable results in its efforts to conserve gasoline through such measures as reduced driving speeds, decreased auto use and increase use of car pools.

Although these and other efforts helped to alleviate the energy crisis, it is possible that the situation could worsen again during the last half of the year.

Meanwhile, as a means of conserving fuel, various government officials and agencies continue to recommend that the cost of automobile use be increased by raising registration fees and gasoline taxes, or imposing new or increased bridge and tunnel tolls.

Such proposals overlook the fact that the automobile is the primary mode of transportation for the vast majority of people and a mainstay of economy. Unreasonably harsh restrictions on automobile use would make it extremely difficult for people to get to work, maintain a household and make other essential trips.

Therefore, the New York State Automobile Association calls upon officials at all levels of government to reject regressive proposals that discourage automotive transportation and develop plans that will minimize the effect of possible future fuel shortages and assure the motorist an equitable share of gasoline supplies.

It is directed that copies of this resolution be sent to the Governor, the State's Congressional delegation, the Legislature and other interested agencies and officials.

NEW YORK STATE AUTOMOBILE ASSOCIATION,
July 11, 1974.

RESOLUTION OF FEDERAL INCOME TAX DEDUCTION FOR STATE GASOLINE TAXES

In Congress, the House Ways and Means Committee has given preliminary approval to the elimination of the federal income tax deduction currently permitted for state-imposed gasoline taxes. If enacted, this would mean a substantial federal tax increase for motorists at a time when gasoline prices—and indeed, all auto related costs—have climbed to unprecedented levels and when federal spending for highways is being reduced by diversion of highway funds to mass transit.

Enactment would also increase motorists' liability for New York State and New York City income taxes which are based upon the federal return. On a nationwide basis, the cumulative effect would be to soak the motorist with about $1 billion annually in additional income taxes.

Such a double or triple tax increase would place an unjustified burden on the country's primary mode of transportation. The fact that nationally 82 per cent of all commuters use the automobile for their journey to work is evidence that the automobile is the backbone of the nation's transportation system. Ownership and operation of an automobile is already over-taxed—highway user taxes paid in New York alone to state and federal governments amount to more than $1 billion annually.

Therefore, the New York State Automobile Association urges Congress to reject this onerous and discriminatory proposal and calls upon the New York State Congressional delegation to take the initiative in defeating this unwarranted and unjustified tax increase.

It is directed that copies of this resolution be sent to all members of the House Ways and Means Committee and all members of Congress from New York State.

NEW YORK STATE AUTOMOBILE ASSOCIATION,
July 11, 1974.

DAIRY PRODUCTION AND IMPORTS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 25, 1974

Mr. ZWACH. Mr. Speaker, while I was pleased that President Nixon signed the emergency livestock loan bill into law and while I am pleased that the guaranteed loans will be available to beef, pork, poultry, and dairy producers, I know that this legislation is not enough.

What is needed is a good, strong, free market system, not one that is depressed by imports.

The dairy industry is a prime example. Milk production in America is down for the 21st consecutive month. Yet U.S. imports of dairy products totaled 1.7 billion pounds milk equivalent in January through May of this year, more than doubling the volume of .7 billion pounds a year ago.

On July 23 I received a letter from Pat Healy, secretary of the National Milk Producers Federation, concerning the plight of our dairy industry. As an agricultural producer and consumer, I share Mr. Healy's concern. If our milk and dairy product demand becomes dependent on foreign supplies the ultimate and biggest loser will be the American consumer.

Mr. Speaker, with your permission I would like to submit for the RECORD Mr. Healy's letter, as well as the statement jointly released by the National Milk Producers Federation, the American National Cattlemen's Association, and the

National Association of Wheat Growers. I urge my fellow colleagues to read and consider the following:

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D.C., July 22, 1974.

Hon. JOHN M. ZWACH,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. ZWACH: We are enclosing for your information a copy of a statement adopted jointly by the National Milk Producers Federation, the American National Cattlemen's Association and the National Association of Wheat Growers questioning current international trade policies of the United States and the implications of these actions for American farmers and ranchers and for consumers.

Actions expanding the import of dairy products for the express purpose of depressing domestic price levels have had a severe, adverse effect over the last year and a half. These moves have been major factors in the decline in milk production from about 120 billion pounds in 1972 to a current annual rate of 114 billion pounds.

In the last 90 days, basic milk prices at the farm have fallen $1.84 per hundredweight, well over 20 percent. In the face of rapidly rising costs of production, this precipitous price drop can only result in a further exodus of dairy farmers. This, in turn, will further shorten supplies and result in greatly increased prices as the shortened milk supply makes itself felt in the market this fall and winter.

In 1974, imports of 100 million pounds of cheddar cheese and 150 million pounds of nonfat dry milk disrupted the normal marketing patterns and clogged inventory channels prior to the seasonal peak of domestic production. Since April 1, the Commodity Credit Corporation has purchased 72 million pounds of nonfat dry milk. During the second quarter of the year, 114 million pounds of nonfat dry milk was imported into this market.

The inevitable result has been to reduce prices for manufactured dairy products and for milk at the farm. The Congress has, through the dairy price support program and the Federal milk market order program, directed the production of an adequate supply of milk for the markets of this country. This is not being accomplished under current policies and the situation can only worsen if they continue to be pursued.

Sincerely,

PATRICK B. HEALY,
Secretary.

JOINT STATEMENT OF THE NATIONAL MILK PRODUCERS FEDERATION, THE NATIONAL ASSOCIATION OF WHEAT GROWERS, AND THE AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION ON NATIONAL IMPORT POLICY

The National Milk Producers Federation, the American National Cattlemen's Association, and the National Association of Wheat Growers have joint concerns over policies presently being pursued with respect to international trade by our government and the adverse impact these actions have had and can have for major segments of our agricultural economy.

The Congress has long sought to provide the basis for the development and maintenance of a strong agriculture. The success of such efforts is evident in the fact that the productive capacity of U.S. agriculture has permitted our people to be the best fed and the best clothed of those in any nation at any time in history. This has been accomplished at a lower cost in absolute terms than ever before. In addition to meeting the needs of this market, agriculture has made irreplaceable contributions to the foreign trade posture of this nation and has provided food for markets around the world.

In the course of providing the basis and environment in which domestic agriculture could advance, the Congress has found it necessary to adopt measures to effectively prevent the American market from becoming a dumping ground for excess production of other nations. To this end, Section 22 of the Agricultural Adjustment Act and the Meat Import Act of 1964 have been adopted.

While some have depicted these enactments as measures aimed at the restraint of free international trade, they have a far more basic purpose. They have been designed to further the national policy of promoting a strong agriculture and assuring abundant supplies of domestically produced agricultural products at reasonable prices. The necessity for these measures has been created, not in the United States, but in other countries that have closed their borders or which have sought to remove their surplus production through subsidized exports. The Meat Import Act of 1964, for example, is written in such a way that access to the U.S. market by exporting nations is guaranteed, as contrasted to the embargoes on meat imports that recently were put into effect by the European Economic Community and Japan.

It is disheartening, therefore, to witness the development and execution of a philosophy that runs totally counter to the stated intent of the Congress. Today, significant elements of these measures lie unused or have largely been abandoned. Agricultural interests seeking their enforcement or application have been told that, to do so, would be counter to our interest of seeking expanded trade. They are told that it would be counter to our policy of seeking lower consumer prices and restraining domestic inflation.

At a time when there is growing concern, both in this country and abroad, over the adequacy of food production and the cost of food, there can be no justification for policies which tend to discourage agricultural production. This is the direction which these actions point us toward. American farmers and ranchers are independent businessmen. Their decisions are, and must be, based on economic facts and their assessment of the future as it applies to their industry.

Expanded international trade, if it is truly beneficial to all parties, is a goal to be sought. What has been or is being pursued under our present policies, however, cannot lead in this direction. The United States is today refusing to utilize needed authorities to maintain its domestic industries. By administrative action, the United States is unilaterally granting as much or more than could be expected through the trade talks that would be authorized under the Trade Reform Act. With this in mind, we cannot realistically expect our trading partners to relent in their use of trade limiting techniques.

As an effort to counter inflation, these actions are equally faulty. No action that reduces or limits the incentive or ability to produce can result in the production of adequate supplies of a commodity.

PATRICK B. HEALEY,
Secretary, National Milk Producers Federation.

RAY DAVIS,
President, National Association of Wheat Growers.

C. W. MCMILLIAN,
Executive Vice President, American National Cattlemen's Association.

SENATE—*Monday, July 29, 1974*

The Senate met at 12 o'clock noon and was called to order by Hon. JAMES ABOUREZK, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who withholds no good gift from those who walk uprightly and call upon Thee with sincere hearts, help us this day to think upon what is true and just and righteous in Thy sight. Grant us grace to speak prudently when we must speak; to remain silent when we have nothing to say; to learn by listening and by study; to be unafraid of the hard decision; to act according to Thy will, and to leave the consequences to Thy Providence. Reward our faithfulness by souls at peace with Thee.

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 29, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES ABOUREZK, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ABOUREZK thereupon took the chair as Acting President pro tempore.

REPORT SUBMITTED DURING THE ADJOURNMENT OF THE SENATE

Under authority of the order of the Senate of July 25, 1974, Mr. STENNIS, from the Committee on Appropriations, submitted a report on the bill (H.R. 15155) making appropriations for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1975, and for other purposes, with amend-