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-

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ments, which was ordered to be printed (Rept. No. 93–1032).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 25, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ABOUREZK) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

REPORT OF THE NATIONAL HEART AND LUNG ADVISORY COUNCIL—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare and ordered to be printed. The message is as follows:

To the Congress of the United States:

I herewith transmit the First Annual Report of the National Heart and Lung Advisory Council, prepared in accordance with the requirement of Public Law 92–423, the "National Heart, Blood Vessel, Lung, and Blood Act of 1972."

It should be noted that funds for the Heart and Lung Institute have been increased greatly in recent years: from $195 million in 1971 to $286 million in 1974, to $309 million proposed for 1975. In short, the Administration's actions on the heart and lung program clearly identify it as an area of very high priority.

While there are recommendations in the Council's report that are at variance with the Administration's views, the Council's Report merits serious consideration and will be closely studied and evaluated. I am forwarding the report so that the Congress may also have it available for its deliberations.

RICHARD NIXON.

THE WHITE HOUSE, *July 29, 1974.*

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROPOSED MEETING AT THE WHITE HOUSE TO DISCUSS INFLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a copy of a letter which I wrote to the President of the United States on July 10, 1974, suggesting a meeting at the White House among various segments of the economy to discuss inflation, together with an answer under date of July 23, received from the Honorable Kenneth Rush, Counselor to the President for Economic Policy, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 10, 1974.

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

DEAR MR. PRESIDENT: You may recall that prior to your meeting with the Joint Leadership getting under way this morning, I mentioned to you that I had made a statement in the Senate on yesterday, suggesting a White House Conference to consider the pressing problem of inflation.

I indicated that I thought it should be called on your initiative and that it should include the Joint Leadership of the Congress, as well as the chairmen and ranking minority members of the appropriate committees, also your economic consultants and segments of the private sector, including labor, industry and agriculture.

You indicated that you would be interested in a meeting of this kind, though you made no commitment whatsoever. May I say that I appreciate your interest in what I suggested and, in furtherance of that, I am enclosing tear sheets out of the *Congressional Record* which you may find of interest in your consideration of such a Conference.

May I say that I enjoyed the meeting in the Cabinet Room this morning. I thought it was very substantive, very hopeful, very worthwhile, and I think that was the reaction of all the others in attendance, as well.

Again, thanking you for whatever consideration you can give to my suggestion, and with best personal wishes, I am

Respectfully yours,

THE WHITE HOUSE,
Washington, D.C., July 23, 1974.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I am writing for the President in response to your recent letter to him calling for a White House Conference on inflation. The President deeply appreciates your suggestion and your keen interest in the problem of inflation and in measures that might be used to resolve it.

As I am sure you will agree, the President has given the problem of inflation a great deal of his time and energy recently. He will speak to the nation on Thursday on this subject, and he has already met with leaders representing numerous of the many segments of the economy. These meetings will be continued and expanded to include many other economic interests. The President is deeply interested in hearing the differing points of view expressed at these meetings and feels that these smaller groups provide an excellent opportunity for a real dialogue on this key issue. As you also know, the President is keeping in close touch with you and the other Congressional leaders on his economic policies.

In addition, the President's economic advisors have maintained a broad range of contacts with the business, financial, labor, consumer, and other groups in the economy. I have also agreed to testify on this and other economic issues and will be appearing before the Joint Economic Committee on July 29.

It is the President's judgment that it would be most appropriate to move further along the above pathway.

It may be that at some later time a very useful supplement to this effort would be to hold the larger Conference on inflation that you mention, and the President will continue to keep your suggestion under active consideration.

Warm regards.

Sincerely,

KENNETH RUSH,
Counsellor to the President for Economic Policy.

DAKOTA DIRECTNESS

Mr. MANSFIELD. Mr. President, one of the most modest of the Governors of the Nation is the Governor of North Dakota, the Honorable Arthur A. Link. It has been a privilege for me to know this unassuming, good-hearted, idealistic chief of his State.

I ask unanimous consent to have printed in the RECORD an article published in the Washington Post on Saturday last, entitled, "Dakota Directness," by Mr. George C. Wilson.

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

DAKOTA DIRECTNESS

(By George C. Wilson)

BISMARCK, N. DAK.—Tired of Watergate-ridden Washington? Try North Dakota where the lifestyle still features the direct approach.

Start, perhaps, with the governor himself—Democrat Arthur A. Link who once served in Washington as a congressman but never wants to go back to that city of limousines and spear carriers. After a long interview, during which his only aide in the room sensibly excused himself to go home to supper, the governor walked the visiting newsman out of the state capitol building here without benefit of any Washington style retinue.

Once in the driveway out front, the governor led the way to his official car—a Cadillac—and got behind the wheel to drive the newsman "around to the house" to pick up something he thought would better express his fears about the strip mining of North Dakota.

The "house," at this moment in the one-time rancher's career, is the low-lying governor's mansion at the edge of the capitol grounds in Bismarck. Gov. Link went inside for a moment and returned to the car with a letter-size placard entitled, "When The Landscape Is Quiet Again."

Although no Gettysburg Address, Link's 24-line statement did manage to convey his love of the land and his fear of ruining it for those who follow him. He had written: "And when we are through with that (strip mining) and the landscape is quiet again; when the draglines, the blasting rigs, the power shovels and the huge gondolas cease to rip and roar; and when the last bulldozer has

pushed the last spoil pile into place, and the last patch of barren earth has been seeded to grass or grain, let those who follow and repopulate the land be able to say: Our grandparents did their job well; this land is as good and, in some cases, better than before."

With frontier frugality, the governor had put the placard in one of the government envelopes he had saved from his old job as U.S. congressman from North Dakota.

If a direct dealing governor is not enough to persuade you that personal relationships are still alive and well in some places, how about a millionaire who takes visitors to the town he practically bought out near North Dakota Bad Lands?

A few weeks ago, Harold L. Schafer—head of the North Dakota firm that makes Glass Wax and related products—did this, as usual, for administrator Russell E. Train of the Environmental Protection Agency and his party. He took them to Medora, a tiny town beyond the rolling prairie about 100 miles east of Bismarck.

Medora was where the Marquis de Mores of France decided to challenge Chicago as meat packer for the West. He built a chateau for his wife, Medora Von Hoffman, in the hills above the town he named after her. Then he struggled to build the new Chicago. But it never arrived. He closed the packing plant in 1886. Medora seemed to die as another broken dream.

But now Schafer is trying to do for Medora what the Rockefellers did for Williamsburg—restore it to its old self—and then some—in hopes of making it a national tourist attraction. "Some millionaires spend their money on girls," said Schafer. "I do this."

North Dakota is also a place where people on the street walk you to the building in town you are looking for rather than direct you; where Republican Congressman Mark Andrews, the only U.S. representative for the sparsely settled state, rushes EPA's Train from the airport to his sunflower fields to show him what bugs do there, and where the pickup truck and straw hat, with cowboy lines, are still in.

This is all likely to change soon as cities spring up around the coal gasification plants blueprinted for coal-rich North Dakota. But for now this is still, refreshingly, the land of the direct approach where the governor is likely to ask you home to dinner if nobody else does.

INDEXING AND INFLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD two articles, one published in the Wall Street Journal of today, entitled, "Inflation and Indexing," and another published in the New York Times of yesterday, entitled, "Overhauling the CPI," also having to do, to a large extent, with indexing.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 29, 1974]

INFLATION AND INDEXING

(By Lindley H. Clark, Jr.)

Milton Friedman, the University of Chicago economist, is a patient man. When he began arguing, a quarter-century ago, that changes in the growth rate of the money supply strongly influenced economic acivity, not many other economists were listening. Now hardly any economist worthy of the name doubts that the monetary growth rate is important, although many still question whether it is as important as Prof. Friedman says it is.

Several years ago the Chicago economist began talking of something called indexing, and hardly anyone listened. Now many people are listening, although the idea still has a long way to go before it achieves anything like broad acceptance.

The idea is essentially simple. When two people sit down and sign a contract calling for one of them to pay the other a sum of money at a certain time, inflation now is the invisible party to the agreement. With prices rising the way they are, the dollars that are paid under the contract won't buy as much as the same amount would have bought when the agreement was signed. In these times the slogan becomes never a lender but a borrower be.

What indexing does is simply to tie the amount of the payment to some form of price index. In that way the person receiving the payment will be protected against the declining value of the dollar.

Indexing already exists in the U.S. in a haphazard way. The best-known form is the cost-of-living escalator clause that is showing up in more labor contracts. Under such a clause a rise in the cost-of-living index automatically gives workers a wage increase.

The federal government now adjusts Social Security benefits and some employe wages to reflect the rising cost of living. Even without labor contracts, some private employers adjust pay to meet rising prices.

In the credit markets, too, interest rates represent a crude form of indexing. When lenders expect more inflation, they insist on higher rates to try to protect themselves. A more formal indexing system would tie rates to the actual inflation, not the inflation that lenders forecast.

All of this and more, much more, was debated earlier this month at the American Enterprise Institute in Washington. Speaking for indexing were Prof. Friedman and Prof. Robert J. Gordon of Northwestern. Their opponents were William Fellner, a member of the President's Council of Economic Advisers, and Charles E. Walker, former Deputy Treasury Secretary who now is a private economic consultant.

One aspect of indexing that obviously attracts Prof. Friedman is the impact on federal finances. The tax system—individual exemptions, the standard deduction, rate tables—would be changed to reflect rising prices. Capital gains would be exempted if they reflected only inflation. Corporate depreciation allowances would also change in line with rising prices.

A much more simple change would be to require the Treasury to issue purchasing power securities, on which interest rates would rise in line with inflation. Prof. Friedman would exclude short-term Treasury notes, which are close to cash. (Prof. Gordon suggested that we might want to consider indexing cash, too, but the notion seemed to appeal to no one.)

The arguments in favor of the idea are strong, and some of them appeal even to Mr. Fellner, who was supposed to be in opposition. If the tax system were indexed, the government could no longer count on an increased inflow of revenue as inflation pushed taxpayers into higher brackets. Government, if it wanted more money for more spending, would simply have to bite the bullet and raise tax rates.

If workers came to rely on escalator clauses to keep their wages in line with prices, there would be less chance for the sort of catch-up push that's under way now. Often the drives to catch up with inflation have come as inflation—and the economy—was slowing down. The higher wage costs thus have complicated the readjustment process, frequently forcing employers to lay off people to trim expenses. That's the aspect of indexing that seemed to appeal particularly to Mr. Fellner.

The strongest overall argument for the idea, though, is simple fairness. Why should the public suffer for the inflation inflicted on them by the government's monetary and fiscal policies? (Prof. Friedman stresses that indexing is not an inflation cure, only a painkiller.)

Well, one easy if incomplete answer in that is that the public elected the errant government. There are at least a few signs that the public now may be more willing to accept a tough anti-inflation program than the government realizes.

It's certainly true that this willingness will lessen when and if unemployment goes to 6% or higher. But the chances that the public will hold still for an inflation cure appear at least as good as the chances that Congress, at any time soon, will go for any broad tax-bond indexing plan.

Tax indexing has already been proposed in a Senate bill. But the sponsor of the legislation is New York Sen. James Buckley, a distinguished conservative of negligible influence. Unless inflation gets much worse, no action along this line is likely.

Aside from practical objections—and there are others—there are reasons to wonder whether broad indexing is the right approach. As Prof. Fellner points out, indexing can make the first flare-up of inflation worse. Wages will rise and government will almost certainly accommodate the rise by speeding the growth of the money supply.

There is a danger, too, that an indexing system would lessen the governmental will to end the inflation. And no matter how artfully the system is constructed it will be at best only a crude sort of protection against inflation. Since no one is proposing to force indexing on the private economy, its protection there will be especially uneven.

Some indexing we already have, and we surely will get some more. But the patient Prof. Friedman is likely to have to wait longer for full-dress indexing than he did for acceptance of his monetary ideas.

[From the New York Times, July 28, 1974]

OVERHAULING THE CPI

(By Julius Duscha)

WASHINGTON.—Once a month a small group of Government economists and statisticians meet around a table in a nondescript Federal office building a few blocks from the Capitol to examine Washington's most important number and divine its meaning.

The number is the Consumer Price Index. Out of the meeting comes the announcement interpreting the latest movement in the nation's best single measure of inflation.

Not only does the index influence governmental and private economic policy-making decisions but also it directly affects the living standards of nearly half the United States population.

More than five million workers are under collective bargaining agreements tied to the Consumer Price Index. And when the index goes up, so also do benefits received by the 29 million persons on Social Security and the Government's two million retired military and civilian workers and their survivors.

The pay of 600,000 postal workers is also pegged to the index, as are the levels of aid received by the 13 million recipients of food stamps and the 24 million children who participate in school breakfast and lunch programs.

Alimony payments are frequently tied to the index. So are rental and royalty payments and trust fund allocations for such things as college tuition. An increase of 1 per cent in the index triggers an estimated $1-billion in additional wages, salaries and other payments to Americans.

The chairman of that critical monthy meeting is Julius Shiskin, a 61-year-old career Government statistician who is completing his first year as Commissioner of Labor Statistics. Around the table in his office, where the meeting is held, are some of his principal aides—all professionals, too.

The Bureau of Labor Statistics has been

measuring consumer prices since World War I, and nothing is as inviolate in Washington as a B.L.S. figure.

"Politicians have never messed with the Consumer Price Index or any of our other statistics," said Mr. Shiskin, an old-shoe kind of fellow, as he sat in his office one day recently talking about the new and expanded C.P.I. numbers that will soon be coming out of his bureau's computers.

While the number itself has successfully withstood political manipulation over the years, Administrations have often sought to twist the index by issuing their own, nonprofessional analysis of it.

Three years ago the Nixon Administration forbade news conferences by B.L.S. economists interpreting the monthly figure because, on one embarrassing occasion, the professionals were saying a change in the figure was statistically insignificant while the Administration was trumpeting the figure as a vindication of whatever its economic policies were at the time.

As Mr. Shiskin discovered last spring, when even he and his fellow career statisticians start tinkering with the C.P.I. to try to improve it, cries of anguish can be heard across the country.

Ever since the Bureau of Labor Statistics (which is 90 years old and antedates the Labor Department, of which it is now a part) started collecting statistics on consumer prices to help set shipyard wages in 1918, the agency has measured only the prices of goods and services bought by wage earners and clerical workers living in urban areas. These people, with their families, now make up about 45 per cent of the nation's total population.

But the index is now being used to adjust payments to many Americans other than laborers and clerical help. So Mr. Shiskin and his colleagues decided it was time to expand the venerable C.P.I. so that it would reflect the purchasing pattern of all persons living in urban areas—80 per cent of the population.

When Mr. Shiskin proposed turning the index into a measure of the prices of goods and services bought by eight out of 10 Americans, however, organized labor protested loudly.

Nat Goldfinger, director of research for the American Federation of Labor and Congress of Industrial Organizations, said: "Destruction of the Consumer Price Index and substitution of a new index, as the Bureau of Labor Statistics has decided, will create confusion and chaos in collective bargaining and public uncertainty about the integrity of this basic series of Government economic statistics."

Leonard Woodcook, president of the United Auto Workers, added: "Trade unions have a vital interest in the C.P.I. as it currently stands. It is absolutely essential for effective, responsible and rational collective bargaining that there be available a consistent and reliable index reflecting changes in the cost of living, actually experienced by working people."

Mr. Woodcock went on to note that a B.L.S. pilot study of how an expanded index would have behaved over the last 13 years suggested that "such an index would have risen less than the existing C.P.I. and would therefore have understated inflation actually experienced by working people."

Every tenth of a percentage point means millions of dollars to workers. As Mr. Woodcock pointed out, a rise in the index of as little as four-tenths of a percentage point is worth 1 to 2 cents an hour under most escalator clauses—which means $80-million to $160-million a year for covered workers.

Although business groups generally took no hard-and-fast stand for or against changing the Consumer Price Index, Mr. Shiskin gave in to the labor protest. He agreed to have the B.L.S. publish, beginning in the spring of 1977, two indexes—the old one for wage earners and clerical workers and the new one covering the entire urban population.

Persons representing such specific groups as the elderly would prefer a whole family of indexes reflecting prices paid by many groups in the population. This would work in the same way that other major B.L.S. series of statistics measures unemployment by age, race, family status and other characteristics of the working population.

Sometimes people refer to the Consumer Price Index as a "cost-of-living index," but so broad a designation is inaccurate—which is why it is properly called a "price index." Although the C.P.I. is a gauge of the prices of certain goods and services, it ignores some items (such as income and Social Security taxes) that people have to pay as part of the overall cost of living.

Now that labor's complaints have been met by Mr. Shiskin, he is pressing Congress for another major change in the C.P.I.

The index measures month by month the prices of a fixed group of goods and services bought by wage earners and clerical workers, but the current "market basket" of goods and services is still based on 1960–61 surveys of consumer buying habits.

The Bureau of Labor Statistics is just completing a new survey of buying habits, but the results will not be reflected until the new index appears in 1977. And much of the information may be out of date before it is even used.

To keep the index up to date, Mr. Shiskin is asking Congress for funds for quarterly surveys of buying habits.

Such surveys would make it possible, for example, for the index to reflect quickly such changes in buying habits as the movement during the last year by consumers from high-priced to lower-priced cuts of meat. The present index still operates under the assumption that consumers are continuing to buy meat the way they did before prices shot up.

Changes in consumer buying habits now find their way into the index often on a hit-or-miss basis and usually long after the changes have occurred. In recent years, for instance, the statisticians who hover over the index like fathers over newborn babies have cranked into it the prices of McDonald's hamburgers and of pantyhose, which have made women's stockings all but obsolete.

Another major problem with the index is the measurement of changes in the quality of goods and services.

The index is in fact most often criticized for understating improvements in quality. Mr. Shiskin readily acknowledges that the measurement of quality changes is the bureau's biggest problem with its famous number, which is determined by a bewildering array of statistics gathered in the marketplace and by sophisticated weights assigned to them to reflect the importance, say, of the cost of socks in consumer spending patterns as against the cost of steak or automobiles.

When the two indexes are published beginning in 1977—the current revision is taking eight years and costing more than $40-million—Mr. Shiskin and most economists and statisticians concerned with the C.P.I. believe the figures will be quite comparable because workers and professionals, rich and poor alike, generally shop in the same supermarket chains and other stores.

If, of course, food prices go up much faster than the cost of services, then the workers' index would rise more swiftly than the one for the entire urban population because workers usually spend a greater proportion of their income for food than do professionals.

Mr. Shiskin added: "If you have an index that is unrepresentative and is going up more than the average, then many people would be getting more than is appropriate to keep up with price changes and that would be a source of inflation itself.

"But, if the index were unrepresentative in the sense that it went up more slowly than the total, it would slow down inflation.

"The country needs a very comprehensive measure of inflation for national economic policy. We shouldn't be taking the risk of basing critical judgments on an index that doesn't have a very broad coverage of the population."

Mr. Duscha is director of The Washington Journalism Center.

TRIBUTE TO ROBERT E. HOWARD

Mr. MANSFIELD. Mr. President, last week, one of the Nation's leading American Indian spokesmen died suddenly at age 47. It was a tragic loss, not only to his family and his many friends, but also to the American Indian community.

Robert E. Howard, a Blackfeet Indian, as Director of the Office of Native American Programs in the Department of Health, Education, and Welfare, and one of the dedicated Americans from my State, was constantly involved in guiding the development of American Indians, individuals, families, and communities.

In Washington, D.C., Bob Howard always had an open door to those who shared Indian concerns, and he responded to their ideas. One of these ideas—and more Washington officials should try it—was to initiate an open dialog with the Indian community to solicit suggestions to prepare future plans for his agency which affected them. He got input from the reservations, and from Indians living off reservations. The long-range plans he completed just before his sudden death will do much to help American Indians to gain self-determination.

He supported this consultation with Indians with a strong belief in the strength and sovereignty of the tribal governments.

Out of that idea and that support grew one of the more important initiatives in Indian affairs. Linking of consultation to the strength of the tribal governments is contributing to the building of both a communication and a management system between and within the Office of Native American Programs and the Indian organizations.

Bob Howard will be missed not just by his family and friends, but by all those who worked with him and the Indian community.

I ask unanimous consent to have printed in the RECORD Robert E. Howard's obituary from the Washington Post, July 17, 1974.

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

BLACKFEET LEADER, WITH HEW

Robert E. Howard, 47, Director of the Native American Programs of the Department of Health, Education, and Welfare, died Sunday at his home, 6427 83rd Pl., Bethesda, after a heart attack.

Mr. Howard was a Blackfeet Indian who devoted his life working toward bettering Indian welfare.

Born in Standoff, Alberta, he graduated from Western Montana College. He served in the South Pacific with the U.S. Marine Corps in World War II.

He taught in the public schools in Browning, Mont., was a private school teacher in Cut Bank, Mont., and then an education specialist with the U.S. Marine Corps in Browning.

Before coming to Washington in 1971, Mr. Howard served as the Blackfeet Tribe's representative to the U.S. Department of Labor and HEW in Montana and to the state programs there.

He was treasurer of the Blackfeet Tribal Council and president of the Tri-State Tribes. He also worked with the National Congress of American Indians, the Tribal Chairman's Association and the Pacific Northwest Indian Center in Spokane, Wash.

Mr. Howard came here to serve as director of the Division of Indian Programs in the Office of Economic Opportunity. When the Indian programs were transferred from OEO to HEW in 1973 and consolidated with HEW's Office of Indian Affairs, he became director of the newly established American Native Program.

The new office was set up to assist Indians, Eskimos, Alaskan natives and Aleuts in attaining economic self-sufficiency through self-determination.

Mr. Howard was in charge of a program that serves approximately 450,000 native Americans on 154 reservations and in 52 off-reservation activities involving urban centers, training and technical projects and scholarship programs.

He is survived by his wife, Carmen Roland Howard, of the home; seven children, Lisa Michele, Tracy Danile, Monica Carmen and Sean Joseph, all of the home; Robert R., of Cut Bank, Harve G., of Thailand, and Kelly Maria, of Seattle; two sisters, Spina Thomas and Celia Schoenhut, and a brother, Walter V., all of Montana.

Mr. MANSFIELD. Mr. President, I wish at this time to express, on behalf of my family, our deepest sense of loss at the passing of this outstanding American.

MEMORIAL SERVICES FOR FORMER SENATOR WAYNE L. MORSE, OF OREGON

Mr. MANSFIELD. Mr. President, for the information of the Senate, the memorial services for our late, departed colleague, Wayne L. Morse, of Oregon, will be held at the Washington Cathedral at 10:30 tomorrow morning.

Buses will be provided at the corner of First and C Streets NE., between the two Senate office buildings, for those of our colleagues who wish to attend the memorial service.

No legislative business will be undertaken until about 12 o'clock. Votes, if there are any, will be postponed for a reasonable period, to allow our colleagues to return from that service.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania (Mr. HUGH SCOTT) is recognized.

Mr. HUGH SCOTT. Mr. President, I yield back my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to excede 30 minutes, with statements therein limited to 5 minutes.

ORDER FOR RECOGNITION OF SENATOR PERCY ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, Mr. PERCY be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE APPOINTMENT OF ALAN GREENSPAN

Mr. HARRY F. BYRD, JR. Mr. President, I applaud President Nixon's nomination of Alan Greenspan to be Chairman of the Council of Economic Advisers. Mr. Greenspan, an economic consultant, will come to Washington at a substantial financial sacrifice on his part.

He assumes this position, which he had been offered previously and had turned down, in the hope that he might make a contribution toward getting the Nation's very severe inflation under control.

He is under no illusions as to the difficulty of the job. In an interview in the New York Times published yesterday, he says that if inflation is to be shaken, it will take leadership, it will take commitment, and it will take pain.

Mr. President, I ask unanimous consent to have printed in the RECORD the article based on an interview with Alan Greenspan entitled "Why Greenspan Said 'Yes,'" written by Soma Golden, and published in yesterday's New York Times.

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

[From the New York Times, July 28, 1974]

WHY GREENSPAN SAID "YES"

(By Soma Golden)

As the elevator hurtled down from 1 New York Plaza, a private club perched high above Manhattan's financial district, Alan Greenspan pondered his future and said wistfully: "I wish they would just leave me alone in a room with my census of manufacturers, I'd be happy."

But the 48-year-old economic consultant is headed for Washington, where time to ponder any set of statistics will be limited and privacy will be rare. Last week Mr. Greenspan was nominated by President Nixon to be chairman of the Council of Economic Advisors, replacing Herbert Stein.

The new man will join the chorus of Administration advisers who in recent months have urged the President to move from tough to tougher in the fight against inflation, despite evidence that the economy is weak in the knees.

Mr. Greenspan is a hardliner, more worried about prices than about the possibility of a slump. He wants the Government to cut spending and run its budget in surplus to slow the economy. Where to make the cuts? He says he's not sure "yet." But he believes that a few consecutive years of subnormal growth may be necessary to shake inflation out of the system.

"It will take leadership. It will take commitment. It will take pain," he said in a recent interview.

Despite the rhetorical ring of such words, Mr. Greenspan seems genuinely to believe that his policy has a chance both of adoption and of success. That's why he took the new post, he says.

For years the New York economist, who was a key policy adviser in Mr. Nixon's 1968 election campaign, had rebuffed Washington job offers. He preferred to deal with the capital at a distance remaining at the helm of his consulting firm, Townsend-Greenspan & Co., Inc.

It seems to have taken the tragedy of Watergate, a tidal wave of inflation and the departure of Mr. Stein to lure Mr. Greenspan from his lair on the 33d floor of a Wall Street skyscraper.

Mr. Greenspan's associates say he has been dismayed by the Watergate revelations and worried that the embattled White House might soften its stance against inflation or resort once more to rigid wage-price controls. He would consider either move a serious mistake.

The consultant also disapproved of the way his predecessor used the chairmanship of the Council of Economic Advisers—a subject of concern and debate within the economics profession. Mr. Stein was often criticized, both by his peers and by the press, for politicizing the C.E.A. and putting a deceptively good face on bad news.

Oddly, the new adviser turned down the Council job when it was first offered to him earlier this year. The turnabout came in early summer when Mr. Greenspan's friends in the Administration—particularly his former professor, Arthur F. Burns, chairman of the Federal Reserve Board—assured him that the job had clout.

"Once I was convinced that I might have more than a zero effect down there, I couldn't say no," said Mr. Greenspan.

The Manhattan-born analyst views current economic problems with alarm. Though not in the camp of economists who predict gloom, doom and another deep depression, he concedes: "They make me nervous. One hundred per cent crazy they are not."

These words hint at another reason that the elusive economist finally decided to go to Washington. "I have a very considerable self-interest," he said, "in the survival of our free political and economic system—and I think that is what is at stake now."

This worry is shared by his mentor and "good friend" Ayn Rand, the controversial philosopher and author ("The Fountainhead" and "Atlas Shrugged") who helped Mr. Greenspan make his decision to head

the Council. "I helped Alan to analyze what was involved—but of course the decision was his own," said the 69-year-old Miss Rand in a telephone interview.

It is difficult, perhaps impossible, to understand the President's new adviser without understanding as well his 20-year relationship with Ayn (pronounced like "pine" or "swine" she says) Rand and her philosophy of Objectivism. Although this view of life is often decried as the deification of selfishness, its founder says that she never has advocated the "pursuit of mindless self interest at all cost."

What she does stand for is a belief in the morality and the desirability of complete laissez-faire capitalism and what she calls "rational selfishness."

"Alan is my disciple philosophically," said Miss Rand, "but his career as an economic analyst is his own achievement. He is an advocate of full laissez-faire capitalism—but neither he nor I expect it overnight."

In recent years the Russian-born philosopher has shied away from reporters, fearful that they were hostile to her philosophy and would distort her views. But she agreed to discuss her thoughts on Mr. Greenspan—the member of her inner circle, who, she says, has climbed highest on the ladder of power in Washington.

She seemed cheered by his appointment and called Mr. Greenspan "heroic" for accepting the challenge. But she said she doubted "whether anyone can do anything for the country today."

The best hope, she suggested, is that the "government might move toward reason as a last resort." She added, "The desperate state of the country is what may attract the best people to government."

The tie between the economist and the philosopher began with an introduction by Mr. Greenspan's former wife. (The marriage lasted about a year, he says.)

"When I met Ayn Rand," the economist recalled, "I was a free enterpriser in the Adam Smith sense—impressed with the theoretical structure and efficiency of markets.

"What she did—through long discussions and lots of arguments into the night—was to make me think why capitalism is not only efficient and practical but also moral."

In the real world, of course, political systems, both of the left and the right, fall short of their philosophers' goals.

Mr. Greenspan said: "If I were starting from scratch I know what I'd like to see in this country. But to go from here to there would be an enormously difficult matter of disentanglement, with great problems of equity and justice along the way."

Among the Government's policies that he would like to unravel—at least theoretically—are commodity price supports, antitrust policy and even the progressive income tax.

Asked what she thought her disciple might actually accomplish in Washington, Miss Rand said he would stop government spending to whatever degree possible. And put an end to the idea that there is any cause for inflation but government spending.

Indeed, the economist seems to be thinking along precisely these lines—although his explanation is a bit more technical. Mr. Greenspan in recent months has argued that inflation is caused by excessive Federal borrowing in the financial markets. That's why he wants to curb spending and aim for a budget surplus.

Mr. Greenspan also wants the Government to stop its "orgy of short-term solutions"—including wage-price controls—which, he says, end up with a long-term sting.

He dubs himself a "free enterpriser" rather than a Keynesian or a monetarist economist.

The "do-nothing" economics that Mr. Greenspan advocates for the next few years is the opposite of the "fine tuning" that the Democrats introduced in the nineteen-sixties. The new Council chairman said, "At the end of the activist road is economic regimentation." For an Objectivist that's the road to ruin.

Another ill-fated Government effort, according to this view, is the attempt to redistribute income toward the poor. Miss Rand, who calls taxes "improper," would rely on voluntary charity instead to help the underdog. Mr. Greenspan argues that anti-poverty programs don't work in a market economy.

If Congress approves Mr. Greenspan's nomination, he will become the first business economist and the second non-Ph.D to head the Council since it was created in 1946.

He will also, no doubt, be the first chairman who ever spent two years studying music at the Juilliard School in New York and then traveled as a clarinet player in a dance band.

All these distinctions could knock Mr. Greenspan down a few notches in the pecking order headed by academicians, who usually have headed the Council. But economists who know the new chairman give him high marks for an intimate knowledge of industry and for his talent for digging into the data.

In the forecasting game, Mr. Greenspan plays about par with the rest of the pros in his league.

He was low on predicting the growth rate of the early nineteen-sixties and low again on the inflation that followed. In early 1973 he went overboard cheering Phase 3, the Government's ill-fated, ill-timed exit from controls. He said: "The economics profession has oversold its capability."

In the days leading up to the announcement of his nomination, Mr. Greenspan conceded embarrassment at being what he called the "consensus candidate" for the Council job.

Says one former Democratic official: "Even though I'm 180 degrees from Alan on policy, I can't think of any conservatives I'd rather argue with than him and William Fellner [another member of the Council of Economic Advisers]."

What will the new Council chairman do if his advice should fall on deaf ears in Washington? He won't say. But the move to the $42,500-a-year job on the Council, which required severing all ties with the consulting firm he helped found in 1963, will cost Mr. Greenspan a few hundred thousand dollars a year in lost income.

"My impression is that Alan did not want to go to the Council in the first place," said Miss Rand, "and I don't believe he would stay if he is asked to compromise on his principles. Inconsistency is a moral crime," she added in an accent still heavily slavic.

A SALUTE TO JAMES E. WEBB

Mr. HARRY F. BYRD, JR. Mr. President, last week was the 5th anniversary of man's first footsteps on the moon. That was a great and historic achievement by the United States. The astronauts who participated demonstrated their courage and their ability, and it was appropriate that they be applauded on this 5th anniversary.

There was one other individual, however, whose leadership had a great deal to do with the success of our space program. That was James E. Webb, who was the NASA Administrator for many years. His leadership contributed very heavily to the success of that endeavor.

The Washington Post on Sunday, July 21, published an article on the editorial page entitled "NASA's Other Hero," written by Julian Scheer, which was an appraisal of Mr. Webb and his achievements.

The ACTING PRESIDENT pro tempore. The Senator's 5 minutes have expired.

Mr. STENNIS. Mr. President, I ask to be recognized, and yield 3 minutes to the Senator from Virginia. Will the Senator yield to me?

Mr. HARRY F. BYRD, JR. I thank the Senator from Mississippi and yield to him.

Mr. STENNIS. I wish to join the Senator in the very fine tribute, so well deserved, that he has just made to James E. Webb. I read the same editorial to which the Senator referred, but not being as resourceful as the Senator from Virginia, I failed to put it in the RECORD, though I did send Mr. Webb a copy as an additional souvenir.

He has been one of the finest administrators I have known since I have been here, not only with NASA but with the Bureau of the Budget and as an Assistant Secretary of State, I believe it was, as well as Director of the Budget.

I salute him and the Senator from Virginia as well.

Mr. HARRY F. BYRD, JR. I thank the Senator from Mississippi. I share his appraisal of the ability, the integrity, and the competence of Mr. Webb.

What the Senator from Mississippi stated a moment ago about the great capability of Mr. Webb as an administrator brings to mind a statement President Johnson made to me once, that he regarded Jim Webb as perhaps the ablest administrator in government.

As the Senator from Mississippi has pointed out, he held not only the position of administrator of the NASA program, but prior to that he was Director of the Budget, and at another time he was Under Secretary of State.

Mr. President, I ask unanimous consent that the article from the Washington Post to which I have referred be printed in the RECORD at this point.

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

NASA's Other Hero

(By Julian Scheer)

This weekend is the fifth anniversary of man's first footprints on the moon. There will be toasts to Armstrong, to Aldrin, to Collins, to Von Braun and others. And deservedly so, for they played major roles. But in the great tradition of history, there is also the forgotten or unknown man. For the space program it may be James E. Webb.

It won't worry Jim Webb a wit, but it was his incredible leadership which made the event possible.

Jim Webb had been Truman's Director of the Budget and Dean Acheson's Under Secretary of State—which made him Washington-wise—and he was enjoying a successful and lucrative business career in Oklahoma when he was called on by a somewhat reluctant President Kennedy to be administrator of the National Aeronautics and Space Administration.

He likes to point out that he was 18th or 19th on Kennedy's list of prospects and, after all had declined, it was Lyndon Johnson who persuaded Kennedy to select him.

Webb simply was not a Kennedy type. He appeared humorless, bullheaded, too knowl-

edgeable about how Washington worked, too close to Sen. Robert Kerr (D-Okla.) who was becoming "Mr. Space" in Congress. And he was not good at taking orders. Early on, when someone in the White House suggested a good location for a NASA procurement award, Webb replied with a blistering memorandum to Ken O'Donnell—clearly intended for Kennedy eyes—which simply said: "You run the White House, I'll run NASA." He meant it; it was reflected in every move he made after that.

In dealing with the White House, Webb fought the Bureau of the Budget for every nickel—as if the loss of five cents would topple all that had gone before. It was a blood-on-your-hands attitude. And when he finally got his way, which he usually did, he kept the White House congressional aides away from *his* committees of Congress. He'd fight his own battles—his way of maintaining his freedom within the Executive Branch.

And Congress found a new kind of man to deal with. Few believed Webb not to be a scientist or engineer, for he dazzled them with his knowledge of the technical as well as the management of the vast NASA program structure.

His only weapon was "tell 'em all." He never wined or dined them at this home, was straightforward and rather formal with them. His torrent of words numbed them, and when the committees were reeling under the verbage and charts and graphs, he would bring on his experts, even the astronauts.

Instead of complaining about going to the Hill for committee after committee and subcommittee after subcommittee of testimony, he bragged that Congress knew everything he knew and the NASA testified 5-6,000 pages worth each session.

But it was in the integral workings of NASA where his strength lay. He was first to arrive, last to leave each day. He peppered every individual on his staff with a dozen memos a day—new ideas, new concepts, new thoughts. The sentences were paragraphs and the paragraphs were pages. His internal intelligence network was astounding.

"I hear there's a problem with the LM guidance system at Bethpage," he'd say—two days before a program review revealed it. While he left the technical decisions in the wisest hands, the program managers came prepared to discuss a technical problem in minute detail. If they fell short under a barrage of questions, there would be no decision until they returned better equipped.

He constantly juggled personnel to get a better mix and to push everyone to his Peter Principle. He fondly called it "planned disequilibrium." He had an uncanny knack for standing back and looking at the big picture—a trite phrase for a Webb strong suit:

"Managing this size program, how can we expand internationally and draw in other partners?

"Managing 35,000 NASA employees, 400,000 in 20,000 companies, how do we pull it together so it will give the country a lasting base in technology?

"In giving facility grants to colleges and universities, let's force the President there to get the philosophers involved or to spend some time looking at local domestic programs.

"Is our patent policy adequate?

"How do we transfer this new technology to the civilian sector?"

There was a constant barrage of ideas. He never took on a problem without coming out with two, three or four options. First, he'd solve the problem and then, like a sensitivity session, everyone had to "learn" from the problem and look at the other options—which were, to Jim Webb, opportunities. Everything was an opportunity.

Webb's relationship to his staff was largely impersonal but not without feeling. At the end of a terrible crisis day it was not unlike him to ask about a sick child—something he had picked up from his intelligence network.

And he never took advantage of the emoluments of the office. When GSA sent brochures over so he could pick the limousine he wanted, he was upset at the high prices and ordered a Checker cab, painted black, which was NASA's official vehicle for nine years.

A typical "Webbism," as his habits were often called, occurred at a conference on the peaceful uses of outer space in Kansas City in the early '60s. Webb arrived at the hotel and found no reservation in his name. The advance people had fouled up and everyone on the NASA staff in attendance, guests, speakers, etc., were comfortably in their rooms. Webb made no scene, did not identify himself, and a staff member found him hours later in a far corner of a first-floor ballroom. There he had pulled some chairs together and stretched out for the night, fully clothed, shoes off, and reading some paperwork. He was finally persuaded to take a quickly discovered room.

Abruptly in 1968, Jim Webb resigned. Most of the major Apollo decisions had been made. There were tough days ahead—Apollo 8 and onward—but brilliant Tom Paine was there. Webb knew Nixon would keep him after the election (or Humphrey if he'd won). But Webb decided the time had come. It was part of his feeling for Washington and NASA and what he felt the country needed. And he knew Paine could do the job and was untouchable. Few agencies had such good men back to back.

Almost shockingly, it was less than a year away from the first manned lunar landing. Had he stuck it out, waited just a while longer, he could have basked in the moment of tremendous glory.

Simply, for Jim Webb, it was time.

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE D, 93D CONGRESS, 2D SESSION

Mr. HARRY F. BYRD, JR. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from an amended text to Article VII of the Convention on Facilitation of International Maritime Traffic, 1965—Executive D, 93d Congress, 2d session—transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK). Without objection, it is so ordered.

The message is as follows:

To the Senate of the United States:

I am transmitting herewith, for the advice and consent of the Senate to its acceptance, a copy of an amended text to Article VII of the Convention on Facilitation of International Maritime Traffic, 1965. The amended text was adopted at a brief special conference in London in November 1973 and has been referred to the Contracting Governments for their acceptance. The report of the Department of State concerning the amended text is also transmitted for the information of the Senate.

The purpose of the amended text is to provide a "tacit amendment" procedure for approving changes in the Annex to the Convention. That Annex sets forth the implementing standards and recommended practices for simplifying and making as uniform as possible th documentary and other formalities required of ships on arriving at or clearing ports. These formalities relate to customs, immigration, public health and other requirements imposed on vessels engaged in international voyages.

I recommend that the Senate advise and consent to acceptance of the amended text, which is intended to expedite the making of desirable changes in the agreed formalities.

RICHARD NIXON.

THE WHITE HOUSE, *July 29, 1974.*

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

Mr. ERVIN. Will the Senator withdraw that for just a moment.

Mr. HARRY F. BYRD, JR. Mr. President, I withdraw it.

RESOLUTION AUTHORIZING SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES TO TRANSFER ITS RECORDS TO THE LIBRARY OF CONGRESS

Mr. ERVIN. Mr. President, I send a resolution to the desk and ask that it be considered immediately.

The ACTING PRESIDENT pro tempport. The clerk will report the resolution by title.

The second assistant legislative clerk read as follows:

To authorize the Senate Select Committee on Presidential Campaign Activities to transfer its records to the Library of Congress and to authorize the Senate Committee on Rules and Administration to control access to and use of such records after such transfer, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Mr. ERVIN. Mr. President, under its present charter, the Senate Select Committee on Presidential Campaign Activities has 90 days after the 28th day of June of this year in which to wind up its affairs. This resolution is proposed with the consent of the committee, and its immediate consideration has been cleared by the leadership on both sides of the aisle.

The purpose of this resolution is to facilitate the winding up of the affairs of the Senate Select Committee. The resolution provides that all of the records of the committee shall be transferred to the Library of Congress which shall hold them subject to the control of the Senate Committee on Rules and Administration.

It provides that after these records are transferred to the Library of Congress the Senate Committee on Rules and Administration shall control the access to the records and either by special orders or by general regulations shall make the records available to courts, congressional committees, congressional subcommittees, Federal departments and agencies, and any other persons who may satisfy the Senate Committee on Rules and Ad-

ministration that they have a legitimate need for the records.

It provides that the records shall be maintained intact and that none of the original records shall be released to any agency or any person.

It provides further that pending the transfer of the records to the Library of Congress and the assumption of such control by the Senate Committee on Rules and Administration, that the Select Committee, acting through its chairman or through its vice chairman, can make these records available to courts or to congressional committees or subcommittees or to other persons showing a legitimate need for them.

I might state this is placed in here because of the fact that we have had many requests from congressional committees for the records. We have had requests from the Special Prosecutor and from the courts.

In view of the fact that the committee is going out of business and, in view of the fact that the Special Prosecutor has requested that he interview certain members of the committee staff with a view to using them as witnesses, and in view of the fact that under the Senate rules it is necessary for persons connected with the committee or the committee staff to have permission from the Senate to testify, this resolution provides that members of the committee and members of the committee staff may testify about the activities whenever they are so required to do so, whenever subpenaed and required by court to do so.

We thought it was necessary to get this blanket authorization in order to avoid having a number of resolutions offered through the Senate on this matter.

I might state in the past the committee has made available some of the records to the House Judiciary Committee, at its request, and to the Special Prosecutor at his request. The resolution also provides that the action of the committee in doing so is ratified by the Senate.

I might state that this matter has not only been cleared by the leadership on both sides of the aisle and by the members of the Senate Select Committee but it has also been cleared with the distinguished junior Senator from Nevada (Mr. CANNON), who is chairman of the Senate Committee on Rules and Administration.

I ask that the Senate approve this resolution.

Mr. HELMS. Mr. President, as the distinguished Senator from North Carolina said, this resolution has been cleared with the minority members of the committee, and there is no objection.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 369) was agreed to, as follows:

S. RES. 369

Resolution to authorize the Senate Select Committee on Presidential Campaign Activities to transfer its records to the Library of Congress and to authorize the Senate Committee on Rules and Administration to control access to and use of such records after such transfer, and for other purposes

Resolved,

SEC. 1. That the Senate Select Committee on Presidential Campaign Activities, which was created on February 7, 1973, by Senate Resolution 60, and which will expire on the expiration of 90 days next succeeding June 28, 1974, is hereby authorized and directed to transfer its records to the Library of Congress, which is hereby authorized and directed to hold, safeguard, and preserve intact, such records pursuant to orders and regulations of the Senate Committee on Rules and Administration.

SEC. 2. The Senate Committee on Rules and Administration shall exercise exclusive control of access to and the use of such records. The Senate Committee on Rules and Administration is empowered to exercise such exclusive control by specific orders or by general regulations. In exercising such exclusive control, the Senate Committee on Rules and Administration shall make parts of such records or certified copies of the same available to courts, the special prosecutor, congressional committees or subcommittees, federal departments or agencies, or individuals satisfying the Senate Committee on Rules and Adminstration of their legitimate need for parts of such records or certified copies thereof on such conditions as the Senate Committee on Rules and Administration may prescribe. In prescribing such conditions, the Senate Committee on Rules and Administration shall take such steps as it deems appropriate to prevent unwarranted injury to the rights of any persons who may be mentioned in such parts of records or certified copies thereof. The originals of such records shall be preserved intact and no part of such originals shall be canceled or surrendered to any person or agency.

SEC. 3. Pending the transfer of the records of the Senate Select Committee on Presidential Campaign Activities to the Library of Congress, the Senate Select Committee on Presidential Campaign Activities, acting through the agency of its Chairman or Vice Chairman, shall have the authority to make available parts of such records or certified copies thereof on such conditions as it may prescribe to courts, the special prosecutor, congressional committees or subcommittees, federal departments or agencies, or individuals having a legitimate need for the same, and all former acts of the Senate Select Committee on Presidential Campaign Activities in making parts of its records or certified copies thereof available to courts, the special prosecutor, or congressional committees or subcommittees are hereby ratified.

SEC. 4. As used in this Resolution, the records of the Senate Select Committee on Presidential Campaign Activities shall include all correspondence, documents, exhibits, interviews, minutes, paper writings, testimony, or other data assembled or collected by the Senate Select Committee on Presidential Campaign Activities, as well as all computerized information assembled at the instance of the Select Committee.

SEC. 5. The Senate hereby grants to the members of the Senate Select Committee on Presidential Campaign Activities and to the members of the staff of said committee authority to testify before any court of justice in respect to their activities whenever they are subpenaed so to do by such courts of justice.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 10309. An act to amend the Act of June 13, 1933 (Public Law 73–40), concerning safety standards for boilers and pressure vessels, and for other purposes (Rept. No. 93–1034).

By Mr. PASTORE, from the Committee on Commerce, with additional amendments:

S. 1361. A bill for the general revision of the Copyright Law, title 17 of the United States Code, and for other purposes (together with minority and additional views) (Rept. No. 93–1035).

By Mr. HUDDLESTON, from the Committee on Agriculture and Forestry, without amendment:

H.R. 13264. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities (Rept. No. 93–1036).

By Mr. HUDDLESTON, from the Committee on Agriculture and Forestry, with amendments:

S. 3056. A bill to authorize the Secretary of Agriculture to amend retroactively regulations of the Department of Agriculture pertaining to the computation of price support payments under the National Wool Act of 1954 in order to insure the equitable treatment of ranchers and farmers (Rept. No. 93–1037).

RUSSIAN GRAIN TRANSACTIONS—REPORT OF A COMMITTEE—REPORT NO. 93–1033

Mr. JACKSON. Mr. President, on behalf of the Senate Committee on Government Operations, I submit a report of its Permanent Subcommittee on Investigations entitled "Russian Grain Transactions."

The PRESIDING OFFICER (Mr. HELMS). The report will be received and printed.

Mr. JACKSON. Mr. President, this report covers the subcommittee inquiry into the massive sales of American grain to the Soviet Union in the summer of 1972. The report has the unanimous approval of the subcommittee.

Hearings were held July 20, 23, and 24, 1973, and October 9, 1973. Ten witnesses testified and 32 exhibits were received as evidence. Some 325 pages of testimony and exhibits were reprinted in two subcommittee volumes.

I wish to express my gratitude to Senator PERCY, the ranking minority member of the subcommittee, and other Senators who participated in this inquiry for their cooperation and attention to this important national issue.

As noted in the introduction of the report, in the summer of 1972, the Soviet Union bought more than 700 million bushels of grain from the United States. It was the biggest grain sale in American history. Of the 700 million bushels of grain, nearly 440 million bushels were wheat. This purchase represented 25 percent of the total American wheat crop.

The Soviets, through their overseas trading agency, Exportkhleb, bought the grain from six big grain companies.

The sales were hailed by Federal officials as historic achievements in easing tensions between the United States and Russia, in improving America's balance-of-payments deficits, and in allowing American farmers to profitably and usefully dispose of longstanding agricultural product surpluses.

However, critics said the grain sales depleted American reserves, created farm product shortages, and forced up the price of food for American consumers.

It was also charged that the Department of Agriculture had unnecessarily paid over $300 million in subsidies to support the sales of wheat to the Russians and that, due to poor planning by Government officials, freight terminals, shipping lines, and Gulf State harbors were tied up to handle grain exports to the neglect of other products.

In addition, there was concern about a possible conflict of interest involving the American official who played a major part in establishing the guidelines for the sales with the Russians. This official, Assistant Secretary of Agriculture Clarence Palmby, went to Moscow in April of 1972 as the head of a team to negotiate the grain sales and, in June of 1972, before the negotiations were completed, left the Government to become a vice president of the Continental Grain Co., the firm which went on to sell the Russians the most grain.

To look into the many criticisms of the grain sales, the Senate Permanent Subcommittee on Investigations began an inquiry in the early summer of 1973.

The subcommittee's inquiry showed that the Federal Government failed to properly plan for the grain sales.

The size of the sales came as a surprise to Federal officials. They had not expected the Soviets to buy as much grain as they did.

Accordingly, the massive Russian purchases resulted in shortages in our Nation's grain supplies. These shortages set off shortages in other products. Then, prices rose, inflationary forces were unleashed and imbalances occurred throughout the American food industry.

It is my view that the crisis in the Nation's beef industry has its origins in the Russian grain sales. Uncertainty, fluctuating prices, the high cost of feed grains and speculation in the meat market all got a tremendous impetus as a result of the huge and unanticipated sales of grain to the Russians.

With these factors at work, there was, first, a shortage of meat; then rapidly increasing prices. Finally, the American consumer became accustomed to going without beef. But it all began with the shortages triggered by the Russian grain sales.

The Great American Grain Robbery was born, nurtured, and consummated in a climate of secrecy and bureaucratic negligence.

Somehow, the largest grain sale in American history was kept secret from Secretary of Agriculture Butz who stated that he "did not learn of the dimensions" of the July 5 sale by Continental Grain Co. until September 19, 1972. But Assistant Secretary of Agriculture Carroll G. Brunthaver was uncertain and ambiguous as to when he first learned of the sale in contrast with the testimony of a top Continental official who said that he had informed Assistant Secretary Brunthaver of the proposed sale on July 3 and the consummated sale on July 6.

The Russians and the large grain companies reaped the major benefits from the sales.

In addition, the subcommittee's inquiry has shown the need for a reexamination of the conflict of interest laws. It is shocking that Clarence Palmby, as Assistant Secretary of Agriculture, was negotiating with the Russians on the terms of the grain sale at the same time he was negotiating for a job with a big grain company, a company that went on to sell the Soviets large amounts of grain.

It is just as shocking to find the Secretary of Agriculture, Earl L. Butz, coming before the Investigations Subcommittee and defending Mr. Palmby's behavior. That kind of moral judgment is at a standard far below what the American people are owed by their public servants. By their clouded view of what public service and public trust are about, Mr. Butz and Mr. Palmby have contributed to a lessening of public confidence in the integrity of Government service.

At the conclusion of the hearings, the subcommittee assembled 16 findings and conclusions and 8 recommendations for corrective action, all of which are contained in the report which is being filed today. I ask unanimous consent that the findings, conclusions, and recommendations be printed at this point in the RECORD.

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

REPORT

FINDINGS AND CONCLUSIONS

The Subcommittee finds no fault with the decision made by President Nixon to use farm exports as a means to improve relations with the Soviet Union and other nations, offset United States trade imbalances and enhance the financial position of American farmers. These are worthwhile goals. To the extent that they were achieved, the Administration is to be commended.

However, the Subcommittee finds that in implementing programs to carry out the farm export policies, the Federal Government, particularly the Department of Agriculture, failed to operate efficiently; and certain Agriculture Department officials failed to exercise good judgment in performance of their duties.

The large sales of grain to the Russians are an illustration of how, in pursuit of a worthwhile goal, government programs and officials can go astray. At virtually every step, from the initial planning of the sales to the subsidy that helped support them, the grain sales were ineptly managed. The result was public confusion, waste of taxpayers' dollars and higher food prices.

At the heart of the government failures in the grain sales was an attitude of passivity and indifference, an assumption that the Federal role had only to do with promoting the sale of agricultural products. This assumption was wrong. The Federal Government conceived and promoted the idea of increasing trade with the Soviet Union. It was the responsibility of the government, therefore, to see to it that the grain sales were a benefit to the nation as a whole; that the sales had minimum negative impact on the economy; that their effect on the nation's transportation system did not cause disruption of ordinary commerce and that the grain sales did not cause more inflation. The government failed to meet this responsibility. The nation found itself with a shortage of farm products, with freight movements in some sections of the country brought to a virtual standstill, with unprecedented rises in the cost of food and with more inflation. A Federal policy aimed at improving international relations cannot be termed successful if it causes hardship in domestic affairs.

The following findings and conclusions cite specifically where government management and leadership in the grain sales failed.

1. The proposal to sell large amounts of grain to the Soviet Union originated in February of 1972. At its inception all relevant factual data should have been accumulated and the impact on all sectors of the economy should have been studied and evaluated. For this was to be the largest grain sale in American history.

Specifically, current estimates of Soviet production of each type of grain should have been obtained. Studies should have been drawn up as to how much wheat, corn or other grains the Russians would buy depending on Russian needs, on world prices and on the terms to be offered the Russians. There should have been an estimate as to how much money the government would save in domestic subsidy payments and storage costs. Estimates should have been made as to how much the sales would cost the government in export subsidies under various market conditions. There should have been a study as to the effect on transportation systems and on transportation subsidies with the Department of Agriculture, the Department of Transportation, the Interstate Commerce Commission and the Federal Martime Commission pooling their expertise in anticipation of what could only be foreseen as a major problem. There should have been a study as to the effect sales would have on our own domestic economy, specifically as to shortages and prices.

Finally, there should have been some thought as to how the government would be informed in a timely fashion as to what the Russians were actually buying if purchases were made through private channels.

None of the above was done. The government completely overlooked the possibility that a combination of a disaster in the Russian wheat crop, our own export subsidy on wheat and the devaluation of the dollar might make United States wheat an enormously attractive bargain to the point where the Russians might wipe out our reserve stocks.

While Secretary Butz and others involved in the grain sales knew the transactions would affect domestic prices, they tended to minimize this effect and none of them bothered to seek to determine just how great the impact would be.

In any undertaking of this size, it is incumbent on government that it make a thorough examination of all the pertinent factors and then try to prepare for the possibility that something may go wrong, that the unexpected—or the undesired—might happen. This is contingency planning and the government is obliged to practice it in every major endeavor.

It should have occured to Federal officials that, if there was to be no restraints or controls on grain sales to the Soviets, the Russians might want to buy more grain than originally anticipated. And, in the event of that development, the Agriculture Department—or some other agency of government—should have had the foresight to warn that unexpected Russian purchases might have undesired effects on American farm reserves or food prices or transportation systems or all three of these.

In turn, in the event of such a contingency, there should have been a mechanism, set up in advance, that would have, first, detected the increased Soviet demand for grain and, then, second, set in motion a set of controls on their massive purchases.

Instead, no such contingency planning was made. The Russians bought all the grain they desired and no one was willing or able or even inclined to impose any constraints. Proper long-term studies, supported by contingency planning, would have foreseen the potential negative impact of the grain sales and bet-

ter prepared the nation to avoid or at least lessen the inflation the transaction triggered.

The Subcommittee finds a total lack of planning by the Department of Agriculture prior to the largest grain sale in American history.

The responsibility for providing such advance planning was primarily that of the then Assistant Secretary of Agriculture, Clarence Palmby, and his superior, Secreary Earl Butz. The Subcommittee finds that they failed to provide proper analysis and evaluation of potential problems in the proposed grain sale project.

The Subcommittee finds a lack of coordination between departments, agencies and bureaus which would have lessened the negative impact of these sales.

2. On July 8, 1972, in announcing the grain sales credit agreement with the Soviet Union, Agriculture Secretary Earl Butz conceded that "to be realistic" he had to acknowledge "that any sale of this magnitude was bound to have its impact on the market."

The Subcommittee finds that the sales did have an impact, much greater than Secretary Butz or other government officials anticipated. The grain sales created a shortage in domestic supplies. This shortage drove up the price of bread and flour-based products. More importantly, the shortage resulted in increases in the price of feed grains. These increases meant it became more expensive to feed livestock. Accordingly, these increased expenses were reflected in the nation's grocery stores as consumers paid more—substantially more—for beef, pork, poultry, eggs and dairy products.

3. The record shows that the Agriculture Department received in the winter and spring of 1972 timely and accurate reports from the Agricultural Attaches overseas as to the current status of Soviet grain production. In fact, a special report was requested and submitted July 5, 1972 and this report clearly showed the existence of a huge shortfall in the Russian wheat crop. This report was ignored by the top Agriculture officials who were at the time negotiating the terms of the grain sales agreement with the Russians. It was dismissed as too pessimistic and buried in the files by Agriculture officials who prepared estimates as to potential foreign grain sales for distribution to the American agriculture community.

The Subcommittee concludes that the Agriculture Department failed to recognize and accept the significance of the reports from abroad as to the Russian 1972 grain situation and failed to comprehend the major change taking place in the world grain market.

4. The record shows that the Agriculture Department had spent $4.3 billion over a period of years in subsidizing the export sales of wheat without ever having made a study of the elements involved in the payment of such a subsidy or an evaluation as to its effectiveness. The Agriculture Department never established guidelines or standards setting forth when an export subsidy is necessary; how the subsidy should be calculated and when it should be discontinued.

The Subcommittee finds, therefore that the Agriculture Department has been remiss over the years in continuing to pay the export subsidy without proper justification.

5. There was sufficient evidence in the spring of 1972 to lead American government officials to conclude that the United States was the only wheat producing nation which had sizable quantities of wheat to sell in the world market. For the American farmer, the year 1972 most clearly was going to be a good year for selling wheat overseas as worldwide demand was up and worldwide production was down; down, that is, everywhere but in the United States where crops were abundant and surpluses still large. In this era of a seller's market for the American farmer, then, there was no need in 1972 for a wheat subsidy to make American wheat more competitive in foreign markets. No purpose could be served by subsidizing the price of American wheat in foreign markets when American wheat, to a considerable degree, was predominant in the world market. Yet the subsidy on American wheat, costing the American taxpayer more than $300 million in 1972, was continued.

It was not until August of 1972, when economists outside the Department of Agriculture—primarily economists within the Office of Management and Budget—took a close look at the subsidy and what it was costing the American taxpayer that the wheat subsidy was abruptly ended.

The Subcommittee finds that the wheat subsidy was a waste of valuable Federal dollars and an illustration of how Agriculture Department policy was inadequate, shortsighted and dictated by outmoded principles and philosophies ill-equipped for a changing world.

The Subcommittee finds that the responsibility for this $300 million error in judgment lies first of all with the former Assistant Secretary of Agriculture, Clarence Palmby, who failed to consider the wheat export subsidy in planning for the Russian grain sale and secondly with Assistant Secretary of Agriculture Dr. Carroll Brunthaver who made verbal commitments to the grain export companies in July 1972 that the wheat export subsidy would be continued indefinitely without any consultation or evaluation of the effect of such a commitment. The overall responsibility must, of course, fall on the Secretary of Agriculture Earl Butz who testified that he approved continuation of the subsidy.

6. The Subcommittee adopts the findings of the General Accounting Office that grain exporters had numerous opportunities to make unusual profits on non-Russian grain sales because of higher prices coupled with increased subsidies resulting from the Russian grain sales.

7. The issue of conflict of interest was raised in connection with Clarence Palmby's role in the grain sales. As Assistant Secretary of Agriculture for International Affairs and Commodity Programs, Mr. Palmby was the major representative of the American government in, first, writing the scenario as to how the negotiations should proceed and, second, conducting the initial negotiations with the Russians and clarifying the ground rules. It was Mr. Palmby, for example, who advanced the principle that the Russians buy the grain through private sources. In enforcing this principle, Mr. Palmby negated the Soviet attempts to purchase grain directly from United States Government stocks or from obtaining the grain through a barter system.

While shaping and enforcing American policy on the grain sales, Mr. Palmby was also discussing employment with the Continental Grain Company, the largest grain company in the world. These negotiations resulted in his being given a senior position with Continental, a firm which, under the terms of an agreement structured by Mr. Palmby, went on to sell the USSR some eight million tons of grain in one day. This sale was the largest single grain transaction in history.

Testifying before the Subcommittee, Mr. Palmby denied any conflict of interest or other wrongdoing. Two Justice Department investigations supported Mr. Palmby, exonerating him completely of violation of the conflict of interest and other Federal statutes.

This Subcommittee does not contest the Justice Department's conclusions. But the Subcommittee does find that Mr. Palmby exercised poor judgment; and that, at a minimum, he gave the appearance of an impropriety while insisting there was nothing improper about what he had done. The Subcommittee further finds Mr. Palmby to have set a poor example of how public servants should conduct themselves, especially in a Department where there is frequent movement between that Department and the industry it regulates. By his behavior, Mr. Palmby has contributed to the growing public cynicism about the integrity of government.

8. Dr. Carroll G. Brunthaver, who succeeded Clarence Palmby as Assistant Secretary of Agriculture for International Affairs and Commodity Programs, was uncertain and ambiguous as he testified before the Subcommittee on the questions of when and how he first learned from the Continental Grain Company that the grain sales to the Russians were pending, what the dimensions of the Russians' demands were and, finally, when the sales were completed. Dr. Brunthaver's testimony in this regard conflicted with the testimony of Bernard Steinweg, vice president of Continental. Dr. Brunthaver said that on July 8, 1972, when government officials, including Secretary Butz and himself, took part in the public announcement of the grain agreement that he, Brunthaver did not know that Continental had already sold 8 million tons of grain to the Soviet Union. Mr. Steinweg said that Dr. Brunthaver did know by July 8 of the magnitude of the sales which had already been consummated because he, Steinweg, had told him about the sales. Dr. Steinweg said he told Dr. Brunthaver on July 3 that the Russians wanted to buy 4 to 4.5 million tons of wheat and corn in an amount comparable to feed grains purchased from Continental in 1971 (4.5 million tons of corn were sold on July 5, 1972). He asked Brunthaver if the wheat subsidy would be continued. Mr. Steinweg said Dr. Brunthaver told him later the same day the subsidy would be continued. Then on July 6, Mr. Steinweg recounted, he informed Dr. Brunthaver that the milling wheat sale of 4 million tons had been consummated the day before, July 5. Dr. Brunthaver told Senators that he did not remember Mr. Steinweg informing him of the sale and doubted that it had occurred. Dr. Brunthaver never did tell Senators when it was that he, in fact, did learn that the grain sales of July 5 had taken place. But, in an October 2, 1973 letter to Senator Jackson, Agriculture Secretary Earl Butz said that he and Brunthaver "did not learn of the dimensions" of the July 5 sale by Continental until September 19, 1972.

The record contains documentation to corroborate the testimony of Mr. Steinweg that a meeting in Dr. Brunthaver's office on July 3, 1972 did take place and that phone calls between Dr. Brunthaver in Washington and Mr. Steinweg in New York City did take place on July 3, July 5 and July 6, 1972.

The Subcommittee finds that Dr. Brunthaver, if he did not know of the July 5 sales by July 8, should have known about them. As the senior American official involved in the negotiation of the trade agreement with the Soviets, he should have made it his business to find out what progress the sales were making, when they were completed and what were their dimensions. Further, when Dr. Brunthaver made verbal commitments to the grain companies, including Continental, to continue the wheat export subsidy, he had an obligation to inquire into the dimensions of these sales before making such a commitment which ultimately cost the American taxpayers millions of dollars.

Chairman Jackson in his letter of October 31, 1973, requested the Justice Department to review the transcript of the testimony of Mr. Steinweg and Dr. Brunthaver. The Justice Department replied that their review led to a conclusion that the information was insufficient to warrant further investigation or prosecution.

The Subcommittee makes no finding in

connection with the conflict of testimony between Mr. Steinweg and Dr. Brunthaver.

9. The Subcommittee finds that the heavy movement of grain to port cities, particularly in the Gulf states, for export to Russia caused a serious disruption in the nation's freight transportation system and increased the national cost of the sales. The Subcommittee also finds that other vital commodities were delayed in transit or were unable to be shipped at all. Finally, the Subcommittee finds that improved coordination among Federal agencies and between Federal, State and local jurisdictions would have resulted in more efficient shipment of the grain.

10. During the investigation by the Subcommittee staff, it was learned that the government and specifically the Department of Agriculture had no means to inform itself in an accurate and timely fashion as to quantity of grain sales to foreign buyers which could assist in an assessment of such sales, domestic supplies and domestic prices. It should have been obvious to the Agriculture Department that although the United States had large surpluses of agricultural commodities, the time would come when foreign buyers, due to a combination of rising prosperity in their own countries and the devaluation of the dollar would be in a position to buy more of U.S. agricultural products than this nation could afford to sell.

The Subcommittee finds that the Agriculture Department failed to recognize and provide for this contingency. Specifically, the Subcommittee finds that the Agriculture Department failed to initiate even a rudimentary reporting system for grain exports.

11. Allegations were made that the grain companies might have had advance knowledge of the Russians' intentions to buy grain from the United States and that these companies might have used such inside information to purchase cash grain or futures contracts in advance to achieve windfall profits.

The Subcommittee finds that the record does not reveal that anyone, either in the grain companies or in the government service, had any advance notice as to the Russians' intentions and hence capitalized on inside information.

12. Allegations were made that it was possible the Russians themselves or agents representing them might have purchased futures contracts for grain in advance of their contracts to buy cash grain from the export contracts in order to acheive windfall profits on an anticipated price increase.

The Subcommittee finds that there is no evidence in the record indicating that any such transactions occurred.

13. The Subcommittee studied allegations that in August 1972, following the execution of the sales contracts to the Russians, certain grain companies might have manipulated the closing price for wheat on the Kansas City Board of Trade in order to cause an increase in the wheat export subsidy. The wheat export subsidy was revised daily based on the Kansas City closing price.

The Commodity Exchange Authority, a branch of the Department of Agriculture, has the responsibility for monitoring the trading in futures contracts in certain commodities, including grain, on the registered commodity markets including the Kansas City Board.

The Commodity Exchange Authority under Alex Caldwell, Administrator, conducted an extensive investigation into these allegations. The Subcommittee staff examined the CEA report and work papers, interviewed the CEA personnel who conducted the investigation and made some independent inquiries.

Administrator Caldwell testified before the Subcommittee and said that CEA, after receiving a report from the Kansas City Board of Trade that no manipulation had occurred, ran its own investigation. Mr. Caldwell testified that the report of investigation had been referred to the Department of Justice indicating that there had been manipulations even though the CEA's Regional Office found there was insufficient evidence to substantiate such charges of manipulation. No disposition has been made by Justice to date.

The Subcommittee finds that the Commodity Exchange Authority has in the past leaned heavily on self-regulation by the commodity exchanges themselves to prevent abuses in futures trading, a practice which Chairman Jackson characterized as "fox in the chicken coop" regulation. Furthermore, the Subcommittee finds that the CEA staff is far too small in numbers to provide adequate monitoring and supervision of the activities in all the registered commodities markets.

Next, the Subcommittee finds that the investigation by CEA was misdirected and therefore unproductive because, due to a lack of understanding as to how the closing prices, the publication of the wheat export subsidy rate and actual registration for the subsidy were interrelated, the CEA concentrated its investigation of specific trades on the wrong days. The CEA should have informed itself thoroughly as to how subsidy registration took place before initiating an investigation in which it invested 1900 man hours.

The Subcommittee finds that poor record keeping practices in the Kansas City Board of Trade made it impossible to determine exactly when orders to buy and sell were placed and executed. This, of course, made it impossible to determine whether these orders affected the closing price. The detection and prevention of such record keeping deficiencies is the responsibility of the Commodity Exchange Authority and the Subcommittee finds that CEA was derelict in its oversight responsibilities.

14. The record reflects that certain reports required by CEA from the grain companies contained incorrect information. Reports submitted by four of the six companies selling grain to the Russians understated sales commitments. These reports were used by CEA to determine whether the futures holdings of the grain companies exceeded speculative limits set by CEA.

In September 1972, the CEA first learned that these reports contained incorrect sales figures and CEA commenced an investigation. On March 8, 1973, Secretary Butz announced publicly that all the grain companies had been cleared by the Justice Department of any fraud in connection with the Russian grain sales. On June 15, 1973, the Subcommittee asked to review the reports in question as a routine investigative step, not knowing that they contained incorrect information or that CEA had made an investigation.

Before the reports were made available, the Agriculture Department on June 27, 1973 filed a complaint in an administrative proceeding charging Continental Grain Company with "willful" violations of the Commodity Exchange Act.

The CEA went ahead to file an administrative complaint on August 8, 1973, charging the Louis Dreyfus Corporation with "willful" violations of the Act. However, CEA entered into a stipulation without penalty with the Garnac Company whereby Garnac agreed to cease and desist from submitting erroneous reports in the future. As to the Bunge Corporation, CEA was content with writing this firm a critical letter. This was in spite of the fact that the reporting errors of the four companies were all substantially of the same type.

The Subcommittee finds no basis in the record for different treatment of the companies involved but does not make a finding as to what an appropriate disposition should be.

15. Farmers in Texas, Oklahoma, Kansas, Illinois and Missouri sold wheat in July 1972 for as low as $1.38 a bushel.

The Subcommittee finds that if the Government had knowledge of the massive grain sales in early July and failed to transmit such knowledge to the farmers, it failed completely in its oversight responsibilities.

16. The record shows that over the years more than $4 billion has been spent on wheat export subsidies without any record of studies, evaluations, consultations, conferences, etc., on the necessity for invoking the subsidy or the advisability of discontinuing it.

There is no record of any meeting or conference on the submittal of alternatives concerning the terms to be offered in the proposed Russian grain sales early in 1972.

There is no record whatsoever as to the details of the negotiations with the Russians on terms of the Sales Agreement announced July 8, 1972 although top officials of the Agriculture and Commerce Department met behind closed doors in Washington, D.C., with the Russians for more than a week prior to that date.

The Assistant Secretary of Agriculture, Dr. Carroll Brunthaver, made no record of his meetings and telephone conversations in July 1972 with representatives of Continental Grain Company and other companies wherein he gave them commitments that the wheat export subsidy would be continued, a decision that cost the government over $300 million.

During August 1972, a series of meetings was held between Agriculture, the Office of Management and Budget and economic experts of the Administration to consider whether the wheat export subsidy should be discontinued. None of these meetings was documented nor is there any documentation as to how Agriculture finally arrived at the details including the final subsidy rates which it used to terminate the subsidy.

These findings have a familiar ring. This Subcommittee, ten years ago, in a report on its hearings on the Department of Agriculture Handling of Pooled Cotton Allotments of Billie Sol Estes found:

The testimony established that it was not the practice in the Department of Agriculture to record the nature of deliberations or decisions reached at meetings and conferences held within the Department.

* * * * *

Out of the testimony concerning records, the subcommittee draws the conclusion that (1) significant meetings were held about Estes and certainly other matters also concerning which no record was made and (2) many of the records which do exist are unavailable for operations because of haphazard handling and filing.

The Subcommittee finds again that officials of the Department of Agriculture failed to document critical meetings and decisions involving millions of taxpayers' dollars.

RECOMMENDATIONS

1. The Subcommittee recommends that legislation be enacted requiring that the imposition of an export subsidy on any agricultural commodity must be through an Executive Order published by the President of the United States and that before such Executive Order is made, the Agriculture Department shall hold a public hearing in which all information for and against such subsidy can be presented.

2. The Subcommittee recommends that before the reinstituting of any subsidy system, the entire mechanism should be thoroughly reviewed so that it is responsive to the objective of making United States farm products competitive in the world market and not used for profit or speculative purposes. Specifically, the Subcommittee finds that an examination should be made as to whether, as was true in the system in effect during the Russian grain deal, subsidy registrations should be permitted prior to actual sales being made and whether there

should be a long, open-ended period during which actual sales may be registered.

3. The Subcommittee recommends that the Comptroller General submit an annual report to the Congress on each agricultural commodity export subsidy involved in the future, reporting how much was spent and giving an evaluation as to whether it should be continued.

4. The Subcommittee finds that the actions of the Commodity Exchange Authority as they pertained to aspects of the Russian wheat transaction were weak, inconsistent and ineffective. The Subcommittee is aware that legislation is pending to reorganize the Commodity Exchange Authority, to increase its personnel strength and its authority and to make it generally more effective in monitoring the activities of registered commodity exchanges. The Subcommittee wholeheartedly endorses the intent of such legislation and believes that the regulation of such commodity exchanges could be accomplished more effectively by an agency completely independent of the Agriculture Department and headed by a Commodity Exchange Commission similar to the Securities Exchange Commission.

5. The Subcommittee recommends that the Comptroller General make a detailed review of the reporting system which has recently been placed into operation to determine the outstanding export sales commitments of commodities in relation to existing stocks. Since this system is new, it can be expected to have some operational difficulties and the Comptroller General should examine and report promptly to assure that the vital information to be provided by the system is complete, accurate and timely. The Subcommittee strongly recommends a continuation and refinement of the reporting system.

6. The Subcommittee feels strongly that decisions which affect millions of taxpayers' dollars should be well documented. Therefore, the Subcommittee recommends to the Department of Agriculture that internal directives be issued to appropriate officials requiring full and complete documentation be made of decisions and commitments of the magnitude studied in this case.

7. Conflicting goals of American foreign, agricultural, transportation, economic and social policies should be rationally reconciled at the outset of trade negotiations rather than—as appears to have been the case in the Russian Grain transactions—permitting one set of priorities to predominate without adequate consideration of other priorities and policies.

The Subcommittee, therefore, recommends that a high-ranking government official with an overview and understanding of the overall economic impact of large commodity export transactions, such as the President's Special Representative for Trade Negotiations, be charged with the responsibility for coordinating Federal participation and oversight in such large transactions in the future. Such an official would have the authority to command the cooperation of officials in all relevant government departments and agencies.

It is further recommended that, in future large agricultural sales, such an individual would head a task force comprised of representatives of all government departments, bureaus and agencies which regulate important elements of the nation's economy. Such a task force would plan for the sales and draw up the kind of contingency plans required to safeguard the nation against unexpected and undesired developments.

8. The Subcommittee recommends that the U.S. Agriculture Department, in conjunction with the Council of Economic Advisers, prepare and submit to the Congress by June 1, 1975, five-year projections of United States demand and supply of all grains. These reports should be revised annually. They would be designed to alert government officials, corporate firms, and private citizens alike to projected domestic needs and to enable the Federal Government to plan a rational agricultural policy. Production of grains could then more closely reflect domestic and foreign demand as well as the need for disaster relief surpluses.

ORDER FOR DOUBLE-STAR PRINT OF REPORT (NO. 93-1024) ON EXPORT ADMINISTRATION ACT AMENDMENTS OF 1974

Mr. STEVENSON. Mr. President, I ask unanimous consent that the report (No. 93-1024) of the Committee on Banking, Housing and Urban Affairs on the Export Administration Act Amendments of 1974 be reprinted to eliminate some typographical errors.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. LONG:

S. 3822. A bill to impose a 100-percent tax on interest received at an annual rate in excess of 10 percent; and

S. 3823. A bill to permit the Governor of Louisiana to set aside up to 10 percent of the payments received by the State government under the State and Local Fiscal Assistance Act of 1972 for use solely for local law enforcement purposes. Referred to the Committee on Finance.

By Mr. CHILES:

S. 3824. A bill to amend section 8e of the Agricultural Adjustment Act of 1953, as reenacted and amended by the Agriculture Marketing Agreement Act of 1937, to subject imported tomatoes to restrictions comparable to those applicable to domestic tomatoes. Referred to the Committee on Agriculture and Forestry.

By Mr. MAGNUSON (for himself, Mr. PASTORE, Mr. COTTON, and Mr. BAKER) (by request):

S. 3825. A bill to amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting and for other purposes. Referred to the Committee on Commerce.

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 3826. A bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return shall be taxed on his or her earned income at the same rate as an unmarried individual. Referred to the Committee on Finance.

By Mr. KENNEDY:

S. 3627. A bill to provide for the adjustment of status of certain aliens under the Immigration and Nationality Act, and for other purposes. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 3824. A bill to amend section 8e of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to subject imported tomatoes to restrictions comparable to those applicable to domestic tomatoes. Referred to the Committee on Agriculture and Forestry.

Mr. CHILES. Mr. President, I introduce today an amendment to section 8e of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937. At present, section 8e subjects tomatoes and certain other fresh fruits and vegetables to the same or comparable grade, size, quality or maturity marketing restrictions imposed by a Federal marketing order on the shipment of domestically produced commodities. This section of the act was originally sponsored by the late Senator Spessard Holland of Florida and was intended to require that all restrictions imposed by marketing order on the handling of domestically grown agricultural commodities should equally apply to imported commodities.

The amendment I am proposing to cover restrictions imposed by marketing order on the pack of the container in which domestically produced tomatoes are marketed is necessary, in view of the fact that the Secretary of Agriculture interprets the present section 8e as not authorizing the application to imported tomatoes of "pack" restrictions that are imposed by Federal marketing order on shipments of tomatoes grown in the United States.

The interpretation which the Secretary has placed upon section 8e has resulted in the issuance of regulations which allow foreign shippers to ship in a single container tomatoes of varied size, grades and maturities; a practice which is forbidden domestic growers. The fact of this unequal treatment of foreign and domestic growers is of course detrimental to the U.S. grower and disruptive of the tomato market. Further, the failure to apply equal "pack" restrictions on foreign tomatoes counters the policy of Congress, as provided in section 8e, to establish orderly marketing procedures.

Mr. President, at this point in my remarks I ask unanimous consent that the text of the bill I am introducing be printed in the RECORD.

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

S. 3824

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Agricultural Adjustment Act of 1933, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence (1) by inserting after "eggplants" a comma and the following: "or regulating the pack of any container of tomatoes" and (2) by inserting a comma and "and in the case of tomatoes any provisions regulating the pack of any container," after "provisions" wherever it appears, and in the fourth sentence by inserting a comma and "and with respect to imported tomatoes such restrictions on the pack of any container," after "classifications".

By Mr. MAGNUSON (for himself, Mr. PASTORE, Mr. COTTON, and Mr. BAKER) (by request):

S. 3825. A bill to amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting and

for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, since the enactment of the Public Broadcasting Act of 1967, the Senate Commerce Committee has awaited the submission of the long-range funding legislation that was to give the necessary stability to develop the full potential of public broadcasting. In spite of the study after study, and recommendation after recommendation, this long-range legislation had not been submitted to Congress.

Early this year there appeared to be signs that such legislation would be forthcoming. However, about 2 months ago the general press reported that such a plan would be rejected by the President.

I became concerned and wrote to the President on June 25, 1974, and asked the President if he was going to submit the legislation. If not, to notify me within 30 days so I could take appropriate steps. I ask that a copy of my letter be made part of the RECORD at this time.

I am therefore pleased, along with my colleagues, Senater PASTORE, Senator COTTON, and Senator BAKER, to introduce long-range funding legislation submitted by the President last week.

In view of the lateness of the session, the committee intends to move expeditiously with the hope that the legislation will be enacted in this Congress.

I also ask unanimous consent that the various explanations submitted with the bill together with the bill itself be printed in the RECORD at this point.

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

S. 3825

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

That this Act may be cited as the "Public Broadcasting Financing Act of 1974."

SECTION 1. Subsection 396(k) of the Communications Act of 1934 is amended by inserting, after paragraph (2), the following paragraphs:

"(3) There is hereby established in the Treasury a fund which shall be known as the 'Public Broadcasting Fund,' administered by the Secretary of the Treasury. There are authorized to be appropriated to said fund for each of the fiscal years during the period beginning July 1, 1975, and ending June 30, 1980, an amount equal to 40 per centum of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year; *Provided, however,* that the amount so appropriated shall not exceed $70,000,000 for the fiscal year ending June 30, 1976; $80,000,000 for the fiscal year ending June 30, 1977; $90,000,000 for the fiscal year ending June 30, 1978; $95,000,000 for the fiscal year ending June 30, 1979; and $100,000,000 for the fiscal year ending June 30, 1980.

"(4) There are hereby appropriated to the public broadcasting fund, out of any moneys in the Treasury not otherwise appropriated, for each of the fiscal years during the period beginning July 1, 1975, and ending June 30, 1980, such amounts as are authorized to be appropriated by paragraph (3) of this subsection, which shall remain available until expended. Such funds shall be used solely for the expenses of the Corporation. The Corporation shall determine the amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, and shall certify such amount to the Secretary of the Treasury. Upon receipt of such certification, the Secretary of the Treasury shall disburse from the public broadcasting fund to the Corporation the amount appropriated to the fund for such fiscal year pursuant to the provisions of this subsection.

"(5) The Corporation shall reserve for distribution among the licensees and permittees of noncommercial educational broadcast stations that are on-the-air an amount equal to not less than 40 per centum of the funds disbursed to the Corporation from the public broadcasting fund in each fiscal year in which the amount disbursed is $70,000,000 or more but less than $90,000,000; not less than 45 per centum in each fical year in which the amount disbursed is $90,000,000 or more but less than $100,000,000; and not less than 50 per centum in each fiscal year in which the amount disbursed is $100,000,000.

"(6) The Corporation shall, after consultation with licensees and permittees of noncommercial educational broadcast stations that are on-the-air, establish, and review annually, criteria and conditions regarding the distribution of funds reserved pursuant to paragraph (5) of this subsection, as set forth below:

(A) The total amount of funds shall be divided into two portions, one to be distributed among radio stations, and one to be distributed among television stations. The Corporation shall make a basic grant from the portion reserved for television stations to each licensee and permittee of a noncommercial educational television station that is on-the-air. The balance of the portion reserved for television stations and the total portion reserved for radio stations shall be distributed to licensees and permittees of such stations in accordance with eligibility criteria that promote the public interest in noncommercial educational broadcasting, and on the basis of a formula designed to:

(i) provide for the financial needs and requirements of stations in relation to the communities and audiences such stations undertake to serve;

(ii) maintain existing, and stimulate new, sources of non-Federal financial support for stations by providing incentives for increases in such support; and

(iii) assure that each eligible licensee and permittee of a non-commercial educational radio station receives a basic grant.

(B) No distribution of funds pursuant to this subsection shall exceed, in any fiscal year, one-half of a licensee's or permittee's total non-Federal financial support during the fiscal year second preceding the fiscal year in which such distribution is made.

"(7) Funds distributed pursuant to this subsection may be used at the discretion of stations for purposes related to the provision of educational television and radio programming, including but not limited to: producing, acquiring, broadcasting or otherwise disseminating educational television or radio programs; procuring national or regional program distribution services that make educational television or radio programs available for the broadcast or other dissemination at times chosen by stations; acquiring, replacing, and maintaining facilities, and real property used with facilities, for the production, broadcast or other dissemination of educational television and radio programs; developing and using nonbroadcast communications technologies for educational television or radio programming purposes.

SEC. 2. Subsection 396(g)(2)(H) of the Communications Act of 1934 is amended by deleting the period after the word "broadcasting" and inserting the following: "and the use of non-broadcast communications technologies for the dissemination of educational television or radio programs."

SEC. 3. Subsection 396(i) of the Communications Act of 1934 is amended by inserting after the word "appropriate" the following sentence: "The officers and directors of the Corporation shall be available to testify annually before appropriate Committees of the Congress with respect to such report and with respect to the report of any audit made by the Comptroller General pursuant to subsection 396(*l*)."

SEC. 4. Section 397 of the Communications Act of 1934 is amended by inserting, after paragraph (9), the following paragraphs:

"(10) The term 'non-Federal financial support' means the total value of cash and the fair market value of property and services (except for personal services of volunteers) received—

"(A) as gifts, grants, bequests, donations, or other contributions for the construction or operation of noncommercial educational broadcast stations, or for the production, acquisition, distribution, or dissemination of educational television or radio programs, and related activities, from any source other than (i) the United States or any agency or establishment thereof, or (ii) any public broadcasting entity; or

"(B) as gifts, grants, donations, contributions, or payments from any State, any agency or political subdivision of a State, or any educational institution, for the construction or operation of noncommercial educational broadcast stations or for the production, acquisition, distribution, or dissemination of educational television or radio programs, or payments in exchange for services or materials respecting the provision of educational or instructional television or radio programs.

"(11) The term 'public broadcasting entity' means the Corporation, any licensee or permittee of a noncommercial educational broadcast station, or any nonprofit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational television and radio programs."

OFFICE OF TELECOMMUNICATION POLICY,
Washington, D.C. July 16, 1974.

THE VICE PRESIDENT,
U.S. Senate,

DEAR MR. VICE PRESIDENT: In enacting the Public Broadcasting Act of 1967, the Congress declared that the development of educational broadcasting was an important and appropriate concern of the Federal Government. The Act authorized the creation of the Corporation for Public Broadcasting as a private, non-profit corportion for the purpose of facilitating the development of a system of noncommercial educational broadcasting that would be characterized by programming of diversity and excellence and to insulate programming from any extraneous interference or control that might derive from Federal financing. In addition, the Act stressed the preeminent role of local stations not only in serving the educational needs of their communities, but also in the nationwide structure of a public broadcast system built upon the principle of localism.

In order to strengthen that structure and enhance the concept of localism, I am submitting herewith for the consideration of the Congress a proposed revision of Section 396 and 397 of the Communications Act of 1934 pertaining to the Federal financing of the Corportion for Public Broadcasting and the entire educational broadcast system. The bill would create a five-year Federal financing plan for the Corportion, and would assure that a reasonable portion of Federal funds is distributed directly to local stations. Finally, the bill would expand the scope of the Public Broadcasting Act of 1967 to include the development and use of nonbroadcast communications technologies for dissemination of educational radio and television programming.

BACKGROUND

The establishment of a source of funding to provide long-term, insulated financing

has long been seen as an essential goal if public broadcasting is to fulfill its potential of offering diverse and excellent educational radio and television programming, free of governmental influences. Even before the enactment of the Public Broadcasting Act of 1967, the Carnegie Commission on Educational Television, in recognition of the uniquely sensitive relationship between program content and Federal funding, recommended a plan of permanent financing that would insulate the Corporation and public broadcasting from possible pressures that might nautrally result from the annual budgeting and appropriations process.

Since 1967, however, the Congress has quite properly chosen not to institute a long-range funding plan, in view of questions regarding the structure of the public broadcasting system and the policies of the Corporation and the Public Broadcasting Service (PBS). Now, many of these questions have been resolved. Public broadcasting is making important contributions to the nation's life by providing educational and cultural programs of diversity and excellence. The important role of local stations in the heirarchy of the system has been acknowledged in principles and policies adopted by the Corporation and the other national entities that represent local stations.

INSULATED FUNDING

The time has come therefore, to affirm the Federal commitment to the principle of public broadcasting with a long-term financing plan that acknowledges its progress and recognizes its potential. The bill the Administration submits today provides for a five-year authorization and appropriation covering fiscal years 1976 through 1980, building upon the current year authorization and appropriation, which continue the increases in funding for the Corporation over the past five years. This multi-year appropriation provision will minimize the possibility of any government scrutiny of or influence on programming that might occur in the course of the usual annual budgetary, authorization and appropriation process. In addition, it will enable the Corporation and local stations to undertake advance program planning with assurance as to the level of Federal funding available in the foreseeable future.

The authorization and appropriation of funds for the Corporation would be based upon matching fund principles that have worked successfully in providing both private foundation and government funds to public broadcasting in the past. There would be a 40 percent Federal match of the entire public broadcasting system's non-Federal income, so that $1.00 in Federal funds would be appropriated for every $2.50 received by the Corporation, stations and other public broadcasting entities in the form of private contributions and State and local government support. The matching formula would establish a Federal commitment to provide substantial support to the public broadcasting system while providing an incentive for encouraging continued and increased non-Federal support. The matching principle also assures that Federal assistance does not become a dominant force in the system; a risk that no one in public broadcasting or government is prepared to take.

As an additional safeguard in this regard, the bill imposes ceilings on the permissible appropriation for each fiscal year, beginning at $70 million in fiscal year 1976 and reaching $100 million in fiscal year 1980. In view of the system's growth and development in recent years, these ceilings are sufficiently high to permit continued growth and still offer the system a meaningful incentive to increase non-Federal financial support in view of the record of non-Federal contributions in recent years. At the same time, the ceilings comport with sound fiscal policy in light of the fact that this would be the Congress' first venture into multi-year appropriations for public broadcasting.

Moreover, the Corporation would remain fully accountable to the public and to the Congress for its use of public funds, in that the bill requires that officials of the Corporation make themselves available for annual oversight hearings before appropriate congressional committees. Several existing provisions in the Public Broadcasting Act also assure continued public accountability. For example, the General Accounting Office is authorized to audit the books of the Corporation, as well as the records of any recipient of a grant from the Corporation; directors of the Corporation are subject to confirmation by the Senate; and the ultimate safeguard, of course, is the congressional prerogative to amend the funding provisions of the Act at any time.

LOCAL STATION SUPPORT

The Public Broadcasting Act of 1967 emphasized the autonomy and independence of local non-commercial educational broadcast stations. This bill enhances that commitment to localism by assuring that a reasonable portion of each annual Federal appropriation to the Corporation would be earmarked for distribution to local educational broadcast stations. At an appropriation level of $70 million, the Corporation would be required to distribute no less than 40 percent of the total amount paid in any fiscal year from the Public Broadcasting Fund to the Corporation. The amount to be distributed to stations would increase to 50 percent at the $100 million appropriation level. It should be noted that the Corporation has already committed itself, in agreement with representatives of local television stations, to distribute greater amounts of its appropriation to local television stations, up to the $80 million level of appropriations.

The bill provides that all licensees and permitees of on-the-air non-commercial educational television stations would share equally in a basic grant, the amount of which would be determined by the Corporation in consultation with stations. A somewhat different distribution mechanism would be established for non-commercial educational radio stations. Many such stations are licensed to educational institutions for purposes of training students in broadcasting, and do not render a service to the general public. Accordingly, the bill provides that only those radio stations that are eligible under public interest criteria established by the Corporation would receive financial assistance, although each such eligible station would receive a basic grant.

Grants in excess of the basic amount would be distributed among television stations, and all grants would be distributed among radio stations, under eligibility criteria established by the Corporation in consultation with stations. At present, the Corporation determines local station eligibility to receive similar grants on the basis of factors such as hours of operation, staffing levels and operating budgets. We contemplate that such eligibility standards would continue to be used.

The additional grants would be apportioned among eligible recipients according to a formula designed to (a) stimulate non-Federal financial support and (b) provide for the financial needs of stations in relation to the communities and audiences they undertake to serve. The bill does not prescribe a precise formula, but rather sets forth the two objectives that the formula is to achieve. The precise details of the formula, as well as the respective weights assigend to the two objectives, would also be determined by the Corporation in consultation with stations in much the same way that the Corporation presently administers the formula used for distribution of operating fund grants, known as Community Service Grants, to local radio and TV stations.

In accordance with the first objective, the formula would provide incentives for stations to increase their non-Federal income. Matching grants might be awarded for increases in non-Federal support, or grants might be distributed on the basis of each station's proportionate share of the non-Federal income of all stations. Stations might also be rewarded for increasing the proportion of viewers or listeners subscribing to the stations, in relation to total potential viewership or listenership.

The second factor in the formula is intended to assure that the distribution of public funds to stations bears a direct relationship to the public service rendered by stations. It is intended to encompass both actual and potential service. Thus, the fact that stations in larger markets are generally capable of providing service to more members of the public than a station in a smaller market should be reflected in the formula. Similarly, the extent to which a station's program service actually reaches the public over the course of a year should also be taken into account.

It should be apparent from this discussion that the bill assures that licensees and permittees of local stations would play a substantial role in the decision-making processes regarding the distribution of Federal funds to stations. The Corporation would be required to consult with licensees and permittees, including their authorized representatives, in apportioning the funds between radio and television, determining the amount of the basic grant to stations, establishing eligibility criteria for radio stations and for distribution of grants to television stations in excess of basic grants, and establishing the formula for apportioning funds among stations.

Licensees and permittees may use these funds for any educational radio or television programming purpose (incluidng payment of dues or assessments to membership organizations who represent the interests of stations), the purchase, acquisition or maintenance of broadcast facilities and real property used with such facilities, and the procurement of regional or national program distribution services, that make programs available for broadcast at times chosen by the stations. Existing provisions of the Public Broadcasting Act of 1967 would require stations to keep records regarding the application of these funds, and would permit the Corporation and the General Accounting Office to audit and examine such records.

NEW TECHNOLOGY

In addition to providing for the long-term financing of the Corporation and the entire public broadcast system, the bill would update the Public Broadcasting Act of 1967 by including within its scope new technologies, such as cable and communications satellites, which may provide additional methods for disseminating educational radio and television programming to the public. The bill would permit stations to use the Federal funds distributed to them by the Corporation for the development of non-broadcast technologies and would also authorize the Corporation to conduct research, demonstrations or training in the use of such technologies for disseminating educational programming.

The Office of Management and Budget advises that the enactment of the proposed legislation would be in accord with the program of the President.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

CLAY T. WHITEHEAD.

PUBLIC BROADCASTING FINANCING ACT OF 1974

SUMMARY AND SECTIONAL ANALYSIS

This bill has three principal purposes relating to the Corporation for Public Broad-

casting and the system of non-commercial educational radio and television stations:

(1) to provide long-term Federal financing for the Corporation for Public Broadcasting by means of a five-year authorization and appropriation;

(2) to assure that a reasonable portion of Federal funds is distributed directly to local non-commercial educational broadcast stations; and

(3) to expand the scope of the Public Broadcasting Act of 1967 to include the development and use of non-broadcast communications technologies for the distribution and dissemination of educational radio and television programming.

SECTION-BY-SECTION ANALYSIS

Section 1. Subsection 396(k) is amended to establish a five-year Federal financing plan for the Corporation for Public Broadcasting and to assure that a reasonable portion of the funds appropriated to the Corporation is distributed directly to local stations.

Paragraph (3) of Subsection 396(k) would establish a "Public Broadcasting Fund" in the Treasury, to which there would be authorized for appropriation, for fiscal years 1976–1980, amounts equal to 40 percent of the total non-Federal financial support received by public broadcasting entities during each second-preceding fiscal year. A one-year time lag is necessary to accumulate the information for determining the amount on which the 40 percent match would be based. The appropriation for each fiscal year could not, however, exceed the following ceilings: $70 million in fiscal year 1976; $80 million in fiscal year 1977; $90 million in fiscal year 1978; $95 million in fiscal year 1979; and $100 million in fiscal year 1980.

Paragraph (4) would appropriate to the Public Broadcasting Fund the amounts authorized by paragraph (3). Amounts appropriated to the Fund would remain available until expended. This paragraph also sets forth the procedure whereby the amounts appropriated each year would be disbursed from the Public Broadcasting Fund to the Corporation, and requires that the funds be used solely for the expenses of the Corporation.

The Corporation would be required to determine the amount of non-Federal financial support received by public broadcasting entities during each second preceding year, and to certify that amount to the Secretary of the Treasury. The Secretary, upon receipt of such certification, would pay from the Fund to the Corporation the amount of the appropriation, i.e., 40 percent of the certified non-Federal income or the statutory ceiling, whichever is less.

Paragraph (5) would require the Corporation to set aside a specified percentage of the appropriated funds for distribution to on-the-air non-commercial educational broadcast stations. The statutory percentage for distribution to stations would be 40 percent at an appropriation level of $70 million or more but less than $90 million; 45 percent at an appropriation level of $90 million or more but less than $100 million; and 50 percent at an appropriation level of $100 million. The statutory percentage is expressed as a minimum, so that the Corporation could reserve a greater amount than that specified in the bill.

Paragraph (6) sets forth the method for distributing the funds reserved pursuant to paragraph (5). The Corporation would be required to establish, and review annually, after consultation with the licensees and permittees of on-the-air educational stations, criteria and condition for the distribution of these funds. In each fiscal year, the portions, one to be distributed to television stations and one to be distributed to radio stations. Each licensee or permittee of an on-the-air educational television station would receive a basic grant from the portion reserved for television. The amount of this basic grant would be the same for each station, and would be determined annually by the Corporation in consultation with stations. The balance of the amount reserved for television stations would be distributed among licensees and permittees of such stations as are eligible to receive additional grants under criteria established by the Corporation in consultation with stations. These additional grants would be apportioned among eligible stations on the basis of a formula designed to (a) provide for the financial needs of stations in relation to the communities and audiences they undertake to serve and (b) stimulate non-Federal financial support for station activities. The bill does not prescribe a precise formula for the distribution of additional grants, but rather states these two objectives that the formula is to achieve. The details of the formula, as well as the weight assigned to each factor, would be determined by the Corporation in consultation with stations.

A somewhat different distribution mechanism is established for non-commercial educational radio stations. Many such stations are licensed to educational institutions for purposes of training students in broadcasting and do not render a direct service to the general public. Accordingly, only those stations that are eligible according to public interest criteria established by the Corporation would receive grants from the portion of funds reserved for distribution to radio stations. The bill does provide, however, that each such eligible radio station would receive a basic grant. As with television stations, funds in addition to the basic grant would be distributed to eligible radio stations according to a formula that would stimulate non-Federal income and reflect the needs of stations in relation to the audiences they serve.

The bill assures that licensees and permittees of stations would play a significant role in the decision-making processes relating to distribution of funds to stations. The Corporation would be required to consult with licensees and permittees (including their authorized representatives) in (a) apportioning the funds between radio and television, (b) determining the amount of the basic grant to stations, (c) establishing eligibility criteria for radio stations and for additional grants to television stations, and (d) establishing the formula for apportioning additional grants among stations, including the weight to be assigned to the statutory objectives of stimulating non-Federal income and reflecting the needs of stations in relation to the audiences they serve.

In order to assure that Federal funds do not become a dominant factor in the financing of stations, this paragraph also provides that the funds distributed according to this subsection may not exceed, in any fiscal year, one-half of a licensee's or permittee's total non-Federal financial support during the fiscal year second preceding the fiscal year in which the distribution is made. This limitation would not apply to grants made by the Corporation under developmental programs designed to meet special needs of particular stations.

Paragraph (7) provides that the funds distributed to stations may be used at their discretion for purposes related to the provision of non-commercial educational television and radio programming. Several examples of such purposes are set forth, including: producing, broadcasting or otherwise disseminating educational television or radio programs; procuring national or regional program distribution services that make educational television or radio programs available for broadcast or other dissemination at times chosen by stations; acquiring, replacing, and maintaining facilities, and real property used with facilities, for the production, broadcast or other dissemination of educational television and radio programs; developing and using non-broadcast communications technologies (such as cable television and communications satellites) for educational television or radio programming purposes.

This list of purposes for which funds may be used by stations is not meant to be exhaustive. For example, although not specifically mentioned, it is intended that these funds could be used for the payment of dues or assessments to organizations which represent the interests of stations. One purpose for listing several typical uses of the funds is to make it clear that stations may undertake the development and use of non-broadcast methods of transmitting programs to the public. In this regard, the term "dissemination" is intended to mean delivery of programs to viewers and listeners by means of non-broadcast technologies.

Section 2. Subsection 396(g)(2)(H) is amended to permit the Corporation to conduct research, demonstrations, or training in the use of non-broadcast communications technologies, as discussed above, for the dissemination of educational television or radio programs.

Section 3. A provision is added to Subsection 396(i) of the Act, which pertains to the annual report of the Corporation. The new provision states that the officers and directors of the Corporation shall be available to testify annually before appropriate committees of the Congress with respect to the annual report of the Corporation and with respect to the report of any audit made by the Comptroller General pursuant to Subsection 396(l) of the Act. Even with long-term Federal financing, the Corporation remains fully accountable to the public and to the Congress for its use of public funds. In view of the multi-year appropriation provision of the bill, this addition will provide the opportunity for annual Congressional review of the Corporation and its activities.

Section 4. The provision in the bill for appropriations amounting to 40 percent of the non-Federal income of public broadcasting entities and the limitation on the amount of funds that may be distributed to a station, expressed as a percentage of non-Federal income, necessitates the inclusion of two new definitions in the Act.

The term "public broadcasting entity" is defined to mean the Corporation for Public Broadcasting, any licensee or permittee of a non-commercial educational broadcast station, and any nonprofit institution engaged primarily in the production, acquisition, distribution or dissemination of educational television or radio programs. Examples of the latter category include program production organizations, such as the Children's Television Workshop, and organizations providing program distribution services to stations such as the Public Broadcasting Service and National Public Radio.

The term "non-Federal financial support" is defined to mean the total value of cash and fair market value of property and services (except for personal services of volunteers) received as gifts, grants, bequests, donations, or other contributions for the construction broadcast stations, or for the production, acquisition, distribution or dissemination of educational television or radio programs and related activities. The definition includes such funds received from any source other than (1) the Federal Government or (2) any public broadcasting entity. The latter exception is intended to eliminate the double counting of funds circulated within the public broadcasting system. Thus, for example, income from a non-Federal source received in the first instance by a national public broadcasting organization and then distributed to stations or other public broadcasting entities would be counted only once.

In addition, the term is defined to include income received for public broadcast-

ing purposes from State and local governments and educational institutions, as well as contract payments from such entities in exchange for services or materials relating to the provision of education or instructional television or radio programs. Excluded from the definition are contract payments for such services from sources other than State and local governments and educational institutions, as well as contract payments in exchange for commercial services which might be provided by public broadcasting entities.

PUBLIC BROADCASTING FINANCING ACT OF 1974
COMPARISON WITH EXISTING LAW

SUBPART B—CORPORATION FOR PUBLIC BROADCASTING

Section 396. Corporation for Public Broadcasting—Congressional Declaration of Policy.

(a) The Congress hereby finds and declares—

(1) that it is in the public interest to encourage the growth and development of noncommercial educational radio and television broadcasting, including the use of such media for instructional purposes;

(2) that expansion and development of noncommercial educational radio and television broadcasting and of diversity of its programing depend on freedom, imagination, and initiative on both the local and national levels.

(3) that the encouragement and support of noncommercial educational radio and television broadcasting, while matters of importance for private and local development, are also of appropriate and important concern to the Federal Government;

(4) that it furthers the general welfare to encourage noncommercial educational radio and television broadcast programing which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence;

(5) that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial educational radio and television service available to all the citizens of the United States;

(6) that a private corporation should be created to facilitate the development of educational radio and television broadcasting and to afford maximum protection to such broadcasting from extraneous interference and control.

(b) There is authorized to be established a nonprofit corporation, to be known as the "Corporation for Public Broadcasting", which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.

(c)(1) The Corporation shall have a Board of Directors (hereinafter in this section referred to as the "Board"), consisting of fifteen members appointed by the President, by and with the advice and consent of the Senate. Not more than eight members of the Board may be members of the same political party.

(5) The members of the Board (A) shall be selected from among citizens of the United States (not regular fulltime employees of the United States) who are eminent in such fields as education, cultural and civic affairs, or the arts, including radio and television; (B) shall be selected so as to provide as nearly as practicable a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation.

(3) The members of the initial Board of Directors shall serve as incorporators and shall take whatever actions are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.

(4) The term of office of each member of the Board shall be six years; except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of office of members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, five at the end of two years, five at the end of four years, and five at the end of six years. No member shall be eligible to serve in excess of two consecutive terms of six years each. Notwithstanding the preceding provisions of this paragraph, a member whose term has expired may serve until his successor has qualified.

(5) Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointments were made.

(d)(1) The President shall designate one of the members first appointed to the Board as Chairman; thereafter the members of the Board shall annually elect one of their number as Chairman. The members of the Board shall also elect one or more of them as a Vice Chairman or Vice Chairmen.

(2) The members of the Board shall not, by reason of such membership, be deemed to be employees of the United States. They shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to this subpart be entitled to receive compensation at the rate of $100 per day including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, equal to that authorized by law (section 5703 of Title 5) for persons in the Government service employed intermittently.

(e)(1) The Corporation shall have a President, and such other officers as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation, other than the Chairman and any Vice Chairman, may receive any salary or other compensation from any source other than the Corporation during the period of his employment by the Corporation. All officers shall serve at the pleasure of the Board.

(2) Except as provided in the second sentence of subsection (c)(1) of this section, no political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation.

(f)(1) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(3) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(g)(1) In order to achieve the objectives and to carry out the purposes of this subpart, as set out in subsection (a) of this section, the Corporation is authorized to—

(A) facilitate the full development of educational broadcasting in which programs of high quality, obtained from diverse sources, will be made available to noncommercial educational television or radio broadcast stations, with strict adherence to objectivity and balance in all programs or series of programs of a controversial nature;

(B) assist in the establishment and development of one or more systems of interconnection to be used for the distribution of educational television or radio programs so that all noncommercial edlucational television or radio broadcast stations that wish to may broadcast the programs at times chosen by the stations;

(C) assist in the establishment and development of one or more systems of noncommercial educational television or radio broadcast stations throughout the United States;

(D) carry out its purposes and functions and engage in its activities in ways that will most effectively assure the maximum freedom of the noncommercial educational television or radio broadcast systems and local stations from interference with or control of program content or other activities.

(2) Included in the activities of the Corporation authorized for accomplishment of the purposes set forth in subsection (a) of this section, are, among others not specifically named—

(A) to obtain grants from and to make contracts with individuals and with private, State, and Federal agencies, organizations, and institutions;

(B) to contract with or make grants to program production entities, individuals, and selected non-commercial educational broadcast stations for the production of, and otherwise to procure, educational television or radio programs for national or regional distribution to noncommercial educational broadcast stations;

(C) to make payments to existing and new noncommercial educational broadcast stations to aid in financing local educational television or radio programing costs of such stations, particularly innovative approaches thereto, and other costs of operation of such stations;

(D) to establish and maintain a library and archives of noncommercial educational television or radio programs and related materials and develop public awareness of and disseminate information about noncommercial educational television or radio broadcasting by various means, including the publication of a journal;

(E) to arrange, by grant or contract with appropriate public or private agencies, organizations, or institutions, for interconnection facilities suitable for distribution and transmission of educational television or radio programs to noncommercial educational broadcast stations;

(F) to hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out the purposes of this section;

(G) to encourage the creation of new noncommercial educational broadcast stations in order to enhance such service on a local, State, regional, and national basis;

(H) conduct (directly or through grants or contracts) research, demonstrations, or training in matters related to noncommercial educational television or radio broadcasting—and the use of nonbroadcast communications technologies for the dissemination of educational television or radio programs.

(3) To carry out the foregoing purposes and engage in the foregoing activities, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, except that the Corporation may not own or operate any television or radio broadcast station, system, or network, community antenna television system, or interconnection or program production facility.

(h) Nothing in this chapter or in any other provision of law shall be construed to prevent United States communications common carriers from rendering free or reduced rate communications interconnection services for noncommercial educational television or radio services, subject to such rules

and regulations as the Federal Communications Commission may prescribe.

(i) The Corporation shall submit an annual report for the preceding fiscal year ending June 30 to the President for transmittal to the Congress on or before the 31st day of December of each year. The report shall include a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section and may include such recommendations as the Corporation deems appropriate. The officers and directors of the Corporation shall be available to testify annually before appropriate Committees of the Congress with respect to such report and with respect to the report of any audit made by the Comptroller General pursuant to subsection 396(1).

(j) The right to repeal, alter, or amend this section at any time is expressly reserved.

(k) (1) There are authorized to be appropriated for expenses of the Corporation $50,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975.

(2) In addition to the sums authorized to be appropriated by paragraph (1) of this subsection, there are authorized to be appropriated for payment to the Corporation for each fiscal year during the period July 1, 1970, to June 30, 1975, amounts equal to the amount of total grants, donations, bequests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation under subsection (g)(2)(A) of this section during such fiscal year; except that the amount appropriated pursuant to this paragraph for any fiscal year may not exceed $5,000,000.

(3) There is hereby established in the Treasury a fund which shall be known as the "Public Broadcasting Fund," administered by the Secretary of the Treasury. There are authorized to be appropriated to said Fund for each of the fiscal years during the period beginning July 1, 1975, and ending June 30, 1980, an amount equal to forty (40) percent of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year; *Provided, however,* that the amount so appropriated shall not exceed $70,000,000 for the fiscal year ending June 30, 1976; $80,000,000 for the fiscal year ending June 30, 1977; $90,000,000 for the fiscal year ending June 30, 1978; $95,000,000 for the fiscal year ending June 30, 1979; and $100,000,000 for the fiscal year ending June 30, 1980.

(4) There are hereby appropriated to the Public Broadcasting Fund, out of any moneys in the Treasury not otherwise appropriated, for each of the fiscal years during the period beginning July 1, 1975, and ending June 30, 1980, such amounts as are authorized to be appropriated by paragraph (3) of this subsection, which shall remain available until expended. Such funds shall be used solely for the expenses of the Corporation. The Corporation shall determine the amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, and shall certify such amount to the Secretary of the Treasury. Upon receipt of such certification, the Secretary of the Treasury shall disburse from the Public Broadcasting Fund to the Corporation the amount appropriated to the Fund for such fiscal year pursuant to the provisions of this subsection.

(5) The Corporation shall reserve for distribution among the licensees and permittees of noncommercial educational broadcast stations that are on-the-air an amount equal to not less than forty (40) percent of the funds disbursed to the Corporation from the Public Broadcasting Fund in each fiscal year in which the amount disbursed is $70,000,000 or more but less than $90,000,000; not less than forty-five (45) percent in each fiscal year in which the amount disbursed is $90,000,000 or more but less than $100,000,000; and not less than fifty (50) percent in each fiscal year in which the amount disbursed is $100,000,000.

(6) The Corporation shall, after consultation with the licensees and permittees of noncommercial educational broadcast stations that are on-the-air, establish, and review annually, criteria and conditions regarding the distribution of funds reserved pursuant to paragraph (5) of this subsection, as set forth below:

(A) The total amount of funds shall be divided into two portions, one to be distributed among radio stations, and one to be distributed among television stations. The Corporation shall make a basic grant from the portion reserved for television stations to each licensee and permittee of a noncommercial educational television station that is on-the-air. The balance of the portion reserved for television stations and the total portion reserved for radio stations shall be distributed to licensees and permittees of such stations in accordance with eligibility criteria that promote the public interest in noncommercial educational broadcasting, and on the basis of a formula designed to:

(i) provide for the financial needs and requirements of stations in relation to the communities and audiences such stations undertake to serve;

(ii) maintain existing, and stimulate new, sources of non-Federal financial support for stations by providing incentives for increases in such support; and

(iii) assure that each eligible licensee and permittee of a noncommercial educational radio station receives a basic grant.

(B) No distribution of funds pursuant to this subsection shall exceed, in any fiscal year, one-half of a licensee's or permittee's total non-Federal financial support during the fiscal year second preceding the fiscal year in which such distribution is made.

(7) Funds distributed pursuant to this subsection may be used at the discretion of stations for purposes related to the provision of educational television and radio programing, including but not limited to: producing, acquiring, broadcasting or otherwise disseminating educational television or radio programs; procuring national or regional program distribution services that make educational television or radio programs available for broadcast or other dissemination at times chosen by stations; acquiring, replacing, and maintaining facilities, and real property used with facilities, for the production, broadcast or other dissemination of educational television and radio programs; developing and using nonbroadcast communications technologies for educational television or radio programing purposes.

(l)(1)(A) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians shall be afforded to such person or persons.

(B) The report of each such independent audit shall be included in the annual report required by subsection (i) of this section. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented reasonable detail by a statement of the Corporation's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

(2)(A) The financial transactions of the Corporation for any fiscal year during which Federal funds are available to financing any portion of its operations may be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers and property of the Corporation shall remain in possession and custody of the Corporation.

(B) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations and condition of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the Corporation at the time submitted to the Congress.

(3)(A) Each recipient of assistance by grant or contract, other than a fixed price contract awarded pursuant to competitive bidding procedures, under this section shall keep such records as may be reasonably necessary to fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the costs of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(B) The Corporation or any of its duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this section. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

SECTION 397. Definitions.

For the purposes of sections 390–399 of this title—

(1) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) The term "construction", as applied to educational television broadcasting facili-

ties or educational radio broadcasting facilities means the acquisition and installation of transmission apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobile equipment, and video-recording equipment) necessary for television broadcasting or radio broadcasting, as the case may be, including apparatus which may incidentally be used for transmitting closed circuit television programs, but does not include the construction or repair of structures to house such apparatus. In the case of apparatus the acquisition and installation of which is so included, such term also includes planning therefor.

(3) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(4) The terms "State educational television agency" and "State educational radio agency" mean, with respect to television broadcasting and radio broadcasting, respectively, (A) a board or commission established by State law for the purpose of promoting such broadcasting within a State, (B) a board or commission appointed by the Governor of a State for such purpose if such appointment is not inconsistent with State law, or (C) a State officer or agency responsible for the supervision of public elementary or secondary education or public higher education within the State which has been designated by the Governor to assume responsibility for the promotion of such broadcasting; and, in the case of the District of Columbia, the term "Governor" means the Board of Commissioners of the District of Columbia and, in the case of the Trust Territory of the Pacific Islands, means the High Commissioner thereof.

(5) The term "nonprofit" as applied to any foundation, corporation, or association, means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(6) The term "Corporation" means the Corporation authorized to be established by subpart B of this part.

(7) The term "noncommercial educational broadcast station" means a television or radio broadcast station, which (A) under the rules and regulations of the Federal Communications Commission in effect on the date of enactment of the Public Broadcasting Act of 1967, is eligible to be licensed or is licensed by the Commission as a noncommercial educational radio or television broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation, or association or (B) is owned and operated by a municipality and which transmits only noncommercial programs for educational purposes.

(8) The term "interconnection" means the use of microwave equipment, boosters, translators, repeaters, communication space satellites, or other apparatus, or equipment for the transmission and distribution of television or radio programs to noncommercial educational television or radio broadcast stations.

(9) The term "educational television or radio programs" means programs which are primarily designed for educational or cultural purposes.

(10) The term "non-Federal financial support" means the total value of cash and the fair market value of property and services (except for personal services of volunteers) received—

(A) as gifts, grants, bequests, donations, or other contributions for the construction or operation of non-commercial educational broadcast stations, or for the production, acquisition, distribution or dissemination of educational television or radio programs, and related activities, from any source other than (i) the United States or any agency or establishment thereof, or (ii) any public broadcasting entity; or

(B) as gifts, grants, donations, contributions or payments from any State, any agency or political subdivision of a State, or any educational institution for the construction or operation of non-commercial educational broadcast stations or for the production, acquisition, distribution or dissemination of educational television or radio programs, or payments in exchange for services or materials respecting the provision of educational or instructional television or radio programs.

(11) The term "public broadcasting entity" means the Corporation, any licensee or permittee of a non-commercial educational broadcast station, or any nonprofit institution engaged primarily in the production, acquisition, distribution or dissemination of public television and radio programs.

By Mr. MATHIAS (for himself and Mr. BEALL):

S. 3826. A bill to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return shall be taxed on his or her earned income at the same rate as an unmarried individual. Referred to the Committee on Finance.

FAIR TAX TREATMENT FOR MARRIED WORKERS

Mr. MATHIAS. Mr. President, 5 years ago, as today, the attention of the Congress and the Nation was focused on the need for tax reform. It was, and is, our desire to further equalize our growing tax burden, thereby creating a more equitable system in which each individual will pay his fair share.

The culmination of this widespread concern over tax equity was the Tax Reform Act of 1969, legislation which proved to be a big step forward in providing much-needed relief for overburdened American workers. One of the objectives of the Reform Act was the reduction of tax rates applied to single wage earners, a burden considered too heavy when compared to that imposed on married couples earning similar incomes who enjoy the tax benefits of income splitting.

An unfortunate byproduct of these efforts to lessen the tax load of single individuals was, in effect, the creation of a "tax on marriage." As a result of the Reform Act, married couples in which both parties earn similar incomes are taxed at a rate substantially higher than are two single individuals earning comparable incomes.

The "marriage tax" falls most heavily on couples of middle or upper income. The tax can be quite significant. Married individuals earning salaries in the $12,000 to $26,000 range are taxed at a rate that is 7½ to 19 percent higher than that applied to single individuals. Two persons, each of whom earns $12,000 a year, would owe up to $1,000 less tax if they were single than if they were married.

Part of the original rationale for lowering the tax rate for single individuals was that single persons have higher living costs than married couples. If this were true at some time in the past, it does not seem to be necessarily true today.

Moreover, the current tax laws may even be interpreted as a symbolic, or even real, policy declaration by the Congress that marriage is to be discouraged. We all know that an increasing number of young couples live together today without becoming married. We may or may not approve of this trend, but I see no reason for the Congress to subsidize it.

The bill which I am introducing today, for myself and Senator BEALL, will help to equalize tax burdens. It will not increase the taxes paid by single persons, or any other taxpayers; it will bring about more justice in our tax laws and our society.

I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

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

S. 3826

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

SECTION 1. Section 1 of the Internal Revenue Code of 1954 (relating to tax imposed) is amended by adding at the end the following new subsection:

"(c) EQUALIZATION RATE FOR WORKING SPOUSES.—If for any taxable year two taxpayers are eligible to make a single return jointly under section 6013 and each has earned income, and the total tax payable by the two without regard to this section is greater than the total of the taxes that each would pay if each filed as a single individual, then (unless the taxpayers have chosen the benefits of part I, subchapter Q, relating to income averaging) there shall be subtracted from the total tax otherwise payable by such taxpayers an amount computed as follows:

"(1) There shall first be computed the lower of the total tax payable by such taxpayers without regard to this section on the basis of either a joint return or separate returns, excluding all income other than earned income;

"(2) There shall then be computed the total tax payable by such taxpayers if each had been entitled to file a return as a single individual, but excluding all income other than earned income. In making such computation, either itemized deductions must be claimed on both returns or the standard deductions or low income allowance shall be subject to the restrictions imposed under section 141 in the case of a separate return by a married individual;

"(3) The result of the computation provided in (2) shall be subtracted from the result of the computation provided in (1), and the difference shall reduce the total tax otherwise payable under this chapter.

In any case where earned income is community income under community property laws applicable to such income, the amount of such income which is considered the earned income of a taxpayer for purposes of the computations under this subsection shall be the amount of such income which would be the earned income of that taxpayer if such income did not constitute community property."

SEC. 2. The amendment made by section 1 of this Act shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. KENNEDY:

S. 3827. A bill to provide for the adjustment of status of certain aliens under the Immigration and Nationality Act, and for other purposes. Referred to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, I am introducing today a bill to amend the Immigration and Nationality Act.

The bill is an effort to contribute an additional legislative alternative in the continuing discussion over how to deal with the issue of illegal aliens. A great deal has been said about this issue in

recent years, and the time is long overdue for Congress to enact meaningful legislation in this important area of public policy and concern. The bill I am introducing today accomplishes these principal objectives:

First, the bill provides an authority to regularize the status of illegal aliens, and other aliens present in the United States in violation of law, who have been physically present in our country for at least 3 years and are otherwise admissible for permanent residence.

Second, the bill places reasonable sanctions on the employers of illegal aliens.

Third, the bill provides for the adjustment of status of nonimmigrant aliens from Western Hemisphere countries on the same basis as nonimmigrant aliens from Eastern Hemisphere countries.

And fourth, the bill amends the Civil Rights Act of 1964 to bar job discrimination against "aliens lawfully admitted for permanent residence."

Mr. President, I am extremely hopeful that humane and meaningful legislation incorporating these objectives will be enacted by Congress within the near future. I am equally hopeful that additional immigration reforms will also be accomplished very soon. These reforms—involving a worldwide asylum policy for refugees, the more equitable allocation of visas to immigrants from Western Hemisphere countries, and other matters—are contained, in the main, in H.R. 981, which is currently pending in the Senate Judiciary Committee, and S. 2643, which I introduced last November.

Mr. President, I ask unanimous consent that the text of the bill I am introducing and a brief summary of its summary be printed at this point in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 3827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Immigration and Nationality Act Amendments of 1974".

SEC. 2. (a) Notwithstanding any other provisions of law and without regard to the numerical limitations specified in the Immigration and Nationality Act (8 U.S.C. 1101), the status of any alien who is in the United States in violation of law may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien makes an application for such adjustment; and

(2) the alien (A) has been physically present in the United States for at least 3 years on the date of enactment of this Act, and (B) is eligible to receive an immigrant visa and is admissible to the United States for permanent residence.

(b) The provisions of this section shall be applicable to any alien described in subsection (a) of this section who is physically present in the United States on the date of enactment of this Act, and to the spouse and child of any such alien, regardless of their citizenship and place of birth, who are present with such alien in the United States.

(c) Upon approval of an application for adjustment of status under subsection (a) of this section, the Attorney General shall record the alien's lawful admission for permanent residence as of the date of the order of the Attorney General approving the application for adjustment of status.

(d) Application for adjustment of status pursuant to the provisions of subsection (a) of this section may be made on or after the date of enactment of this Act, but not later than the last day of the first fiscal year beginning on or after the date of enactment of this Act.

(e) Except as otherwise provided in this section, the definitions contained in section 101 of the Immigration and Nationality Act shall apply to this section.

SEC. 3. Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended to read as follows:

"SEC. 245. (a) The status of an alien, other than an alien crewman or any alien admitted in transit without visa under section 238(d), who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence, and (3) an immigrant visa is immediately available to him at the time his application is filed: *Provided,* That any alien who meets the qualifications of an alien refugee as set forth in section 203(a)(7) and determined by the Secretary of State, shall be eligible to make an application for adjustment regardless of such alien's means of entry into the United States.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issued under section 203(a) within the class to which the alien is chargeable, for the fiscal year then current."

SEC. 4. (a) Section 249(a) of the Immigration and Nationality Act is amended by striking out "June 30, 1948" and inserting in lieu thereof "October 3, 1965".

(b) The heading of section 249 of such Act is amended by striking out "JUNE 30, 1948" and inserting in lieu thereof "OCTOBER 3, 1965".

(c) Item 249 in the table of contents of such Act is amended by striking out "June 30, 1948" and inserting in lieu thereof "October 3, 1965".

SEC. 5. Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by deleting the proviso in paragraph 4 subsection (a) and by redesignating subsection (b) as subsection (c) and adding new subsections (b), (c), and (d) to read as follows:

"(b)(1) It shall be unlawful for any employer or any person acting as an agent for such an employer, or any person who for a fee, refers an alien for employment by such an employer, to employ, continue to employ, or refer for employment any alien in the United States who has not been lawfully admitted to the United States for permanent residence, unless the employment of such alien is authorized by the Attorney General: *Provided,* That an employer, referrer, or agent, shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence or is authorized by the Attorney General to accept employment: *Provided further,* That evidence establishing that the employer, referrer, or agent has obtained from the person employed or referred by him a signed statement in writing in conformity with regulations which shall be prescribed by the Attorney General that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence or is an alien authorized by the Attorney General to accept employment, shall be deemed prima facie proof that such employer, agent, or referrer has made a bona fide inquiry as provided in this paragraph. The Attorney General of the United States shall prepare forms for the use of employers, agents, and referrers in obtaining such written statements and shall furnish such forms to employers, agents, and referrers upon request.

"(2) If, on evidence or information he deems persuasive, the Attorney General concludes that an employer, agent, or referrer has violated the provisions of paragraph (1), the Attorney General shall serve a citation on the employer, agent, or referrer informing him of such apparent violation.

"(3) If the Attorney General finds that any employer, agent, or referrer upon whom such citation has been served has thereafter violated the provisions of paragraph (1), the Attorney General shall assess a penalty of not less than $1,000 for each alien in respect to whom any violation of paragraph (1) is found to have occurred.

"(4) A civil penalty shall be assessed by the Attorney General only after the person charged with a violation under paragraph (3) has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur, and the amount of the penalty which is warranted. The hearing shall be of record and conducted before an immigration officer designated by the Attorney General, individually or by regulation and the proceedings shall be conducted in accordance with the requirements of title 5, section 554 of the United States Code.

"(5) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount in any appropriate district court of the United States. In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(c) Any employer or person who has been assessed a civil penalty under subsection (b)(3) which has become final and thereafter violates subsection (b)(1) shall be assessed a civil penalty of not less than $2,000 for each alien in respect to whom any violation of this subsection occurs. The provisions of subsections (b)(4) and (b)(5) shall be applicable to violations of this subsection."

SEC. 6. (a) The Immigration and Nationality Act is amended by inserting immediately below section 274 the following new section:

"DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING ASSISTANCE UNDER THE SOCIAL SECURITY ACT

"SEC. 274A. Any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act, or with respect to whom supplemental security income benefits are being paid under title XVI of such Act."

(b) Chapter 8 of title II of the table of contents of the Immigration and Nationality Act is amended by inserting immediately below item 274 the following:

"SEC. 274A. Disclosure of illegal aliens

who are receiving assistance under the Social Security Act."

SEC. 7. The first paragraph of section 1546 of title 18 of the United States Code is amended to read as follows:

"Whoever forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or".

SEC. 8. Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to affect the validity of any document or proceeding which shall be valid at the time this Act shall take effect, or to affect any prosecution, suit, action, or proceeding, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the statutes or parts of statutes repealed by this Act are, unless otherwise specifically provided therein, hereby continued in force and effect.

SEC. 9. (a) Section 7151 of title 5, United States Code, is amended by inserting immediately after "employees" the following: "who are citizens or aliens lawfully admitted for permanent residence".

(b) Section 703 of the Civil Rights Act of 1964 is amended by adding at the end thereof the following new subsection:

"(k) As used in this section the term 'individual' applies to a citizen of or alien lawfully admitted for permanent residence to, the United States."

SEC. 10. This Act shall become effective on the first day of the first month after expiration of ninety days following the date of its enactment.

SUMMARY OF IMMIGRATION BILL INTRODUCED BY SENATOR KENNEDY

Section 1: designates the bill the "Immigration and Nationality Act Amendments of 1974".

Section 2: provides an authority for the Attorney General to adjust the status "of any alien who is in the United States in violation of law" to that of "an alien lawfully admitted for permanent residence."

(a) The alien must apply for such adjustment of status.

(b) The alien must have been physically present in the U.S. for at least 3 years and is otherwise eligible to receive an immigrant visa and is admissible to the U.S. for permanent residence.

Section 3: provides for the adjustment of status of non-immigrant aliens from Western Hemisphere countries on the same basis as non-immigrant aliens from Eastern Hemisphere countries.

Section 4: facilitates "a record of lawful admission for permanent residence" for an alien who is present in the U.S. in violation, and who entered the U.S. to Oct. 3, 1965.

Section 5: bars the employment of illegal aliens and other aliens not authorized to work, and provides for a 3-step sanctions procedure on the employer of such aliens. The 3-step sanctions procedure, involving civil penalties, is as follows:

(a) After the first violation, the Attorney General "shall serve a citation" on the employer.

(b) In case of a second violation, the Attorney General shall assess such employer "a penalty of not less than $1,000 for each alien" employed.

(c) In case of a third violation, the employer "shall be assessed a civil penalty of not less than $2,000 for each alien" employed in violation of law.

Section 6: technical amendment.

Section 7: strengthens present law regarding the falsification and forgery of immigration documents.

Section 8: technical amendment.

Section 9: amends the Civil Rights Act of 1964 to bar job discrimination against "aliens lawfully admitted for permanent residence."

Section 10: enactment date.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 707

At the request of Mr. RIBICOFF, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 707, the Agency for Consumer Advocacy Act.

S. 1134

At the request of Mr. METCALF, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 1134, relating to conservation and orderly development of the hard mineral resources of the deep seabed pending the adoption of an international regime therefor.

S. 2801

At the request of Mr. PROXMIRE, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 2801, the bill to prevent the Food and Drug Administration from regulating safe vitamins as dangerous drugs.

S. 2898

At the request of Mr. SPARKMAN, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 2898 to modify reserve requirements of member banks of the Federal Reserve System; to extend such requirements to other institutions that accept demand deposits or certain other types of deposits; to minimize Federal Reserve banks to extend credit to such institutions; and for other purposes.

S. 3657

At the request of Mr. RIBICOFF, the Senator from Pennsylvania (Mr. HUGH SCOTT) was added as a cosponsor of S. 3657, the State Lottery Exemption Act of 1974.

S. 3759

At the request of Mr. PROXMIRE, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3759, a bill to amend the Congressional Budget Act of 1974 to require the Congressional Office of the Budget to prepare fiscal notes for bills and joint resolutions.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 352

At his own request, Mr. WEICKER was added as a cosponsor of Senate Resolution 352, amending the Standing Rules of the Senate to confer upon the Committee on Aeronautical and Space Sciences jurisdiction over the Energy Research and Development Administration, when enacted.

CONSUMER PROTECTION—AGENCY FOR CONSUMER ADVOCACY—AMENDMENTS

AMENDMENT NO. 1632

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment, intended to be proposed by him, to the bill (S. 707) to establish a Council of Consumer Advisors in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

AMENDMENTS NOS. 1633–1637

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted five amendments, intended to be proposed by him, to the bill (S. 707) supra.

AMENDMENT NO. 1638

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (S. 707), supra.

Mr. CURTIS. Mr. President, it is apparent that the sponsors of the CPA recognized the necessity of exempting certain activities from the provisions of the bill. The purpose of these exemptions, of course, is to assure that the CPA will not become involved in certain proceedings which are adequately provided for by existing agencies and boards.

I am confident that it has never been the intention of the sponsors to reach proceedings and activities which are far removed from the direct concerns of the consumers. Since the focus of CPA's concern is the marketplace transactions and the regulatory decisions which do not ordinarily provide for a representation of consumer interests during the decision-making process, I would call attention to an area which, like labor-management activities, should likewise be exempted from the provisions of the bill.

Pesticides have been regulated since 1910 when the Federal Insecticide, Fungicide, and Rodenticide Act was enacted which prevented the manufacture, sale or transportation of adulterated or misbranded insecticides and fungicides, and authorized the regulation of sales of insecticides and fungicides. That act was substantially amended on numerous occasions, particularly in 1947 and 1964, and most recently in 1972. The 1972 amendments added to the previous regulatory restrictions—in the form of labeling requirements—controls over the use of pesticides.

In addition to the primary responsibility which is vested in the Environmental Protection Agency, a number of additional regulatory agencies of the Federal and State governments are actively engaged in regulatory functions which impact on the industry and upon the agricultural sector. Among these are the Food and Drug Administration, the Department of Agriculture at both the Federal and State level, the Occupational Safety and Health Administration, State environmental agencies, and the Federal Trade Commission. All of these in one

way or another provide regulatory assurance to consumers.

Pesticides today are subject to extensive premarket testing both as to efficacy and safety to man and the environment. Because of the demands of the Environmental Protection Agency, new pesticides are subject to approximately 6½ years of testing at a cost of $5 million in order to obtain a registration. And at the present rate of inflation the figure is undoubtedly on the rise.

If a pesticide use involves a food crop, a tolerance for that pesticide on that crop must be established. The Consumer Protection Agency would impose additional and needless burdens on an already overregulated industry, and, therefore, this industry should also be excluded from the act.

As has been stated previously, for more than 40 years Congress has endeavored to guard against "government by injunction" by drafting narrow and specific substantive labor regulations and by entrusting the administration of those regulations to experts in the field. It would be entirely contrary to this philosophy to allow the CPA, whose base concerns are with transactions in the marketplace which affect consumers immediately and directly, to intervene in any area so far removed from the marketplace, and in proceedings already so adequately covered by existing agencies of the Government.

The regulation of pesticides is such a complex matter that such determinations must, of necessity, be made by persons who are trained and qualified to take into account the many technical aspects of the specific situation, and to determine which questions have the validity to justify the extra burden and expense which is ultimately borne by the consumers.

In a larger sense, industry serves only as the vehicle which provides the needed products in a manner consistent with the regulatory requirements imposed by an agency of Government. As such, the costs of obtaining the information and documentation requested in support of a product registration is a cost of doing business. The ultimate cost reflects the costs of regulatory compliance. Thus, it is in the public interest, and in the interest of consumers to avoid unwarranted restrictions on the industry.

Consumers are acutely aware of what inflation is doing to their family budget, the cost of living. The availability of agricultural chemicals for use in a Nebraska cornfield to increase corn yields actually keeps the food bill from being much higher than it is presently. It is estimated that the use of agricultural chemicals to control insects, weeds and crop diseases is responsible for approximately 30 percent of the efficiency of production for which American farmers are noted. Restrict the availability of these products to the American farmer, and the lower yields which would surely come will restrict the total supply of food products and result in further upward pressure in the form of prices. It is doubtful if any of us would want to be responsible for further increases in the cost of living by imposing additional unneeded restrictions through the CPA upon an industry which is already so highly regulated. Make no mistake about it, the interest of the consumer is already adequately represented before the numerous agencies of Government which are specifically charged with pesticide regulation.

With the current concern over shortages, high prices, people on fixed incomes, and a general surge in the cost of living, it does not seem prudent to consider the formation of an agency which might sound good politically, but which in action can only serve to increase the cost of Government at a time when the vast majority of American taxpayers are unanimous in their desire to cut inflation, to lower the cost of living, to bring needed relief to low and fixed income groups, and to improve the supply of food and other consumer goods.

Such goals can best be attained by proper regulations administered by existing agencies which are already staffed with capable individuals who have the expertise in their respective professions.

The Consumer Protection Agency would impose additional and needless burdens on the pesticide industry, already an overregulated industry, and therefore, Congress deems it appropriate to exclude pesticides from coverage under the Consumer Protection Act of 1974. Consumer interests are already adequately considered by EPA in the pesticide registration and use functions and consumer organizations and individuals have appropriate access to provide that Agency with their views. The total of regulatory activity by EPA, Food and Drug, and other agencies have provided us as consumers of American foods with the safest food supply mechanism in the entire world.

AMENDMENT NO. 1640

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment, intended to be proposed by him, to the bill (S. 707), supra.

AMENDMENTS NOS. 1642 TO 1645

(Ordered to be printed and to lie on the table.)

Mr. McCLELLAN submitted four amendments, intended to be proposed by him, to the bill (S. 707), supra.

AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961

AMENDMENT NO. 1639

(Ordered to be printed and referred to the Committee on Foreign Relations.)

KOREA AND THE BLINDNESS OF AMERICAN FOREIGN AID

Mr. CHURCH. Mr. President, more than two decades ago, the United States went to war to defend the concept of democracy on the Korean peninsula. Analytic historians may debate the wisdom of that decision, but one thing is clear: The sacrifice was immense. Nearly 34,000 Americans gave their lives to preserve a line of demarcation that would allow at least a majority of the Korean people to enjoy the benefits of a system of political representation and personal liberty. In the war's aftermath, American assistance continued, and for 20 years the United States has contributed immeasurably to the growth of a secure and increasingly prosperous South Korean nation. Yet today that sacrifice of American lives and resources is mocked—not only by the mounting tyranny of the dictatorial government of Park Chung Hee, but even more by our own Government's willingness to buttress such a regime by blindly perpetuating a massive program of military and economic assistance.

As we look back on the Korean history of the past 100 years, Mr. President, we see a story heavy with human suffering and suppressed aspiration. From 1876, when Japan "opened the door" to the Hermit Kingdom, until 1945, when Japanese militarism was finally crushed, the Korean people were subjected to a demeaning, harsh, and increasingly exploitative colonial rule. The release from that bondage at the close of World War II promised the Koreans a new era of self-realization and national fulfillment.

But that promise was short-lived. For no sooner had the Japanese occupation ended than Korea was divided by the victorious but competing superpowers, and the land of the Koreans became a peninsular theater for a microcosmic enactment of the emerging cold war. The North was cast in the role of surrogate for the Kremlin in its seeming expansionist design, the South as surrogate for the United States in its policy of containment. As ideological frenzy mounted among the superpowers, so too did it among their Korean clients. And eventually, through the war which erupted and into its aftermath, the contest of the two Koreas took on a life of its own—until even today, as the superpower adversaries grope toward a normalization of relations, the two Koreas remain locked in a posture of confrontation, with reconciliation only a dim hope.

The legacy of colonial exploitation and the continuing division of their land have been a heavy burden for the Korean people to bear. Nevertheless, there have in recent years been indications that Korea was emerging steadily from the tragedy of her past. We know little of events in the North. But in the South at least, where reside over 30 million Koreans as against barely 15 million in the North, the economy has progressed rapidly. And fundamentally even more important, we have—at least until recently—witnessed the dawning in South Korea of civil institutions and traditions of a genuinely representative character. Today, however, that achievement is in peril.

For the regime of Park Chung Hee, by its increasingly ruthless abrogation of civil liberties and its corrupt use of the Korean judicial process for political recrimination, is threatening to extinguish the young democratic tradition which has been nurtured in South Korea at such cost. Slowly, inexorably, South Korea is now losing to internal despotism the freedom which so many Koreans and Americans gave their lives to defend.

For the past 2½ years, under the pretense of protecting his people from external agression, President Park has systematically denuded the constitutional structure of South Korea. Through a series of "emergency measures," martial law has been insti-

tuted, the National Assembly dissolved, dissent stifled, and prominent Korean citizens jailed for patently specious reasons.

Most recently, a former President of South Korea, Yun Po Sun, and three other distinguished Korean leaders, two of them noted clergymen, were placed on trial before a military court on charges of subversion that carry a possible sentence of death. Already convicted on such charges are Kim Chi Ha, Korea's best-known poet, who has been sentenced to life imprisonment after initially being sentenced to death; Chang Jun Ha, the former publisher of the country's most respected intellectual magazine, who has been sentenced to 15 years' imprisonment; and 89 other clergymen, students, and members of the opposition party, who have been given sentences ranging from 15 years to life imprisonment to death. Reports are widespread that many of these defendants have been tortured severely during interrogation.

In addition, Kim Dae Jung, who was Park's opponent in the 1971 presidential election and who was kidnapped from his Tokyo hotel room a year ago by South Korean agents, is now on trial before a civilian court on newly contrived charges of election law violations alleged to have occurred in 1967 and 1971.

Meanwhile, with little but the faintest glimmer of protest, the Government of the United States has continued to dispense aid to the Park regime. Indeed, presently before Congress is a fiscal year 1975 program of Korean assistance, proposed by this administration, in the total of nearly one-half billion dollars.

On the economic side, this proposed program exceeds $180 million. On the military side, the program includes $162 million in outright grants, $52 million in concessionary credit sales, and $21 million in so-called excess defense articles. With respect to the latter category, we have learned from experience that weapons and equipment given away by the Pentagon as "excess" tend to be evaluated—often quite misleadingly—at only a small percentage of acquisition cost. So it is probable that this $21 million category is drastically undervalued. Allowing for that, the proposed military program alone amounts to assistance on the order of nearly $1 million a day.

Mr. President, what possible justification can there be for such massive military assistance to a government that has come to embrace the very totalitarianism against which our aid program is supposed to defend? Since its earliest days, American aid to Korea has, in the words of then Secretary of State Acheson, "been predicated upon the existence and growth of democratic institutions within the Republic." Are we now, through blind inertia, to perpetuate our supply of arms when their recipient is a despotic ruler engaged in the calculated destruction of those very institutions? In response to this question, I realize we are bound to hear the familiar refrain that we should not interfere in the internal affairs of another nation—which, of course, is a sound admonition when properly applied. But it should be more than clear that we have in Korea been engaged in a kind of "interference" ever since the Second World War.

In addition to our extensive and costly participation as a part of the United Nations intersection in the Korean war, we have contributed more than $12 billion in direct assistance to encourage and defend the growth of South Korean democracy, and even today nearly 40,000 American troops remain deployed in Korea.

It is hard, Mr. President, to conceive of an intervention more complete than that which has persisted on our part in Korea over the years.

We are already involved, and what matters now is whether or not we will permit our support to be placed in harness with the forces of reaction and repression in that country. I submit that to do so—by allowing this program to continue—would be a travesty of the principles we profess and a cruel mockery of our announced goal of assisting the Korean people to realize their democratic aspirations.

I am therefore today introducing legislation, in the form of an amendment to the Foreign Assistance Act of 1974, requiring the cessation of military aid to South Korea. In so doing, I would remind my colleagues of a provision of the Foreign Assistance Act of 1973 which declares it to be the sense of Congress "that the President should deny any economic or military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes." That, I believe, was a fine statement of principle—but one which this administration has not chosen to heed. I submit, therefore, that the time has come for the Congress to implement, through legislative action, the principle to which we have already subscribed.

We will undoubtedly hear the plea that any such action could tip the delicate balance of forces on the Korean peninsula and, by so doing, induce an attack from the north against a weakened and vulnerable south. Such an argument, Mr. President, is simply a contrivance. In a classified report submitted to the Congress on July 1, the General Accounting Office—after a detailed analysis—has concluded that South Korea is fully capable of providing from her own financial resources a large proportion of what is now being given her by the United States.

Mr. GRIFFIN. Mr. President, for clarification, did the Senator from Idaho say that he was reporting information from a classified report of the GAO?

Mr. CHURCH. The information I am reporting is not classified.

Mr. GRIFFIN. It is not classified?

Mr. CHURCH. The report itself is classified.

Mr. GRIFFIN. I see. I appreciate that clarification.

Mr. CHURCH. But secret studies should not be necessary to prove what commonsense can clearly preceive. With a well-equipped and battle-trained army of 650,000, as compared to a northern army of 400,000—and sustained by a gross national product fully double that of the North—South Korea is plainly capable of maintaining a sound defense posture through her own means. And with the American troops providing an additional measure of strength and deterrence, it simply defies logic to argue that U.S. military aid is in any way critical to the preservation of some hypothetical "delicate balance" on the Korean Peninsula.

What does hang in delicate balance, Mr. President—if it has not already been lost—is the future of popular representative government in South Korea. There can be little doubt that millions of South Koreans are today nourishing the hope that their country's current descent into totalitarianism can be reversed and proper parliamentary and judicial processes restored. I believe that the United States must stand on the side of such a restoration and that we can only do so by affirmative action. We should not attempt to dictate the internal processes and future course of political events within South Korea, but it is quite another matter for us to sustain with our own resources the present course of the South Korean Government.

As a demonstration of our serious purpose, I believe a cessation of military aid represents a prudent first step. Let us hope that the progressive elements in Korean life, which have been eclipsed by the brutal actions of the Park Government, will once again emerge ascendant.

Mr. President, the Washington Post's able and meticulous North Asia correspondent, Don Oberdorfer, has been reporting regularly about the situation in South Korea. Last week, for instance, he wrote about abuses of those Koreans detained on charges of plotting to overthrow the Seoul regime.

This week, Mr. Oberdorfer has detailed the extent to which Park Chung Hee has "seized unlimited power under a new constitution imposed by the guns and tanks of martial law."

I ask unanimous consent that the whole Oberdorfer article and the text of the amendment be printed at this point in the RECORD.

There being no objection, the article and amendment were ordered to be printed in the RECORD, as follows:

SOUTH KOREA: THE SMOTHERING OF DISSENT

(By Don Oberdorfer)

SEOUL.—The young poet before the closed military court-martial, his arms tied behind his back with heavy ropes. The generals glared down from the judges' bench and pronounced a sentence of death for "anti-state" activities.

Then the condemned poet, Kim Chi Ha, was given a chance to speak briefly to the court. He was among 32 defendants on trial (most of them college students) and among seven to be sentenced to death on July 13 for violating special presidential edicts against vocal dissent. The small courtroom was crowded. Standing at his place in the fifth row of defendants, Kim was the 23d to speak.

In a soft voice, he began with an old Korean folk saying: "Even a sparrow squeaks before dying." This might be his last public statement and it had to be brief, so he got to the point. Only the overthrow of President Park Chung Hee's "dictatorship" could save the people, he said. Students were the only hope left, and it had been his hon-

est wish to support them to the best of his ability.

He was willing to struggle in extreme fashion against the ills of which he wrote in biting verse—dictatorship, corruption, foreign domination. Yet he was under no illusion that demonstrations by mere students could bring down the government. "My presence here with my hands tied is itself a resistance, and an extreme struggle in an extreme manner," declared the poet before he was led away.

Two days later in the same courtroom a 76-year-old man with high forehead and round glasses sat stiffly in a chair before the generals. In deference to his position as the only living former president of South Korea and a famous patriot, he had been brought to court that day from his home rather than from a prison cell. He was not forced to wear the white prison garb or to have his arms tied behind his back, he was permitted to sit down while addressing the bench.

Yun Po Sun is descended from nobility of the old Korean Yi dynasty, and particularly at his age he is not inclined to conceal his thoughts. The only way to protect the country against being swallowed up by communism is to create and nourish true democracy, he said—but today the indications are that South Korea is going the other way.

His adversary in two elections, Gen. (now President) Park Chung Hee, had changed the national constitution via martial law to perpetuate himself in power, the old man declared, and now was prohibiting freedom of speech and the press in an attempt to stifle opposition.

Like the others on trial, Yun was accused of participating in a Communist plot to foment revolution—though he is well known as anti-Communist. As a former president, he receives a $1,000 monthly pension from the state (almost precisely the sum which he gave to students through a noted Presbyterian minister to assist their demonstrations). His portrait still hangs in the Blue House, the Korean equivalent of the White House.

The elder statesman's day of judgment for "anti-state" activities has not yet come. After his day in court on July 16 he was placed under house arrest to await further action of the tribunal. On the steps of the courtroom that day the former president refused to permit a secret policeman to get into his car for the drive to his antique-filled mansion. The agent insisted. Yun refused again. At length the old man told his wife to drive the family car home alone. Rather than sully his private vehicle, Yun followed behind in the black secret police sedan of the nation he once headed.

Such scenes and ironies are part of the current political reality of South Korea, a nation which owes its existence to U.S. policy at the end of World War II and massive U.S. efforts, including 33,000 war dead in 1950–'53 and more than $10 billion in military and economic assistance since then.

The Korean war ended in an armistice agreement July 27, 1953, but 21 years later South Korea is not the democracy for which Americans hoped when GIs fought "in defense of freedom." Particularly in the past two years, since Park Chung Hee seized unchecked and unlimited power under a new constitution imposed by the guns and tanks of martial law, the fragile remains of political liberty have been fading fast.

Some 38,000 American troops remain here at South Korea's urgent request to guard against renewal of combat from the north, and Korea continues to request—and obtain approval for—massive injections of military assistance, food aid and U.S. Export-Import Bank loans as well as political support in the United Nations and other international bodies. Despite all this, American officials here have told callers they have "no leverage" to prevent democracy and dissent from being ground under heel.

Since the first of the year 89 persons, many of them prominent citizens and a large number American-educated, have been sentenced to harsh punishments by military tribunals for violating the "emergency presidential decrees." According to informed diplomatic sources, about 150 more Koreans now languishing in jails are likely to be brought to trial on similar charges.

The prisons of Korea are peopled with some of the country's outstanding citizens—to cite only a few examples, the winner of an Asia-wide Magsaysay Prize for the promotion of democracy (sentenced to 15 years in prison for leading a peaceful petition drive to change the constitution), the country's foremost Lincoln scholar and the dean of theology at a famous university (on trial together for encouraging student demonstrations), the son of a retired navy admiral and descendant of the first baptized Protestant in Korea (sentenced to 15 years in prison for helping plan student demonstrations), the Methodist minister who leads a labor mission in Inchon (in solitary confinement for two months, with no known charges yet lodged against her).

Seven young Christian ministers are in prison for staging a prayer meeting in January at the office of the National Council of Churches to ask for a return to the old constitution which Park jettisoned two years ago and for a restoration of democracy.

Student editors and a faculty adviser of the Sogan Jesuit University literary magazine were jailed (they have since been released) for publishing photographs and an article about a peaceful student demonstration on their campus last fall. A politician of the opposition New Democratic Party was sentenced to five years in prison for "spreading groundless rumors" about the special presidential decrees.

In one of the greatest ironies, opposition politician Kim Dae Jung, who was snatched out of a 32d floor Tokyo hotel room and forcibly brought back to Seoul by the Korean CIA, is on trial while his kidnapers have never been officially identified or punished. Kim is accused, among other things, of saying during his 1971 presidential campaign that incumbent Park, if reelected, would destroy Korean democracy and seek to make himself the president for life. Kim has admitted he said so—and declared that his prediction had come true.

A number of independent-minded people still at large are under close surveillance. Former foreign minister Chung Il Hyung, a leading assemblyman of the major opposition party, has a permanent visitor from the police in his outer office, checking to see who comes and goes. Another prominent opposition party member, Kim Young Sam, was recently taken away by secret police for a day of questioning after he scheduled a press conference to announce his opposition to growing repression.

The National Assembly, which is a nearly impotent debating forum under Park's new constitution, has not even met so far this year. The government has been refusing to convene a session until the opposition agrees in advance not to bring up Park's emergency "decrees." Last week a deal was made, under which the opposition can discuss, some of the presidential edicts but not others, in a session to begin Aug. 1.

Hahm Sok Hon, a white-haired patriot who was imprisoned by the Japanese colonial rulers of Korea, by the invading Russian Communists and by the Syngman Rhee regime, was pulled in for interrogations by the Park regime and has daily visits at his home from his KCIA supervisor. "This is worse than Japanese [colonial] times. Even under the Japanese, we could appeal to human feelings," Hahm told a visitor.

The 73-year-old Hahm, sometimes called "the Gandhi of Korea," was recently forbidden by the KCIA to address the local chapter of Amnesty International, the worldwide forum for concern about political prisoners. As an "act of witness," he decided to inform his secret police supervisor that "it is almost clear the [convicted] student leaders are not Communists and that they never formed any conspiracy against the state." Such a gesture does not seem small in today's climate.

The man who rules supreme in South Korea today is a one-time provincial schoolmaster who served in the Japanese army in World War II (during the Japanese colonial occupation of Korea). In the newly independent, divided Korea he was arrested in 1948 and reportedly tortured and beaten on charges of being a Communist. Sentenced to death, he was saved by his willingness to cooperate with the authorities and by the intervention of friends. With the outbreak of the Korean war in 1950, he was rehabilitated due to the shortage of trained officers.

Hardworking, clever and secretive, he rose steadily through the officer ranks. After Syngman Rhee fell as a result of student riots and a virtual national revolt in 1960, some elements of the military were dissatisfied with the relatively democratic but wobbly government which followed. In May, 1961, Gen. Park engineered a coup over the ineffective objections of the U.S. embassy, which failed to win strong backing from the Kennedy White House.

After ruling the country with an iron hand as chief of the military junta, Park reluctantly agreed under U.S. pressure to establish a civilian regime. Despite an earlier promise not to participate, he was elected president in 1963 and again in 1967 (both times over former president Yun Po Sun, who is now on trial). After changing the constitution to permit himself a third term, he narrowly defeated Kim Dae Jung in 1971 following an election eve pledge never to run again.

In October, 1972, Park declared martial law, jettisoned the old constitution, placed his opponents under arrest and suspended political activity, freedom of speech and of the press. It is doubtful that he had the legal authority to do all this but he had the guns. The United States, preoccupied with settlement of the Vietnam war and the 1972 elections, said and did nothing as the vestiges of democracy vanished. A new constitution giving him unlimited power and an unlimited tenure in office was approved by a national referendum, with massive government tub-thumping and all opposition or even criticism banned.

Park has created a highly organized and centralized regime which has made major strides in economic growth via foreign investments and trade. Aided by clever management, a hard-working, literate and yet low-wage labor force and assistance and support from both the United States and Japan, Korean gross national product has shot up almost as rapidly as the glossy skyscrapers in once-quaint Seoul. Political growth has not accompanied the economic growth, however.

When more than 30,000 students of at least 38 colleges demonstrated for a restoration of democracy last fall, Park fired his much-feared KCIA director, Lee Hu Rak, and temporarily relaxed some of the restrictions on political freedoms. His critics, including an impressive lineup of senior establishment figures, took this as a sign of weakness and demanded a return to the old constitution. Early this year Park cracked down hard with an "emergency" decree banning all such talk or petitions, or even news reporting of them, on pain of 15 years' imprisonment at the hands of a military tribunal. When that failed to halt campus activity, he followed in April with mass arrests and a new decree providing death sentences or long prison terms for anyone involved in the student demonstrations, which he retroactively branded as Communist-inspired.

As half of a bitterly divided and strategic peninsula, South Korea has undeniably serious security problems with its counterpart regime in the Communist North. The division has also been among Park's most important assets, for the Communist bogey is always at hand when the domestic public or overseas allies become restive. Nearly all opposition is branded as "Communist," "Communist-inspired" or "helping the Communists." With a large secret police apparatus, a controlled press and courtrooms closed to all but a few selected observers on "national security" grounds, it is difficult to distinguish between justified charges and sheer propaganda. Many South Koreans are ready to fear the worst.

Having subdued political opponents, the once virile Korean press and many of the active leaders of student and intellectual dissent, Park has found the churches a last troublesome reservoir of dissidence. Christianity has a long and honorable tradition in Korea, including an important role in the anti-Japanese resistance during colonial times. Christianity came hand in hand with Western influences, and many of its leaders have been abroad. Most of the churches of South Korea—with a combined membership of 3.4 million Protestants and 800,000 Catholics in a total population of 31 million—have international organizational links which can be sources of outside support. Moreover, they cannot easily be accused of being Communist.

Both Protestant and Catholic churches are divided between conservative and less conservative wings. But as the crackdown of recent months begins to affect ministers, laymen and Christian student leaders, the churches have begun to rally round their own.

"As far as freedom of worship is concerned, I think there is no problem," said general secretary Kim Kwan Suk of the National Council of Churches. "But when you confess your faith from your conscience, for example, about human rights, freedom of expression and social justice, then you may face some difficulties." During most of this year the Council of Churches and the Protestant groups it represents have been a center of conflicts with the government, while the relatively more conservative Catholics have been on the sidelines. Within recent days, however, this has begun to change.

Daniel Chi is a born rebel. At the age of 12 he was expelled from school Pyongyang for refusing to bow to the Rising Sun as required by colonial authorities. He was the first of his family to become a Christian, and marked for special opportunities by the Roman Catholic Church because of his bold, independent ways.

Since 1965 he has been bishop of Wonju, a provincial district of some 26,000 Catholics (out of a district population of 1.1 million).

At the start of martial law in 1972, the governor of Wonju was sent to ask the bishop to support the new system, which was being sold to Koreans under the name of "Revitalizing Reform." Chi flatly refused, saying he opposed it. In response, troops were placed around his residence "for his own protection" and his contacts outside were strictly limited. The government asked him to say he was not under house arrest. Characteristically, he refused.

Kim Chi Ha, the poet, was a kindred soul and a valuable man in the bishop's eyes. After Kim was jailed, beaten and harrassed for his verses of protest, Chi took him under his wing, giving him a place as an aide in Wonju. Late last year, the bishop gave the poet money—reportedly $2,500 in all—which was passed along to students who were planning anti-government demonstrations.

After the arrest and trial of the poet for encouraging and financing demonstrations, it was clear that Chi was involved in the same case. At this point the bishop was in Europe on a speaking tour. In an effort to avoid a confrontation, the government sought to convince the church and the bishop that Chi should remain abroad. The prelate refused. On July 6 he returned home to be arrested.

As he alighted from the airliner at Kimpo International Airport, several hundred priests, nuns and laymen lined the observation platform to wave greetings. The bishop disappeared from sight into the immigration area, where three men approached and demanded his passport. He refused, whereupon he was hustled to a wating car and spirited to a first-floor room in the big KCIA interrogation center at Nam Sam (South Mountain) in Seoul. He was grilled by teams of interrogators for 30 hours before being permitted to sleep.

Catholic concern and pressure mounted sharply despite secret police arguments to other bishops that this was a purely political matter unrelated to church business. After four days of detention, the bishop was released from the interrogation center as a big mass was being celebrated to pray for him and subtly protest. He was placed under secret police guard at a Catholic hospital on the cathedral grounds, and told he would be tried by court-martial beginning July 23. As the moment approached, the government sought to negotiate a modified form of house arrest in lieu of trial. The morning of July 23, the bishop ignored the protests of his secret police guard and appeared in full regalia before newsmen to declare that he would refuse to submit to military court-martial and to state his views about democracy in Korea.

The bishop's written statement threw down the gauntlet in unmistakable fashion. "The so-called Revitalization Constitution (Park's 1972 martial law revision) is invalid and contrary to truth, for it was forged with violence, intimidation and fraud . . . [it] stifles the least inalienable fundamental rights and basic human dignity . . . The so-called emergency decrees of the president number 1 and number 4, which they have indicted me for having offended, are among the cruelest violations of national law in our long history . . . The so-called extraordinary court-martial which exerts its jurisdiction upon me is only a puppet which cannot by law and conscience judge independently . . ."

As the bishop was speaking to newsmen and handing out copies of his written statement, his distraught secret police supervisor tried to lunge through the knot of reporters to stop the action. The agent was unsuccessful because the newsmen and priests stood firm. A few moments later a Catholic father did an uncharitable and perhaps un-Christian thing: As several hundred nuns sang hymns before a statue of the Virgin Mary a few feet away, the priest landed a vigorous elbow to the face of the still-protesting secret policeman.

Within a few hours, the bishop had been taken back to the first floor of the KCIA interrogation center, but his defiance and his statement were widely known here and in the world at large. As he no doubt hoped, the line between the government and the church had been drawn sharply. The following day, secret police officials sent a representative to ask Korea's Catholic cardinal, Stephen Kim, why some of the priests are so rough.

With the death sentence for a poet, the trial of an ex-president, the arrest of a bishop, the world has awakened with something of a start to the political condition of South Korea.

Diplomatic pressures are beginning to mount on the Korean government, which is dependent on outside political support for its annual United Nations battle with Communist states and on outside economic support for its continued prosperity. The United States has publicly stated its concern and privately its displeasure, saying the Park regime has gone so far it is alienating its friends in Congress and elsewhere. In a few days two subcommittees of the House Foreign Affairs Committee will begin public hearings on human rights in the Republic of Korea, a rare if not unprecedented hearing of this sort concerning a major U.S. ally.

Australia has let it be known it may have to issue a public statement condemning recent events in Korea. The Italians have said they may have to receive a North Korean trade mission because public opinion at home can no longer tolerate exclusive dealing with the South. New Zealand has asked its Seoul embassy for a special report. The French and Belgian ambassadors, in an unusual gesture of concern, attended a mass at the Catholic cathedral which was widely billed as a service in honor of Bishop Chi. The Netherlands, which sponsored the pro-South Korean resolution in the United Nations last year, is reassessing its position. In Japan, which is an essential economic partner, public opinion is running strong against the Park government, particularly since the arrest of two Japanese in connection with the student demonstrations.

In response to mounting pressures, Park commuted to life imprisonment the death sentence for poet Kim Chi Ha and four college students. More such gestures may be ahead. The deep feelings and frustrations of his opponents at home appear stronger than ever. His foes have not been convinced, only temporarily subdued. Any sign which they interpret as weakness could bring a new eruption of protest against a regime which seems unable to tolerate dissent.

The United States has a grave stake in the present and future of South Korea. Secretary of State Henry A. Kissinger suggested in recent congressional testimony that the stability of South Korea is crucial to the independence and stability of Japan and East Asia. In his view, this justifies continued American support despite the faults of the present regime.

The United States is in no position to dictate the internal policies of South Korea today—but neither can the United States and its citizens be oblivious to the practical and moral consequences of repression there. The Seoul regime is fast losing its respectability abroad, and at home the bitterness is deepening. Moreover, there may be a limit to what Americans are willing to support in the case of South Korea, particularly when churches, churchmen and Western-educated people are involved.

This peninsula is still an armed camp on both sides of the 38th parallel. A lurch toward irrationality on either side could immediately involve the United States in a shooting war, possibly involving nuclear weapons, which are based here in profusion. The situation is cause for serious concern, to say the least. At the moment, however, Washington is preoccupied with other matters.

AMENDMENT NO. 1639

On page 6 between lines 23 and 24, insert the following:

(4) At the end thereof add the following new section:

"SEC. 514. TERMINATION OF MILITARY ASSISTANCE TO SOUTH KOREA.—No funds made available under this chapter or the Foreign Military Sales Act may be obligated to furnish assistance to South Korea on or after the date of enactment of this section."

TREASURY DEPARTMENT—POSTAL SERVICE APPROPRIATIONS, 1975—AMENDMENT

AMENDMENT NO. 1641

(Ordered to be printed and to lie on the table.)

Mr. HASKELL. Mr. President, I am

introducing an amendment today to H.R.15544, the Treasury, Postal Service appropriation bill, which will be taken up on Wednesday.

My amendment would provide the necessary funds to begin construction of the new Denver Mint. The Appropriations Committee deleted the requested $11.8 million and stated:

The Committee concurs with the action of the House of Representatives in disallowing without prejudice the request for construction of new Mint Facilities as the site has not been selected. In view of the discussion of increased demands for coins in the item immediately above, the Committee urges that the site be promptly selected so that construction may begin.

Since the report on the bill was prepared a new site has been chosen. The site will be in the Park Hill section of Denver, Colo. I am pleased with the Park Hill selection and feel we should push to get the initial phase of construction started this fiscal year.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

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

AMENDMENT NO. 1641

On page 5, between lines 6 and 7 insert the following:

CONSTRUCTION OF MINT FACILITIES

For expenses necessary for construction of Mint facilities, as authorized by the Act of August 20, 1963, as amended (31 U.S.C. 291–294), $11,800,000, to remain available until expended.

AMENDMENT OF EXPORT ADMINISTRATION ACT—AMENDMENT

AMENDMENT NO. 1646

(Ordered to be printed and to lie on the table.)

EXPORT CONTROLS NEEDED AS AN INSTRUMENT OF FOREIGN POLICY

Mr. CHILES. Mr. President, I am today introducting again an amendment to the Export Administration Act, this time to S. 3792 which will amend and extend that act, which will provide the Government of the United States for the first time with the authority to use export controls as an instrument of policy and persuasion toward other countries when it can be shown that those countries have taken actions affecting their exports which cause or might cause serious inflation, unemployment, or shortages in our own economy.

During the energy crisis it became abundantly clear that when a few countries can control world supply of a crucial commodity like oil, they can abuse that power and cause economic stress in other countries worldwide. I do not think the United States should ever again be in the position of having another country be able to affect our internal economic situation without even having the legal authority to do likewise in return. The law now contains no such provision.

This amendment would provide the legislative authority necessary for the United States to take equivalent action toward another country to seek to persuade them that their export policies which are damaging to inflation, employment and growth in the United States are ill advised and require adjustment.

If we are to live in a world in which nations seek to cooperate with each other in dealing with world economic problems, we need the strength of policy and the legal authority to keep nations from straying off the track of cooperative action. All nations need to be aware that we are in this together and that unilateral actions which are harmful to some nations are harmful to all nations. The state of the world economy is crucial to the welfare of each economy.

This amendment requires reporting to the Congress so that the Congress can encourage action when the President is reluctant and also requires reporting by the Federal Tariff Commission so that the President may be restrained when he may be overly eager.

I ask unanimous consent that the amendment be printed in the RECORD as follows:

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

AMENDMENT NO. 1646

At the end of the bill, add the following new section:

ECONOMIC POLICY ACTIONS

SEC. . (a) Section 2 of the Export Administration Act of 1969, as amended by section 4 of this Act, is amended by adding at the end thereof the following new paragraph:

"(6) Economic policy actions by foreign countries affecting their exports increasingly affect internal economic conditions in the United States, making necessary the ability of the United States to use export controls to persuade other countries to modify their economic policy actions which are harmful to the United States economy."

(b) Section 3 of such Act is amended by adding at the end thereof the following new paragraph:

"(7) It is the policy of the United States to use export controls to the extent necessary and with respect to the articles, materials, supplies, and information necessary or appropriate, to seek an adjustment in any economic policy or action of a foreign government which has had or may have a serious domestic inflationary impact, which has caused or may cause a serious domestic shortage, or which has had or may have a serious adverse effect on employment in the United States."

(c) Section 4 of such act, as amended by sections 3, 4, 9, and 10 of this Act, is amended by adding at the end thereof the following new subsection:

"(j) Before exercising the authority conferred by this Act to implement the policy set forth in section 3(7), the President shall—

"(1) request and receive from the Tariff Commission its views on the probable impact on the domestic economy of such exercise of authority; and

"(2) consult with the appropriate committee of the Congress with respect to such exercise of authority."

(d) Section 10 of such Act, as amended by section 3 of this Act, is amended by adding at the end thereof the following:

"(c) Each such report shall contain a description of the progress being made in any international negotiations regarding rules and arrangements affecting access to supplies and export policies and practices of foreign governments. Such report shall also contain—

"(1) an analysis of any economic policy or action, during the quarter, of any foreign government affecting the price or availability of any article, material, or supply imported into the United States which is essential to the economy of the United States;

"(2) the effect of such policy or action on price, supply, or employment in the United States; and

"(3) any economic action proposed or contemplated by the United States Government with respect to such foreign economic action."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1553

At the request of Mr. ERVIN, the Senator from North Dakota (Mr. YOUNG) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of amendment No. 1553, intended to be proposed to S. 1361 to revise the copyright law.

NOTICE OF HEARINGS ON THE GENERAL ACCOUNTING OFFICE ACT OF 1974

Mr. METCALF. Mr. President, on Wednesday, August 7, the Government Operations Subcommittee on Budgeting, Management, and Expenditures will hold a hearing on S. 3013, the General Accounting Office Act of 1974. The hearing will begin at 10 a.m. in room 3302, Dirksen Senate Office Building.

The General Accounting Office, an arm of the Congress, has been mandated many statistical and accounting functions. It has taken the lead in developing and implementing Government-wide accounting and cost standards.

Since the creation of the General Accounting Office in 1921, more and more responsibilities have been given to this congressional agency. However, an examination of the GAO functions indicates that many audits are conducted too frequently to justify their cost or effectiveness. On the other hand, the General Accounting Office lacks authority to audit certain accounts. The proposed legislation deals with these matters.

Additionally, the bill would give GAO control over its own building, and the authority to employ up to 10 experts at a rate not to exceed the rate for level V of the executive schedule, and to except such individuals from laws limiting reemployment of retired officers or employees or simultaneous receipt of compensation and retirement pay or annuities.

Testimony will be received on August 7 from the Comptroller General and representatives of the General Services Administration. Persons interested in testifying or submitting statements should notify the subcommittee at 161 Russell Senate Office Building, telephone 225–1474, majority, or 225–1481, minority.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, the following nomination has been re-

ferred to and is now pending before the Committee on the Judiciary:

J. Raymond Bell, of the District of Columbia, to be a Member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1974 (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, August 5, 1974, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF PARTICIPATION IN EDUCATIONAL EXCHANGE PROGRAM

Mr. HUGHES. Mr. President, in accordance with the joint statement by the distinguished majority and minority leaders on July 16, I wish to provide for the RECORD information about the participation of a member of my staff in an educational exchange program overseas.

At the invitation of the European Economic Communities, Dr. Charles Stevenson of my staff traveled to Brussels, Belgium and to London, England during June 30–July 5 for conversations and roundtable discussions on European economic and trade matters and on various aspects of United States-European relation.

I approved Dr. Stevenson's acceptance of this invitation, for I believed that his participation in such an educational exchange program would enhance his capacity to perform his duties in the Senate.

ADMINISTRATIVE PRACTICE AND PROCEDURE, SUBCOMMITTEE HEARING ON IRS SECRECY CONTINUES

Mr. KENNEDY. Mr. President, on Wednesday the 31st of July the Subcommittee on Administrative Practice and Procedure will be continuing its oversight hearings on secrecy at the Internal Revenue Service. We will be focusing on IRS freedom of information policies and procedures and will hear from IRS Commissioner Donald C. Alexander.

Last April the subcommittee opened its IRS oversight hearings with public witnesses, including former Commissioner Mortimer Caplin, Mr. Tom Field, executive director of Tax Analysts and Advocates, and Mr. and Mrs. Phil Long from Washington. These witnesses uniformly decried the persistent delays in IRS handling of Freedom of Information requests and its overprotective attitude in withholding material from public view. They voiced strong opinions that many classes of rulings, memorandums, statistics, reports, and instructions should be made public, both because disclosure is required by law and because greater openness would strengthen public confidence in the fairness of IRS administration of the tax laws.

I believe it is ironic that during the years that White House aides were able to obtain from the IRS confidential, personal tax information on political friends and enemies, the public was unable to obtain documents required by the Freedom of Information Act to be made available to them. While there is some evidence that the Service is changing directions — for the better — on both counts, we will certainly want to explore with Commissioner Alexander what is being done on the one hand to protect private taxpayer information from political misuse and on the other to insure expeditious release of information to which the public is entitled.

Our hearing will begin at 10 a.m. in room 2228 Dirksen Building.

ADDITIONAL STATEMENT

YOUNG AMERICANS CALL FOR ACCOUNTING OF AMERICAN SERVICEMEN MISSING IN ACTION IN VIETNAM

Mr. HELMS. Mr. President, the story of the suffering of families of American servicemen still unaccounted for or missing in action in Southeast Asia is not new to us. The long years of futile hope, of despair, and of family disruption calls out to us to take action on this matter.

At this time, there are some 1,200 Americans listed as "missing in action" in Vietnam. Additionally, there are more than 1,200 who were killed in action, but whose bodies have not been recovered from Communist zones there.

On January 23, 1973, the North Vietnamese and the Viet Cong (PRG) signed the Paris Peace Agreements. Article eight, paragraph (b) of those agreements reads as follows:

The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of their remains, and to take any such other measures as may be required to get information about those still considered missing in action.

The Communists have not lived up to these agreements, Mr. President. They have discouraged inspection of possible crash sites, for example. When Congressman SONNY MONTGOMERY, on a recent fact-finding trip to Southeast Asia, asked the Viet Cong when they were going to allow identification teams to inspect crash sites and bring home our dead for proper burial, he was told that the recovery of bodies was "a little detail," and that the Viet Cong would not permit Americans to go to the sites.

Mr. President, we have a right to visit those sites. But the Communists are not going to let us search the crash and grave sites until we insist firmly that the Communists live up to their agreement. And time works against us in this matter, since evidence at the sites is very perishable in the tropical environment of Southeast Asia.

As Congressman MONTGOMERY pointed out in a report on his factfinding mission:

We must intensify and continue the public pressure for a full and factual accounting of MIA's and return of known dead. This appears to be the only tactic that has an effect on the other side.

I urge my colleagues to heed Congressman MONTGOMERY'S words. And I commend to them the actions of 12 young Americans who have acted to let the Communists know that Americans want this accounting.

These dedicated young people are today completing a trip which began 25 days ago in New York. They have journeyed to France, Sweden, Russia, Thailand, Laos, South Vietnam, Hong Kong, and Japan to carry the message to the world that Americans want the North Vietnamese and Viet Cong to live up to their end of the Paris peace agreements.

On their trip, they met with the North Vietnamese in Paris, where they sought visas to Hanoi to push for an accounting of American MIA's and dead. In Moscow, they sought out Russian leaders to carry their message to. In Thailand, they were warmly welcomed by the people and government leaders, who pledged to help them in their efforts.

But did the American people hear about the work of these concerned young people? Were their activities given the same sort of extensive coverage on the major network news programs that was accorded another group of youths, who occupied a bathroom in the Washington Monument to show support for amnesty for deserters and draft dodgers?

The answer, of course, is, of course not.

And so it always goes, Mr. President. Americans are constantly bombarded by the monopoly media with stories promoting sympathy for draft dodgers and deserters, while young people working for worthwhile causes are ignored. Well, I for one want these young people, these concerned young Americans, to know that there are at least some people in this country who know what they are doing and appreciate their dedicated hard work.

Mr. President, I commend these young people for putting pressure on Hanoi and the Viet Cong to release information concerning our MIA's and unaccounted for dead. And I urge my colleagues in the Congress to follow their good example and push even harder for this long-overdue accounting.

TRIBUTE TO CHAIRMAN THADDEUS J. DULSKI

Mr. McGEE. Mr. President, as chairman of the Senate Committee on Post Office and Civil Service, I have had the opportunity to work with many talented and capable individuals on issues of Government and political administration so intricate and complex as to test the capacities of even the best. Of all these talented people, however, I would be hard pressed to find one more outstanding than my counterpart in the House, the Honorable THADDEUS J. DULSKI, chairman of the House Committee on Post Office and Civil Service. It was with no small amount of regret, therefore, that I recently learned TED DULSKI has decided not to seek reelection to a ninth term of office. I know I speak for my eight colleagues on the Senate Post

Office Committee when I say we shall deeply feel his absence, both as a friend and as a leader.

For as long as I have known him, TED DULSKI has always been a person of outstanding good humor and warmth. And I believe it is his warmth that has distinguished his public career as a man responsive to the needs of others. Certainly, this trait of sincere concern has been evident in his term as chairman of the House Committee on Post Office and Civil Service. Anyone familiar with the great strides made by Congress in the last 7 years in the field of Federal employment will quickly perceive that the overriding interest of Congress has been for the welfare of the Government employees.

Today, the civil service stands as an inviting prospect for thousands of young men and women entering the job market. The civil servant is no longer the poorest paid and most underprotected worker in America. These accomplishments by and large rest with the efforts of TED DULSKI. My only regret is that we still have much to do, and that we shall have to do it without the able resources of the chairman of the House Committee on Post Office and Civil Service.

The concept of the modern postal service corporation is another major accomplishment that saw its birth under the leadership of Chairman DULSKI. And while we have all taken note of the problems which have beset the U.S. Postal Service, we should also note the number of times additional problems were averted by the guiding hand of the gentleman from the 37th District of New York. Furthermore, it must be said that TED DULSKI has never allowed the pride of authorship blind him to the problems of the Postal Service. Since the enactment of the Postal Reorganization Act of 1970, he has consistently handled the Service with firmness, always quick to point out its errors as well as its successes.

It is my firm belief that someday the creation of the U.S. Postal Service will stand as a landmark in the history of American institutions. And I believe historians will come to conclude that THADDEUS J. DULSKI not only deserves a lion's share of credit for the birth of this organization, but that it was he who raised it to its great stature during the trying and difficult years of its initial operation.

Mr. President, I am proud to have this opportunity to recognize the accomplishments of TED DULSKI and to express my regret at his leaving the Congress of the United States. No amount of words can every repay the impressive legacy which he will leave behind him. I can only hope that in his absence, we will be able to continue in the direction which he so resolutely set out for us. Knowing TED, I think this is the tribute which will please him most.

SUPPORT BUDGET BUSTING VETOES

Mr. PROXMIRE. Mr. President, I rise today to pledge my support for President Nixon's veto of bills that bust the budget. I predicted that anti-inflation vetoes would have a fighting chance to win in the Senate.

The Senate is on record with an emphatic 74-to-12 vote for a $10 billion cut in the President's budget. My amendment, passed last month and pending action in the House, would commit the Congress to a reduction from $305 billion to $295 billion in the President's budget.

This is twice as great as the feebler reduction proposed by President Nixon last Thursday night. Now we in the Senate should show that we mean business.

CONGRESS WILL REDUCE REQUESTS

There is no question in my mind that the Congress will reduce the President's military appropriation requests by at least $3½ billion and we might cut it by as much as $10 billion.

We can and should also reduce the President's foreign aid request particularly the military foreign aid by a billion and a half or more.

On most of the other appropriations we will, as in past years, be at or below the President's request, but that leaves Health, Education, and Welfare appropriations and backdoor spending in other areas where Congress may soar way over the budget.

If our commitment to reduce spending by $10 billion is to mean more than rhetoric we have to hold down spending in these areas to a level near or below the budget requests. It would be unrealistic to expect a majority of Congress to do this.

ONE-THIRD NEEDED TO SUPPORT VETOES

But it is not unrealistic to expect that with the present anti-inflationary, anti-spending mood of the country at least one-third of the Senators may be willing to support Presidential vetoes where it is clear that the inflation damage outweighs the value of the program.

This year with inflation front and center as the biggest issue in the country, inflation should outweigh big spending increases everywhere.

I have talked to a number of Democratic Senators who have told me they share this view, and that they intend to consistently oppose budget busting spending even for the most popular programs. These Senators and our like minded Republican colleagues certainly do not constitute a majority, but we have a fighting chance to achieve the one-third that can sustain anti-inflation vetoes.

So the President's announcement that he will veto the big spending bills is welcome. We in Congress can make those vetoes more than a gesture. The result could be not only less pressure on prices because of the lower level of government spending but less pressure on interest rates from a sharp reduction in net government borrowing. The country should not give up on the prospect of actually balancing the budget in this fiscal year. It will not be easy and it still is not likely. But anti-inflation fever has lit some fires in the Congress that may at last get some results.

KANSAS PROTEIN FOOD FOR THE SAHEL

Mr. DOLE. Mr. President, a new food has been developed and is currently being distributed through the food for peace program to feed hungry people around the world. The food is soy-fortified sorghum grits. Grain sorghum, or milo as it is sometimes called, is a grain grown in the United States largely as likestock feed grain, but it has never been a popular domestic food cereal. To people in other parts of the world, namely Africa and parts of India, this grain is the staple of their diet.

The new food, soy-fortified sorghum grits (SFSG), was introduced into the food for peace program this year. The need for a sorghum-based product had been developed a few years ago and early in 1974 the Krause Milling Co. of Dodge City, Kans., began producing this fortified sorghum product. This new food was tested by the Department of Agriculture and by the food for peace program overseas and proved to be highly acceptable food as well as nutritious product.

TESTED IN SAHEL DROUGHT AREA

The timing of the product development could not have been better. The United States was responding to drought conditions in the Sahel region of West Africa with funds, services, and food. Food commitments to the Sahel since 1973 totaled over 600,000 metric tons. Since the people of West Africa are primarily sorghum eaters, the United States responded with food for peace donations in the forms of grain sorghum and the soy-fortified sorghum grits. It was particularly important that a nutritious, high protein indigenous type food be provided to certain vulnerable groups. These groups included mothers and small children, since the primary source of protein in their diet—milk and meat—had been eliminated due to the destruction of herds as a result of 3 years of drought.

Since its introduction, over 22.7 million pounds have been shipped to the Sahel. This is enough to feed over 300,000 children for 1 year. Governments of the Sahel are continuing to request assistance and current planning is to provide an additional 20 million pounds of soy-fortified sorghum grits to Mali, Mauritania, and Niger between now and November.

KANSAS—MAIN SUPPLIER

Other countries of the world have also found this new food both pleasing to the taste and readily adaptable to local recipes.

Since its introduction into the food for peace program, the United States, through the Department of Agriculture, has purchased 29.9 million pounds of SFSG. The principal manufacturer is Krause Milling Co. of Dodge City, Kans.

SFSG is not only being distributed by the United States in the Sahel, but by American voluntary agencies such as CARE, CRS, and CWS in other parts of Africa, the Far East, and in India. The world food program (WFP) has also tested SFSG and has requested the food

for distribution in WFP projects in the Philippines and Nicaragua.

The food resembles broken kernels of rice and when cooked swells like rice into separate particles. In India, for example, curry is added to make a "rice type" curry dish. Sorghum grits is bland like rice, therefore it readily assumes the flavor of local dishes.

HIGH NUTRITION VALUE

Nutritionally speaking, the product compares favorably with protein type foods. For example, non-fat dry milk has a PER—protein efficiency ratio—of 2.5, while soy-fortified sorghum grits has a PER of 2.3. The normal ration of SFSG for a 6-year-old child is 100 grams—3.5 ounces—per day. This ration would provide the child with 16 grams of protein, or 53 percent of its minimum daily requirement, and 359 calories, or 22 percent of its minimum daily requirement. Soy-fortified sorghum grits consists of 15 percent defatted soy flakes, 85 percent sorghum grits.

The development of soy-fortified sorghum grits is another example of the ingenuity of the American food processing industry. This industry, in cooperation with the U.S. Government, is leading the way in the development of new foods to fill the hunger gap around the world.

REV. GEORGE O. GREENE RECEIVES GEORGE WASHINGTON HONOR MEDAL OF THE FREEDOMS FOUNDATION AT VALLEY FORGE

Mr. TALMADGE. Mr. President, it was my pleasure last Sunday evening to present the George Washington Honor Medal of the Freedoms Foundation at Valley Forge to Rev. George O. Greene, senior minister at Ousley Methodist Church in Decatur, Ga.

This distinctive and coveted honor was bestowed upon Reverend Green for a sermon he delivered in his church July 1, 1973. Entitled "God Bless America," Reverend Greene delivered his forceful and eloquent message. He addressed himself to loyalty and dedication to country, qualities which I fear are sadly lacking in our country at this time.

In my judgment, we need more spokesmen such as Reverend Greene who very clearly and without apology stand up for patriotism and loyalty.

I bring Reverend Greene's very fine message to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

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

GOD BLESS AMERICA

(By Rev. George O. Greene)

God Bless America! When Alvis sang the verse of this song this morning—you have to realize that this song was written during a time of war, but the war was on the other side of the sea. The verse of that song starts, "While the storm clouds gather far across the sea, let us raise our voices in this song of joy."

This morning I want to call your attention to the first verse of the 127th Psalm. I'm going to read that whole verse to you this morning, and then I'm going to pick up the last part of the verse, where the writer of the Book of Psalms said, "Except the Lord build the house, they labour in vain that build it: except the Lord keep the city, the watchman waketh but in vain." Now, I've preached on, "Except the Lord build the house, they labour in vain . . ." but I was thinking this week that I had never in my entire ministry preached on the last part of that verse, "except the Lord keep the city, the watchman waketh but in vain."

I think we need to put the emphasis today on the Lord keeping the city, because I think, and I honestly believe with all my heart, that our nation was formed—our nation was built, with God as the keystone of its creation. I don't care what anybody says of our modern historians, you search the pages of history, and you will find that America was built, formed, and discovered by people who wanted to find a place where they could worship God as they saw fit. Men did not risk their lives for a new socio-economic system—men did not risk the lives of their families, and their children to try out some new fly-by-night political scheme. Our nation was born by people who believed that man has the inalienable right to worship God, and they left the Europe of tyranny and dictatorship to search for a place where man was free to worship God according to the dictates of his own conscience. Our nation was built around the scaffolding of God. It was at the Constitutional Convention when it seemed that the delegates had come to the point of blows, that Benjamin Franklin, one of the great builders of our nation, stood up in that Constitutional Convention and said, "Gentlemen, we dare not build anything without the help of the Supreme Maker of the Universe. I make a motion that we pause for a few moments in our deliberations, bow our heads, and everyone in his own way ask for the divine guidance of the Supreme Creator of the Universe."

And it was only after prayer that the Constitution of the United States was put together and formed. You see, our nation was built and constructed, and created with God as the Keystone. Yet today, one does not have to be prophetic to be able to see that we have strayed away from God; we have strayed away from the principles that our nation was built upon. Now today, more than ever before, we need to sing, "God Bless America from the mountains to the prairie, God Bless America, land that I love!" You see, the thing that happened in our country is that we have let some pretty sick philosophy eat at the very vitals of our lives. We have let some sickening, and sickened philosophy gnaw away at the foundation of the nation that we love, until we have just about come to the place where we have thrown the baby out with the bath water. In other words, we've tossed God out of our nation. We have let the principles of Christianity fade from prominence in our dealings with our people, and in the building of a better world. What are these sick philosophies? Well, this is what I want to talk about this morning very briefly.

The first sick philosophy is that we have put our faith in that which is material. We have put our faith in that which we can see, and hold, and feel, and touch, and we have forsaken the mysterious, and that which we cannot prove. Billy Graham, on Monday night in his Atlanta Crusade, said these words, "It may shock you, but neither you nor I can prove the existence of God." I cannot set down on paper and draw for you a formula for the existence of God this morning. There's no way in the world that I can prove to you without a shadow of a doubt that there is a God! But there is something within the human heart that tells me that there is something bigger than I am, and yet we've let go of this in our nation. We have let go of these things that are vital, and we have brought in malignancies that eat at the very heart of our nation. And one of these is faith in that which you can see and hear and touch. Faith in that which is material! Faith in that which is prominent! Faith in that which is in position and prestige. Several months ago I received a letter the like of which I have never received before or since. I have said this so many times, I don't read anonymous mail—I open it up and see if it's signed, and if it's signed I read it, and if it's not signed I throw it in the trash can. But this one was four pages long, typewritten, single spaced, and I knew it wouldn't be signed when I saw it, but I was interested in it because the fellow had taken so much time to write it. What had happened is that I had written an article in the newspaper talking about our nation being created by Godly principles, and this man, who was some kind of self-styled historian, spent four pages trying to prove to me that there was no relationship between the building of our nation and the God of our fathers. He tried to prove to me that Benjamin Franklin was an atheist; that George Washington was an agnostic, and that God had nothing to do with the building of our nation! I don't know where he got his history training, but wherever it was, I hope they didn't give him a degree. Whether Benjamin Franklin was an atheist or not, history records the fact that he said, "Let us pray to the Divine Creator of the world." George Washington may have been an agnostic—I don't question that—but I still believe that the founding fathers of our nation risked their lives, and built our nation on the sense of a fear, and an awe for God, the Eternal Creator of the World.

But today we have forsaken our heritage, we are like the man in the Bible who sold his birthright, we've taken God out of our nation; we've taken the principles of God out of the undergirding boulders of our nation. We've sold our birthright; we have cut into the very vitals of our life, and we've put God on the outside, and we've disregarded the very principles that our nation was built upon. That's the first evil philosophy.

The second philosophy that we've allowed to take place in our nation, and our society, is that we have given way to a divisive spirit. What is a divisive spirit? A divisive spirit is some kind of a disease that creeps into the lives of people, and causes us to be divided one against another. You remember it was Abraham Lincoln that said, "A house divided against itself cannot long stand." What a deep and great philosophy that was! How much proof there is—our nation today trembles on the brink of disaster because we are a divided people. We are divided—we can't disagree and still love one another! We can't argue and have our differences without trying to choose up sides and one destroy the other. I see it in politics. I see it in family relationships. I see it in friendships. We have become a divisive people. I don't expect people to agree with me . . . but I expect people to grant me the right to disagree with them, and still, in the spirit of love, cooperate with one another—but not in our day and time! We cannot stand anybody to disagree with us. If they disagree with us we term them a communist, or a red-neck, or a liberal, or a conservative, or a reactionary. We cannot have friends and loved ones who do not share our same opinions. We must learn to disagree and still, in the spirit of love, care for one another. But we can't do that! We are divided in politics. The Republicans don't want to have anything to do with the Democrats; the Democrats don't want to have anything to do with the Republicans, and I don't know what they are going to do with those of us who are independent! You can't disagree in politics because we have drawn the line, and there is a divisive spirit among our people today that keeps us from being united under God in one eternal purpose. You don't believe there is a divisive spirit? Look what we've done with the racial question in

America. We've blown it all out of proportion. If you don't agree with me on the way I feel about race, then you are dead wrong—if I don't agree with you about what you feel about race, then I'm dead wrong—we cannot have our separate opinions on subjects of vital concern to our world unless we agree with one another. The divisiveness that runs rampant in our Nation today not only touches the question of race, but it touches the question of welfare. The welfare in general, of the people . . . if people don't agree with us, with what we feel is the proper state of welfare in our Nation, then we completely cut ourselves off from them. Look what happened in the Vietnam war. I have my opinions about the confrontation in Southeast Asia, but I never thought I'd ever live to see a time when our Nation would pull open, cut itself to shreds, over a matter of a war and peace on earth! Look what happens in the Nation's security. If you don't agree with somebody you do everything you can to destroy it. I don't know if you have wasted your time in the last few weeks watching the Watergate Hearings or not—I haven't—I tried to listen to as little as possible, and to read as little as possible—but the thing that keeps coming out to me, and it's not just Republicans, but it's Democrats and Republicans—and it's the spirit of our Nation—if somebody opposes you, then get rid of them! We're afraid of opposition! We are afraid of people standing up, and opposing us, and at the same time being able to love them! We aren't that big! This is eating away at the very heart—I've seen it happen to a community—I've seen it happen in a church—I've seen people in a church who couldn't agree, and if they didn't agree, they couldn't love one another. Let me tell you something, friends. I don't care how much Scripture you can quote, I don't care whether you are Sanctified or not, if you can't disagree, and still love someone, you're as far away from the Kingdom of God as you can possibly be. Divisiveness—the divisive spirit in our nation is eating at our very lives!

And then the third sick philosophy is the sick philosophy of irresponsibility. I think we've forgotten that we have a personal responsibility to society to make this a better place in which to live. The question is asked today, "Why should I do that? That's somebody else's place to do it . . . why should I be involved to clean up a community—why should I be involved in what's going on? Let somebody else do it!" And it never gets done—if you don't believe it then look at what's happening in the break down in law and order in our nation. Look what happened on the streets of Atlanta the other day . . . when a man was selling a newspaper and irritating people, and a policeman stopped him, and before he could get the man, the man pulled out a gun and shot him! You say, "Well, that has nothing to do with me!" Oh, yes it does! I'll tell you, we'll never have a better community, we'll never have better cities, we'll never get rid of crime until you and I consider it our personal responsibility to stand up and demand that it take place. The problem with juvenile delinquency—it's always somebody else's child that is creating the problem. My friend, it's not somebody else's child—it's not somebody else's responsibility—it's *your* responsibility! I have parents say to me, "My child was out last night, and I didn't have any idea where he was." The kind of parent who says that is the parent who shirks his responsibility. Any parent who does not care enough about his child—care enough about society—to take a firm hand and rear his child in the way he ought to go, is a complete failure as a parent. Somebody else's responsibility!

Then it comes down to work—"Why should I work? Let the State take care of me!" One of the biggest mistakes we've made in our nation today is rewarding irresponsibility! I don't know how you feel about the guaranteed income, but I'll tell you when our nation gets to the place that we guarantee a lazy person an income because he's too lazy to work, we've shaken the roots of the very foundation of our nation. Jesus said in the Holy Writ, if a man wants to eat, let him work. Yet, we've become so irresponsible that we've used our lazy people—our irresponsible brothers—we've used people as political footballs. Why should anybody care about working any more? There's a sickness in our nation.

Well, Preacher, you've told us the problem—where's the solution? I tell you where the solution is: the solution is that you and I, and our nation, need to return to the basics. We need to return to the foundation stones that our nation was built upon. We need to find somewhere in the eaten, malignancy of our lives a new spirit of cooperation between people. Learn to cooperate with other people to make it a better world. Learn to cooperate with people who differ with us. We need a new spirit of cooperation—we need a new spirit of love among people. If a man loves those who love him—if a man loves those who agree with him and nobody else, then a man is as far away from the Kingdom of God as he can possibly be! We need a spirit of brotherhood—not a goody-good, look-at-me brotherhood, spirit. I'm talking about a deep concern for the mental, moral, emotional, spiritual, and physical welfare of mankind. We don't need any martyrs of brotherhood—we need a new spirit of brotherhood that causes us to love one another because God first loved us. Then I think we need to finally return to the basics of a spirit of sacrifice. I'm going to say something and I believe it with all my heart. We have just been through one of the most perilous times in the history of our nation. We were in what seemed to be a useless war . . . war that I'm not sure will ever have any ending, but we were in it. And we called upon the young men and women of our nation to sacrifice their lives for something that we had committed ourself to. But the worst thing that happened, was the yellow flag of cowardice that flew throughout our nation when we saw young person after young person who said I'd rather give up my country than sacrifice myself. When we have lost the spirit of sacrifice, we've lost the spirit of Christianity! Greater love hath no man than this, that a man lay down his life for his friend . . . and until we return to the spirit of sacrifice and brotherhood and love and cooperation and understanding, we better stand every day and sing with all exuberance we have, "God Bless America, land that I love," cause we need it—we need it badly! We need it!

THE DEATH OF WAYNE MORSE

Mr. MUSKIE. Mr. President, I was deeply saddened by the death of Wayne Morse. I had the honor to serve with him in the Senate for 10 years and came to know him as both a dedicated public servant and an individual of rare wit, candor, and perception.

He was a man who defied easy description, although he earned many sobriquets over the years.

He began his public service in the Democratic administration of Franklin Roosevelt. In his 24 years in the Senate, he was, by turns, a Republican, an Independent, and a Democrat. It was not that he despised political parties. He preferred his own counsel to any party line, and his independence became legendary.

He was called the Lone Ranger for his independence, and for a fearless willingness to espouse unpopular causes when he believed in their rightness.

Others called him Mr. Education because he shaped a national education policy which will affect the lives of generations to come.

He was also known as the Tiger of the Senate, after a biography by that title, because of an acid tongue which could and often would cripple arguments opposing his. Those who bore his assaults probably had other names for him as well.

And he was wryly called the Five O'Clock Shadow for the regularity with which he took the Senate floor at the close of the business day to speak on a staggering range of issues, large and small.

In fact, his enthusiasm for oratory was unbounded. He once spoke here for more than 22 hours, a feat of physical as well as intellectual strength.

But even together, the nicknames do not describe the man.

Tutored in the populist traditions of Bob LaFollette, he always asked what was good for the people, and when he felt he had the answer, no special interest could sway him from his chosen course.

He was also a brilliant labor mediator, an expert in labor law, a leader in the cause of education, an ardent advocate of civil rights. He is known by a younger generation primarily for his prescient opposition to the Vietnam war and his lonely and costly vote against the Gulf of Tonkin Resolution.

Those who knew him here also remember his puckish wit, his affection for people, and his boundless energy. It is one measure of the man that he was ardently seeking to regain his Senate seat when he died at age 73.

Fittingly, Wayne Morse provided us with the best short description of his life and philosophy. He said a couple of years ago:

If the truth is intemperate, then I will continue to be intemperate.

Mr. President, I ask unanimous consent that an editorial on Senator Morse's death appearing the New York Times of July 23, 1974, be printed in the RECORD.

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

[From the New York Times, July 23, 1974]

THE SENATE'S LOSS

Senator Wayne Morse of Oregon was too much the maverick to be a reliable party man, too much the gadfly to be a hero of the Senate Establishment, too much the independent to be predictable even in his proven liberalism. He was a superb public servant—not in spite of those attributes but because of them.

Originally a Republican of the Western progressive breed known in an earlier day as the "sons of the wild jackass," Wayne Morse broke with his party when General Eisenhower, whom he had warmly supported, made peace with the conservative Senator Robert A. Taft. He sat in the Senate for a time as an independent by name as well as by nature and a few years later won re-election as a Democrat. He did not disparage the party system as such; he just gave principle a higher priority than party or, for that matter, than the views of his constituents.

Believing with Edmund Burke that a representative's first loyalty is to his own judgment, he took counsel with himself and had the courage to act on it. He could be wrongheaded at times—but most of the time he

seemed magnificently right—especially, in the light of history, when he and another great independent liberal, Senator Ernest Gruening of Alaska, who died only a few weeks ago, stood alone against the Gulf of Tonkin resolution.

Right or wrong, Wayne Lyman Morse went his own way, cavalierly crossing party lines to vote his conscience. At his death he was in the thick of a fight to make a last comeback to the United States Senate. The Senate lost.

GENERAL CONFERENCE OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Mr. CURTIS. Mr. President, as a representative of the Senate at the last General Conference of the Food and Agriculture Organization of the United Nations I wanted to report on my impressions of that group.

For almost 30 years the Food and Agriculture Organization of the United Nations has been involved in international efforts to increase food production in the poor nations of the world. Through its technical field services, food assistance and information gathering the FAO serves countries throughout the world attempting to provide an adequate level of food security to their citizens.

These initiatives could not be more appropriate to the needs of the developing world. The unbridled growth of the world population—doubling now every 34 years—combined with increased per capita demands for food due to rising affluence in the developed world creates new strains on the world's food production system.

Clearly, if the future food needs of the world are to be met the developing countries must accept a greater share of the burden for their own food production.

The developing world must have greater access to agricultural information and technologies if increased food production is to be forthcoming. They must have more private foreign capital directed into their agriculture sector if a sustaining marketing and distribution system is to be developed. And these countries must have a reasonable level of food assistance if their citizens are to have the minimum level of nutrition required for a healthy and industrious population. These areas are where FAO comes in.

FAO has become an invaluable source of knowledge on every aspect of agriculture, fisheries, forestry, and nutrition. Its publications and statistical surveys represent an important basis on which countries can develop their own agriculture and food planning.

The research arm of FAO has been a major contributor to world efforts to increase crop yields and to improve nutrition. FAO also represents a forum for the exchange of information for policymakers, planners, and scientists.

FAO's research countries are adopting better transport and storage mechanisms and means to reduce wastage; and FAO guidance has become an important component in many developing countries' agriculture development planning.

About three-quarters of FAO's $107 million budget is spent on field activities. These funds are used to support over 1,150 projects in 110 countries and territories. Scientists and skilled technicians provide crucial advice and assistance to farmers attempting to improve their crop production. In the Near East FAO is administering a chain of animal health institutes. FAO has created training and research institutes in several less developed areas of the world. Soil engineers help farmers to bring large areas of unused land into production. Better seeds and farming methods introduced by FAO experts help farmers in the poorer countries improve crop yields.

One of the major constraints on increasing agricultural development in the developing world is the shortage of credit and foreign exchange. FAO has played an important role in finding money for investment in agriculture.

Through its FAO/IBRD cooperative program FAO helps governments to identify and develop investment possibilities for World Bank financing. In 1970–71 almost $300 million went toward such projects as irrigated farming, land settlement, livestock development, commercial production of tropical crops, fisheries, and grain storage, all of which FAO helped prepare.

The industry cooperative program was established by FAO to attract greater private technical, management, and capital resources. In coordination with over 80 multinational companies ICP acts as a channel of information identifying investment opportunities in agriculture. ICP also works with governments to help investment seeking countries to attract private projects.

The world food program of FAO was established in 1963 to channel resources in the form of food, cash, and services such as shipping to needy areas of the world as a support to development. By providing a family food ration as partial payment to men planting trees, digging irrigation channels, building roads, schools, and other development projects FAO through the world food program assists not only economic growth but healthy food habits.

These are the successes of FAO. Yet we must also appreciate the shortcomings. The most negligent attitude we could take is to become complacent with our international institutions. The resources available to the developing world require their most efficient utilization. Therefore, we should constantly be looking at ways to improve international development efforts.

First, the emphasis must be on field work and ways must be found to increase the direct assistance to the farmer himself. It would be a gross misutilization of our contribution to FAO if that money is used to support a top-heavy bureaucracy in Rome with a lot of office workers.

Second, food aid through the world food program must be closely coordinated with development plans. Rather than increasing food aid we should be looking at ways to more efficiently utilize the food assistance we already have.

We must also find a more equitable sharing of the burden for support of development efforts. Presently the United States contributes about 25 percent of FAO's budget. This is not consistent with the relative economic strength of other developed countries. The other developed countries must begin to pick up a larger part of the tab concomitant with their increasing level of affluence.

Finally, the developing countries themselves must begin to bear a larger share of the responsibilities for development. Assistance from the developed world should be based upon a willingness of the beneficiary countries to help themselves. Agricultural development must be a partnership in which the receiving country picks up as large a share of the development burden as it can reasonably afford.

FAO's task is immense, but crucial. In the coming years I will watch FAO's efforts closely to insure that their job is met as efficiently and fairly as possible.

The real challenge, and it must be the ultimate responsibility of all foreign assistance, is to find ways to make our development organizations obsolete—to provide self-sustaining agricultural development in the poor nations of the world so that our foreign assistance does not become a bottomless pit.

During the conference of the FAO in Rome in the fall of 1973, I attended the daily meetings of the American group. At that time, I asked the technicians representing our Government to prepare for me a list of the field projects currently underway by the FAO together with a résumé of what they were doing. That document was provided me and from it the descriptions of three projects have been formulated for the information of the Senate.

I ask unanimous consent that three brief descriptions of FAO projects in Mexico, Bangladesh and Kenya be printed in the RECORD at the conclusion of my remarks.

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

FAO IN MEXICO

STRATEGY FOR AGRICULTURE

In Mexico there is no national development plan as yet. Particularly of late there has been a tendency to coordinate the social and economic policy of the Government in the context of a broader approach and a larger perspective than the six-year term of each federal administration.

Furthermore, in these years increasing consideration has been given to the need to establish a comprehensive agricultural development policy as an essential component of any future national development strategy.

For many years a large part of the country's agriculture has been inefficient. The Agrarian Reform did not succeed in increasing agricultural production. The present living conditions of the "campesinos" are slightly better than in 1910, while the productivity of most of the sub-sectors continues to fall. In fact, farms efficiently administered are only found where land distribution programme was not enforced.

Mexico is not blessed with good land, only 15 percent of its territory can be put under cultivation. The soils lack nitrogen and phosphates and need high fertilizer inputs to avoid exhaustion. The occurrence of floods is frequent in some areas, while many others are dry and as a consequence irrigation and drainage are widely needed.

From a more general viewpoint it has repeatedly been stated in the Government

development progress that the working and living conditions in agriculture must be substantially and increasingly improved; this calls for the implementation of a very comprehensive agricultural development policy including technological and institutional improvement measures.

A set of fiscal and other reforms aimed at achieving a better situation for the rural sector and a provision of greater amenities in the rural areas to raise the living standard of the millions of rural workers and their families are needed.

FAO ongoing and approved projects in Mexico include: training, research and extension in animal husbandry; tropical agricultural research; agricultural statistics; and technological education in fisheries.

FAO has been requested to assist in projects related to agriculture and livestock in the arid zones, postgraduate veterinary education, development of beef cattle production and development of small and medium food industries in rural areas.

FAO IN BANGLADESH

The strategy for agriculture is based on the policy of the Government in the First Five-Year Plan for Bangladesh (1973/74–1977/78) which was being elaborated at the same time as the present report.

In the short term, emphasis has had to be placed on the rehabilitation of the economy of Bangladesh which was seriously damaged by the war. Longer term growth calls for a high rate of investment which is beyond the country's capacity at the present time, and for a reduction in the rate of growth of the population.

In view of the dependence of some 85 percent of the population on agriculture and of the rapidly increasing population, Bangladesh's main target is the creation of employment opportunities for rural unemployed and underemployed. Next comes the attainment of self-sufficiency in the production of food grains, particularly rice, and the expansion of the production of other food and commercial crops.

It is important to reduce unemployment and underemployment in agriculture by an expansion of agricultural production (using labour-intensive techniques), a rural works programme and the encouragement of the seasonal migration of labour. Rural works should place the main emphasis on production-oriented projects and concentrate on irrigation and drainage construction and maintenance. While movements of agricultural labour, mainly on a seasonal basis already take place in response to market forces, they could be promoted by measures for regional development.

An increase in agricultural production is dependent on an improvement in yields, since there is no hope for expanding the area of cultivated land. Such an approach in turn calls for the refusion of modern techniques and inputs and also, since about two-thirds of the cultivable land are vulnerable to flooding, for extensive water control, drainage, flood control as well as irrigation.

FAO will employ an irrigation engineer and an irrigation economist to assist in water planning in the country. The agency also has completed a soil survey, is working on a fertilizer program, and has established a test control service.

FAO is also supporting the Jute Research Institute, horticultural research, has supplied three men to look into the production and disease control problems of cocoanuts, and is assisting in the development of an oil palm industry. Other FAO projects include: consultants in rubber plant production; livestock development and dairy and poultry research.

FAO IN KENYA

The current Kenya Development Plan—the second one—lays down the strategy for Kenya's economic development for the period 1970–74. The Plan's objectives are to achieve a broad-based economic development with emphasis on rural development involving participation of the people, and resulting in high incomes equitably distributed between sectors, regions, and individuals. The Plan hopes to achieve an average economic growth of 6.7 percent per annum, compared with the 6.3 percent achieved in the First Plan.

(a) The target is to raise agricultural production by over one-third. The strategy underlying this will entail:

(i) increasing agricultural efficiency by providing various facilities and services;

(ii) settlement of 33,000 new settlers on unused and mismanaged land;

(iii) a land use committee will be set up to advise on the rational allocation of land resources between e.g. agriculture, forestry and wildlife. Limits will be imposed on individual ownership of land to ensure intensive use. Resettlement from high to low density areas will be stimulated;

(iv) to facilitate land development, a land adjudication (consolidation and registration and titles) programme will be imposed on over 7½ million hectares, of which 2½ million will be agricultural land and the rest in range areas;

(v) since credit is an important restraint on agricultural development, the Government hopes to expand its credit programme;

(vi) agricultural research programmes e.g. on plant and livestock diseases, high yielding varieties, mechanization, and husbandry practices will be stepped up;

(vii) major production targets include:

	Metric tons
Maize	610,000
Wheat	230,000
Rice	40,600
Coffee	64,000
Tea	45,750
Cotton	20,000
Sugar cane	1,750,000

Livestock production goals are also high, and the emphasis will be laid on the modernization of this industry by the introduction of closed ranching techniques to replace traditional pastoral methods;

(viii) irrigation development with the expansion and rationalization of existing schemes and the design, staffing and management of schemes, settlement of farmers, selection of suitable crops, cultivation methods, provision of communications.

(b) Rural water supply for human and animal needs will be empasized and the Government contribution to this programme will be increased five fold over the 1968/69 estimates. The Water Development Division of the Ministry of Agriculture will be strengthened, and emphasis will be given to the identification of projects and priorities.

UNDP/FAO

The agricultural content of the UNDP/FAO Country Programme is well oriented toward the priorities established by the Government in the successive five-year plans, especially that for 1970–74, and other development blue prints. The Country Programme is the largest operation in agriculture under multilateral activity, and takes full account of the key role of agriculture in Kenya.

Major FAO efforts to assist Kenya in its development plan include providing technical assistance to assist in the establishment of viable ranches; advisory service for prospective feedlot operators; suggesting improved techniques in sheep and goat production; assisting in irrigation research for production of rice and other crops; and assisting in research in production and marketing of horticultural products.

SENATOR ERVIN'S WATERGATE SERMON

Mr. ROBERT C. BYRD. Mr. President, the Greensboro Daily News, of Greensboro, N.C., carried in its issue for Sunday, July 21, 1974, an article by its editor, Mr. William D. Snider, entitled "Senator Ervin's Watergate Sermon." I ask unanimous consent that a copy of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD:

SENATOR ERVIN'S WATERGATE SERMON

(By William D. Snider)

Senator Sam Ervin's Watergate Committee has folded and gone home; but some of the Senator's old-fashioned ideas, beautifully expressed in his written appraisal of this tragic episode, should not be forgotten.

Senator Sam, as most North Carolinians know, is a classics scholar. He tends toward the rich and flourishing phrase combined with mountain earthiness. Like Sir Winston Churchill, he combines wit and erudition, ornateness of style with plain-speaking. There is a touch of corniness, too, that spills over at times, but it is intentional and somewhat calculated, it seems to me—a kind of "too proud to be proud" attitude about colloquialisms and identification with the land and the people of his birth.

ROUGH-HEWN CHARACTER

But above all Senator Ervin has a strength of character, rough-hewn and massive in intensity. As staunchly as the mountain overlooking his Burke County home, his convictions about certain principles prevail in his personality and his prose. As in all such cases the word is the man, indelibly woven into his character; so that it is impossible for him to look at the nefarious activities of the President and his men without moving forthrightly to challenge error and transgression as he sees them revealed.

It is not, as some Ervin critics believe, that he seeks the limelight for himself, although, being human, he undoubtedly enjoys the notoriety which has come his way. Rather, he is compelled to speak and act because to fail to do so would violate his own sense of the fitness of things, indeed, his own conscience.

I say these things because in looking back on Senator Ervin's career I find he was never the flamboyant showman. He did not seek publicity for its own sake. As a young legislator in Raleigh back in the twenties he did speak up strongly against an anti-evolution bill—a so-called "monkey bill" which would have made North Carolina a laughing stock. Here perhaps for the first time in public life Sam Ervin's courage to affirm the strength of his conviction shone forth. From the beginning he dared to stand by his principles, even if it meant placing him in the minority.

A TRUE CONSERVATIVE

This courage has been manifested throughout his career, although by the nature of things he is a conservative, in the true sense, not one who easily overturns institutions and principles of the past. This has been most apparent in his attitude toward civil liberties. Some of his former critics could not imagine a senator as rock-ribbed about certain areas of civil rights suddenly becoming a spokesman for civil liberties. They are mystified by the man. Yet his philosophy holds together far better than those of most of his detractors.

Senator Ervin insists on defending individual liberty whether assailed from the public

or the private sector, the government or private interest pressure groups. Thus he stands squarely against the recent invasion of liberty by the grand inquisitors of no-knock and the computerized commissars, wherever their aim is to chip away at the fundamental freedoms of the individual, especially those guaranteed by the U.S. Constitution.

It is in the area of possible constitutional violations growing out of the Watergate that Senator Ervin has been most active recently. This has soured some of his former admirers who believe, somehow, that his concern has been overblown and exaggerated. Yet if one examines what he is saying, he must conclude that Watergate has certainly not been overplayed. The nation has plenty to be alarmed about.

For that reason the summary observations released by Senator Ervin in connection with the final Watergate report have special pertinence.

His summary, it seems to me, provides the best and clearest enumeration of the various illegal and unethical activities which the select committee, the courts, Congress and the press have unveiled in Watergate. He lists two specific objectives of the Watergate conspirators. One was to "destroy insofar as the presidential election of 1972 was concerned the integrity of the process by which the President of the United States is nominated and elected."

The other was to "hide from law enforcement officers, prosecutors, grand jurors, courts, the news media and the American people the identities and wrongdoing of those officers and employes of the Nixon re-election committee, and those White House aides who had undertaken to destroy the integrity of the process by which the President of the United States is nominated and elected."

Notice the simplicity and clarity of these conclusions. The remainder of Senator Ervin's white paper sets forth eight activities which were carried on to accomplish the first objective and 13 activities designed to accomplish the second—that is, to make the concealment effective.

Senator Ervin's outline reflects the organization and precision of a masterful legal mind. Within his framework one may discover a splendid model for the House's impeachment presentation.

In conclusion, the Senator, without specifically indicting the President, ponders the source of Watergate. Unlike the Teapot Dome, he concludes, the "presidential aides who perpetrated Watergate were not seduced by the love of money, which is something thought to be the root of all evil. On the contrary, they were instigated by a lust for political power, which is at least as corrupting as political power itself."

The President's men came, as many ambitious men do, to confuse ends and means. To achieve what they considered a worthy purpose—the re-election of the President—they willingly resorted to evil: "They had forgotten, if they ever knew, that the Constitution is designed to be a law for rulers and people alike at all times and under all circumstances . . . Their lust for political power blinded them to ethical considerations and legal requirements, to Aristotle's aphorism that the good of man must be the end of politics . . ."

And so Senator Ervin preaches a sermon of sorts in his crowning Watergate summation. He reminds us that in order to avoid future Watergates our leaders must understand and be dedicated to the true purpose of government which is to promote the good of the people entertain the abiding conviction that a public office is a public trust. And he adds that they must also "possess that intellectual and moral integrity, which is the priceless ingredient of good character."

THE CRYING NEED

That is surely the crying need of our time: Men of good character and good sense.

Senator Ervin, one must conclude, is precisely the kind of man the nation needs in these times. It is remarkable that he should have come to the surface in a time when Washington sorely required the very characteristics his long and distinguished career provides.

Having such an elderly Cicero in the forum in the 1970's will, I believe, inspire in the oncoming generations a veneration of the qualities and ideals which he espouses—and even produce such a leader for the future.

FAMINE SPREADS IN AFRICA

Mr. KENNEDY. Mr. President, recent field reports which have come to the Subcommittee on Refugees, as well as a recent unpublished internal report of the Agency for International Development, indicate that famine conditions in Africa are spreading and that death and new catastrophe threatens millions of people in the Sahel and other parts of the continent.

The internal AID report, dated June 10, entitled "Drought Situation in the Sahel," fully confirms that "catastrophic consequences" continue from the Sahelian drought, and that the situation is "precarious" in some areas of the Sahel. Moreover, in Ethiopia the situation among the people continues to deteriorate, and serious new emergencies are developing in neighboring Sudan and other areas.

Throughout Africa, the number of famine refugees is growing—and dramatically in some areas. Relief camps are overburdened. Last year's logistical bottlenecks and administrative delays in the movement of food and medicine continues. Malnutrition and disease threatens the lives of many thousands—and the death rate continues to climb.

Regrettably, Mr. President, the sense of urgency dramatized by conditions in the field is not fully reflected in the policies, priorities, and programs of AID. Although the record shows some meaningful progress in recent months, the fact remains that our Government's actions are too often belated and bogged down in bureaucratic redtape and indecision.

The administration has known since early this year that additional disaster relief funds would be available for famine relief in Africa. Yet, not until the last few weeks has there been any serious effort to plan for the use and obligation of these funds.

The AID status report on the Sahel is a shocking revelation on the scope of the human tragedy which has overtaken millions of people. And it reminds us once again that international apathy toward the continuing drought and food and medical shortages—combined with transportation bottlenecks and redtape—could very well produce a far greater tragedy than last year, when at least 100,000 people lost their lives.

Mr. President, the Congress has appropriated some $85 million in emergency relief funds—an amount above and beyond the other resources, including food—available this year. Hopefully, the administration will use these funds to save lives—with the same sense of urgency and ingenuity it spends our money in Indochina or for military aid around the globe.

I call upon the administration to redouble its efforts in behalf of humanitarian relief and rehabilitation needs, and to speed up the use of special congressional funds for this purpose. The time is long overdue for our Government—and others—to finally approach the crisis of spreading famine in Africa with the urgency of life and death, which it is.

Mr. President, the Subcommittee on Refugees, which I serve as chairman, held hearings on the famine situation in Africa last spring, and we will continue our inquiry and report to the Senate on our findings. For now, I would like to draw to the attention of the Senate the findings of the June 10 AID status report, and I ask unanimous consent that the complete text be printed in the RECORD.

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

[From the Agency for International Development, Washington, D.C.]

THE DROUGHT SITUATION IN THE SAHEL

EMERGENCY SITUATION THROUGHOUT THE SAHEL AS OF JUNE 10, 1974

The great Sahelian drought is continuing to have catastrophic consequences. The vast area's fragile eco-system, that was so seriously disrupted by lack of rain in the summer of 1972, was further unbalanced by the inadequate rainfall of 1973 and the continued displacement of people and their dependency upon relief. The most obvious results were that harvests of feed grains in the six countries to meet minimal survival needs were short about 550,000 MTs for crop year 1972–73 and 650,000 MTs for 1973–74. It is not known how many people lost their lives last year as a result of the drought conditions for firm data is almost impossible to obtain. However, based on limited sampling, the HEW Center for Disease Control estimated that as many as 100,000 people may have died. It is obvious that this year the cumulative impact of inadequate or bare subsistence diets will leave many more susceptible to disease and more likely to succumb to it. The loss in livestock is incalculable, as is the impact on the many thousands of nomadic families whose way of life depends on cattle, camels, goats, and sheep. Many of these nomad families have again crowded into relief centers in Mali, Mauritania, Niger, and around urban areas throughout the Sahel. It has been estimated that up to 40% of all livestock were lost last year, and it will take years to regenerate national herds.

One consequence in Mauritania is that deliveries of grain in some remote areas must be by truck this year and additional distribution centers must be erected because the camels used for transport in prior years are gone. The cumulative impact of the drought can be seen in other ways, as more demands are made on the limited arable land, pasturage, and water sources for the survival of man and beast. For example, in Mauritania's most agriculturally productive region bordering the Senegal River, plantings this spring are 40% of the usual acreage be-

cause of sub-normal bottom land flooding. It is too early to tell how extensive this year's rains may be, but, even if they are heavier than normal, the Sahelian tragedy will continue with displaced persons seeking to reestablish their lives, those weakened by malnutrition more susceptible to disease, and grain production levels too low to meet the population needs.

The known amounts of grain allocated so far in 1973–74 by all donors to the Sahel totals over half a million tons, or 85% of the estimated needs prior to the October harvests. A breakout of U.S. and other donor commitments to date is at TAB A.[1] The United States is providing 250,000 MTs, or 45% of the total. In addition, deliveries to the ports are earlier than last year, and significant efforts are being made to pre-position grain in areas of greatest needs. However, there are critical short-term problems because important links in the coastal transshipment system are in jeopardy. Of particular concern is the capacity of the ports of Dakar and Lagos to handle the enormous deliveries of relief supplies from May–July.

The primary port of entry for supplies for Mali, Mauritania, and Senegal is Dakar. This critical link in the distribution chain faces great strain because of limitations on evacuation rates, particularly to Mali. The grain for this landlocked country is transshipped by railroad, which has so far reached maximum monthly shipment rates of 12–14,000 MTs. There is now a backlog of about 76,000 MTs of grain in port provided by other donors, including about 38,000 MTs of grain purchased commercially by the Government of Mali. The rest is made up of donated food, including about 10,000 MTs remaining from shipment of U.S. donations. Steps are underway to seek to raise rail shipment rates, as well as to re-direct shipments to other ports, especially Abidjan.

The other critical external link is the port of Lagos, through which a majority of the 173,000 tons of grain pledged by all donors for Niger and Chad are to be delivered. The evacuation rate of the port has only been about 12,000 MTs per month and the port problems have been exacerbated by Nigerian railway breakdowns and strikes by railway and port workers. Steps have been taken recently to augment use of truck transport from this port to Niger and Chad, and it is hoped that this can double or even treble monthly evacuation rates. The U.S. had also contracted in Lagos with a bulk/bagging facility, which has enabled us to greatly accelerate our deliveries for Niger and Chad.

While major problems remain to be dealt with this year, the United States, other donors, and most of the African governments have learned and applied important lessons gained from last year's experience. For example, determination of grain requirements, donor commitments to meet these requirements, and the actual movement of grains (particularly American grains) has been accomplished far earlier this year than last. In October 1973, an FAO Multi-Donor Mission, encouraged and participated in by the United States, visited the six most-affected countries of the Sahel and assessed food requirements for the coming crop year. Donations by the United States and other nations were announced soon thereafter.

In fact, commitments for most of the 552,000 tons of grain pledged to date were made by January 1974. The U.S. is considering an additional allocation and delivery in the first quarter of FY 1975 which, with hoped-for further commitments by other donors, would mean that the revised FAO grain need estimate of 650,000 MTs will have met. In contrast, last year there was only an informally coordinated assessment of need by donor states and the majority of grain commitments were still being sought in the late spring of 1973. The same range of improvement is evident in this year's deliveries. Specifically, only about 75,000 tons, or about one-third of the United States total commitment in the period prior to the 1973 harvest (crop year 1972–73) was actually delivered in Africa by June 30, 1973. This year, 204,000 tons out of our 250,000 ton commitment, or 82%, will be delivered by June 30, with the balance due to arrive in July. While shipments from other donors have not moved as quickly as those from the United States, there has been some acceleration, due particularly to the coordination efforts provided by the FAO Office of Sahelian Relief Operations in Rome.

Internal measures by the African governments concerned have also proceeded earlier and more effectively than last year. These measures include better organization of distribution systems; prepositioning of grains in remote areas that are inaccessible by road in the rainy season; mobilization of military and private truckers for distribution; and improved administration of relief camps. The United States and others have helped in this complex process by financing the enormously increased POL costs, truck purchases and rentals, key road and bridge repairs, deepening and repair of wells, additional storage facilities, vaccines and fortified foods, and management expertise in various sectors of the relief effort to strengthen the capacities of the governments to deal with their problems.

While food distribution is underway, as are the other emergency actions noted above, the United States and others are seeking to come to grip more comprehensively with the interrelated problems of malnutrition, disease, and care of displaced and dependent families. We and others have provided vaccines, fortified foods, and support for relief camps. A medical team from Yale has examined medical needs and made recommendations for improved health delivery. The HEW Center for Disease Control has sent medical epidemiologists to the five countries to help establish nutritional surveillance among the most vulnerable of the population. We have also contributed $1 million through the FAO Sahel Trust Fund to support WHO and UNICEF health programs and $100,000 to the League of Red Cross Societies relief camp program. We anticipate an additional $1 million will be made available to the FAO Sahel Trust Fund upon completion of pending Congressional action on FY 1975 Disaster Relief bill. An AID task force has been organized to delevolp further guidelines and parameters to deal with the displaced persons problem in what will be a most critical aspect of drought recovery measures by all donors in the next two or three years.

In order to help resolve the critical port congestion problems in Dakar and Lagos, noted above, AID sent a task force to Dakar with a mandate to determine what exceptional measures might be undertaken. For example, we will finance the rental of such additional storage space outside the port proper as may be needed to protect grains from spoilage. The Government of Mali and Senegal have been addressing the problem of augmenting the carrying capacity of their jointly-owned railroad and a Danish logistics team is helping in this effort. This has resulted in a recent agreement which could eventually lead to a doubling of transport on this rail line from 12-14,000 tons a month to as much as 28,000 tons of grain.

As for the port of Tagos, in early May an AID task force worked with specially-assigned UN logistics experts to negotiate a contract with Nigerian truckers to move all donors' grain to Chad and Niger at the rate of up to 1000 MTs per week in addition to the 500 MTs per day normally scheduled to move by rail. While there have been problems in reaching the level of evacuation forecast, we are hopeful that these steps will significantly ease port congestion problems and in turn meet the supply needs of Niger and Chad.

With the availability of the $25 million provided under the special Sahel provision of the Foreign Assistance Act of 1973, the United States has been able to undertake a broader range of actions addressed to easing the problems caused by the drought. In particular, AID has organized a set of Recovery and Rehabilitation programs in each of the six Sahel states. Details on the approximately $13 million being devoted to these Recovery and Rehabilitation programs is given in TAB B.[2] These R&R programs are addressed at meeting critical needs in the immediate future and are designed to assist the people of the Sahel to improve their capacity to deal with the pervasive problems posed by the drought. The R&R programs include actions to improve movement of foods into more remote areas, such as road maintenance, rental of trucks, and the like; improvement of grain storage in remote areas by new construction and rental of special facilities; actions to stimulate agricultural production in the short term, such as provision of seeds and handtools; protection to existing livestock through provision of vaccines and supplemental foods; and assistance in medical programs, particularly in refugee camps and remote areas, through provision of medicines, vaccines, and similar actions. The R&R program has been designed to have as much impact as possible prior to the harvest period of September-October, 1974, and with full impact within 18-36 months.

B. CURRENT SITUATION IN INDIVIDUAL SAHEL STATES

Niger

Niger has been seriously affected by the drought. Food production in the 1973 harvest was very low, and this has led to requirements for substantial food imports. Production of cotton and peanuts for export was also sharply reduced, and this has had a major effect on Niger's budgetary and balance of payment situation. Livestock losses have been heavy. There has been an important influx of displaced persons from other countries, particularly Mali, and a growing number of displaced persons in Niger itself, as the northern part of the country has increasingly suffered from the drought. Niger's problems are increased by the difficulties of shipping grains into the country and by the limited transport within the country itself capable of moving needed grains to remote areas. Thus, Niger continues to be in a precarious situation at this stage.

The FAO Multi-Donor mission estimated that Niger needed to receive 112,000 tons of concessional (gift) grain and 84,000 tons of grains "under especially favourable conditions" to meet its needs in 1974. So far, only 135,000 tons of that amount has been committed and deliveries of this amount remain slow because of transport problems. While the flow of food from the port of Cotonou (Dahomey) into western Niger has been maintained at a relatively steady pace, the Niger Government's capacity to move food from Niamey into the most affected eastern and northern parts of the country has been limited by poor roads, few trucks, and high fuel prices. To ease this situation, donors have increasingly been shipping foods through Nigerian ports from which they can be delivered directly into some of the more seriously affected points. Unfortunately, even this movement was negatively affected througohut April and much of May due to breakdowns on the Nigerian railways system. With excellent cooperative efforts undertaken by FAO's special Sahel office (OSRO) with the governments of Niger and Nigeria (and supported by the donor com-

[1] Data has not yet been submitted.

[2] Data has not yet been submitted.

munity, including the United States), arrangements were recently made to augment transport from Nigerian ports through extensive use of private trucking firms. As a result, it is hoped that movements of grain from Nigerian ports to Niger and Chad will be increased from an average of 500 tons per day to an average of 1500 tons. If this rate can be achieved and maintained, the distribution problems in Niger will be considerably eased—although not fully resolved. The United States has under consideration at this time the movement of some grains through Algerian ports by road to northern Niger and this also should ease the situation somewhat. Several donors have had available trucks and truck convoys and it had been thought these might be adequate to meet internal transport needs. However, there is increasing reservation that the present system will be adequate and it is believed that donors must make further efforts to support Niger's transport needs—either through additional ground transport or through possible use of an airlift.

Livestock losses in Niger have been serious. The European Development Fund report estimates that 43% of Niger's 4.2 million cattle and 15–25% of its 9.1 million sheep and goats may have been lost. This serious loss in livestock, added to cereals shortages and distribution problems, has caused an important growth in relief camps, now estimated to contain as may as 267,000 people.[3]

Despite substantial efforts by the Niger Government and the donor community, the situation in Niger's relief camps leaves much to be desired in certain locations. Food movements, as indicated above, have been slower in reaching these camps than is desirable. There continue to be some camps where inadequate dietary variety is dispensed. Despite an increasing flow of vaccines and medicines, and the valiant effort of private and voluntary groups, there have been serious medical deficiencies in some of the refugee camps and high levels of disease. It appears that the medical situation has eased slightly during the past two months since WHO and UNICEF were directed by the UN Secretary General to redouble efforts in Niger, but there continue to be fears that with the arrival of the rainy season there will be an intensification of disease outbreaks.

Of the 127,000 tons of concessional food grants so far committed to Niger this year, 85,500 are being provided by the United States and about half of this has been delivered to port so far, with the remainder arriving in June and July. A broad range of recovery and rehabilitation projects have been undertaken with the Niger Government, with approximately $2.6 million in projects having been agreed to so far. These activities include accelerated production of rice along the banks of the Niger River; animal health and livestock feeding programs; construction of grain storage; repairs to roads leading to remote areas and necessary for grain distribution purposes; pasture re-seeding; and similar activities.

Upper Volta

While the drought has had a severe effect on northern Upper Volta, since only a small part of the country lies in the true Sahelian area, the overall impact has been somewhat less than in other Sahel nations.

The estimates made by the FAO Multi-Donor mission for concessional food imports ranged broadly because of lack of adequate details on local production, going from 12 to 98,000 tons. The Government of Upper Volta has suggested that the need lay at the top of that range while most donors have felt that it was less. A total of 56,000 tons of concessional grains have been so far committed to Upper Volta.

[3] Source—FAO/OSRO.

In general, the flow of food into Upper Volta is proceeding well, and in-country distribution seems also to be proceeding well. Foods can flow into Upper Volta from the ports of Abidjan (Ivory Coast), Tema (Ghana) and Lome (Togo), and this flexibility, plus the relatively good rail/road connections from ports into Ouagadougou have permitted relatively promptly delivery of foods and have permitted the Government to do a reasonably effective job in prepositioning needed food in remote areas. No particular problems in food distribution are foreseen in Upper Volta at this time.

Livestock losses, while important, were less severe in Upper Volta than in other Sahel nations. The recent European Development Fund report estimates a 16–20% loss of the 2.6 million cattle (although with losses in certain areas ranging up to 70%) and a 15% loss of the 4.0 million sheep and goats.

Upper Volta has been faced with some disease outbreaks, including intestinal diseases, measles, and the like. The disease situation appears to have been more serious in 1973 than at present, when medical services were less well organized and medical supplies shorter. However, a new Center for Disease Control nutritional survey is just now being organized and should provide better information on the present medical problems being faced by Upper Volta.

Of the 56,000 tons of donated grain being provided to Upper Volta this year, 20,000 tons are coming from the United States and almost half of this has already been delivered to port. Approximately $2.4 million in recovery and rehabilitation projects have been agreed to between the United States and Upper Volta. These include a program for earthen dam construction and repair; an integrated livestock-agricultural production program to help former nomads seeking to settle in one location; expansion of the use of animal traction in agricultural production regions; reforestation work; seed multiplication and grain storage; road improvements into remote areas; and the provision of supplemental feeding for livestock.

Senegal

Senegal has been somewhat less affected by the drought than the other Sahel states, because only a portion of the country is in the arid area and partly because of the considerably greater diversity of economic activity in Senegal which is not so dependent on climate. Despite this generally better condition, there have been important shortfalls in cereals production and in the production of peanuts for the export trade. Livestock, which plays a somewhat less important role in Senegal than in other countries, has also been affected, but less so than elsewhere. Senegal itself has played a crucial role in assisting Mali and Mauritania meet their cereals import needs since much of those imports pass through the port of Dakar and are transported inland over Senegalese transport facilities. In order to augment the flow of goods into these two countries, Senegal has made severe sacrifices in its own use of transport facilities.

The FAO Multi-Donor Mission estimated a need for donations of imported cereals of approximately 20,000 tons, although this was based on expectation of substantial commercial imports by the Senegalese Government itself. Because of financial constraints it faces, the Senegalese Government has estimated a need for concessional grain imports of approximately 100,000 tons. Donor commitments to date have totalled 36,000 tons.

There have been relatively few problems of food distribution in Senegal. The government is well-organized and transport facilities throughout the country are generally in good condition and the number of trucks and other equipment required to make distribution is generally satisfactory. The major problem Senegal has faced has not been that of its own distribution needs but rather that of supporting movement of grains from Dakar into other Sahel countries.

Livestock losses in Senegal have been less severe than in other Sahel nations. Of 2.5 million cattle, it is estimated that 20% have been lost, while some 10% of 2.7 million sheep and goats have been lost. This lesser impact in Senegal (as well as the lesser impact on rain-fed agriculturalists) has meant that there has not been the development of refugee camps of the sort required in other Sahel states.

In general, the medical situation in Senegal appears good. Sufficient medicines and vaccines have been provided by donors to an already reasonably well-functioning health service, that no serious disease outbreaks have occurred.

Of the 35,900 tons of donor food committed to Senegal in 1973–74, 10,000 tons is being provided by the United States. Almost all of this amount has already been delivered. Approximately $1.5 million in recovery and rehabilitation projects have been agreed to between the United States and Senegal. Those have included provision of pumps for wells in agricultural villages, work on range rehabilitation, provision of livestock vaccines, improvement of agricultural production in flood plain areas, and the provision of human medicines and vaccines.

Mauritania

The situation in Mauritania in 1974 remains as precarious as last year. Livestock losses have been substantial and agricultural production seriously reduced. Not only has dry land agriculture been diminished, but there have been substantial reductions in production on river flood plain areas due to lower river levels.

The FAO Multi-Donor Mission estimated that 58,000 tons of donated foods would be required this crop year, although the Mauritanian Government itself has since estimated that as much as 100,000 tons would be required. Donor commitments to date amount to 66,500 tons, which exceeds the FAO estimate but falls short of government estimates.

While the Mauritanian Government has improved its distribution system, food movements continue to face serious constraints. Much of the food shipments (non-U.S.) have been made through the port of Nouakchott, which has limited capacity and is presently seriously strained. U.S. and some other food shipments are made through Dakar and then transported by rail-barge to the town of Rosso or by truck-ferry to Rosso. The recent sinking of one ferry has decreased the flow of food into the country. Major efforts are underway to find a solution to the problem of transiting food across the Senegal River—it is hoped that the British Government will soon be able to provide special equipment for this purpose.

Inland transport of food has also been hampered due to difficult roads, long distances and inadequate trucks. Although donors agreed to the provision of more than 250 special trucks for this purpose, some of these have been slow in arriving. One sign of the problem of livestock losses is the fact that distribution to many remote points last year was made by camel caravan, while this year that is being done by truck because of unavailability of camels. While the Mauritanian Government continues to believe that it can meet all distribution requirements before the harvest, the logistical problems facing this program may require the provision of some airlift capacity over the next few months.

Livestock losses in Mauritania have been very serious. A recent European Development Fund study estimated cattle losses in 1972–74 at 40–90% and sheep and goat losses at 10–20%.

While the overall financial situation of

Mauritania has been less drastically affected than the other Sahel governments because of the importance that mining plays in the economy (which is essentially unaffected by the drought), the Government still faces important budgetary and balance of payments effects resulting from livestock and crop losses, much higher import needs, and the heavy costs of relief and rehabilitation programs.

The United States has committed 30,000 of of the 66,500 tons of grain presently being provided this crop year to Mauritania. Almost all of the United States commitment has already been delivered. Last year, approximately $400,000 was used for the airlift of 1,400 tons of grain into eastern Mauritania. Approximately $2 million in recovery and rehabilitation projects have been approved for Mauritania this year. These include short term programs for increasing vegetable production and increasing cereals production in flood plain areas; construction of grain storage in outlying areas; animal health programs; short term transportation improvements; and provision of tarpaulins for grain protection while in movement.

Chad

The situation in Chad has been very serious, although the vastness of the country, its weak administrative structure, and the inadequacy of data and statistics has made it difficult to determine with precision the real impact of the drought on all parts of the country.

The FAO Multi-Donor Mission estimated that 50,000 tons of concessional food was needed in 1974 but also stated that because of logistical problems in delivering and distributing such grain, a program total of 22,000 tons might be the maximum that could realistically be handled. In fact, donors have now committed a total of 46,000 tons of food to be delivered this year. However, the logistical problems cited by the FAO mission remain very much a concern.

Chap depends almost entirely on Nigerian ports for grain movements. As indicated above, a breakdown in Nigerian railways operations in April and part of May 1974, threatened the movement of grain into Niger and Chad. Through the use of supplementary trucking, movements of grain to both countries have improved substantially, and it is hoped that the present rhythm can be maintained. There has, however, been a conflict between the Chad trucking association and the Nigerian trucking association regarding movement of grains past the Chad border. The United States has felt strongly that Nigerian trucks should carry grains directly into southern Chad and Chadian trucks should be used entirely for internal distribution. The problem has taken considerable time to resolve, and food stocks have begun to accumulate in the Nigerian border point at Maiduguri. It is believed that a resolution to the problem is now underway. If this does not occur promptly, however, there may be need to consider diverting some of the grains scheduled for Chad. Internal distribution within Chad has also been hampered by long distances, poor roads, and limited trucking capacity. The Chad Government has indicated that there may again be need for airlift in 1974, as there was in 1973.

Livestock was very adversely affected in Chad by the drought. On the basis of limited data, the European Development Fund study indicated that 21–28% of Chad's 4.7 million cattle and an unknown percentage of its sheep and goats have been lost (with losses running up to 90% in some areas). Because of the importance that livestock has played as a foreign currency earner, these losses in the livestock sector have had a very serious effect on the budgetary and balance of payments situation of the country. Despite the losses, however, there does not appear to have been a serious accumulation of displaced persons in camps—rather, the nomadic people appear to be moving with their remaining herds towards the south in traditional ways, without large grouping into encampments.

Medical services in Chad are weak and the full range of medical and disease problems which face the population are not clear. It is hoped that early undertaking of a CDC Nutritional Surveillance Study will help clarify this situation.

Of the 46,000 tons of food committed in 1974 by the donor community, 22,500 is coming from the United States, with almost 60% of that delivered as of May 31. The Recovery and Rehabilitation program in Chad is somewhat more modest than in other Sahel countries, not because of need but because of limited government capacity to absorb special aid programs. To date, approximately $1.5 million of R&R programs have been agreed upon. These include grain storage programs; animal health programs; programs for accelerated grain and vegetable production under irrigated conditions in the Lake Chad area; construction and repair of village wells; some road repair work; and provision of human medicines and vaccines.

Mali

Mali is among the more seriously affected of the Sahel states. Livestock losses were heavy. Grain production was seriously reduced, as was production of cotton and peanuts for export. Mali was already facing serious budgetary and balance of payments problems before the drought and these have been vastly increased by the losses incurred as a result of the drought. Facing the need for substantial food imports, Mali's geographic circumstances have made delivery of that food into the country, and its distribution into remote areas, exceptionally difficult.

The FAO Multi-Donor Mission estimated that Mali required in 1974 106,000 tons of free grain and 60,000 tons to be provided under "especially favourable conditions". Against this total requirement of 166,000 tons of concessional grain, donors have so far committed 143,000 tons.

Most grains moving into Mali travel the railway from the port of Dakar to the Mali terminal point at Kayes (or on to the capital at Bamako). Before the drought, no more than 6–7000 tons of goods per month moved in one direction over the rail link. At present, the railway is averaging the movement of 12–13,000 tons of grain a month. Still, this has proved insufficient in light of Mali's substantial needs. As a result, grain destined for Mali is tending to accumulate in Dakar faster than the railway can move it. A recent agreement between the Senegalese and Mali Governments aims at eventually raising the evacuation capacity of the rail line to about 28,000 tons a month. If this can be achieved (and it can be done only at substantial expense to Senegal, which must divert its own traffic away from the railway to other, more expensive means of transportation), Mali's food problems will be substantially eased. In addition to Dakar, substantial food deliveries can be made through Abidjan, and donors are increasing seeking to move food to Mali through this port, although its evacuation rate also has limits.

In general, the inland transport of grain in Mali is moving well. However, there remain serious questions about the capacity of the system to place enough grain into the Sixth Region, in eastern Mali, before the rains begin. This region depends heavily on river transport for its supplies, but river levels drop for several months of the year and limit the amounts that can be moved. During the low period, the Eastern Region is largely dependent on a very poor road over which only four-wheel drive vehicles can move. Special steps have been taken by the Mali Government to increase the flow to the Sixth Region. Despite these actions, as well as exploring the possibilities of shipments through Algiers, it is anticipated that an airlift will again be required, as it was in 1973.

The intrenal distribution system, outside of transport problems, is excellently organized. A large number of relief camps have been established because of heavy livestock losses, but these appear in general to be under good management with special care being given to the feeding needs of mothers and children. There has been a susbtantial improvement in operation of these camps since last year.

Livestock losses in Mali were important. The European Development Fund study estimates that Mali lost close to 40% of its 5.3 million cattle, with losses running up to 60% in some areas.

While there were serious medical problems in Mali last year, particularly in relief camps, better organization of these camps and of the general medical services and better supplies of medicines and vaccines appears to have substantially reduced disease problems so far this year. However, there is constant concern about broader disease outbreaks as the rainy season gets underway in the near future.

Of the 143,000 tons of grain committed by various donors to Mali in 1974, 72,500 tons are being provided by the United States. About 75% of this was delivered to ports by May 31, 1974. The Mali and United States Governments have agreed to approximately $3.1 million in recovery and rehabilitation activities and these programs are moving forward rapidly. They include development of water resources for agricultural/livestock needs; village water and rural health programs; improvement of road maintenance on roads leading to remote distribution points as well as improvements to river transport from Bamako to the Sixth region; and grain storage activities.

The Gambia

The situation in The Gambia, which was only partially affected by the drought, has become somewhat more serious this year. Food production has dropped and there have been some livestock losses.

The Government of The Gambia has made a request for external donor help in providing up to 13,000 MTs of grain, although there is some question whether this full amount is needed. Several countries are considering small donations of grain to meet The Gambia's needs. The United States is providing 2000 MTs of this need through a special contribution to the World Food Program.

Internal distribution of donated grain is being handled in cooperation with WFP and appears to be well organized. Transport problems in getting food to needy recipients has not so far been an important concern.

Initial contacts have been made with the Government of The Gambia about a range of possible Recovery and Rehabilitation projects. AID is considering undertaking projects in the range of $700–750,000 and will undertake specific project review in June or July.

DISCOUNTS TO SENIOR CITIZENS

Mr. BUCKLEY. Mr. President, the economic plight of the elderly living on fixed incomes during inflationary times is a problem which demands our immediate attention and our best efforts. To this end I have introduced S. 3396, the Cost-of-Living Adjustment Act, and S. 3775, a bill to create a cost-of-living index for the aged.

While I hope for early passage of this legislation, I would also like to call attention to the successful private efforts of a single New Yorker who has persuaded 1,600 New York City shopkeepers to give discounts to senior citizens. I ask unanimous consent that the story of Mrs.

Marie Redo, which appeared in the National Inquirer earlier this month, be printed in the RECORD.

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

[From the National Inquirer]

WOMAN PERSUADES 1,600 CITY STORES TO GIVE BIG DISCOUNTS TO SENIOR CITIZENS

More than a half-million elderly people trying to live on fixed incomes in the face of ever-rising prices can now get discounts in 1,600 New York City stores—thanks to a 48-year-old woman who felt something had to be done for them.

"This is my way of helping old people who are panic-stricken because of today's prices," said Maria Redo, who for 2½ years has been going from store to store in New York persuading shopkeepers to give discounts of up to 20 percent to the elderly.

The stores and shops that participate place green and white decals in their display windows to alert the elderly that they can get discounts.

To qualify, a senior citizen only needs to show a Medicare card or a special New York City transit card that allows him or her to ride at half-fare.

Mrs. Redo, who lives in Manhattan's Yorkville section, said:

"I was doing welfare work at the Yorkville Republican Club just before Christmas, 1971, and it was pitiful to see how some of the old people were forced to live.

"Some were struggling to survive on $2,000 to $3,000 a year.

"I thought about discounts and started with a Yorkville toy store. They agreed to 10 percent off.

"I went next door to a card shop—and the owner there agreed! Then I went to a clothing store and the manager said he'd give 15 percent discounts!

"By the end of the day I had nine shops agreeing to give at least 10 percent discounts to seniors."

Since then she has kept busy 10 hours or more a day adding to the growing number of stores that give discounts.

She and her husband, Frank, 50, a pediatric surgeon and a professor at Cornell Medical School, have two children.

Miss Alice Brophy, director of the Mayor's Office for the Aging in New York, said: "Mrs. Redo has been more effective than a whole army of people in helping senior citizens—and she's done it alone!"

COL. RICHARD L. HUNT

Mr. LONG. Mr. President, on June 20 of this year, the State of Louisiana lost one of its most valuable assets. For on this date Col. Richard L. Hunt left his post in New Orleans as district engineer for the Corps of Engineers, to assume his new position as the Lieutenant Governor of the Panama Canal Zone.

Colonel Hunt served in New Orleans since August of 1971, and during this span of 4 years he was responsible for coordination of our flood protection programs for most of the State of Louisiana and parts of Mississippi, Arkansas, and Texas.

As we all know, these years were especially trying. During this period we experienced one of the great floods of our time. Throughout this difficult time, Colonel Hunt consistently exerted every effort to assist the citizens of Louisiana, demonstrating his genuine concern, and carrying out his responsibilities to the fullest. We hope and pray that his successor, Col. Elvin R. Heiberg III, will be as able, well-liked, and conscientious.

As an indication of feelings throughout the State of Louisiana, St. Mary Parish residents honored Colonel Hunt with an appreciation luncheon, during which he was presented with a plaque commemorating his admirable service.

I would like to take this opportunity to personally acknowledge with sincere appreciation Colonel Hunt's excellent service to our State, and I ask unanimous consent that the inscription on this plaque be printed in the RECORD.

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

"Presented Colonel Richard L. Hunt with sincere appreciation for consistent and successful efforts on behalf of the people of St. Mary Parish."

Signed: C. R. Brownell, Mayor of Morgan City; Ralph Guidry, Mayor of Berwick; Fred Allen Mensman, Mayor of Patterson; and Lee Champagne, President of the St. Mary Parish Police Jury.

Mr. LONG. Mr. President, I also ask unanimous consent that the text of an article of Wednesday, May 22, from the Morgan City Daily Review reporting on the testimonial function held in Colonel Hunt's honor be printed in the RECORD.

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

[From the Morgan City (La.) Daily Review, May 22, 1974]

COLONEL HUNT HONORED AT NOON LUNCHEON

East St. Mary residents honored Col. Richard L. Hunt, New Orleans district engineer for the U.S. Army Corps of Engineers, today at a noon luncheon at the Morgan City Municipal Auditorium for his past efforts in the flood fight of 1973.

Hunt received a plaque of thanks for his months long work in late 1972 and spring of 1973 to prevent flooding of the east St. Mary area when record flood levels were recorded in the Atchafalaya River.

Three municipalities, Morgan City, Berwick and Patterson, and the St. Mary Parish Police Jury joined in hosting the affair.

Hunt thanked the governmental representatives for the plaque and luncheon in his honor.

The inscription on the plaque to Hunt reads as follows: "Presented Col. Richard L. Hunt with sincere appreciation for consistent and successful efforts on behalf of the people of St. Mary Parish. C. R. Brownell, mayor of Morgan City; Ralph Guidry, mayor of Berwick; Fred Allen Mensman, mayor of Patterson; and Lee Champagne, president of the Police Jury."

Morgan City Mayor C. R. Brownell extended the city's official thanks to Hunt.

"We shared a very close relationship and many crises," Brownell said. "He fulfilled his responsibilities and I fulfilled mine. Whatever differences we had can be laid on the bureaucracies which we work under.

"He is a very sincere man and did a tremendous job," the mayor said. "We owe him a tremendous amount of thanks."

"His loss will be felt because of the amount of experience he gained," the mayor said. "However, we do wish him well on his new assignment."

Berwick Mayor Ralph Guidry also thanked and praised Hunt for his work during the high water crisis and for his supervision of the chlorine barge removal project.

"He was a great help when the chlorine barge was lodged beneath the bridge," Guidry said. "Col. Hunt was very helpful during the flood here and throughout the state."

'I wish him the best of luck in the Panama Canal Zone," he continued, "although it will be our loss, he will be their gain.

Patterson Mayor Fred Allen Mensman joined his compatriots in his remarks.

"We are real proud that he has done so much for the area," Mensman said. "He certainly deserves a lot of credit and we are real happy to have had him down our way."

"During the flood fight we were able to contact him at all times," Mensman said. "He reassured the people of Patterson."

District 5 Juror Jerry Hoffpauir, representing the police jury, added that body's thanks for the Corps' work on levees in 1973.

"I would like to take this opportunity to acknowledge with sincere appreciation and thanks your efforts in helping solve the major flood problems in our parish in 1973 and again in 1974," Hoffpauir said.

"Through your efforts and concern the loss of life and property was averted during the flooding along the Atchafalaya River Basin," he continued. "As district engineer you were actively interested in the problems and took the appropriate steps to prevent a serious flood catastrophe."

"It is regretful that you will no longer be serving as our district engineer," Hoffpauir said. "We greatly appreciate having had the pleasure to work with you during recent years and will always remember your helpfulness and interest in protecting our parish."

Hundreds of area residents attended the luncheon in the main ballroom of the auditorium.

David Graf, president of Gravity Drainage District No. 3 and the Morgan City Harbor and Terminal District, emceed the event.

The Rev. Philip L. Whitney, pastor of Sacred Heart Catholic Church, gave the invocation and the Rev. Robert Lawton, pastor of Pharr Chapel United Methodist Church, gave the benediction.

City and parish officials were scheduled to dedicate a sandbag monument on the Brashear Avenue neutral ground in honor of the flood fight later today.

The monument is a sandbag taken from one of the levees and fiberglassed to withstand the weather. Officials plan to place plaques at the base of the monument at a later date listing the names of all National Guard units, and state, local and federal agencies involved in the flood fight.

The front plaque, which is on order, will read as follows: "Commemorating the Flood Fight of 1973, The citizens of the City of Morgan City sincrely recognize and appreciate the many groups and individuals who gave of their time to protect our city."

Hunt, who has been named as the lieutenant governor of the Panama Canal Zone, has served as the New Orleans district engineer since August 1971.

His command in New Orleans was responsible for flood protection of the state of Louisiana and parts of Mississippi, Arkansas and Texas.

The New Orleans district is also responsible for maintaining several navigation channels in New Orleans, Morgan City, Houma and Lake Charles.

DEATH OF FORMER CHIEF JUSTICE EARL WARREN

Mr. CHILES. Mr. President, it was with a great deal of sadness that 2 weeks ago I learned of the death of one of this Nation's most well-respected men and one of history's foremost jurists, former Supreme Court Chief Justice Earl Warren. Chief Justice Warren spent his entire life working diligently and thoughtfully to improve our society and we are at once the benefactors of his efforts and

achievements and the mourners of his passing.

His retirement from the High Court in 1969 ended a long and productive career as a devoted public servant, during which he served his native State of California as well as the Nation as a whole. His term as Chief Justice saw the Court move forward into previously uncharted waters, greatly expanding social liberties and providing redress for pressing grievances which had gone too long unattended.

Last week the Miami Herald published a special article by Trude B. Feldman relating some interesting comments the Chief Justice had made shortly before his death. While the entire article will be, I believe, of interest to my colleagues in the Senate, it is the first three paragraphs of the piece that I found most enlightening.

Justice Warren stated that the lesson of Watergate is that we must "strike at secrecy in government wherever it exists, because it is the incubator for corruption." He goes on to point out, and I believe correctly so, that "if anything is to be learned from our present difficulties * * * it is that we must open our public affairs to scrutiny on every level of government."

Mr. President, I offer Justice Warren's remarks here as succinct and valuable testimony to the need for openness in the proceedings of our Federal Government. Public faith in the institutions of Government has fallen to an alarmingly low level and it is high time that we moved to rectify this situation. The only way this can be accomplished is by throwing open the doors of congressional hearing rooms, executive meeting places, and any other such areas where decisions are made which affect the lives of American citizens. We can never expect the American people to place their trust in those who are to serve them if they are denied the right to view firsthand the proceedings in which their elected representatives participate.

It is this belief which led me to introduce on January 9, 1973, S. 260, the Government in the Sunshine Act. The bill was referred to the Committee on Government Operations and hearings were held on it earlier this year. We hope to continue these hearings later this summer.

Mr. President, this bill would provide for the openness in Government that Chief Justice Warren desired. It would "strike at" the secrecy which "incubates corruption." And it would help to restore a bit of the trust and faith in our governmental system which has been lost by the American people.

I ask that my fellow Senators seriously consider the words of Chief Justice Warren and I ask unanimous consent that the full text of Mr. Feldman's article be printed in the RECORD.

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

WARREN SAW OFFICIAL SECRECY AS "INCUBATOR OF CORRUPTION"

(By Trude B. Feldman)

WASHINGTON.—In an interview shortly before his death last week, former Chief Justice Earl Warren said that the lesson of Watergate is that we must "strike at secrecy in government wherever it exists, because it is the incubator for corruption."

Warren, who devoted nearly half a century to public service, said, "It would be difficult to name a more efficient ally of corruption than secrecy. Corruption is never flaunted in the world. In government, it is invariably practiced through secrecy. That secrecy is to be found at every level, from city halls to the White House and the Hill.

"And if anything is to be learned from our present difficulties . . . it is that we must open our public affairs to public scrutiny on every level of government."

But Warren said he wasn't so sure that it is the duty of public authorities to ferret out and prosecute, conflicts and defilement of the public interest.

"This falls far short of the mark," he said. Law enforcement officers are not equipped to follow the daily work of our public servants, and I doubt if we would want them to be constantly looking over the shoulders of our people in public life just to see if they are performing their duties honestly. It's not the American way, and the practice could eventually lead to a police state.

"But we do have the right to compel our public officials to keep the avenues of information open so the public can know and evaluate the character of their work from day to day. Then it would be the responsibility of the news media to inform the public of both the accomplishments and the derelictions of their officials."

As for himself, Warren said, "I never made any money, as I have gone along, and I never envied anyone who has. There are many satisfactions one can gain. I've been oriented toword public service.

"I like people, and like to deal with them and their problems. With my experience, I will try to help others solve problems and that's where my satisfaction comes. As I look back now, I don't know any other way of life that I would want to exchange for this one."

He added: "You find some people who are devoted to business, some to industry, others are interested in art and science, still others in government. And I'm sure each one gets satisfaction out of his particular field when he sticks to his ideals and pursues his object of interest.

"But my interests involve government and the various aspects related to it. I've stuck with it and derived much satisfaction from my work."

Recalling his time in the Supreme Court, Warren said, "I've had very satisfying days, a pleasant relationship with, and friendly feelings toward, the other justices." He said he had "maybe some nostalgia, but no regrets" about retiring five years ago.

"No one should stay and wither and die on the vine. The strength of our institutions is to infuse new blood to keep them current with the current conditions. After a man lived and served as long as I did in the government, he ought to retire before the withering process sets in. I did deliberately leave while I was in good health; and that's the proper thing to do," he said.

Warren wanted to be remembered as having done the best he could in each of the offices he held. "It's hard to conceive of anyone living to be 83 who has no regrets, but I have no outstanding ones," he mused.

Born in a five-room house in Los Angeles in 1891, Warren went on to heap honors and accolades that have come to few others. Yet they were not as important to him as was the sense of accomplishment he enjoyed after a lifetime of public service.

"I think I did the best I could in everything I've undertaken, and tried to measure up to my responsibilities," he said. "Each one of my jobs was important at the time and place and was deserving of the best in me. I was as serious in one job as in the other. I learned to make adjustments from one position to the other."

Warren served as district attorney of Alameda County, Calif. from 1925 to 1939. 1939 to 1943, and its governor from 1943 to 1953. Warren ran for the vice presidency of the United States on the Republican ticket in 1948. He became chief justice on Oct. 5, 1953.

"From every important case I learned something," he noted. "Each case left an impact on my thinking and on my outlook for the future."

Asked if he had any advice for living to be 83, he responded: "Have some interest in worthwhile things and apply yourself to them. Live moderately and have a family life."

He said that his family and his work had always given him great pleasure. He married the former Nina Elizabeth Palmquist on October 14, 1925. They had six children and 17 grandchildren.

"I'm very happy when I'm with my children and grandchildren," he mused. "Their well-being is my chief concern."

He said that after he retired he had more time to be with his wife. "When I worked each night, it hurt our companionship. I'm busy all the time. Although I'm not carrying the same load on my shoulders as I did before, I keep busy. I'm interested in so many different things. While I am retired, I want to be useful and helpful in what I consider worthwhile causes."

Recently, Warren spent time visiting universities and attending seminars with students. "I ask them about their interest and find that communicating with them is very important," he said.

"I believe that every generation of Americans has had a greater opportunity in life than the ones which preceded it. I have confidence in our country and in our institutions to believe we can—and will go on to still greater things."

Earl Warren wrote the 1963 "Abington vs. Schempp" decision that declared unconstitutional the reading of the Bible and recitation of the Lord's Prayer as religious exercise in public schools.

But his own religious life was founded on the Scriptures. "One can't read them without (being) appreciative of the values contained in them," he said.

When asked whether he considered himself a particularly religious man, he responded: "I hope I have a religious sense. I think all religions of the world have ideals that people react to when they study them and try to learn from them."

His early religious training had a profound effect on his thinking, he said. "If one believes in the principles learned through the Gospel and tries to abide by them, it is bound to affect one's actions and reactions as well," he said.

Warren believed he had succeeded in conveying his religious philosophy to his children. "I've always encouraged my children to go to Sunday School and study the Scriptures," he said. "My children have been good, solid human beings—affectionate and honest and straightforward. I judge people in the way they benefit from religion.

"A person who has no religion of any kind is almost a lost soul," he added. "He has to find a way to life. If one has guidelines such as one gets from religion, it's not difficult for him to find his way in life."

Justice Warren pointed out that the Ten Commandments and the American Bill of Rights were based on the same spiritual principles. They comprise a spiritual heritage that is as solid today as it was in Moses' day and when the Bill of Rights was formulated, he said.

Warren believed that a lack of respect for human dignity had eroded the American spirit. "This has largely been responsible for the deficiencies in society as they exist to-

day," he explained. He blamed the "sordid atmosphere" of the times on a "war psychology," which, he said, had prevailed for so many years.

"It is a world malaise," he said. "It is not limited to the United States." But for our own country, "if we follow the Constitution of the United States, we can cure most evils."

IN SUPPORT OF THE PROPOSED AGENCY FOR CONSUMER ADVOCACY

Mr. WEICKER. Mr. President, I believe it is appropriate to point out that many of the abuses of Federal regulatory agencies that have occurred in the last several years might well have been averted had the proposed Agency for Consumer Advocacy existed.

At the heart of this consumer agency concept are the very issues which lie at the heart of recently reported governmental abuses, such as improper influence by special economic interests over regulatory decisions affecting consumers. The proposed Agency for Consumer Advocacy could have intervened to forestall campaign financing induced corruption, and to investigate the dairy price and import quota scandals, carpet flammability standards, the ITT settlement, and CREEP infiltration of regulatory agencies.

Pending legislation would create this independent agency, divorced from the executive branch and its regulatory agencies, charged with monitoring the performance of the Government in meeting consumer needs.

This independent spokesman speaking for the ordinary consumer will strive to secure the equity and impartiality of regulatory agency proceedings.

Clearly, given the growing loss of confidence by Americans in the quality of their Government, bold measures are mandated to revitalize the Federal regulatory process in the broader public interest.

In support of this position, I refer to a recent letter written by Prof. Frederick C. Mosher to the distinguished chairman of the Committee on Commerce, Mr. MAGNUSON, supporting the concept of an independent consumer protection agency. Professor Mosher, of the University of Virginia, was chairman of a panel of the National Academy of Public Administration, which prepared a report entitled "Watergate: Its Implications for Responsible Government" at the request of the Select Committee on Presidential Campaign Activities.

Mr. President, I ask unanimous consent that a copy of Professor Mosher's letter of May 16, 1974, be printed in the RECORD.

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

UNIVERSITY OF VIRGINIA,
Charlottesville, Va., May 16, 1974.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: I appreciate your letter of May 6 which has just reached me because I have been out of town the last couple of weeks.

I have read the Committee report on the Consumer Protection Agency Act and the text of the bill and feel a great deal of interest and sympathy for it.

I suspect that I am like most of those who worked in national public administration and have studied and taught the subject over many years; in some ways, we are hoist on our own petard. A basic theme of administrative reform over most of the current century has been to enhance the responsibility, and therefore the authority, of the Chief Executive as administrator and as principal policy initiator. This stemmed in part from the somewhat idealistic concept that the President is the only one who is elected and answerable to all the people and therefore must take into consideration all of their interests. In part, it stemmed from standard organizational orthodoxy that there must be a hierarchy, headed in a single office, for efficient and responsible administration. This underlying thought contributed to the Taft Commission report, the Brownlow report, the reports of both Hoover Commissions, the Budget and Accounting Act, the Reorganization Act of 1939, and a great many reorganization plans since then. On the negative side, it contributed to skepticism, if not outright hostility, toward agencies anointed with some degree of independence of the executive, whether regulatory or operative.

This orthodox concept has always had some problems of accommodation with the obvious fact that particular parts of the government, in the Congress and in the agencies, are responsive to particular clienteles and interests. In general, the response has been that the best protection of the public, as against special, interests lay in a strong, well-staffed Presidency since he alone represented all the people. But this too was not enough. However well intentioned the President may have been, it became clear that certain sectors of the public were not adequately represented in public decisions affecting them. They lacked influence and even access to the foci of executive power. This gave rise to a variety of organizational inventions to provide some sort of institutional representation within the executive branch—for racial minorities, the poor and underprivileged, the handicapped, women *qua* women, and consumers (who include all of us) *qua* consumers.

Although some of these efforts have had some successes, one's overall evaluation is not very optimistic. In general, they lacked clout and were too dependent upon the continuing interest and support of the agencies, their heads, and the hierarchy up to and including the President. This has probably been particularly true of those placed in the Executive Office of the President where they might easily be overlooked or overruled if not emasculated.

The unhappy events of the last few years have reemphasized that different Presidents feel differing degrees of concern about their responsibilities toward the whole people and particularly toward those sectors conspicuously lacking in influence and access. At the very least, we have learned that our electoral process offers no certain guarantee over the short run that an administration and its top leader cannot willfully act *against* these kinds of inarticulate interests.

It has long been clear that consumers need protection and need active advocacy within the Executive branch, and it is significant that these needs have been highlighted by privately sponsored public interest groups, usually opposed by agencies of the government. Maybe we will have different kinds of Presidents and administrations in the future, but even they would benefit from independent watch dogs and advocates which represent the consuming public.

On this question, I have thus come full circle. I fully support the Consumer Protection Agency proposal and admire the ingenuity with which it seeks to assure the Agency's independence. I am not sure how well it will work, but it is certainly worth a try. I am glad that such an agency was not placed in the Executive Office as proposed by some. And if I am correct that the original provision for a Council of Consumer Advisers in the Executive Office has been dropped, I endorse the deletion. If a President is sincerely interested in consumer protection, he should be empowered to set up such a council, (if he does not already have such power). But under present circumstances, such a council might do more harm than good.

You have asked whether I thought a CPA might help prevent future "Watergate style" abuses. Over the long pull, I think it might, principally by imbuing future Presidents and administrations with a broader, more responsible, and more benevolent view of their role in the leadership of our society. But this is speculative.

I thank you for inviting my opinions on this matter.

Sincerely yours,

FREDERICK C. MOSHER,
Doherty Professor.

AN EARLY LOOK AT SSI

Mr. CHURCH. Mr. President, the implementation of the new supplemental security income—SSI—program in January of this year was an important and eagerly-awaited step forward. SSI—which replaced the former assistance programs for the aged, blind, and disabled—provides for the first time a guaranteed national minimum income level of $146 for an individual and $219 for a couple. Although funded through general revenues, SSI is administered by the Social Security Administration.

To explore administrative and policy problems which have arisen under the program, the Senate Committee on Aging recently conducted hearings on this subject as a part of our overall study into "future directions in social security."

Two days of testimony supported reports that SSI has been ineffective in reaching many of the potential recipients because of lack of staff, a backlog of applications, delay in making eligibility determinations, and processing data. Administration witnesses acknowledged some deficiencies but said that such problems resulted from the program's newness and a heavy workload during a temporary period of transition.

Commissioner James B. Cardwell of the Social Security Administration stated that over 3.6 million persons received SSI checks as of July 1, 1974. However, the Commissioner added:

> While we're well on our way to 'shaking it down' and getting the bugs out of the system, eliminating the backlogs and making proper payments, on time, to everyone who is entitled, it's likely to be a number of months before it is running smoothly . . . Some of these (problems) can be handled through administrative changes; others, we believe, will require enactment of legislation.

Testimony from other witnesses underlined the Commissioner's belief that changes would be needed in both the administration and the law.

As James A. Bensfield of the National Senior Citizens Law Center said:

> Whether an elderly, blind, or disabled in-

dividual has failed to receive his SSI entitlement due to a systems breakdown, or whether he has been denied eligibility altogether because of a particular presumption in the law which bears little or no relation to his actual economic circumstances, the effect is the same: needy persons are being denied the very means to live which the SSI program was set up to provide them.

William R. Hutton, executive director of the National Council of Senior Citizens, said:

The single most important problem to be solved during the balance of this first year of implementation and for the next few years, is the problem of making accessible the benefits of this program to those whom Congress has declared eligible . . . In order to effectively achieve the goal of maximizing each of the components of accessibility which have been set out, we must have the complete cooperation of the Department of Health, Education and Welfare, to insure that adequate funds are sought and expended on the SSI program.

Another SSI shortcoming discussed often during the hearing was its low-income standard level. It was pointed out time and time again that the levels were below the stated poverty income levels and should be raised at least to give the recipient the security of living above the poverty threshhold—a position to which I certainly subscribe. Several witnesses suggested this be alleviated by the installment of a cost-of-living adjustor in the SSI system, but Representative MARTHA GRIFFITHS said:

SSI should be raised initially by *more* (emphasis included) than cost-of-living increases, and eventually by cost-of-living increases alone. This will assure that money will be channelled to the neediest.

The American Association of Retired Persons echoed this concern by stating that "the income test for eligibility and payment purposes should be cost-indexed in order that SSI benefits will retain their purchasing power over time." Peter Hughes, legislative representative for AARP, also said that such "exclusion amounts should be indexed to prevent such things as a dollar-for-dollar reduction in SSI benefits as a result of OASDI cost-of-living increases."

Mr. President, I clearly recognize the fact that SSI is a new program. However, I feel that present problems should not be regarded simply as systems snags. They must be carefully considered and remedied by efforts of both the Congress and the administration. Many of the limitations of the program were based on 1972 standards when Congress was debating the technicalities of the program and must now be reexamined to assess their effectiveness in meeting the needs of the indigent. In recognizing the needs of our country's needy poor, those blind, disabled, and elderly, the Congress created this supplemental program. Now it is our responsibility to see that SSI serves these needy in the most efficient and equitable manner as possible. The program has major potential to be a tool in combating poverty among our needy, and we should see to it that this tool is used to its full potential and capabilities.

TELEVISION MUST ALSO RISE "SPLENDIDLY TO HISTORY"

Mr. METCALF. Mr. President, this is a time of trial for all of us. Whatever the congressional imperatives that have necessitated the inquiry presently underway in the House of Representatives, whatever the merits of the case for or against the President, whatever its eventual outcome—an impeachment proceeding cannot be other than a sad and wrenching experience.

Every American has a right to expect that these proceedings will be conducted fairly, with the dignity and seriousness the occasion demands.

As one who has served in the House—and who has the highest respect for that body—I am by no means surprised that the Committee on the Judiciary, in the words of Washington Post reporter Haynes Johnson, is "splendidly rising to history."

I would not expect it to be otherwise.

Similarly, I believe we are entitled to expect that those most responsible for conveying these historic proceedings to the public will rise to the occasion.

Most of the news media have done so, in coverage of the debate that began last week. But I am dismayed by some of the commentary on television, particularly on the first day that these proceedings were open to the electronic media.

I am in full agreement with the criticism expressed by Mr. Johnson in his article of Wednesday, July 24. He wrote:

The only blemish on the hearings to date has come not from the Congressmen but from some of the TV commentators.

And, Mr. Johnson's article went on to say:

On the opening night of the hearings, telecast by ABC, the commentators, as is their right, offered a number of disparaging remarks. The pace was too slow, the members needed a TV director, how could anyone suffer through 365 days of congressional hearings? At one point, Mark Twain's cynical remark about looking toward the Congress to discover the common class of criminals in America was paraphrased. . . .

What is being placed before the public is an extraordinary glimpse of congressional democracy—not the Claghorns and Throttlebottoms so ridiculed by stand-up comedians of the past, but of serious men and women facing the gravest decisions and searching themselves under the most public kind of scrutiny.

It is as if somehow the magnitude of their task has freed them to speak their consciences instead of merely appealing to their constituents. Giving their performances a collective power has been the impression of so many diversified representatives, speaking in so many American accents, focusing on the greatest questions that can confront a democratic society.

Mr. President, surely, all of us can agree that the commentators should be free to say what they wish. But I, for one, believe that, in the gravity of our situation today, this is a freedom which carries with it an awesome responsibility.

It is a responsibility that cannot be properly discharged by commentary which substitutes arrogance and flippancy for intelligence and understanding.

Its exercise can only be of disservice to our Nation if these proceedings and what is at stake in them are treated as a television spectacular.

What we are engaged in is not an entertainment. The ratings do not matter. What we are caught up in—and what certainly does matter—is one of those agonizing moments in the life of our democracy.

It is an agony which must not be the object of tired jokes and ridicule. It is an agony in which freely elected representatives of the people—serious men and women, seriously trying to know and do what is right, but nonetheless fallible and imperfect as are all others—must make a choice that goes directly to the heart of our constitutional system.

The process by which we must make this choice is cumbersome. It is deliberate, often technical. It does not always provide direct and dramatic confrontation between sharply differing points of view. Nor should it, to suit the interests or requirements of "good" television.

Public understanding, so essential to the acceptance of whatever decision is eventually made, cannot be served if these proceedings are covered thoughtlessly, as if they were political convention or a mindless man-on-the-street interview.

Mr. President, I recognize that we all are feeling our way in a situation where the precedents are few and far between. Neither television nor the press generally has been called upon to describe the resolution of so momentous a question since the era of mass communications began.

Live broadcasting of the deliberations of the House Committee on the Judiciary is itself unprecedented. Whether to permit microphones and cameras to record the debate on impeachment in the House Chamber—and, subsequently, a trial in the Senate, if the House votes to impeach—is now being actively considered.

For the most part, after an unfortunate beginning, the network commentary directly associated with the Judiciary Committee hearings has been constructive. It has been informed—and informative—sensitive, and on the whole, dignified. On balance, I believe it has helped convey both the actuality of the process and the meaning of that process, which is so essential to the American people's understanding of representative democracy at work.

But I would hope that, in looking toward what may eventuate in the House and Senate Chambers, the broadcasting industry will continue to evaluate its performance in light of its responsibility as we face this gravest of decisions.

Some while ago, Fred W. Friendly, a former president of CBS News who is now Edward R. Murrow professor of journalism at Columbia University, observed that, if it comes to impeachment and trial for the President, "broadcast journalism will also be on trial." Assuming that television and radio would be permitted to record and broadcast such historic debates in the House and Senate, he said:

The opportunity and challenge to report the proceedings, perhaps the most critical drama in the history of the Presidency, will

not be without pitfalls for the broadcast media . . . [which] if not avoided could set broadcast journalism back a generation . . .,

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

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

Mr. President, Professor Friendly coupled his admonition with a series of recommendations for broadcast coverage of these proceedings, which I included in a Senate floor statement on June 25, 1974. They appear on page 21094 of the CONGRESSIONAL RECORD of that date.

This is a time of testing for all of us. I trust that my friends in broadcast journalism will demonstrate the high sense of purpose and restrained preparations that history—and the future of our Nation—demands of them.

I ask unanimous consent that Mr. Johnson's article be printed in the RECORD at the conclusion of my remarks.

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

[From the Washington Post, July 24, 1974]

JUDICIARY COMMITTEE MEMBERS SPLENDIDLY RISING TO HISTORY

(By Haynes Johnson)

In his soft Carolina drawl, James R. Mann quietly expressed one hope yesterday afternoon. "It's important," he said, "that the American people have respect for these proceedings."

More than any other remark so far, that comment best captured the spirit and tone of the impeachment debate on Capitol Hill.

The representatives speaking with such uncustomary eloquence before an audience of millions fully recognize that they as well as the President, are on trial. At this point they are splendidly rising to history.

Through television the American people can judge for themselves, whether the most important national proceedings in more than a century are being conducted with dignity and decorum, with seriousness and a sense of fairness.

The only blemish on the hearings to date has come not from the congressmen but from some of the TV commentators.

On the opening night of the hearings, telecast by ABC, the commentators, as is their right, offered a number of disparaging remarks. The pace was too slow, the members needed a TV director, how could anyone suffer through 365 days of congressional hearings? At one point, Mark Twain's cynical remark about looking toward the Congress to discover the common class of criminals in America was paraphrased.

Yesterday morning, on NBC's "Today" program, a network correspondent described the hearings as "boring." They were confusing the distinctions between "hot" entertainment and the quiet drama that distinguishes the most solemn deliberations.

What is being placed before the public is an extraordinary glimpse of congressional democracy—not the Claghorns and Throttlebottoms so ridiculed by stand-up comedians of the past, but of serious men and women facing the gravest decisions and searching themselves under the most public kind of scrutiny.

It is as if somehow the magnitude of their task has freed them to speak their consciences instead of merely appealing to their constituents. Giving their performances a collective power has been the impression of so many diversified representatives, speaking in so many American accents, focusing on the greatest questions that can confront a democratic society.

On Wednesday night it was Rodino of New Jersey, setting the tone by stating one "simple principle"—"that the law must deal fairly with every man"—McClory of Illinois, stating with unquestioned conviction that anyone who argues that a Republican should not impeach a Republican President "demeans my role here," Brooks of Texas saying their individual actions may require "ignoring personal and political relationships of long standing," and then added:

"But we, as well as the President, are on trial for how faithfully we fulfill our constitutional responsibility."

In perhaps the most moving moment of all that night, there was the picture of Railsback of Illinois, speaking with a rush of emotion and obviously anguish spelling out of his "concerns" to his constitutents, and then saying: "If we are not going to really try to get the truth, you are going to see the most turned-off people, the most disillusioned people, and it is going to make the period of LBJ in 1968, 1967, it is going to make it look tame."

The same spirit marked the comments during the long hours of hearings yesterday.

Wiggins of California, representing the President's home district, saying calmly and quietly, "I cannot express adequately the depth of my feeling that this case must be decided according to the law, and on no other basis. The law, you see, establishes a common metric for judging human behavior."

He stated a guiding principle: "Fairness is the fundamental law of these proceedings. We would be doing violence to that fundamental principle, it seems to me, if we approach these proceedings with any preconceived notions of the guilt of the President."

To Dennis of Indiana, another Republican, the test before them all was to "do right, be right, and be recorded right in the long term of history." To Fish of New York, another Republican, "the keynote as before is faithfulness."

The issue, he went on the say, "Is the Constitution, and in assessing the fitness of the President to remain in office the Congress becomes the conscience and protector of the state." And: "The matter before us is clearly larger than party. It is more important than the continuation in office of any member of this committee."

Waldie of California, depicted as one of the staunchest advocates of impeachment, came over calmly. "You cannot look at this case without feeling a deep sadness but a deeper anger," he said.

The actions of five men yesterday particularly dispelled doubts about the ability of the members to put their personal convictions ahead of party or regional considerations. Two of them were Southern Democrats, Flowers of Alabama and Mann of South Carolina, and the others were Republicans. Hogan of Maryland, Butler of Virginia and Cohen of Maine.

Flowers, clearly troubled, weighed the terrible alternatives, and asked: "What if we failed to impeach? Do we ingrain forever in the very fabric of our Constitution a standard of conduct in our highest office that in the least is deplorable, and at worst is impeachable?"

And: "America is a nation with many flaws, but it is also a nation with hopes so vast that only the most foolish or the most pessimistic would fail to realize it."

Mann: "We have different backgrounds. We have different biases, conscious or unconscious. Different philosophies. But I am persuaded that the search for truth is paramount in each of us and that each has the courage to vote for that truth."

Hogan, tightly in control, his voice husky and at times close to breaking, recognized he would have to live with his actions for the rest of his lifetime, and explained his decision to vote for impeachment by saying:

"It is impossible for me to condone or ignore the long train of abuses to which he has subjected the presidency and the people of this country."

Butler, saying he has worked with the President in every one of Mr. Nixon's national campaigns, was grateful for his kindnesses and courtesies, but added, "Watergate is our shame."

"These things have happened in our house and it is our responsibility to do what we can to clear it up . . . It is a sad chapter in American history, but I cannot condone what I have heard; I cannot excuse it, and I cannot and will not stand still for it."

Cohen, the young freshman from Maine, expressed a theme that undoubtedly will be occurring in the debates to come.

"The impeachment process," he said, "is like Goliath's sword, to be kept in the temple and not used but on great occasions."

The question now before the Congress—and the country—is whether to draw that sword or keep it sheathed.

PHOENIX HOUSE FOUNDATION

Mr. BUCKLEY. Mr. President, I would like to briefly comment on a recent magazine article which details the very generous and unselfish help that scores of businessmen and companies have given to the Phoenix House Foundation for its drug rehabilitation program in New York City.

Over $400,000 worth of food, clothing, toiletries, and similar items have been given this year alone to keep this enterprise alive. The local community support, private contributions, discipline, and understanding would appear to be the correct mix of resources available for the effective treatment of drug addiction.

I ask unanimous consent that the article entitled "Gifts of Products Help Drug Addiction Struggle," which appears in the May 1974 issue of Nation's Business, be printed in the RECORD.

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

GIFTS OF PRODUCTS HELP DRUG ADDICTION STRUGGLE

(By Vernon Louviere)

A Kansas cattleman, asked to contribute to a New York City organization which fights drug addiction, gave his own solution to the problem:

"Give me a shotgun and send me a thousand addicts. I'll take care of a hundred of them and the rest will get the message."

Not long afterward, he began to donate fresh beef to the Phoenix House Foundation. He had been convinced that its operations were worthwhile and had decided to join scores of businessmen and companies in contributing everything from office supplies and poultry to spaghetti and trucks to help its work.

The Foundation, comprising 14 Phoenix House centers, depends heavily on such contributions to meet its $5 million annual budget. Of $900,000 worth of food, clothing, toiletries and similar items needed this year, about $400,000 worth has already been pledged by businessmen.

"It's a very personal thing when you give

a product instead of cash," says psychiatrist Mitchell S. Rosenthal, who founded Phoenix House in 1967. "And people want to help people who want to help themselves."

Phoenix House (named by addicts after the mythological bird that rises from its own ashes) is having what narcotics authorities consider remarkable success. Seventy per cent of addicts who remain in the program for a year are regarded as effectively cured. A 90 per cent cure rate is chalked up by those who complete the full 18-month program.

Rehabilitation is accomplished through a combination of discipline and understanding. Addicts, who live in Phoenix House centers—all come to them voluntarily—must stay off drugs (even aspirin is kept under lock and key). As progress through various stages of learning to become responsible members of society, they are given "credits." If they backslide, disciplining comes not only from staff members but from their peers (who may, for example, call attention to infractions by hanging signs around their necks). And they are trained for jobs.

Treatment cost per patient is less than $12 a day. Dr. Rosenthal, who operates without federal funds, gets some help from the City and State of New York. But it is private contributions—in goods or in cash—which keep the enterprise alive.

Frequently, addicts under treatment make the appeals for contributions. Producer members of the National Egg Co., of Norcross, Ga., were so impressed with one such pitch that the organization is giving Phoenix House 1,300 cases of eggs this year (almost $2,500 worth).

Some 7,000 addicts have gone through the Phoenix House program, and most now live drug-free lives. If they had been sent to prison instead, it's estimated, they would have cost New York taxpayers more than $50 million. And if they have stayed on the streets, many of them stealing to get the $125 a day that police say is required to satisfy the average heroin user's addiction, the cost to the public would have been far greater.

FARM PRODUCTION INPUTS: NEXT YEAR'S OUTLOOK

Mr. McGOVERN. Mr. President, last week my Subcommittee on Agricultural Credit and Rural Electrification, of the Committee on Agriculture and Forestry, held a third in a series of hearings this year into the supply, demand, and price situation with respect to fertilizer.

In addition to the overall fertilizer problem, we also addressed the subcommittee's attention to fuel and natural gas for agriculture and related industries, to agricultural chemicals which are fuel-based, and to steel products such as baling wire, barbed wire, and other fencing materials.

In a word, Mr. President, the outlook for our farmers for all of these essential farm production inputs is tight. And the outlook on price is higher and higher.

Neither the administration nor the Congress can produce these essential farm inputs, but we can and must work together, with the industries involved, to help insure that available supplies are on the farm on a timely basis.

There can be no higher national priority for this next year than to maximize our production of food and fiber, and to assure the farmer that he earns a decent net income on this production.

Crop prospects for this summer already are substantially reduced from earlier forecasts. Combined with already depleted carryover of wheat and feed grains, this means strong farm prices and strong demand for farm input supplies for the 1974–75 crop year.

I am most concerned about the sharp price increases which farmers are seeing on fertilizer, fuel, and other inputs. The Department of Agriculture reported this week that gasoline prices are up one-third and diesel fuel is up half from last November. Fertilizer price increases are even more substantial: nitrogen up more than 100 percent from last October, phosphates 75 percent, and potash nearly 50 percent.

The average price of baling wire has risen about $4 per hundred-box since mid-May, and is currently about 2½ times above the average price a year ago.

Every effort must be made to expand the production of these materials, and to have available supplies distributed equitably, if we are to meet our Nation's food production goals.

In the spirit of Senate Resolution 289, which this body adopted without dissent earlier this year, I would again urge every agency of this Government to spare no effort to insure the maximum amounts of these essential inputs are available.

Mr. President, I ask unanimous consent that the statements presented to my subcommittee for the South Dakota Fertilizer and Agricultural Chemicals Association by Charles Cowman of Yankton, and statements by the National Council of Farmer Cooperatives, and Farmland Industries, Inc., be printed in the RECORD.

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

TESTIMONY OF CHARLES COWMAN

I'd like to thank you for honoring South Dakota in extending this invitation to appear here today. I'm Chuck Cowman, President of South Dakota Fertilizer and Agriculture Chemical Association, and an independent retail fertilizer and agriculture chemical dealer in Yankton, South Dakota.

I presume the testimony that I, along with Earl Adam (our soils specialist) and Bill Schroeder (our Secretary of Agriculture) gave at the Omaha hearing in March will be included in the overall record. Therefore I would like today to briefly summarize our testimony there and bring you up to date on the South Dakota situation since then.

We stressed then and are still stressing, Senators, the problem of distribution.

Because most fertilizer is manufactured in the Southern States, South Dakota is on the far end of the pipeline. Therefore when a company decides to decrease its marketing area—guess who gets chopped off first. In the past 2 years we've had a ½ dozen major suppliers pull out of our state. Those of us that were tied up to a supplier that continues to market in South Dakota can continue operating on allocation—But the independent dealer that was depending on a Company that pulled out of South Dakota is DONE!

In conjunction with suppliers pulling out is manufacturers who are operating retail/wholesale outlets! And here is where we have to get down to gut issues—some people may end up being antagonized—and for this I apologize, but if you gentlemen are going to solve anything for us you're going to have to ask some point-blank questions and get into the guts of this situation. Such as why a manufacturer who was retailing, say, 20% of his production and wholesaling 80% suddenly has completely shut off wholesaling to independent dealers around their own retail outlets—and funneled this product through their own outlet on the retail level only?

Question No. 2 Industry tells us production was up 10% over last year—yet most dealer allocations speak of 50–90% of last year (except for company owned outlets) for an average of 70%. I've never taken this new math but when I went to school, 70 from 110 leaves 40% of our total supply somewhere—where is that extra product?

Question No. 3 Ask of these major suppliers who have pulled out—why is South Dakota being discriminated against? And where is this extra product going?

Question No. 4 Why did brokers seem to have so much product available at $50 to $100/ton over domestic price? I find it hard to believe this was ALL imported product.

As for recommendations from us to you, I reiterate what I said in Omaha:

Export controls—No—The negative repercussions from the recoil would probably be far worse than the benefits from the initial blast.

Price controls—No—This we feel would only set industry back to where we were a year ago—and would be detrimental to much needed expansion for the future.

We do think full fuel needs to the industry is essential. My understanding is that manufacturing is using only 2% of the natural supply now: increase the supply 50% and you're only talking another 1% of the total natural gas supply.

But for short term this Distribution needs to be looked at hard, fast and point blank. Not only the Amount of distribution, but the time of distribution. As I mentioned earlier, South Dakota is on the tail end of the pipeline. Production is geared for the lower states. By the time Texas, Missouri, Iowa, Nebraska, and many other states are done fertilizing—South Dakota is just getting started—the pipelines are cleaned out and we get what comes off production. Dale Gullickson (with State Department of Agriculture) took a followup oral survey this past week to the March survey presented in Omaha by our Secretary of Agriculture, William Schroeder. Attached to the testimony I handed in is a copy of the oral survey. Most dealers received the allocation they had previously indicated. However two things came out of this latest survey which are disturbing:

Many dealers received part (and some most) of their allocation after the season was over! With Liquid or Gaseous Nitrogen you can play with this somewhat. If you don't get it on before planting you have until corn is knee high to sidedress—But with dry Nitrogen and especially Phosphates and Potash, it's a black or red situation—there is no gray line; if they aren't worked into the soil prior to planting you just as well forget them for this year—you aren't going to receive the response from their application.

Brokers and truckers from down South started calling towards the end of the season offering fertilizer at prices up to ¢100 over domestic price. Why wasn't this excess product shipped directly to South Dakota dealers earlier?

The final points I'd like to make concerning fertilizer in South Dakota is this. 1-Grassland this year was completely neglected. All available plant food in our area went for producing feed grain. We are the fourth largest Beef producing state—to produce beef we need grass.

2-Irrigation: We are presently in the fetal stage in South Dakota. But now with projects like the Oahe Irrigation now under construction we are about to give birth to thousands of acres that up to now have been limited by rainfall.

3–A report put out 3 or 4 years ago showed the use of plant food by State on a per acre basis. South Dakota was on the bottom of the list; which means we are in the adoles-

cent stage—we not only need the plant food to replenish our daily use but the extra plant food it takes to keep us growing healthy. For instance the latest figures I got from Rodger Pearson (South Dakota Department of Agriculture) showed that South Dakota in calendar year 1973 versus calendar year 1972 had increased retail sales of 45%. This '73 increase came from fertilizer still in the warehouses from '72—Now the warehouses are literally swept clean—where do we pick up the growth factor in '74?

As for the Agricultural Chemical situation, it wasn't as critical as fertilizer. In South Dakota dealers received a supply equal to their '72 supply without much problem, except for 2-4-D. The increased sales were tougher to come by and some were received a little late with prices 8–10% higher.

As for next year we expect supply to be tighter because of increased demand. Prices we know are going to be higher. Some companies have already raised prices 10–20%. As for the general situation, I sympathize with the chemical companies. They have received many "Black eyes" recently (which they did not deserve) because of EPA and other Environmental groups. Chemical companies should be commended for bringing the true facts to light. However, I would recommend for the coming year that, concerning price increases and excess profit, these chemical companies proceed with extreme caution or they may receive a "Black eye" they rightfully deserve!

Senators, thank you for the invitation, your patience and courtesy.

CO-OP

Sales the first six months of this year down about ⅓—3700 tons in 1973, 2400 in 1974. They have been allocating to customers—60% of previous 2 years.

Nitrogen the biggest problem, Phosphate small problem, plenty of potash. He has unofficial indication that he will be allocated for the next fiscal year the same as the past year except for Nitrogen which he will only receive 90% of this year. Feels one of the problems in the Nitrogen shortage is caused by the fuel shortage.

There is definitely going to be continued shortage problem next year. No particular recommendations on how to alleviate it.

Chemicals: 2–4–D was very short and high priced and indications are that conditions will be worse next year. Hasn't been and doesn't think there will be many problems regarding other herbicides and insecticides.

INDEPENDENT

Very, very pessimistic regarding the potential for getting fertilizer. Prices quoted are high; very big increase in demand has been developing this year and expects it to continue into future. Hardly any fertilizer on hand now and expects a big immediate demand for use in seeding winter wheat.

No Nitrates at all and Phosphate problem getting worse right along. Feels South Dakota is being discriminated against. Kind of at the end of the line. He tried an experiment to see if fertilizer could be bought at higher prices and offered one supplier $200 a ton for Ammonium Nitrate but didn't receive any. Hope the Fertilizer Institute would be represented at the hearing.

Understands fertilizer production in U.S. is up about 10%. Thinks we are going to be very short from now on through the next year. Doesn't have any solutions because he doesn't know what is causing the problem. Hates to see controls.

Chemicals: They are all extremely hard to get. Hasn't had any more trouble with 2–4–D than any of the others.

CO-OP

Anticipates shortage to continue into next year. Feels that they were 35% short of need this year. Most of that 35% was made up by increase in demand but his supply was a little smaller than the previous year. Dollar sales were about equal. One of his problems is that he spread a lot of fertilizer early last fall before he knew there was going to be an allocation for fertilizer and used up his allocation at that time so had very little to use this spring. Had to cut his customers back to 50% allocation.

Black market price this last spring was twice the regular allocation price. Indication is that someone might be hoarding fertilizer.

His tentative allocation for next year is 90% of this year on Nitrogen and 115% on Phosphorus. Expects a bigger increase in demand than this year.

Recommendations: Don't want any more price freezes. Should be an investigation to see if manufacturers are producing at full capacity or if there is hoarding of the commodity.

Chemicals: He was very short this year because he virtually received no allocation because he has used very little of it in the past. Expects demand to be greater in his area for these chemicals and feels it will be a bigger problem in the future. Has no 2–4–D at All. Did have plenty of Thimet.

INDEPENDENT

Fertilizer problem is very critical. Received smaller supply. Requested 450 tons and received only 100 tons. Did get one additional carload through the black market at about $30 a ton higher cost. He got no Nitrate at all. He didn't serve but ⅓ of his customers. He did not go on allocation because he was assured by his company that he would be provided adequate fertilizer but did not get it so about ⅔ of his customers were without fertilizer. Thinks his problem was worse than others because of the fault of the company he buys from. Situation is so bad that fertilizer salesmen don't call on fertilizer dealers any more. The demand is nearly double from a year ago partly because of more acres farmed and partly because of more fertilizer per acre used because they are only beginning to use fertilizer the last five years. Has no promise of any fertilizer for next year at this time.

Recommendations: Wants to know where the fertilizer is going. Why we are so short all of a sudden and should be careful about our exports.

Does not handle any chemicals.

CO-OP

Last year allocation was 100% of this year's but this was also 30% below needs. Most of the increase in need was increase in demand because of increased acres farmed, added customers and increased amount of fertilizer used per acre. Has no salesmen calling on them at all. Only way to come close to meeting their needs, they deal with brokers who charge twice the regular price. Anticipates Anhydrous ammonia tightest supply for next year. Some trouble with phosphate and Potash has become scarce. Thinks exports are our biggest problem. Thinks they need to be limited to protect the agricultural industry. Prices have doubled from a year ago.

Chemicals: Have not been on allocation this last year but they are limited. Sold as much as the year previous but there was a bigger increase in demand because of increased grain prices. They are taking on absolutely no new customers. Anticipates to be a short supply next year and already having trouble.

INDEPENDENT

Started on 75% allocation—but received over 100%—Got all he needed. Might have been because a customer of long standing. Buys all Liquid-Nutro Flo-Cost gone up about 300% however in last year. Hasn't been notified about next year.

Chemicals: Got along pretty good. Sold a little more than last year. Didn't have quite enough but after jockeying around with other suppliers took care of most of customers. Doesn't see any big problems for next year, but expects prices to increase significantly.

STATEMENT OF BILL BRIER, DIRECTOR OF ENERGY RESOURCES

My name is Bill Brier and I am Director of Energy Resources for the National Council of Farmer Cooperatives. I am accompanied by three associates: Dave Fulton, Staff Assistant-Executive Vice President, Farmland Industries, Inc., Kansas City, Missouri; Duane Halverson, General Merchandise Manager, Petroleum Division, Land O'Lakes, Inc., Minneapolis, Minnesota; and J. D. Gordon, Manager, Plant Food Division, Gold Kist, Inc., Atlanta, Georgia. These gentlemen will also present individual reports detailing supply projections and problems affecting their individual regional farmer cooperatives.

At the request of the Agriculture Committee staff, our comments will primarily cover the supply situation as it relates to fuel, fertilizer, and agricultural chemicals over the next year or so.

Farmer cooperatives supply approximately 30% of all on-farm fuel consumed in this nation. At the same time, they operate eight refineries which supply about 50–70% of the product needs and own 10–15% of the crude oil needed to operate these refineries at capacity. The remaining crude oil and finished product is purchased from independent producers, other oil companies, and brokers.

Farmer cooperatives are also basic in the fertilizer industry, operating at all levels including mining, manufacturing, distribution, and marketing. Cooperatives manufacture and market 30–40% of all fertilizer produced and sold domestically.

The agricultural chemical field is another area in which farmer cooperatives play a key role. Except as by-products of other processes, cooperatives are not involved in the production of basic raw materials used in agricultural chemicals. The cooperative role is limited, for the most part, to research and development, formulation and packaging, distribution and marketing of agricultural chemicals.

With the above thumbnail sketch of selected farmer cooperative activities, the National Council would like to subdivide those three basic subjects into five broad categories.

PROPANE

The importance of propane to the farmer can hardly be over-emphasized. His needs include both home heating and production of the nation's food and fiber. In addition, propane is necessary in the production of crops through irrigation.

Recent suggestions have been made that propane is in excess supply and therefore its allocation programs should be terminated. In the National Council's judgment, this attitude ignores one simple fact—propane demand was down significantly (particularly in agricultural and rural heating) in 1973 because of the weather. In addition, utilities and manufacturing plants utilizing natural gas were not required to substitute large quantities of propane as originally forecasted because of the unusually warm weather.

In 1972, the demand and supply curve crossed at about 13 to 14 billion gallons of propane. In 1973, demand dropped off by roughly 350–400 million gallons while imports and production increased by 400–425 million gallons. However, disturbing signs appear on the horizon. First, the Bureau of Mines report for March 1974 shows that stocks of propane are down by 250 million gallons from January-December 1973 figures. Second, prices are on the rise.

There are several factors which are apparently affecting pricing and availability of propane:

1. Due to government regulations, a two-tier pricing system has developed, making propane from oil companies which have

crude oil operations more expensive than that from natural gas companies;

2. Some gas companies have already warned major customers that they can expect their natural gas to be cut off this winter, thus increasing the customers' need for standby fuels such as propane;

3. Agriculture's needs are expected to increase significantly—much more propane is being used for irrigation this year and the late maturity of particularly corn will increase the probable need for more propane for crop drying.

4. Domestic propane production is decreasing slightly even though demand will be up. This is because liquification of natural gas has shifted to maximize ethane, a product of no use to agriculture.

In addition to the foregoing, it should be mentioned that the priority for agriculture according to the regulations is of little value to many of our cooperatives because they fall into the producer-purchaser category rather than the wholesaler-reseller category. This means that they are in fact limited by their suppliers to their base period propane supplies or a percentage thereof, regardless of their agricultural customers.

CRUDE OIL

If one criticism could be made of cooperatives' refinery operations, it is that they are too dependent on outside producers for crude oil. Cooperatives own only about 10–15% of their total crude oil requirements.

The continuation of the current crude oil allocation program is absolutely essential to the continued viability of cooperative refinery operations. Of the current 83,393,242 barrels of crude oil subject to allocation, 8,495,622 barrels are scheduled for allocation to cooperative refiners. This is 10.2% of the crude oil being allocated. For the cooperatives involved, this works out to 94,396 barrels per day or 35% of their total refining capacity.

At the same time, certain aspects of the government crude oil program are harmful to farmer cooperatives. These deal primarily with the government pricing programs as they relate to crude oil.

The government, by regulation, fixes the price of so-called domestic old oil at about $5.25 per barrel. This production accounts for about 70–80% of the total domestic supply. Newly discovered oil and stripper oil is exempt from price controls and currently sells for about $10.35 per barrel.

This policy discriminates against cooperatives and many other independent refiners because their inland refineries are often located near fields with an unusually high percentage of stripper well production. Thus, the farmer buying from a cooperative, which in some cases is his only source of supply, was often paying more for his product than his counterpart buying from a major oil company.

The National Council strongly supports a one-tier pricing system to eliminate this obvious inequity. Oil under this system should be priced high enough so as not to discourage stripper production in states where refineries utilizing this product are located.

CHEMICALS

Spot shortages of specific herbicides and pesticides will continue. It now appears that these shortages probably will not affect the availability of mixed chemicals such as those used for animal health.

The shortages of herbicides and pesticides may prevent the farmer from obtaining a specific chemical formulation. However, assuming that the farmer can make substitutions when necessary, he should be able to obtain basic herbicide-pesticide protection.

The real problem is not with agricultural chemicals per se but rather with shortages of basic raw materials such as phenol, benzene and other base stocks. Since major formulators of agricultural chemicals have trouble obtaining adequate supplies of base stocks, the formulation of agricultural chemicals is both erratic and below agricultural needs. The shortages of base stock can be attributed to both increasing demand within agriculture and industry and increased exports.

The National Council believes that during these periods of shortage, the federal government should give serious attention to the priority uses of basic raw materials in our society. Those uses, such as agricultural chemicals, should be encouraged as a way to help meet national food production goals. At the same time, less important uses should be discouraged.

FERTILIZER

It now appears that North American supply-demand balances for nitrogen will gain their equilibrium beginning in 1978. After that, a small nitrogen surplus will develop which will probably disappear by 1983.

United States phosphate supply-demand balances will cross in 1976–77 at which time a surplus will begin developing that will carry into 1979–80 when supply-demand balances will cross again.

North American potash surpluses may start appearing in 1975–76. These surpluses will continue into 1980 when it is expected that the surplus will probably disappear.

These figures serve to point out the cyclical nature of the industry coupled with low profit margins during periods of over-supply which discourage entry of new producers. By the same token, over the past four years the market has forced at least eight major fertilizer marketing companies to partially or completely withdraw from the market. The high capital requirements and low returns on investments are not looked upon with favor by the bulk of the manufacturers because they are investor-oriented companies.

Obviously, inadequate transportation has contributed to the current shortage. The unavailability of transportation has in some areas created artificial shortages of plant food when none actually existed. The availability of necessary railroad rolling stock in the right place at the right time has and will continue to be a particularly severe problem.

As a result of the price freeze, increased imports have also affected farm supplies of nitrogen and phosphate. Phospate exports are still a problem. Net N_2O_5 exports for July-May 1973–74 are still running 13.1% ahead of July-May 1972–73 figures.

However, these problems are completely overshadowed by continued shortages of natural gas that make it practically impossible to significantly expand domestic anhydrous ammonia production—the major source of nitrogen. In fact, CF Industries, Inc., and Farmland Industries, Inc., have both announced the construction of significant additions to their anhydrous ammonia production capabilities to be built in Canada. Even today, cooperatives are continuing their search for additional foreign sources of natural gas.

Much of the problem of natural gas supplies can be traced to a 1954 Supreme Court decision that gave the Federal Power Commission the authority to regulate interstate gas rates. Since that time, wildcat drilling for natural gas, a good measure of industrial activity, has declined from a high of 16,000 wells in 1956 to 7–8,000 between 1971 and 1973. In addition, since 1968, domestic natural gas is being consumed at a faster rate than reserves are being discovered.

The unrealistic rate structure of natural gas also has the undesirable effect of reducing supplies available to historical users (fertilizer industry) by encouraging its use for economy reasons by increasingly significant numbers of non-historical users. For example, the use of natural gas by an electric utility to produce electricity to be used for heating purposes uses three times as many B.T.U.'s as providing the same natural gas directly to the end user for heating purposes.

The National Council would also like to comment briefly on the fact that 22% of ammonia producers have contracts with gas suppliers that have an interruptible clause. This means that if higher priority users' needs are not met, gas suppliers can temporarily be halted. During the past three years, because of increasing shortages of natural gas, interruptions have increased—thus decreasing production of anhydrous ammonia. The National Council believes that because of the importance of nitrogen in crop production, all ammonia producers should be placed in a higher priority category.

REFINED FUELS

The key to understanding the refined fuels outlook for individual farmer cooperatives is distribution, not total domestic supply-demand balances. While total supply-demand figures appear more in balance, cooperatives are still experiencing difficulty in purchasing needed fuels at prices that allow them to be competitive in the market place.

To some extent the price advantage favoring major oil companies versus independent oil companies begins with government crude oil pricing policies both domestic and foreign. The foreign differential is based in the difference between the tax paid cost of oil ($7.10) averaged with royalty oil purchases versus the independents' foreign oil cost which is currently about 93% of the posted price ($10.83). The domestic oil differential is basically the percentage differences between the amounts of old oil and stripper oil refined by each as described earlier.

This basic difference in crude oil costs not only increases major oil companies' profits, but also enables them to sell refined fuels at a lower cost. Because of this obvious inequity due to current government policies, both domestic and foreign, FEA should give serious consideration to utilizing the mandatory allocation programs of finished product to help equalize price differentials of refined fuels between majors and independents.

FEA should also give some attention to the fact that the current priority for "agricultural production" could in some cases deprive some farmer cooperatives' non-priority customers of fuel. This could occur under the current regulations during a shortage because farmer cooperatives supply an unusually high percentage of their total fuel to agricultural production. If a cooperative in a rural community is the major supplier and he is forced during a shortage to take agricultural production off the top, there may be no remaining fuel for nonpriority users in the community. This of course would eventually affect the farmers' ability to continue operations.

SUMMARY

The National Council believes that other shortages in farm supplies should also be examined briefly. These shortages, when considered with those already mentioned, contributed to a general farm supply situation that is not conducive to meeting this nation's food and fiber production goals.

Among the short-supply commodities are wire products and galvanized steel which also report sharply rising prices. Much of this problem centers around the export of scrap iron to higher-priced foreign markets.

Twine and rope are also in short supply because previously low prices for sisal, an important raw material imported from Brazil and Mexico, caused many producers to stop production. Now that prices have risen, raw material production has resumed, but shortages will continue to persist for another year or so.

One shortage which has been in effect for some time is that of tractor tires and predictions are that it will continue into next

year. During the height of the shortage many farm inplement manufacturers were unable to obtain needed tires for new equipment. Thus many tractors were shipped on blocks minus tires with the hope that they could be added later.

Another shortage is that of feed grade dicalcium phosphate. This exists not only because of the shortage of basic phosphate material discussed earlier but also because of a shortage of defluorination facilities.

In closing, one subject prevails over the entire discussion of the farm supply situation—price. While admittedly in many cases the farmer is receiving high prices for the commodities he produces, he is also paying high prices for supplies he needs.

If farm prices fall significantly, the farmer will be caught in a serious cost-squeeze similar to that already encountered in the cattle industry. Many farm supply goods are overpriced and can be expected to fall as supplies improve, but the farmer's basic cost of doing business will still remain high—much higher than that of a few short years ago.

STATEMENT OF FARMLAND INDUSTRIES, INC.

Senator, Ladies and Gentlemen: Farmland Industries, Inc., headquartered in Kansas City, Missouri, is a cooperative association organized under the laws of the State of Kansas. Farmland is an integrated farm cooperative, wholly owned by approximately 2,100 local, member, agricultural associations which supply petroleum products, fertilizer, agricultural chemicals, feed, and other products to approximately 500,000 farmers and ranchers in the midwestern United States.

The primary trade territory of Farmland Industries encompasses thirteen states—Kansas, Nebraska, South Dakota, North Dakota, Iowa, Oklahoma, Missouri, Texas, Minnesota, Illinois, Arkansas, Colorado, and Wyoming—that provide a major portion of the total United States production of food and feed grain crops. Wheat production in this region constitutes seventy-nine percent of the total United States production; corn production is sixty-six percent of the total United States production; while production of soy beans and grain sorghums are sixty-two percent and ninety-two percent, respectively, of the total United States production.

Farmland has totally dedicated its resources, including products, services and employees, to the task of serving agriculture, by serving its approximately 2,100 member, agricultural associations.

Farmland appreciates the opportunity to offer testimony to this committee, as a representative of the 500,000 midwestern farmers and ranchers which it serves, and to make known, and seek help in solving the problems facing the American agricultural community today.

PETROLEUM

Farmland is the leading cooperative in the United States in terms of petroleum supply to agriculture, with an annual refined fuel volume exceeding one and one-quarter billion gallons. Farmland was founded in 1929. Farmland's farmer-rancher owners became the first cooperative in the United States to build refining facilities when, in 1939, a refinery was constructed by Farmland at Phillipsburg, Kansas. In 1941, a small refinery was purchased at Scottsbluff, Nebraska, and in 1944 a refinery located at Coffeyville, Kansas was purchased. Ownership of the three refineries described above is presently held by CRA, Inc., a wholly owned subsidiary of Farmland. The total refining capacity of three refineries listed above is 67,000 b.p.c.d. (barrels per calendar day). In addition to the three small refineries owned by CRA, Inc., Farmland owns a thirty-one percent interest in the National Cooperative Refinery Association (N.C.R.A.), which owns one refinery, located at McPherson, Kansas, with a total refining capacity of 52,000 b.p.c.d. Corresponding to its ownership interest in N.C.R.A. Farmland is entitled to purchase thirty-one percent of the product refined at N.C.R.A.

It is estimated that Farmland provides forty-three percent of the gasoline and diesel fuel volume for agricultural use in Kansas, forty percent of the gasoline and diesel fuel volume for agricultural use in Nebraska, and is the number one supplier of gasoline and diesel fuel to agricultural producers in Kansas, Nebraska, Iowa, Oklahoma and South Dakota.

Farmland has ownership interests in some domestic oil production. However, these interests provide only approximately fifteen to twenty percent of the crude oil needed to operate at capacity the three refineries described above.

Like other independent, inland refiners, Farmland has relied on open-market purchases of "sweet" crude oil to operate its refineries. As was the case with most inland, independent refineries, Farmland had, up until the fall of 1972, exchanged foreign crude oil import rights for domestic crude oil. This business practice was a routine exchange arrangement with many major United States oil companies for a number of years. It allowed inland refineries access to the domestic "sweet" crude oil recovered in the United States interior, and in return, the major oil companies received rights to import the then, less expensive foreign crude oil for processing at coastal refineries.

With the sudden astronomical rise in the costs of foreign crude oil, coupled with a decreasing supply of domestic "sweet" crude oil for sale, the inland, independent refineries could not buy sufficient quantities of crude oil to operate at capacity. Farmland, for example, operated at 13,000 to 15,000 barrels per day under refining capacity, while an increased need for refined fuels for agricultural production by member agricultural cooperatives was being experienced.

Farmland Industries recognized the need for a mandatory program for the allocation of crude oil and refined product in early 1973. This need was expressed, along with the recommendation that the program recognize the needs of agriculture as a national priority, to the Oil Policy Hearing Committee in June, 1973.

The crude oil allocation regulations which were subsequently developed by the Federal Energy Office, and amended, effective June 1, 1974, provide the assistance required by small, inland refiners in the midwest to meet the demand for refined petroleum products for agricultural production uses. Farmland endorses the crude oil allocation regulations currently in effect, and recommends that these regulations continue beyond the expiration of the Emergency Petroleum Allocation Act, on February 28, 1975. Without the continuation of the crude oil allocation regulations, Farmland Industries, the traditional supplier of refined petroleum products to agricultural users in the midwest, will be unable to meet the demand for refined petroleum fuels for agriculture beyond February, 1975.

A comment on pricing of refined petroleum products must be made at this juncture. The two-tier pricing system on crude oil has placed many independent refiners located in the midwest at a competitive disadvantage "price-wise". The small, inland, independent refiner located in the midwest must rely on "sweet" crude oil to operate its refineries. Since a high proportion of the recoverable crude oil of this type is uncontrolled oil—stripper oil, new oil or released oil—refiners required to use this type of crude oil exclusively as a raw material input have a higher composite crude oil cost than those refiners that have access to crude oil which has a controlled price. For the above-described reasons, it appears desirable to eliminate the two-tier pricing system that is now in existence in the crude oil area, and permit all domestic crude oil to be priced on a consistent basis. An alternate, and, we believe, workable program, is contained in the proposed crude oil entitlements program, as developed by the Federal Energy Office, and provided to refiners for comment on May 21, 1974.

While the Federal Energy Administration crude oil allocation regulations, in theory, provide to Farmland and other independent, inland refiners the crude oil necessary for refining and subsequent distribution of refined fuels to agricultural users, some problems presently exist in operating under these allocation regulations. For example, during the present crude oil quarter, June, July and August, 1974, Farmland was able to secure less than half of the crude oil allocated to it under the Federal crude oil allocation program. A number of refiner-sellers listed in the Federal crude oil program, chose not to sell Federal Energy Administration directed quantities of crude oil, until a ruling was made by a Federal District Court in Washington, D.C., that upheld the legality of the crude oil allocation program. Due to transportation problems inherent in the crude oil area, even if such refiner-sellers act immediately to comply with the crude oil allocation program, Farmland and other inland, independent refineriers will not be able to get the use of their entire allocation of crude oil during the present crude oil quarter. Thus, active enforcement of the crude oil allocation regulations must be undertaken by the Federal Energy Administration to insure a workable program.

Farmland strongly endorses the designation by the Federal Energy Administration of agricultural production as the highest priority use category for refined fuels, and the June 1, 1974 Federal Energy Administration amendment which requires each supplier in the distribution chain to recognize this priority. A further, important point on distribution of petroleum products must be made. While a number of major oil companies and other suppliers of petroleum products have chosen to terminate marketing of petroleum products in the rural areas, and instead market in more densely populated urban areas, Farmland has steadfastly continued to serve the rural communities and, indeed, is being faced with the responsibility of providing refined petroleum products to those agricultural users who were formerly served by oil companies which have withdrawn from the agricultural midwest. For example, the Gulf Oil Corporation and the Sun Oil Corporation have chosen to withdraw from substantial portions of the midwest marketing area and many of their rural customers are now looking to Farmland for supply.

The majority of the local, agricultural associations to whom Farmland Industries, Inc. sells motor gasoline are located in very small, basically rural, communities, many times such communities containing only a few hundred people. The service station of the member association is likely to be the only service station serving the community, or one of the very few stations serving the community. Due to the lack of other oil company stations in the community, the member association station is also called upon to serve the refined fuel needs of schools, mail carriers county road departments, and other important groups. The point must be made that in many of the small rural communities the service station of the Farmland member association is called upon not only to meet agricultural production needs of the community, but all the needs of the community.

Through its member associations, Farmland Industries can provide a distribution system that can come closest to insuring that the fuel needs of midwestern farmers and ranchers are met. Additionally, fuels provided to the small rural communities served by Farmland provide the life blood for the very existence of these communities. Regulations must be promulgated and enforced

that will insure that Farmland can refine the petroleum products necessary to satisfy the needs of this important segment of the American population.

FERTILIZER

As in the petroleum area, Farmland is both a manufacturer and a distributor of fertilizer. In 1948, the first Farmland manufacturing facility was constructed, an ammoniating plant in Eagle Grove, Iowa. Nitrogen plants were subsequently built in Fort Dodge, Iowa, Dodge City, Kansas, Hastings, Nebraska, Lawrence, Kansas, and Enid, Oklahoma. Phosphate fertilizer production began in 1966 with the construction of a manufacturing facility in Bartow, Florida.

In 1973, it became apparent that the American farmer was facing a serious shortage of fertilizer products. With Federal controls regulating fertilizer prices, most fertilizer producers look to exports for greater profits. One exception in the fertilizer industry to this type of business activity was Farmland Industries. Every ton of Farmland's fertilizer supply went through member, agricultural cooperatives to midwestern farmers, to meet the needs of Farmland's farmer-owners.

Despite decontrol of fertilizer prices, the critical supply situation for fertilizer in the agricultural midwest was not alleviated. True, the decontrol of prices was expected to make an additional one and one-half million tons of fertilizer available during the first six months of 1974, but fertilizer industry leaders had estimated before decontrol of prices, a shortage of four million to five million tons for the current crop year. It is estimated that the farmers and ranchers which Farmland serves needed approximately twenty percent more of both nitrogen and phosphate fertilizers than Farmland was able to supply. Further, Farmland, a net purchaser of potash, was unable to secure supplies sufficient to meet the demand for this product.

In fertilizer, like in petroleum, allocation is a word farmers and ranchers in the midwestern United States will be living with for at least the next few years. An all, new program has been instituted by Farmland to insure that those farmers and ranchers who, through their local cooperatives, depend on Farmland Industries, Inc. for a supply of fertilizer, will receive their equitable share of the fertilizer available.

To help alleviate one problem area of the critical fertilizer situation now facing midwestern farmers, a major anhydrous ammonia project is being undertaken by Farmland Industries and Canadian interests. The first two of the four plant ammonia complex will hopefully be on stream sometime in the calendar year 1976. Each plant will produce 1,250 tons of anhydrous ammonia a day, and the product will be channeled by pipeline into Farmland's trade area.

The project will be built in Canada because Farmland was able to obtain natural gas, the raw material used in the manufacture of anhydrous ammonia. It is estimated that two hundred million cubic feet of gas each day will be needed to operate the four plants.

Because natural gas supplies for such industrial purposes as nitrogen plants are on the wane in the United States, fertilizer production using Canadian natural gas was a logical and beneficial choice. Such a venture in Canada will free United States natural gas for such vital purposes as home heating, while at the same time allowing the production of more fertilizer for Farmland's farmer members.

A pipeline system will be constructed from Canada through Montana, the Dakotas and Minnesota, and tie in with the existing Farmland pipeline system near Garner, Iowa. From there, the product will be pumped in liquid form through Iowa, Kansas, Missouri, Nebraska and Oklahoma, to the end of the pipeline system at Perryton, Texas. That this will be a major step in meeting the United States need for nitrogen, can be seen by the fact that thirty-five to forty percent of the nation's total nitrogen consumption is required in states served by Farmland. Even as the Canadian project is moving ahead, Farmland continues the search for additional natural gas supplies within the United States.

Reordering of priorities is the ultimate answer to the fertilizer shortages. During the last two years, one fertilizer plant after another has had its natural gas supply curtailed. The Fertilizer Institute, a national industry organization, has petitioned the Federal Power Commission to give nitrogen producers a number two unconditional priority on natural gas—a priority second only to home and small commercial uses. Such a priority classification for natural gas for nitrogen producers must be maintained.

While export controls on fertilizer would perhaps have the effect of making more fertilizer available to American farmers on a short term basis, it does not seem the wise position to take in the long run. There is presently only one nitrogen plant in the United States under construction, due in large measure to unstable sources of natural gas. If United States Government policy restricted the exporting of fertilizer, the undesirable effects of trade wars, possibly including the restriction of fertilizer products from other countries into the United States, might be the result; foreign governments might choose also to formulate restrictions that would make United States farm products less competitive in world markets.

Further, government action should be taken to halt the continued deterioration of rail service to agriculture. Adequate transportation of fertilizer must be insured. In the phosphate area, Farmland had hoped to see supply start to come into balance with demand by late 1974 or 1975, but this has been delayed due to power shortages in Florida, where phosphate is mined, plus transportation problems, and fuel shortages.

As is the case with petroleum supply, Farmland continues to search for ways to provide its midwestern agricultural members with a dependable supply of fertilizers at a reasonable cost.

AGRICULTURAL CHEMICALS

During the past decade, cooperatives have become increasingly important in the agricultural midwest in the area of supplying agricultural chemicals. In the case of Farmland Industries, this involvement is two-fold—those agricultural chemicals which Farmland manufactures for distribution, and those agricultural chemicals which are bought for distribution from other suppliers. While Farmland is a purchaser of basic chemical stocks, it formulates approximately forty percent of its own pesticides. While no other area is more important to the farmer or rancher, no other area of agricultural supply is more sophisticated and complicated.

Sales of agricultural chemical pesticides to local cooperatives by Farmland, have increased approximately two hundred fifty percent in the past five years. In the past, an inventory of approximately twenty-five percent above anticipated needs was maintained to guard against abnormal demand for product. However, during the present crop year, even this heretofore considered "safe" supply of back-up product was not sufficient to meet demand.

During this crop year, shortages of intermediate raw chemicals, materials for packing, and industrial accidents all took their toll on the delicate supply situation. As with petroleum and fertilizer, there will, in the future, likely be a need for some form of allocation based on previous history of use. In the agrichemical area, however, if one type of chemical is in short supply, another type can many times be substituted, and achieve the same desired result for the farmer or rancher. This, of course, is not the situation with petroleum or fertilizer.

In seeking to meet the challenge of this increased responsibility, in agrichemicals, Farmland has taken a number of steps to advance the knowledge in this product area. Farmland is presently accelerating its research efforts into new agrichemical problem areas. In addition, test plot evaluation of presently used pesticides and experimental compounds are being conducted as part of Farmland's research effort.

Farmland also works with a college advisory group made up of weed specialists and extension entomologists coming from the land-grant colleges located in the states served by Farmland. Once a year, in a three-day meeting in Kansas City, this group of scientists gives their advice on the proper compounds for use by farmers and ranchers. Such advice is based on the "most effective and least cost basis" regardless of manufacturer's recommendation.

Government supervision of intermediate raw chemicals is encouraged by Farmland so that these raw chemicals can be converted to those chemicals essential to farmers and ranchers. The diversion of these intermediate raw chemicals to another, perhaps, more profitable area, should not be made at the expense of the American farmer or rancher. In addition, government agencies such as the E.P.A. and O.S.H.A. must recognize the farmers' great financial stake in his crop production planning, and such agencies must take care that no new regulation or procedure will unnecessarily prohibit the farmer or rancher from continuing a plan of crop production. Finally, Farmland recommends that consideration be given to a review of seventeen-year patent rights. It is recommended that when a pesticide patent expires on a compound, that all research, tolerance and other pertinent data be made a part of the public domain so that other manufacturers may register and manufacture the compound, thus making available more production for the in-use market at a lower cost to farmers and ranchers.

In conclusion, we would reiterate to you the importance of insuring that adequate supplies of the previously discussed scarce products are provided to American farmers and ranchers. As was stated by Mr. Ernest T. Lindsey, President of Farmland Industries, Inc., in his remarks to several thousand farmers and ranchers at the Farmland 1973 annual meeting: "Crude oil, natural gas, phosphate rock; these are some of the world's most precious goods. Modern farmers must have the petroleum products and nitrogen fertilizers that are made from them!"

INDIAN EDUCATION

Mr. MONDALE. Mr. President, for more than 2 years—first under the leadership of the late Senator Robert F. Kennedy, and then under the leadership of his brother, Senator EDWARD M. KENNEDY—the Senate Special Subcommittee on Indian Education conducted a thorough, intensive review of the tragic plight of Native American children in this country.

The report of that subcommittee, "Indian Education: National Tragedy—National Challenge," is, I believe, among the most remarkable documents produced during my tenure in the Senate. I was proud to be a member of the special subcommittee. And I was proud to join with the distinguished senior Senator from Massachusetts (Mr. KENNEDY) in the sponsoring the Indian Education Act which was signed into law on June 23,

1972, and which implements many of the basic recommendations of the subcommittee study.

Despite repeated efforts by the administration to delay implementation of this crucial program, successful results are now beginning to be obtained. I believe that all my colleagues in the Senate who unanimously supported adoption of the Indian Education Act will be interested in a letter which I received from Larry E. Harris of the Minneapolis, Minn., school district, describing the impact of Indian Education Act programs on the Minneapolis public school system.

Mr. President, I ask unanimous consent that a copy of this letter may be printed in the RECORD at the conclusion of my remarks.

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

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., June 24, 1974.

Re Indian Education Act.
Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.

DEAR FRITZ: I am writing on behalf of the Minneapolis Public Schools to request support again for the Indian Education Act (Title IV–A of the Higher Education Act). As you know, the Minneapolis Public Schools were awarded a grant this last school year under the Indian Education Act. Results have been great. Indian parents became actively involved in writing the grant. Mr. Paul Day was hired as director of the Indian Education Act, and there are over 30 Native American staff working in the schools throughout the city. Homes of youngsters who miss school are being visited, youngsters are being supported to succeed in school, and faculty are being made more aware of the great contributions Native Americans have made to the past of Minnesota and our country.

As you know, we have made several comitments in our own right. Duane Dunkley has been hired as director of the Indian Education Department, and Mrs. Kay Gurnoe is working with him—as well as two interns from the University of Minnesota. Mr. Al Picotte, an assistant principal at South High, and Mr. Harlan Anderson, the administrative assistant to the superintendent, both are of American Indian background. We believe this is important because the school is actively recruiting American Indian teaching staff with local funds.

I had the pleasure a week ago Saturday of attending a graduation party for American Indian students. Some 60 American Indian students graduated from the Minneapolis Public Schools this year. That is a new high.

The input of Indian parents is beginning to be felt. There is more pride in the kids in school and more responsiveness from parents. We believe that the Title IV–A program is already making an impact and feel it is crucial that the program be funded in total if we are going to continue to provide some of the educational opportunities that have historically been denied our American Indian students.

We know of your great support of Indian education, Fritz. We trust you will continue to help in this vital area. Please let us know if there is any information we can get you.

Sincerely,

LARRY L. HARRIS,
Special Assistant to the Superintendent for Urban Affairs.

RAYSTOWN DAM, PA.

Mr. HUGH SCOTT. Mr. President, on June 6, 1974, I visited the Raystown Dam project with Vice President GERALD FORD for the dedication ceremonies of this important project.

Raystown will provide a tremendous service to the residents of central Pennsylvania, because the dam constitutes an important link in the flood control system of the State. The dam will be instrumental in preventing terrible disasters such as the Wilkes-Barre area experienced 2 years ago from Hurricane Agnes. Also, the dam will function as a beautiful recreational area for the residents of Pennsylvania and visitors from outside the State. Huntingdon County, the home of the Raystown Dam project will particularly benefit from increased visitor traffic.

I am delighted to join with Senator RICHARD SCHWEIKER in a bill which authorizes necessary repair to the roads surrounding the Raystown Dam. Presently, these roads are not adequate for the increased visitor traffic. It is vital that these roads be upgraded and repaired so visitors will be able to enjoy the many recreational opportunities of the dam project. The bill also provides for continuous Federal maintenance of these key roads throughout the year.

I sincerely hope the bill will be passed during this Congress, so the important construction work may be completed as soon as possible.

I encourage all my fellow Pennsylvanians to visit and enjoy this wonderful addition to our Commonwealth's natural resources.

DROUGHT THREATENS FOOD SUPPLY, FARM INCOME

Mr. McGOVERN. Mr. President, I have just returned from a weekend in my State, where I saw some of the driest conditions to affect agricultural production in many years.

The situation in much of South Dakota is critical. Although rainfall within the next few days may help some farm production, for much of the Plains States, the time for relief has expired.

The dimensions of the drought, and its implications on food supply and farm income, are most serious, as readers of excellent articles in yesterday's Washington Post and Washington Star-News became aware.

Rainfall in parts of South Dakota, Mr. President, already are more than 7 inches below normal for this time of the year. Although winter wheat and some early small grains received adequate moisture earlier this year, the feed grains and spring wheat crops are in serious jeopardy.

The financial losses which will be sustained by many grain producers, on top of the losses already sustained by livestock producers, could result in serious economic setbacks for many farm States.

There is, in the farm bill which we passed last year, a program designed to provide some minimal protection to grain farmers who suffer weather or other disaster setbacks. It is in the form of a minimum payment per bushel on each of the producer's allotted acres.

But the Department of Agriculture has interpreted provisions of the disaster payment law in such a way that, instead of a minimum program of assistance, it may well become itself a disaster for our farmers.

The Department, late last year, established a national acreage allotment so small as to virtually preclude disaster payments of any significance.

And now, the Department has opted to use an average of the past 10 years' yields on a farm to determine how many bushels of grain that should have been produced this year. But advances over the past 10 years have sharply increased the yields obtained today.

Thousands of farmers who have been expecting minimum payments in the event of a disaster will receive very small payments, if any at all.

I have written to Secretary of Agriculture Butz to request a detailed explanation of the methods by which his Department has determined the disaster payment program regulations for this year. It is my hope that USDA will take a second look at their regulations, and show greater concern for the difficulties faced by grain producers than they have shown for livestock producers in the past several months.

The losses which will be sustained by farmers unable to harvest crops this year, Mr. President, will be higher than at any time in history.

The Secretary of Agriculture urged and pleaded with farmers to plant every available acre this year. Many responded.

And each acre planted represented sharply increased costs of fuel, fertilizer, weed and pest control chemicals, seed, and overhead expenses.

Now, I submit, the Department of Agriculture should evidence greater concern for those farmers who responded to the call for all-out production.

Mr. President, I ask unanimous consent that two articles from the Sunday newspapers here in Washington be printed in the RECORD: The first, by Dan Morgan in the Washington Post, is based on conditions in my State; the other, by John Fialka of the Star-News, is a well-capsuled report on the potential implications to total supply.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

DROUGHT IMPACT DEEPENS
(By John Fialka)

A drought that is spreading over the nation's corn and wheat belts is threatening the U.S. Department of Agriculture's grand strategy to cut farm subsidies and to halt food price increases by encouraging bumper crops.

By last week the drought had spread from the Oklahoma and Texas panhandles, where some crops have aready been totally wiped out, north into Nebraska, western Iowa, Kansas, Wyoming and Montana.

In all of these areas, according to a crop moisture index report released by Agriculture, the dryness has reached a point where crop yield estimates must be reduced in some cases "severely."

The extent of the damage will not be known until the middle of next month, when Agriculture's "crop enumerators" consolidate their reports into the first batch of statistics based on direct observation of the crops' health.

In lieu of the old, defunct program of paying farmers not to grow these crops, there is a new Disaster Payment Program designed to compensate farmers whose crops are dam-

aged and fall below what Agriculture considers to be a normal year's yield.

Heavy drought damage could result in a drain on the Treasury, accelerating government spending that, in turn, accelerates inflation. That, in turn, would take another bite out of the consumer's billfold.

According to Victor Senechal, an official of the Agricultural Stabilization and Conservation Service, the Department has already begun receiving claims from wheat farmers in the Texas panhandle "whose crop was just a total zero."

The extent of the damage to the nation will not be known, he pointed out, until harvest. "If it stays dry there could be some really serious problems," he added.

The prospect of a smaller than expected crop has not been ignored by the nation's growing number of commodity speculators. News of the spreading drought has sent the price of corn futures up 70 cents a bushel since July 12.

Many food experts believe that commodity speculators tend to overreact in anticipation of crop failures, sending food prices up another notch higher than they should be.

(A bill to impose stiffer regulations on commodity trading is now pending before Congress. A spokesman for the Senate Agriculture Committee said there is a "good chance" it will be reported out in mid-August.)

At the moment, the department is still predicting record crops in corn and wheat and a near-record in soybeans, based on the number of acres farmers planted this spring.

But, according to Jack L. Aschewege, an official of Agriculture's statistical reporting service, reports are coming in that show the "yields are not going to be as good as we thought."

If the drought is not broken soon, its effect will have a kind of one-two punch on the consumer's pocketbook, according to interviews with several food experts.

Less than a bumper crop will mean that grocery prices will continue to rise next year, rather than leveling off as Agriculture officials have hoped.

Because subsidies have been phased out for the major crops of corn, wheat and soybeans, this is the first year the Agriculture Department has not made payments in these categories.

If it can withstand the drought, this year's corn crop will be a triumph for supporters of a new theory of U.S. agriculture which holds that, if the price is right, farmers will grow lots of food and wean themselves from subsidy programs.

Last year's crop was an all-time record for corn production, and this year, after having watched corn go above the heretofore unheard of price of $3.00 a bushel, farmers planted 7 million more acres in corn. Many switched from soybeans to corn, which can produce much higher yields per acre.

What fraction of this crop will survive through the next few weeks is a question farmers and Agriculture Department officials are worrying about.

WEATHER THREATENS "WORLD'S GRANARY"

(By Dan Morgan)

ONIDA, S.D.—Under a prairie sky brushed with wisps of long, white clouds, Dennis Nelson reached into a row of knee-high wheat, broke off a head and examined it closely.

The heat, which would reach 100 degrees later in the day, had not yet set in. In the early morning, a light breeze rustled the wheat fields that stretched for miles around. Nelson finished examining the head and announced with a tone of finality: "Cooked."

"Look at the base of the head," he continued, snapping open some of the kernels. "The grain's shriveled, or half-grown. Some of the berries are empty. In this heat, the grain is being cooked through before it's ripe."

Nelson looked out at the field of spring-planted wheat, which was nearly ripe, but still green in places. "When you can still see the rows this late, you've got a light crop" he said.

In this part of the wheat belt, in the heart of what has been called the "world's granary," the U.S. Department of Agriculture's July 11 forecast of a record wheat crop of 52.5 million tons is taken with a large grain of salt.

There are 63.6 million acres of wheat in cultivation this year, 10 million more than last year. But an implacable enemy, the weather, has hurt the yields badly.

If the nation's wheat fields yielded an average of 30 bushels an acre, as the Agriculture Department predicted, this year's harvest would be 52.4 million tons. But if they all were like the one that Nelson was cutting in Onida, the nation would take in only 38 million tons.

Nelson has seen a good slice of the wheat belt this season. A month ago, Nelson, his wife, Kathy, and two farmhands from their home in North Dakota took their two combines down to Oklahoma and began working northward, cutting wheat in Kansas, on up through Nebraska, into South Dakota.

In Nelson's view the Agriculture Department is dreaming with its estimates of average yields nationwide of 30 bushels an acre.

Around this prairie town, many people suggest that the department is playing some politics with the wheat crop estimates, deliberately keeping the forecasts on the high side to hold down prices and calm the fears of consumers and buyers overseas.

The skepticism is expressed bluntly by Leon Crain, a local wheat grower, who said, "The DA jacked up its estimates as soon as the bakers started talking about one-dollar bread."

In years gone by, disappointingly low yields in Onida would not have mattered so much.

The U.S. government held an enormous stockpile of grain surpluses, which the whole world could draw on in an emergency. During a food crisis in India in the 1960s, President Johnson ordered 5 million tons dispatched there in one year.

Today, however, no such gesture of American largesse would be possible.

The squat, round storage bins around Onida, which used to hold the government surplus in this area, are empty now—drained dry by the huge world demand for wheat in 1972 and 1973. The government has sold most of the bins to local farmers.

The American reserves of wheat have dwindled to around 6 million tons. Although the administration is counting on this harvest to double these reserves, some analysts in Washington say that they doubt that this will be the year for building the reserves.

With the big American surplus gone, the world is forced to live from year to year for its food supply. Reserves of all kinds of food are at the lowest level in two decades. The world's population is growing at the rate of 70,000 a day.

Rising living standards in medium income countries have increased per-capita demand for food, particularly for meat, which is fattened on feed grains like corn, soybeans, barley and oats.

What has given the summer harvest in Onida, and around the world, a drama that was missing in past years is this narrow margin between adequate food supplies and insufficient food to go around.

Agricultural experts liken the world food situation to a string of interconnected water buckets. When the level rises or falls in one bucket—such as the American wheat belt—the level changes in all the other buckets.

If this summer's crucial rice crop in India falls short of expectations because of the light monsoon rains which have prevailed so far, India might be forced to buy or borrow large amounts of foreign wheat or feed grains to stave off mass starvation and malnutrition.

But if the harvest in wheat-exporting countries such as the United States, Canada, Australia and Argentina should fall too far short of expectations, India might be squeezed out of the international grain markets by higher prices only rich countries can afford.

If the U.S. harvest is disappointing, politicians in Washington would also be reluctant to increase the amount of food aid which this country dispenses, because of the domestic price-increasing effect that heavy government buying could cause.

If the Soviet wheat harvest reaches the predicted 100 million tons this year, Moscow might be able to lend or give away some of its crop. But if the Soviet wheat crop is disappointing, Moscow might be forced to compete for grain against India and other poor, deficit countries in the commercial grain markets.

Each year the world produces 335 million to 365 million tons of wheat. It is used, among other things, in bread, pastry, pancakes and spaghetti. Durum wheat, grown almost solely in North Dakota, is the base for the exquisite Italian pastas—although in years when the crop is light an inferior quality of pasta can be made from coarser spring or fall-planted wheat.

The Europeans often mix their own winter wheat with the higher protein-laden spring wheat they buy from the United States.

The wheat produced in the world each year becomes part of a vast pool, whether it is grown in India or South Dakota. The surpluses of countries such as the United States, Canada and Argentina are available to other countries which can afford to buy them. Most of the excess U.S. crop is sold to rich countries, such as Japan, European nations, and the Soviet Union. The catch has been that when poor countries' crops fall short, they don't always have the money to tap the commercial wheat pool to make up the difference.

The United States is the world's biggest wheat exporter, accounting for about 30 million of the 70 million tons circulating in world trade. It is far ahead of other grain exporters such as Canada, Australia and Argentina.

While U.S. exports boomed in 1972 and 1973, and the surplus drained away, U.S. food aid declined sharply.

Higher prices at home meant that congressional appropriations for this kind of foreign assistance purchased less food.

In 1973, the United States sold 2.5 million tons of wheat to poorer countries on easy terms, and gave away 1.6 million tons.

In the fiscal year which just ended, this wheat aid declined to 999,000 tons and 763,000 tons respectively, in those two categories.

One million tons of wheat is enough to feed about 4 million people for a year, so small fluctuations in the American crop can make a difference world-wide.

In the new era of tighter world food supplies, the weather has become a crucial factor which, literally, can spell death by famine for millions of people.

Here in South Dakota, this fact has always been clearly understood by the grain producers.

"Moisture is the boss," is the rule of thumb.

It was the hot, dry weather in June and July which lowered the yields.

In June, the 100-degree heat "cooked the wheat right in the new heads," one farmer said.

In his work in the fields of the wheat belt, Dennis Nelson time and time again saw "the sky overhead blacken—but nothing would happen."

Some of the farmers around here say that

if they had been using seeds and methods of the 1930s instead of the 1970s, this would have gone down as a great drought year, instead of just a crop that didn't live up to expectations.

This week, Nelson was cutting the fall-planted wheat Van G. Stewart grows on some of his 2,600 acres around Onida.

It was yielding 22 bushels an acre, and weighed only about 54 pounds a bushel, compared with the 60 pounds growers consider good.

A year ago, Nelson recalled, he was harvesting winter wheat that was yielding 55 bushels an acre, and the trucks were lined up by the dozen waiting to dump their cargo of grain at the storage elevators.

In a few days, the harvesters will start to cut the first of the spring-planted wheat around Onida, but some growers say they are considering plowing it under rather than pay custom combiners like Nelson $8 an acre to bring it in.

The weather has played havoc with the Agriculture Department's optimistic estimates.

As the dry, hot spell continued, the Department drastically reduced its early estimate of 57 million tons to 52.5, and some believe that is still too high.

In the Dakotas and Minnesota wet weather forced farmers to plant their spring wheat late. Then when it sprouted, the weather turned hot and dry.

But in the best circumstances, predicting yields is risky.

If official estimates of the U.S. crop could be so far off, couldn't American assessments of a good Soviet harvest also be inflated—some analysts in Washington wondered last week.

American experts who have looked at the Soviet crop say it appears excellent. But some disease has been noted and at least one crop analyst in Washington said he would be "surprised as hell" if the total grain harvest is as good as the Agriculture Department predicts.

The farmers around Onida are conscious of the precarious food situation. Many are holding back most of their harvest for higher prices.

The farmers are glad that their wheat keeps people from starving. But some of them add that "higher-ups" took advantage of them during the bygone years of low prices, big surpluses and big American handouts.

"What we need is an honest distribution system," said grower Leon Crain. "If I'm going to give away a carload of wheat, then dammit, let the railroad haul it free and let the grain companies sell it free . . ."

HEALTH MANPOWER PROBLEMS IN THE SOUTH

Mr. KENNEDY. Mr. President, the Senate Health Subcommittee, which I chair, has recently devoted a major effort into the general area of health manpower. This effort has documented four major problems which confront the Nation. These problems are geographic maldistribution of health professionals, the overspecialization of physicians, the increasing reliance upon foreign medical graduates, and contradictory and conflicting State licensure statutes, which impede the free flow of health professionals.

On June 5, 1974, I introduced S. 3585, the Health Professions Assistance Act of 1974, which is designed to meet and overcome these problems. S. 3585 has been approved by the subcommittee and is scheduled for full committee action this week.

Mr. President, the Southern Regional Council has just completed a very important study entitled "Health Care in the South: A Statistical Profile." This study depressingly documents the extent to which the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia face health problems which are far worse than the national average.

For example in the United States as a whole, the physician-patient ratio is 128 physicians for every 100,000 persons. But for the 11 States of the old Confederacy the ratio is only 101. When these States are ranked individually on a national scale the results are as follows: Alabama, 48th; Arkansas, 47th; Florida, 18th; Georgia, 36th; Louisiana, 27th; Mississippi, 50th; North Carolina, 38th; South Carolina, 46th; Tennessee, 29th; Texas, 28th, and Virginia, 25th.

The report documents that physicians and other health professionals are less available in rural and inner city areas despite proportionately greated health needs. In addition the report documents how difficult it is for persons to find a primary care physician. For example: of the 75 Arkansas counties, 58 have no internist, 62 have no pediatrician or obstetrician, and 45 have no general surgeon. Of the 67 counties in Alabama, 41 are without internists, 44 without a pediatrician, 45 without an obstetrician, and 25 without a general surgeon.

Mr. President, this study will be very helpful to my subcommittee as it goes forward with its effort to bring about reform in the health manpower area. I commend this study to those who have an interest in this subject. Copies of the report itself are available through the Southern Regional Council, Inc., 52 Fairlie Street, N.W., Atlanta, Ga. 30303.

Mr. President, I ask unanimous consent that the brief introduction of this report be printed in the RECORD.

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

INTRODUCTION

In presenting the data in this report—which looks at 29 categories related to health status and resources in all 1,105 counties in the South—we do so with a sense of inadequacy to measure all of the correlationships of the various materials we have collected. In that respect, then, the report is incomplete. It must remain to others—to medical statisticians, to health-care planners, maybe even computer programmers—to tell us the full impact and value that our data might have.

We began, as a citizens' group, with what seemed a simple idea; to present, in effect, a health profile of the region, with particular emphasis on the poor. But it was not a simple task. There was no one place we could go to find what we thought should be included—demographic material such as percentages of persons below poverty levels, percentages of housing with inadequate plumbing facilities, rurality, infant and general mortality ratios, physician, dentist and nurse patient ratios, hospital numbers and hospitalization utilization. Such data existed, but it was fragmented, some of it jealously guarded by public agencies, some of it buried in obscure government documents.

We began with the premise that all citizens should have equal access to health care as a basic right, not only of their citizenship, but their humanity. But we did not believe that all citizens have yet been granted this right. We knew, for instance, from scores of books and reports published over the past few years that poverty, rural residence, environmental conditions and race are powerful barriers. Moreover, the South—the eleven states of the old Confederacy—has a larger percentage of families in poverty, large percentages of people living in rural areas, larger percentages of people dwelling in housing without adequate plumbing and larger percentages of non-whites than any other section of the country. It also has higher general and infant mortality rates and fewer health resources. A few statistics highlight the dimensions of the problem.

There are over 10 million poor living in the region, or 20 percent of the eleven state population. Nationally 13.7 percent of the total population is poor.

Twenty percent of the South's population is non-white. The national percentage is 11.1. Within the region, non-white percentages range from 37.2 in Mississippi to 13.2 percent in Texas.

In terms of rural residence, all but two Southern states exceed the national percentage of 26 percent. In four Deep South states over half of the people live in rural areas; in five over a third.

In nine of the eleven Southern states the percentage of dwellings lacking some or all plumbing facilities is twice the national average.

One other statistic puts the picture in starker perspective. Analyzing the latest infant mortality rates from state agencies reveals that if such rates from the South had been equal to the 1971 national average, 2,383 Southern babies would not have died; if black infant mortality rates in the South had been equal to white infant deaths, 3,408 black babies would have survived the first year of life.[1]

To point out such statistics is to emphasize the interrelationship between poverty, race, rurality and poor housing in influencing health status. We believe, however, that poverty—and all that living without an adequate income implies—to be the single most influential factor affecting health status.

For instance, a national study in 1972 examined infant mortality rates in light of various socio-economic factors, including family income.[2] The report revealed a strong association between the risk of infant death and the lowest socio-economic group. The possibility of such risk ranged from 50 to 100 percent higher in the less advantaged group compared with rates in the middle and upper class groups. Further, the study estimated that almost 50 percent of the infant deaths in the lower socio-economic group were preventable.

But as tragic as such facts are, infants are not the only victims of poverty-related disease. An HEW study entitled *Health Characteristics of Low Income Persons* published in 1972 revealed that of all persons within the sample having annual incomes below $5,000, 20.9 percent had limitations of activity from chronic conditions compared with 10.9 percent among the total population. The low income group had 23.7 restricted activity days per person annually and 9.4 bed disability days. This compares to 15.3 restricted activity days and 6.3 bed disability days within the total population.[3]

A Department of Agriculture report, *Rurality, Poverty and Health*, showed that the poor who live in rural areas are far more likely to face special health hazards. When activity-limiting chronic conditions were examined in terms of residence, the percentage of the population affected was 9.8 percent in large metropolitan areas, 11.9 percent in other Standard Metropolitan Statistical Areas (SMSA's), 14.1 percent in non-farm areas

Footnotes at end of article.

outside SMSA's and 15.4 percent in farm areas outside SMSA's. Four factors were cited as contributing to the health problems of rural people: Lower income levels, higher percentages of elderly people, lower education levels and a general shortage of medical manpower.[4]

The availability and accessibility of health resources also plays an important role in determining health status. If there is any general pattern to the distribution of health professionals, it is that those areas with the greatest needs are the areas with the fewest resources. Nationally, the physician shortage is not so much a problem of supply *per se* as of maldistribution, over-specialization and inefficient utilization. But the South's physician/patient ratio is not equal to the national norm. The quantity of physician manpower is an issue of regional concern. For the United States as a whole the physician/patient ratio is 128 patient-care physicians per 100,000 population. In the combined eleven Southern states there are 101 patient-care physicians per 100,000 people. When states are ranked individually on a national scale the Southern states rank as follows: Alabama 48th, Arkansas 47th, Florida 18th, Georgia 36th, Louisiana 27th, Mississippi 50th, North Carolina 38th, South Carolina 46th, Tennessee 29th, Texas, 28th, and Virginia 25th.[5]

There are hidden factors in such statistics. Physicians and other health professionals are less available and accessible in rural and inner city areas despite the proportionately greater health needs. The American Medical Association has estimated that rural residents have only about half the access to health resources as is available to the rest of the country.

To gain a truly accurate picture, however, of the availability of health care to the poor, particularly in poverty-impacted central cities, county data alone is not enough. Data must be examined by census tract and this is not available on anything approaching a comprehensive scale. Thus, we have not undertaken such an analysis in this report. However, individual studies indicate some critical shortages. Prior to the opening of the Alton Park Neighborhood Health Center in Chattanooga, Tennessee, for example, only two physicians out of a total of 300 in the city were residing within and serving the eventual target area of the center, an area populated by some 30,000 people.[6]

Maldistribution between urban and rural areas was graphically illustrated in a 1971 study by the Office of Comprehensive Planning in Tennessee which examined that state's physician/population ratio on the basis of metropolitan, intermediate and rural counties. The ratio for the state as a whole was 1,055 per each physician. In metropolitan counties there were 712 people per physician, in intermediate counties 1,255 people per physician and in rural counties 2,471 people per physician.[7]

And yet the problem goes even beyond maldistribution. Doctors are more specialized today than they were a generation ago. There is a scarcity of primary-care physicians. In 1931, for instance, there were 94 primary-care physicians per 100,000 people. Approximately 117,000 physicians out of 156,000—75 percent—were primary-care physicians. By 1967 there were 73 primary-care physicians per 100,000 people, about 115,000 primary-care physicians out of 303,000 or 39 percent.[8]

This fact was highlighted by a report of the AMA placement service in 1968 which revealed that out of 2,001 opportunities for primary-care physicians only 864 physicians sought placement, a deficit of 1,137. Yet 170 opportunities were offered in surgery with 448 physicians seeking opportunities, a surplus of 278. A few statistics from the South illustrate the primary-care need. Forty-seven counties in the region have no practicing physician at all.[9] But when individual counties that do have physicians are examined in terms of primary care, the figures reveal a still wider health care gap. For example, of 75 Arkansas counties 58 have no internist, 62 have no pediatrician or obstetric/gynecologist and 45 no general surgeon. Of Mississippi's 82 counties, 65 have no pediatrician, 59 no obstetric/gynecologist, 45 no general surgeon. Of Alabama's 67 counties, 41 are without internists, 44 without a pediatrician, 45 without an obstetric/gynelocologist and 25 without a general surgeon.[10]

The shortage of general-care physicians is probably at least partially responsible for the increased use over the past few years of short term general hospital emergency and outpatient facilities. For most of a patient's needs do not require specialty or long term care, but, rather, primary care which, more and more is being sought in outpatient settings. In 1971 outpatient utilization rates per 100,000 population in the South ranged from a high in Louisiana to 106,438 visits to a low in Arkansas of 47,798. The rates for the remaining nine states were Georgia 97,140, South Carolina 97,700, North Carolina 83,844, Florida 82,750, Alabama 67,663, Mississippi 64,818 and Tennessee 62,892.

The table on these pages shows the number of short-term general hospitals in each Southern state, the number of hospitals in each state having emergency rooms and the number having out-patient departments, the number of counties by state with hospitals so equipped, and the number of counties in each state having no hospital at all.

The rate at which people make use of such health resources as hospital emergency and outpatient facilities reflects to some degree the barriers inherent in the health delivery system. Surveys conducted in 1953, 1958, 1964 and 1970 by the Center for Health Administration Studies at the University of Chicago attempted to determine the regular sources of care for low, middle and upper income groups. Findings indicated that changes in sources of care varied with income between 1963 and 1970.

"The proportion of the population in the low and middle income groups who named a particular M.D. as their regular source of care decreased considerably while remaining the same for the high income group . . . the differences according to income in the 1963 study have become more extreme with the poor less likely to have a regular M.D. and more likely to have no regular source of care.[11]

The 1970 study showed that central city residents and rural farm residents were least likely to report a physician as their regular source of care and most likely to have no source at all. The study also revealed that a smaller proportion of central city and rural children see a doctor than children from other population segments.

But poor and rural people, as we have noted, have more disability days than the rest of the population. Why then do they use health resources at a lesser rate? Sparse manpower and resources are only part of the answer. Even where health resources exist within counties or cities, they are often not readily accessible to large portions of the population. Public transportation in most rural areas is virtually non-existent. Private transportation is beyond the means of many poor people in rural areas just as it is for inner city residents. These factors, combined with the experience of the poor in dealing with public agencies—the long hours in waiting rooms, inconvenient hours and insensitivity of many medical practitioners may weigh heavily in decisions not to seek medical help until an illness has reached crisis proportions.

The growing cost of medical care, likwise, is a major deterrent. The nation's health bill for fiscal 1972 was $83.4 billion, a 10.3 percent increase since the 1971 fiscal expenditure of $75 billion, which was, itself, a 10.7 increase over 1970. The average hospital cost per patient day rose 13.2 percent in fiscal 1971, with increases in physician fees climbing 7.5 percent and dentists fees 6.0 percent.[12]

Medicaid, ostensibly designed to provide medical services to the poor has failed to reach the majority of the needy. Program eligibility in all but two Southern states is tied to public assistance eligibility with the result being that in no Southern state are more than a third of families below poverty levels eligible for Medicaid.

Footnotes at end of article.

FIGURE 1

State	Number of counties	Number of short term general hospitals	Number of hospitals having emergency rooms	Number of counties with hospitals having emergency rooms	Number of hospitals having outpatient departments	Number of counties with hospitals having outpatient departments	Number of counties having no hospitals at all	Percent change in outpatient visits, 1969–70
Alabama	67	126	117	60	23	14	5	+3
Arkansas	75	96	94	65	16	13	9	+65
Florida	67	188	179	58	51	22	9	+12
Georgia	159	164	148	114	51	38	44	+8
Louisiana	65	141	128	54	43	24	7	+13
Mississippi	82	116	112	71	27	17	10	+18
North Carolina	100	144	140	84	35	28	16	+9
South Carolina	46	79	72	39	27	17	6	+17
Tennessee	87	141	131	79	37	20	15	+8
Texas	253	505	480	209	113	66	38	+1
Virginia	95	[1] 94	80	47	40	20	47	+20

[1] Includes 8 within the independent city of Norfolk.

All of which underscores the fact that the nation's health care system makes no attempt to deal the full range of factors that affect an individual's health. Barriers which we have pointed out here—poverty, rural residence, race, poor environment, and the lack of needed manpower and facilities—are considered beyond the province of the fee-for-service practitioner. Most federal health programs tend to be dominated by provider rather than consumer interests and are little more than half-hearted assaults on a complex, fragmented system.

Notable exceptions to this rule have been the federally-supported comprehensive health care centers which stress, in addition to primary health care, such equally important considerations as preventive care, emphasizing outreach, family counseling, food programs and reducing environmentally-related health hazards. In a previous report—Comprehensive Health Care: A Southern View—the Council's health task force examined the comprehensive care approach as it had been implemented in the Southern centers and pointed out the ways in which the centers have had solid impact on the health status of people within the target areas. In Lowndes County, Alabama, for instance, we noted that between 1967 and 1972 when the country was the site of a comprehensive health center infant mortality rates dropped from 46.9 infant deaths per 1,000 live births to 28.3. In neighboring counties which had to rely on traditional health care delivery systems rates stayed virtually the same over the five year period and in some instances were higher.

We also pointed out that some rural centers had taken on the problem of improving water systems in order to prevent the recurrence of diseases—such as dysentery—caused by drinking impure water. Such an activity, blocked after June, 1974, by an HEW regulation since it does not come under the agency's definition of primary care, seems of particular significance to the well-being of rural people. For instance, a report by the Environmental Protection Agency in 1969 pointed out that approximately 50 million Americans depend on individual water supplies, with bacterial contamination of such supplies ranging from 20 per cent to 85 per cent with a mean of around 40 per cent. From these figures experts have estimated that some 20 million users of individual water systems drink water which does not meet the standards for safety and quality recommended by the U.S. Public Health Service.[12]

Although we reiterate the view expressed in our earlier report that the comprehensive centers offer the most promising solution to the health problems of the poor, other programs, more limited in scope, could increase available resources. The expanded use of physician extenders, for instance, has been recognized as a partial answer to the shortage of health professionals. In several Southern states, nurse practitioners and physician associates are currently being used to staff small health clinics in rural communities unable to attract sufficient physician manpower. Although these clinics do not deal with environmental and socio-economically related health problems, they do make needed medical services more accessible and available to rural residents. Mobile units have also been used in similar fashion as medical treatment facilities that bring health personnel to more isolated rural areas. County health departments, too, might be expanded to provide more personal and environmental health services. Presently such units rarely treat patients and offer only the most personal health services but they do represent a potential health care resource to the community. Whether the financial commitment needed to make them effective providers would be feasible, might at least be explored.

National health insurance—inevitable in view of rising health care costs—is being debated in Congress, but what finally emerges, whether legislation that will simply insure the payment of physician and hospital bills, or something broader, also providing means to improve the nation's health care delivery system, remains undecided.

In the meanwhile as an awareness increases among citizens as to the need for reform, a great deal of effort continues to go into health care delivery planning at various governmental levels. We offer our data, then, with the hope that it will be helpful in such planning processes, emphasizing at the same time that realistic solutions must also include a national commitment to solving related problems of poverty, housing, sanitation, environment and nutrition.

FOOTNOTES

[1] These figures were computed from the most recent infant mortality rates available from state vital statistics bureaus, (Alabama: 1971; Arkansas: 1971; Florida: 1970; Georgia: 1971; Louisiana: 1972; Mississippi: 1970; North Carolina: 1971; South Carolina: 1970–71; Tennessee: 1970; Texas: 1971; Virginia: 1971.)

[2] U.S. Department of Health, Education and Welfare, *Infant Mortality Rates: Socioeconomics Factors;* Publication No. (HSM) 72–1045; 1972.

[3] U.S. Department of Health, Education and Welfare, *Health Characteristics of Low Income Persons;* Publication No. (HSM) 73–1500; 1972.

[4] Economic Research Service, U.S. Department of Agriculture, *Rurality, Poverty and Health: Medical Problems in Rural Areas;* Report No. 172. (Washington, D.C.: U.S. Superintendent of Documents, 1970).

[5] American Medical Association, Center for Health Services and Development, *Distribution of Physicians in the U.S., 1971; (Chicago:* 1972).

[6] M. M. Young, M.D., M.P.H. *Chattanooga's Experience With Reorganization for Delivery of Health Services;* 97th Annual Meeting of the American Public Health Association, Philadelphia, Penn., November 11, 1969.

[7] Office of Comprehensive Health Planning, Tennessee Department of Public Health, *Selected Health Manpower in Tennessee 1970;* (Nashville: 1971).

[8] U.S. Department of Health, Education and Welfare, *Towards a Comprehensive Health Policy for the 1970's: A White Paper;* (Washington: 1971). Primary physicians are defined as internists, pediatricians and general practitioners.

[9] American Medical Association, Center for Health Services, and Development, *Distribution of Physicians in the U.S.* 1971; (Chicago: 1972). As of December, 1971, there were 47 counties in the eleven state south without a patient care physician.

[10] Arkansas Department of Planning, Office of Comprehensive Health Planning, *Aksansas Plan for Primary Health Care;* Vol. 1, January, 1973. Mississippi Regional Medical Program, *Mississippi Health Resources Profile;* (Jackson: 1972). *A Plan of Action for Selected Health Manpower.* Alabama Comprehensive Health Planning. October, 1972.

[11] Department of Health, Education and Welfare, *Health Service Use: National Trends and Variations;* Publication No. (HSM) 73–300; 1972.

[12] Rice, Dorothy P. and Cooper, Barbara S., "National Health Expenditures, 1929–71", *Social Security Bulletin;* U.S. Department of Health, Education and Welfare, Social Security Administration, Vol. 35, No. 1, January, 1972.

[13] Whitsell and Hutchinson, "The Forgotten Water Consumer", *Transactions,* American Society of Agricultural Engineers; (Vol. 16, No. 4, 1973).

SENATE JURISDICTION OVER ERDA

Mr. WEICKER. Mr. President, the Senate will soon consider S. 2744, the Energy Reorganization Act of 1973. Within the framework of this legislation, S. 2744 creates an Energy Research and Development Administration. It is now imperative that the Senate act expeditiously on this landmark legislation and provide the necessary congressional responsibility for ERDA.

With this in mind, I have today joined as a cosponsor of Senate Resolution 352, introduced by Senators GOLDWATER and Moss on June 27, amending the standing rules of the Senate to confer upon the Committee on Aeronautical and Space Sciences jurisdiction over the Energy Research and Development Administration, when enacted.

This past year our Nation faced a severe energy crunch. The Congress was hamstrung in facing the crisis proportions of this situation because so many congressional committees claimed jurisdiction over energy matters. To avoid a repetition of the crisis of fragmentation of energy responsibility, the Senate should insure a unified approach to energy research and development. For this reason I cosponsor, and recommend that the Senate approve, responsibility of ERDA through this resolution to one appropriate committee, Aeronautical and Space Sciences.

Throughout the past 16 years the Committee on Aeronautical and Space Sciences has done the job in providing the congressional oversight and initiative to promote and direct our pioneering efforts in space. Today we have a new technological challenge: the exploding need for clean and affordable energy in a rapidly changing world. I believe that the efforts of ERDA to meet the demands in this area should come under the jurisdiction of the same committee which did so well in guiding our space program.

If we can lead and coordinate the national quest for energy self-sufficiency just as we reached the moon with the monumental Apollo program, Americans at the very least can expect another giant step for mankind.

SENATOR ERNEST GRUENING—A MODERN PIONEER

Mr. MUSKIE. Mr. President, I would like to express my sorrow and the sense of loss felt by his many friends in the State of Maine on the passing of Senator Ernest Gruening.

Ernest Gruening began his association with Maine in 1927, when he helped found the Portland Evening News. He served as managing editor there for 5 years; the newspaper reflected his crusading liberalism, and I might add, his independent Democratic politics.

While Ernest Gruening left the Evening News to return to one of his first loves, the Nation, in 1933, he frequently returned to Maine to renew old friendships and make new ones.

Fittingly, last October, on his last visit

to Maine, he took up again a cause he fought for nearly 50 years ago—he spoke out in favor of a public power authority for Maine.

His visit to Maine is typical of not only the energy but the unconquerable spirit and unswerving dedication of this modern pioneer.

Educated in medicine, he preferred to concentrate on our social ills, and in predepression America he could ask no better forum than journalism.

Rising quickly in a competitive craft, he became managing editor of the Boston Traveler at age 27. One of his first acts was to direct that racial identification be dropped from news stories unless race was a significant factor in the news event.

His newspaper was one of the first major newspapers to adopt such a policy.

His willingness to put principle into practice and his willingness to pioneer new causes became the hallmarks of his life, both in the many phases of journalism and in public office.

It is fitting that he will be best remembered for his early and vigorous opposition to the Vietnam war—only the last in a long line of lonely battles.

He was a man who led his time. We now take for granted the attitudes he pioneered, not only toward the war, but on many other foreign policy matters and in such areas as civil rights, population control, and above all, U.S. territorial policy.

Perhaps it was inevitable that this pioneer fell in love with Alaska in his middle years. Gruening's spirit and energy seemed to fit this last American frontier, and his influence on Alaska's future is incalculable.

In his 14 years as territorial governor and 12 years as Senator, he became not only the "father of Alaskan Statehood"; he was the personification of Alaska to millions of fellow Americans.

In 1959, Ernest Gruening and I were freshmen in this body. In his seventies, he had already lived a fuller life than most men hope for. But when he, Senator Moss, and I traveled to the Soviet Union for a 30-day study of hydroelectric development, Ernest Gruening proved the youngest of us all; both his energy, and his knowledge of the subject were a constant amazement.

Those of us who knew him as a friend will miss him. Generations to come will enjoy his legacy.

WAYNE MORSE

Mr. METCALF. Mr. President, the death of Wayne Morse has touched me especially. It seems such a short time ago I was in Portland, Oreg., urging my Democratic friends to nominate Wayne Morse to the Senate. Now that I have attained an age when my respected and beloved colleagues and former colleagues are in Tennyson's phrase "returning home," I expect to read about the death of someone almost daily. But Wayne Morse's death was most poignant. When I was with him in Portland he was bubbling with plans for the future; enthusiastic about the possibilities of his return to the Senate and as vigorous as a teenager. And now he is gone.

In the whole time I have been in Congress, Wayne Morse was a mentor and guide. When I first came to the House of Representatives there were very few of us from the Northwest who were concerned about conservation and proper management of our forest and water resources. In the House of Representatives the late Gracie Pfost from Idaho, former Congressman Don Magnuson of Washington, and I were concerned about the giveaway at Hells Canyon; the preservation of our national parks and national forests and the wise use of our rivers and streams. We were all involved in the Hells Canyon controversy but, as new and inexperienced legislators, we looked to Wayne Morse for leadership.

For me that started a habit of more than two decades when I went to Wayne Morse for help, for advice, for counsel, for guidance. When he was chairman of the Education Subcommittee of the Labor and Welfare Committee, I was asked to participate in the hearings and deliberation of his subcommittee, not really because of my contribution but because of his awareness of my sustained interest in education. In labor relations he was the master. His background in labor law, his skill in negotiations, his ability to strike through the rhetoric of both the representatives of labor and management worked for better and more stable labor legislation. I still vividly recall the conference committee on the Landrum-Griffin bill when his knowledge, his firmness and his patience helped work out of the conference a bill that was substantially superior to the one that passed the House or even the more moderate Senate bill.

Which recalls another aspect of the Morse personality. He was known as the tiger of the Senate because he refused to compromise principle. But as a conferee, as a legislator, as a committee member, he was at his best. During the give and take at the conference table, the interplay of debate and discussion on the Senate floor, he was superb. His negotiating ability resulted in the passage of a great deal of legislation that was deemed impossible to achieve.

All over America today are thousands of boys and girls enjoying the benefits of better quality education. Thousands of working men and women have better working conditions and higher wages because the State of Oregon sent a skilled and knowledgeable labor lawyer to the Senate. He never lost his concern for the workers, the farmers, the small businessmen and the young people.

Senator Morse was a pioneer in advocating legislation for the benefit of the sick and needy. He and the late Senator Lister Hill fought side by side for medicare and veterans hospitals and the Hill-Burton Act for private hospitals.

As a Senator from the scenic State of Oregon, it would seem that it would be only natural that he would struggle to keep lakes and streams clear, the forests tended and harvested under sustained yields and the seashores clean for the benefit of fishermen and the enjoyment of the public. And he did. But it has not always been that way for Oregon Congressmen. Nevertheless, Senator Morse was a dedicated conservationist. Not only for the Oregon forests and the Oregon dunes but to save the Redwoods and work for parks in Texas, California, and Massachusetts.

Called a tiger because of his tenacity for principle, a gadfly because he sought to spur the Senate into action for a good cause, he was a man of superior intelligence, high principles, and unchallenged integrity.

As the Democratic nominee to return to the Senate, he would have brought to a Congress torn by the anguish of Watergate, a vast breadth of knowledge and experience and an unusual gift of foresight and leadership untouched by the scandals and surrounding repercussions of Watergate.

His accomplishments will last longer than his memory. But those of us who knew him and worked with him will continue to fondly recall his brillance, his skill as a Senator and especially his warmth and sincerity as a friend.

HEALTHCARE

Mr. BUCKLEY. Mr. President, as the discussion and debate over possible National Health Insurance develops, it is important for us not to lose sight of the successful and expanding efforts of the medical community, in cooperation with private insurance companies and without governmental compulsion or regulation, to provide excellent and relatively low-cost comprehensive health services to our citizens.

In my own State, another such effort has recently come to fruition, after 5 years of planning. Sixty-five Brooklyn physicians, in association with the Connecticut General Insurance Co., have opened Healthcare, a private health maintenance organization which provides for virtually all of a family's potential medical needs for a fixed monthly payment, and which puts strong emphasis on preventive medical care. Mr. President, I ask unanimous consent that a release describing Healthcare be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, such cooperation between the medical profession and private enterprise, in order to make desired medical services available to the public through a relatively low cost alternative to traditional practice, represents one of the finest examples of the ability of the private sector, including the much abused free enterprise system, to develop creative innovations by which to better meet the desires and needs of the American public. It would be a tragedy if, in the rush to enact some superficially attractive national health program, we were to shackle the health services professions and industry with the chains of governmental bureaucracy and coercion, and discourage or prevent such voluntary cooperation and innovation. To do so would not only reduce both the overall quality and quantity of health care in America, but at the same time significantly increase its cost.

Rather than substituting Government bureaucracy for the private medical care system, Congress and the Government

should work with the creativeness of the marketplace. We would do better to assist the exercise of free choice by those who lack the financial means to obtain or pay for needed medical care, than to impose on them a single medical system established in Washington, D.C.

EXHIBIT 1

BROOKLYN, N.Y., April 18.—Healthcare, a new approach to family medical care for New Yorkers, was unofficially dedicated here today with more than 250 physicians, business leaders, and government officials attending the event.

Deputy Mayor Paul Gibson, Brooklyn Borough President Sebastian Leone, Budget Director Melvin Lechner and Dr. Paul Finkelstein, president of the medical group for Healthcare, took part in the dedication, which was hosted by John S. Wyper, vice president of Connecticut General Life Insurance Company.

Located at 333 Livingston Street in downtown Brooklyn, Healthcare is a health maintenance organization (HMO) which provides virtually all of the typical family's medical needs—both in and out of the hospital—all covered under a fixed monthly payment.

The plan offers an alternative to traditional health insurance and puts strong emphasis on helping people stay well rather than waiting to treat them after they become ill.

Sixty-five prominent Brooklyn physicians started planning this project nearly five years ago and subsequently reached agreement for co-sponsorship with Hartford-based Connecticut General, which has prior experience with HMOs in Columbia, Maryland (with Johns Hopkins Medical Institution) and in Phoenix, Arizona with a group of local physicians.

Healthcare services include 24-hour access to medical care, health check-ups, full prenatal and post-natal maternity benefits, home care, full hospital care, psychiatric care, and all other treatment of illness or injury by Healthcare physicians.

Out-of-hospital care is provided in Healthcare's new, specially designed center at 333 Livingston Street near Flatbush Avenue, close to subways and buses serving Queens, Brooklyn, Staten Island, and Manhattan.

In-hospital care is provided at selected hospitals. Patients can contact Healthcare day or night and will have physicians available when necessary for consultation, treatment or house calls.

"Our objective is to give medical consumers convenient access to comprehensive medical care without financial hardship," said John A. Campbell, Connecticut General's program director for Healthcare.

Enrollment for the plan is done through employer group benefit programs, which offer the plan as an optional alternative to conventional health insurance. While the monthly premium is higher than in some conventional health insurance plans, it offers broader benefits and lower out-of-pocket costs for enrollees. For families, the monthly premium is $69.75 and for individuals, $25.25. In most cases, the enrollees' employers pay a major share of this premium.

The only addition charge to enrollees is a $2 registration fee for most services. For house calls, the fee is $7 and for psychiatric treatment, it is $5 for each of the first 10 visits and $10 for each of the remaining 40 visits provided under Healthcare coverage annually.

Healthcare's new, brightly decorated medical center has been specially designated by physicians and architects to provide an atmosphere of privacy similar to modern offices of doctors in private practice. It has separate waiting rooms for each of the medical specialties. Each enrollee will have his own physician yet will have access to all specialists of Healthcare.

"We believe we've succeeded in capturing what patients like most about private practice, and we've combined it with the advantages of group practice," said Campbell.

Medical facilities of the Livingston Street center include suites for minor surgery, internal medicine, obstetrics and gynecology, pediatrics, emergency service, rehabilitation medicine, radiology, laboratory and pharmacy.

IMPORT POLICIES: THE NEED FOR CHANGE

Mr. McGOVERN. Mr. President, the decision of the European Economic Community last week to prohibit the importation of foreign beef into its nine member countries emphasizes again the absolute need for this administration to take decisive action with regard to imports of foreign beef into the United States.

Since the Common Market's embargo, the United States is in the unwholesome position of being the sole major industrial country with no restriction whatsoever against importation of foreign beef.

We are in serious danger of becoming what Secretary of Agriculture Butz said he would never allow—a dumping ground of last resort for the surplus beef production of other countries.

Unless the administration acts quickly to restrict unlimited beef imports, the United States will soon be in a position with respect to beef that it already is in, with respect to dairy production.

What irony it is that the Department of Agriculture is now buying dairy products to maintain the inadequate support price for manufacturing milk, when processors' inventories are jammed with dairy products imported from offshore. In effect, taxpayer purchases of dairy products today are supporting the prices paid last year to dairy interests in foreign lands.

Mr. President, I urge the administration to act quickly and decisively, to restore the quotas prescribed in the 1964 meat import control law and to give our farmers assurances that price-depressing imported dairy products will not again be permitted.

I ask unanimous consent to print in the RECORD an eloquent statement by three important national associations representing three segments of agriculture, and the text of a telegram sent to the President last week by an association of beef cattle producers.

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

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 enactment 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. HEALY,
Secretary,
National Milk Producers Federation.
RAY DAVIS,
President,
National Association of Wheat Growers.
C. W. MCMILLAN,
Executive Vice President,
American National Cattlemen's Association.

[Telegram]

KANSAS CITY, MO.,
July 17, 1974.

Hon. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: The beef cattle market has deteriorated since January of this year by a 75% reduction in price of slaughter cows. 50% of this drop in price has happened in the last 10 days in the droughty areas of the U.S.

Examples: Abilene, Texas, July 17, 10,000 cows priced as low as 12/16 cents/lb. Only one buyer, Hygrade Packing Co., bidding. Sale barns are refusing to accept sale consignments from ranchers who are out of water and feed.

My predictions and those of other industry leaders in our wires to you, dated May 24 and June 24, have been compounded by drought and a general industry-wide depressed psychology because of what cattlemen see as apparent lack of concern on the part of the administration and USDA officials.

The commercial cattle industry is in a state of chaotic lethargy and needs the psychological lift and encouragement that only good leadership can give.

Please refer to our earlier correspondence and give serious consideration to some semblance of control on imports and a plan to relieve the drought-stricken areas.

Without the leadership and encouragement that only you can give, the cow herds of this nation will be liquidated en mass and the consumer will be staring at empty meat counters in the not too distant future.

If 10% of the cattle died suddenly by disease, every related agency would be in haste to assist. However, since January of this year, inventory value of the nation's cow herd has dropped more than 50% with no bottom in sight—and nothing is being done.

I reiterate, sir, at this stage, you are the only one who can save this main structure of our agricultural economy from complete and total liquidation.

Cattlemen in distressed areas are being exploited by the packers who have the storage space to assume hungry cattle at whatever price they are willing to give.

Sincerely Yours,

ORVILLE K. SWEET,
President, American Polled
Hereford Association.

BROADCASTERS WANT EQUALITY

Mr. PROXMIRE. Mr. President, the Supreme Court's recent decision in the Miami Herald case has begun to spur broadcasters to speak up and speak out on the fact that they do not have equal status with newspapers. The first amendment to the Constitution and court decisions say they have equality with print journalists. Broadcasters know that their licenses say otherwise.

I have been sent editorials from two more broadcasters: one in Illinois and one in Colorado.

Bob Rice of WRAU-TV in Creve Coeur, Ill., sees hope for broadcasters in the Miami Herald case. And he cites figures to show why the Court in the Red Lion case overlooked the obvious: newspapers, not broadcasting stations, are in short supply.

And Rich Hamilton of KVFC in Cortez, Colo., makes the same point in arguing for equality. He says, "The freedoms of those free press principles will strengthen our country by strengthening the diversity of the news media."

As long as there is regulation by the Government—the fairness doctrine and equal time requirements—broadcasters cannot do their jobs. They cannot make the independent decisions newspaper editors can. Without that independence there cannot be a free marketplace in ideas, what with the importance of broadcasting in communications.

It is easy to forget that it takes time for true facts and information to come out in any news story of importance. We have to read newspapers one at a time; we have to listen to radio stations and watch television stations one at a time—and the news stories they report.

As human beings, it takes time to gather information and opinions and make up our own minds.

Newspaper editors know that. Although the good ones strive to do it in every piece they print, they also know it takes them time to get out the full story.

Good broadcast newsmen can and will do the same thing. They do not need the Government breathing down their necks. In fact, that hot breath can have just the opposite effect: keeping some controversial issues from getting the airing they deserve.

Mr. President, I ask unanimous consent that the editorials of Mr. Rice and Mr. Hamilton be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

EDITORIAL: WRAU 19

The newspaper world heaved a sigh of relief when the supreme court agreed with the *Miami Herald* that it didn't have to give equal space to a politician the newspaper had criticized. The court said the first amendment gave the newspaper that right. Besides, the high court also pointed out that other competing newspapers offered an opportunity for a diversity of views.

Ironically, it was just the opposite reasoning by the supreme court that forced the broadcast industry to continue with the fairness doctrine. The high court in the Red Lion case said there was a scarcity of broadcast outlets and this diminished the opportunity for the other side to have it's views expressed.

But the anti-broadcast ruling was five years ago. Since then, there have been four changes on the U.S. Supreme Court, and there's a change of climate in congress and on the high court to indicate a reassessment of the fairness doctrine.

After all, there are one-thousand, 774 daily newspapers, but there are eight-thousand 434 broadcast stations. Confronted with such facts, there's no way the supreme court can treat newspapers and the broadcast industry differently.

A free press includes all journalism; there should be no more restriction of one than the other. With such diversity among the news media, competition for public confidence offers a better judge of fairness than a few bureaucrats in Washington.

Aired: 10:00 P.M., July 20, 1974.
Sign on: July 21, 1974.

EDITORIALS KVFC, JUNE 28, 1974

(This is Rich Hamilton with an Editorial Opinion.)

The Supreme Court, in a unanimous decision this week, declared that states cannot demand that newspapers give political candidates free space to reply to editorial attacks.

Chief Justice Warren Burger wrote the opinion for the court. He says, "The choice of material to go into a newspaper, and the decisions made as to limitations on the size of the paper and content and treatment of public issues and public officials—whether fair or unfair—constitutes the exercise of editorial control and judgement." The Chief Justice says the Government cannot interfere with a newspaper's judgement about what it publishes.

It seems that the same principle should apply to broadcasting—radio and TV—that applies to the print news medium.

But federal regulations require "equal time" for various sides in political campaigns. These regulations, designed to enlarge the political arena fairly, actually inhibit it.

These are some 7,000 broadcast stations in the United States; that provides for great diversity in opinion.

Because of complexity and confusion of political broadcast rules, most broadcasters seem cautious if not restrictive in their approach to political broadcasts. Individual broadcasters, therefore, tend to do the minimum in political broadcasting. The networks, with their teams of attorneys and news crews, end up with most of the political say. That narrows the very diversity which makes broadcasting great.

It seems to me that the same principles of free press that apply to print should also apply to the nations number one news medium—broadcasting.

The freedoms of those free press principles will strengthen our country by strengthening the diversity of the news media.

(That's our opinion. If you disagree, we'd like to hear yours.)

THE UNCONTROLLED ATOM: A CRISIS OF COMPLACENCY

Mr. MATHIAS. Mr. President, on July 13 and 14, 1974, a distinguished group of Canadian and United States scientists met at Pugwash, Nova Scotia to review current efforts to control the nuclear arms race. Recent events such as the Indian testing of a nuclear explosive device, continued weapons tests in the atmosphere, the lack of progress on the NPT, and the very limited success achieved at the Moscow Summit, have raised very serious questions in the view of the distinguished scientists who met at the Pugwash Conference. Because of the importance of the concerns raised, I ask unanimous consent that a statement issued by the Conference entitled, "The Uncontrolled Atom: A Crisis of Complacency," be printed in the RECORD at the conclusion of my remarks.

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

THE UNCONTROLLED ATOM: A CRISIS OF COMPLACENCY

There are moments when a succession of separate but related events forces us to recognize that the world has changed, that previously accepted assumptions can no longer be defended. These days of mid-1974 are such a time for mankind's view of the ominous threat of nuclear devastation.

In the past few years we had all become complacement. A series of international agreements—the Limited Test Ban, the Non-Proliferation Treaty, SALT I—seemed to show progress, at last, in the effort to control the nuclear arms race. The United States and the USSR, for all their vast and vastly expensive arsenals seemed to have found ways to avoid nuclear war. The pressures on nonnuclear nations to change their status did not appear irresistible.

Then came the rude awakening.

The first shock was the Indian test of a nuclear explosive. The official Indian comment that this was a test for "peaceful uses" could not, and seemingly was not intended to conceal that the nation of Gandhi and Nehru had in fact tested a nuclear bomb.

Next came President Nixon's offer of nuclear powerplants to Egypt and Israel, and the sale of nuclear reactors by France and the United States to Iran. Although nuclear energy may have an important role in assuring adequate supplies of energy for all nations, these same nuclear reactors produce plutonium that can be used to construct nuclear weapons. The magnitude of the new programs and the sudden attention to an area scarred by four wars in the past 25 years could not help but raise questions: are the world's nuclear safeguards really safe? Or, more pointedly, is the spread of nuclear powerplants an open sesame to the spread of nuclear weapons?

During this same period, and for the first time since 1965, all five of the nuclear powers conducted nuclear weapons tests—the Chinese and French in the atmosphere, the Soviets, Americans and British underground—in an almost frantic race to improve the lethal quality of their nuclear weapons.

Finally came the shambles of the Moscow summit. The inability to reach agreement on limitation of strategic nuclear weapons virtually guaranteed a new major increase in the already astronomical level of overkill available to the super powers. A new cycle in the arms race is about to begin: MIRVs for the USSR; MaRVs for the U.S. B–1 bombers and Trident submarines for the U.S.; SS–17s and SS–18s for the USSR. And so on and on and on.

The ultimate mockery at the summit was the "threshold test ban." Here is an agreement that, in the guise of restraint, permits underground explosives equivalent of 150,000 tons of TNT. That is ten times larger than the bomb that obliterated Hiroshima, and larger than almost all the tests conducted by the U.S. and the Soviet Union in recent years. The agreement furthermore is not scheduled to go into effect for almost two years (an opening that has resulted in a prompt request for $100 million by the United States Atomic Energy Commission to do some big bomb tests before the 1976 deadline).

In the light of these events, one must admit that we have all been foolishly complacent. Bemused by SALT I into the belief that the super powers were moving toward greater responsibility. Ignorant of the political sensitivity that would lead an India to the production of nuclear bombs. Unthinking about the implications of the spread of nuclear power for the spread of nuclear weapons.

These are the somber reflections of a joint meeting of the executive committees of the Canadian and United States Pugwash Groups. But gathering in Pugwash, Nova Scotia, 17 years after the initial Pugwash Conference on Science and World Affairs, we could not content ourselves with Jeremiads. Then at the call of Bertrand Russell and Albert Einstein, and with the gracious hospitality of Cyrus Eaton, scientists from all over the world gathered as concerned individuals and world citizens, to see whether they could help find a path out of the cold war and nuclear confrontation. Out of that meeting grew the worldwide Pugwash movement. And in that tradition, we must ask: what is to be done?

First we must recognize that the nuclear threat is not under control. On the political level, we must push the governments of the nuclear nations towards stronger positions on nuclear control and weapons reductions. As in the past, the primary responsibility for our present state rests on the two super powers, the United States and the USSR. They must demonstrate by actions as well as words that they are having second thoughts on the utility and rationality of their grossly inflated levels of nuclear armament. They must be brought to stop testing and developing new nuclear weapons and to begin reducing their present stockpiles and their massive military expenditures.

The nonnuclear countries also have a responsibility. One can sympathize and agree with the charges that the present configuration discriminates against them. But we must press them nevertheless into a tough and thoughtful analysis of their future in a world in which nuclear weapons are the norm. Will their national security—or even their political influence—really be enhanced? If not, what can they do *by their own actions* to curb nuclear proliferations?

At the technical level, a number of questions must be clarified:

What about the utility of the "peaceful" nuclear explosions? Do they represent the real technical alternative or a cruel hoax to cover the development of nuclear weapons?

Are the "safeguards" for nuclear power plants, developed under the Non-Proliferation Treaty, really adequate? If not, what are the specific ways, technical and political, in which they can be improved?

Inescapably, we must conclude that the world has a very long way to go before the nuclear threat is under reasonable control. Somehow, we must dispel the complacency that has enveloped this problem and restore a sense of urgency and concern. For individuals, as for nations, an ethic of arms control must replace the ethic of the arms race.

Signed by:

Canadian Pugwash Group:

Norman Z. Alcock, director of the Canadian Peace Research Institute.

Giovanni Brenciaglia, Ontario Hydro.

Harry S. Crowe, dean, Joseph E. Atkinson College, York University.

William Epstein, special fellow, UN Institute for Training and Research.

John C. Polanyi, professor of chemistry, University of Toronto.

Omond Solandt, retired chairman of the Science Council of Canada.

J. Tuzo Wilson, director of the Ontario Science Centre.

U.S. Pugwash Group:

Thomas B. Adams, treasurer of the American Academy of Arts and Sciences.

Harvey Brooks, dean of engineering and applied physics, Harvard University.

Abraham Chayes, professor of law, Harvard University.

Carl Djerassi, professor of chemistry, Stanford.

Bernard Feld, professor of physics, MIT.

George Kistiakowsky, professor emeritus of chemistry, Harvard.

Franklin A. Long, Henry Luce professor of science and society, Cornell University.

Frank Press, chairman, department of earth and planetary sciences, MIT

George Rathjens, professor of political science, MIT

Alexander Rich, Sedgwick professor of biophysics, MIT

John Voss, executive officer, American Academy of Arts and Sciences.

THE ODYSSEY OF A NEW CONSERVATIVE

Mr. McGOVERN. Mr. President, at intervals I read observations by someone that expresses exactly what I have been thinking, but have not expressed so well as the writer. I had such an experience in reading the piece in yesterday's outlook section of the Washington Post by the distinguished columnist, Haynes Johnson.

I ask unanimous consent that the thoughtful article by Mr. Johnson, entitled "The Odyssey of a New Conservative," be printed in the RECORD:

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

THE ODYSSEY OF A NEW CONSERVATIVE

(By Haynes Johnson)

(Johnson, a Washington Post staff writer, won a Pulitzer Prize for his reporting from Selma, Ala. His books include "The Bay of Pigs," "Fulbright: The Dissenter" and "Lyndon" (with Richard Harwood).)

Like so many of my generation, I grew up convinced of certain political facts. Franklin Roosevelt was my hero, the Democrats were my party, and ideologically I was a liberal. A strong central government was essential and we, the people, could rely on that government to exercise its powers to insure that the greatest number derived the greatest benefits. *Vox populi*. Democracy in action.

Now I find myself in a peculiar position. In private conversation with such as George Will and James Buckley, I discover far more areas of intellectual agreement than disagreement. I want to limit the powers of the state, to preserve the delicate checks and balances so carefully crafted into our Constitution nearly two centuries ago, and to protect the individual against the tyranny of the mob. I am a new conservative with no place to go politically. (I long ago cast off any allegiance to the Democrats as a party; I am not sure any more what either they or the Republicans represent.)

I say all this because I suspect many Americans today share my disquiet. Old liberals have become new conservatives, and old conservatives have become—what?

In the grand scope of the impeachment debate now upon us, these may be trivial concerns, but I think not. I doubt if the deliberations over Richard Nixon's fate will clarify our political beliefs or resolve our ideological conflicts. They aren't likely to strengthen our political parties nor, I fear, will they revitalize our political process. What was long lacking in the Watergate affair was an outpouring of outrage from both Democrats and Republicans at so bold an attempt to subvert the systems. Nor, until last week, was there a convincing affirmation of the will necessary to right those wrongs.

Perhaps these thoughts are merely the uncertainty that often comes with middle age, coupled with a numbing weariness with Watergate. But to me, at least, they are more significant. On three occasions in recent days I have been forced to face myself and attempt to wrestle out my own private beliefs. The experience has been strangely disturbing.

On the Fourth of July I flew the flag again this year, an annual custom that accompanies our private celebration with friends and family in the hills of Connecticut. For the first time I found myself defensive and apologetic about it. Not, I assured my guests, because I was ashamed of the flag, and not because I was associating that national symbol with the workings of the government in Washington, particularly the tawdriness of the Nixon administration. My discomfort came because I was no longer so certain what the flag represented.

A few days before, I had appeared on a television program with Father John McLaughlin, the resident White House Jesuit and Nixon propagandist. In the course of that discussion—it could not be dignified by the term debate—he described me as being "left of center." I was stung, angry and defensive. There was a time, I recognized after-

ward, when as a graduate student in American history I would have characterized myself politically that way. Now I no longer know what left and right mean in political practice. If anything, I have become ever more wary about looking toward the government to solve our problems. Hardly a leftist point of view.

What has happened, I think, is a debasement of political terms. The Nixon people call themselves conservatives. In fact, in the pursuit of power they have been radicals. They have sought and amassed the rawest form of power, they have employed it for their own ends in the name of the good of the state and national security, and in the process they have trampled on traditions and institutions and individual rights. They came close to creating a police state.

The third occasion in which I was forced to rethink earlier positions came from something as simple as reading a book, specifically a new biography of John Marshall. The most provocative section dealt with the debates over adopting the Constitution. Marshall, who believed in a strong central government, was pitted against Patrick Henry, who feared that such concentrated power could be used to destroy liberty.

"Will our most virtuous and able citizens wantonly attempt to destroy the liberty of the people?" Marshall asked. "Will the most virtuous act the most wickedly? I differ in opinion from the worthy gentleman. I think the virtue and talents of the members of the general government will tend to the security, instead of the destruction of our liberty."

Splendid argument and noble expression. To make that system work though, Marshall warned, we had to have "a well-regulated democracy." He posed the challenge this way: "What are the favourite maxims of democracy? A strict observance of justice and public faith, and a steady adherence to virtue. These, sire, are the principles of a good government."

Marshall believed that public faith and strict observance of justice would be maintained by having the best citizens entering the government. He could not conceive of any other possibility—certainly not that these good men would abuse their power and threaten the liberties of others.

Until recent years, I always came down on Marshall's side.

When I arrived in Washington 17 years ago Dwight Eisenhower was in his second term. I shared the views of many young liberals who believed he was not exercising the powers of the presidency aggressively enough.

Eisenhower now looks far wiser and more able. Not only his farewell warning about the dangers of the military-industrial complex, but the ethical tone he set. See the transcribed conversation between Mr. Nixon and John Mitchell of March 22, 1973, when the President says: "That's what Eisenhower—that's all he cared about. He only cared about—Christ, 'Be sure he was clean.' Both in the fund thing and the [Sherman] Adams thing. But I don't look at it that way. And I just—that's the thing I am really concerned with. We're going to protect our people, if we can."

I welcomed the Kennedy era. Aggressive action, vitality, using the full force of the office for, I believed, the best public interest. One nagging concern did intrude during those years. It was over the role of the CIA in the Bay of Pigs invasion. This was an example of a powerful, secret arm of government, seemingly unchecked, deciding on its own what was right and what was wrong, and scarcely accountable to anyone, including the President.

But in my naivete it was the bureaucracy, not the presidency, that was at fault. I wrote a book strongly criticizing the CIA and treating the President gently and sympathetically. I would not be so kind today.

Any doubts about the need for a strong central government were soon swept away in the ensuing civil rights struggles across the South. Oxford, Miss., Birmingham and Selma were proof that blacks could look only to the powers of the federal government to protect their rights. Local and state governments were unable—or unwilling—to do so.

Those days in the South were an emotional experience. It was impossible not to be caught up in an elemental conflict, a morality play where good and evil were so starkly defined. The federal government was good, the bulwark of liberty, and the President was its effective symbol. But disquiet and then disillusionment followed. In quick succession after Selma came Lyndon Johnson's dispatch of troops to Santo Domingo—and then to Saigon.

As a reporter, I was present at those scenes. I vividly recall looking across the harbor in Santo Domingo and seeing the might of the American Navy at battle stations. It was enough force to destroy the Western hemisphere, and for what? To suppress a handful of rebels, to prevent a "communist" takeover. This power, clearly, was employed at the behest of the President, and so were the executive agencies, the CIA and FBI. Acting under presidential direction, they were leaking documents designed to justify such actions and to prove a case of "subversion."

In Washington, in the Oval Office out of sight of the television cameras, Lyndon Johnson would storm and rage, pull classified documents from his pockets to "prove" his point, and describe scenes that never occurred. On one memorable occasion, he told how masses of people had been slaughtered and their heads put on poles. It was not true.

Covering the war between India and Pakistan in that stormy year of 1965 left another disturbing impression. On the Pak side, and then on the Indian, you would come across ammunition cases. Each bore the emblem of the United States, and each was marked by two hands clasped in friendship. They were gifts from the people of the United States, gifts used first to arm and then to destroy two of our allies. After a large tank battle on the plains of Punjab the landscape was littered with wreckage: American tanks destroyed by American planes and shells. I have never felt the same about foreign aid since. (Now it's Greece and Turkey, and again American arms are used against American allies. Do we never learn?)

The same kinds of mad scenes and official justifications were to become standard in the long years of Vietnam. We had to destroy a city in order to save it, explained the American officer. Of course.

Vietnam is still too painful to put into any kind of thoughtful perspective. By the end of the Sixties, though, we already had spread before us the seeds of what is now known inadequately as Watergate: A paranoia in the presidency, an end-justifies-the-means mentality, a suspicion and hostility, a growing preoccupation with secrecy and "national security," a belief in being surrounded by enemies of the people, a willingness to use the powers of the state, often illegally, against the individual, an amassing of greater and greater power into the office of the presidency.

I never had been a supporter of Richard Nixon, but in 1968 I did believe he had a chance to be a successful, if not great, President. I believed, naively again, that he had worked and waited too long not to profit from the lessons of his presidential predecessors. His themes, it seemed, were right: limiting the powers of the government in Washington, cutting back on the bureaucracy, transferring authority to the states and municipalities, reforming the welfare system, cutting taxes and gradually withdrawing from our self-appointed messianic role of being the world's policeman.

It was not a desire for neo-isolationism, but a belief that our own best interests lay in perfecting our own society here at home. The environment, the cities, public transportation, education, health care—these were the paramount concerns. And, it seemed clear, we had to recognize that all the answers were not to be found in Washington. Indeed, the attitude was part of the problem.

Despite what he promised, the President not only continued but accelerated the process of consolidating power in Washington, particularly in the White House. This "conservative" President radically altered the balance of power in government. Impoundment of funds, expansion of staff and budgets, hiding behind executive privilege and national security, unparalleled secrecy—in effect, refusing to recognize any authority other than his own.

Finally and belatedly we have reacted to this accumulation of unchecked power. Ironically, it is now often the old liberal who is seeking to preserve, conserve and protect our institutions, traditions and rights, while many who still call themselves conservatives are further celebrating the ascension of a supreme and all-powerful President.

In their private plotting sessions the President and his men often spoke of their "natural constituency" and their "natural enemies" and of "arousing the heartland" where their presumed support was centered. They counted, it seems, on an implicit public belief that the President could do no wrong, that only the President knew best, that any criticism of the Chief Executive was un-American. They believed "their" people would blindly follow wherever they led.

A week ago The New York Times sketched a scene that perfectly captured, at its most extreme, this type of mentality. As the members of the House Judiciary Committee emerged from their closed-door deliberations, they were met by a number of vocal supporters of the President. They were implored to vote against impeachment. In the clamor of that crowd one woman wearing a badge identifying herself as a member of the "Citizens Congress for Fairness to the President" said:

"We elected him President and he has a right to use his judgment on what he should break into."

Americans once fought a revolution to oppose that type of despotism, and perhaps that is the problem today. Perhaps as a people we have become too sophisticated, too comfortable, too jaded to remember where we came from, what we stood for, and why we existed.

In that sense, those early constitutional debates between the John Marshalls and Patrick Henrys have never been more relevant. From then to now there have been two strands running through American history—of the necessity for a strong government and the equal necessity for the protection of the individual against the encroachments of the state. These always have been, and probably always will be, in conflict.

Lincoln, posed the dilemma best: "It has long been a grave question whether any government, not too strong for the liberties of its people, can be strong enough to maintain its existence in great emergencies."

He gave his own answer. "As I would not be a *slave*, so I would not be a *master*. This expresses my idea of democracy. Whatever differs from this . . . is not democracy."

Who then are today's liberals and today's conservatives? Is the liberal the one who unquestionably permits the President to retain his vast powers? Is the conservative the one who would sharply limit them? And limit them in what areas? Is the liberal the person who wants to expand federal authority? Is the conservative the one who believes the greatest failures has been the erosion of

state and local authority? And what, realistically, does he propose to do about it?

In conversation with the Buckleys and Wills, philosophically I find large areas of harmony: a belief in the individual, in the inevitable abuses that flow from too much power, in the need for civilized, rational discourse, for respect for differing views, for permitting citizens and institutions to work freely without the impediments of an oppressive bureaucracy, for a reasonable measure of order and stability, for not believing that any one person holds the answer.

This is not to say that yesterday's liberals can feel entirely comfortable with such "conservatives" as Jim Buckley. In many areas—stronger antitrust enforcement, redistribution of income, protection of minority rights, assisting those in greatest need—strong action by the government is essential. But on the fundamental question of unchecked power, particularly in the presidency, we may well be new allies.

Until Watergate thrust its melancholy drama into our lives, many of us seemed more preoccupied with political personalities and party labels than with principles. We were liberals or conservatives, Kennedy Democrats or Johnson Democrats, Eisenhower Republicans or Nixon Republicans, hard hats or Middle Americans, members of the Silent Majority or the New Left. If Watergate forces a re-examination of the meaning of those terms and the principles they are supposed to represent it will become a blessing.

Certainly in the present trauma and past stereotypings one fact seems to have been overlooked. Whatever their politics, most Americans still view their country in moral terms. Cynics may sneer, but they want to believe they and their nation are good. They especially want to believe their leaders are worthy of respect and trust.

It is not surprising that such dissimilar public figures as Sam Ervin and Archibald Cox, Herman Talmadge and Lowell Weicker, Howard Baker and Elliot Richardson evoked such general approval last summer and fall. Something similar seems to be happening now in the House impeachment inquiry.

These men and women are not being seen as Southerners and Northerners, Democrats and Republicans, liberals and conservatives. They are believed as people of integrity who put principle before party and nation before region.

Whatever their differences, they are echoing our oldest tradition: the healthy suspicion of power. Regardless of party, regardless of label, regardless of ideology, regardless of personality, this may well become the dominant sentiment in American politics for years to come.

JIM FARLEY HONORED AT NOTRE DAME

Mr. MUSKIE. Mr. President, the University of Notre Dame recently awarded James A. Farley its highest honor, the 1974 Laetare Medal, an award given annually since 1883 to outstanding American Catholics.

It is an honor Jim Farley has earned many times over. As Postmaster General, as chairman of the Democratic National Committee, in more than three decades in politics, Jim Farley earned a reputation both for a mild and gentle manner and for ironbound incorruptibility.

As the Reverend Theodore Hesburgh, C.S.C., president of Notre Dame, said in announcing the award—

In a day when the craft of politics is held in low esteem by the general pulbic, it is well for us to honor a man who practiced it with both integrity and affability.

Mr. President, I ask unanimous consent that the University of Notre Dame's citation awarding the Laetare Medal to Jim Farley, along with several newspaper clippings and a description of the award, be printed in the RECORD.

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

THE UNIVERSITY OF NOTRE DAME TO HON. JAMES A. FARLEY

GREETINGS SIR: The strentgh and vitality of our country can be attributed in large measure to the genius of our political system, to the vigor of our free economy and, above all, to the spiritual values which we as a nation espouse. To a remarkable degree, in your life and your work, you, perhaps more than any other man of our time, symbolize our national commitment to these values and to the proposition that honorable competition, whether in politics or business, best serves the American people.

Who could foretell that the lad of twelve who stood trackside to hear William Jennings Bryan would become Chairman of the Democratic National Committee? Who would have predicted that the Town Clerk of Stony Point, New York, would become the mentor of the President of the United States and the Postmaster General in his Cabinet? Who could have foreseen that the young bookkeeping student at Packard Commercial School would some day be Board Chairman of an American corporation operating in every corner of the world? Who, indeed, had the prescience to predict that this affable Irishman would become as familiar a figure at the Papal apartments as he was at the White House?

In retrospect, Sir, it is easier to see how your own character and Providence have combined to bring you to this day. Throughout your life, you have honored the God-given dignity of every man and woman, and because of this no American has more friends. Yours has been the world of precinct committeemen and prelates, of salesmen and presidents, but you have neither been awed by the powerful nor unmindful of the powerless. You have never forgotten your friends. Your opponents and competitors hold you in the highest regard.

In politics and in business, where it is often easier to do the expedient thing, you have been a man of principle. Without losing Franklin Roosevelt's friendship or lessening your allegiance to your political party, you opposed more than two four-year presidential terms because you believed such was not in the national interest. Today, when America's faith in its political institutions and personalities is challenged as never before, you stand as a beacon of integrity.

Your public life, as well as your business career, are on record for all to see. Not so well-known is your edifying private life which you cherished with your beloved Elizabeth, your son and daughters, and now with your grandchildren. The geniality, the courage, the compassion which we admired at a distance have been theirs to cherish close up. Yours, sir, is the special charisma of the Catholic layman. Your influence in secular society was great at a time when the impact of Catholics generally was small. A man of faith in a world of fact, born closer to the First Vatican Council than to Vatican Council II, you anticipated by several decades the role of the layman in a Church which is ever old and yet ever new.

For what you have achieved, then, but even more for what you are, the University of Notre Dame presents to you its most prized symbol of esteem and affection. As we seek to honor you, you surely honor the Medal and the University in accepting it. For your lifelong dedication to your family, to your country, and to your Church, for the decency and integrity which you have always exemplified, for the leadership you have given in countless good causes, it is my honor, as President of the University of Notre Dame, to confer upon you its Laetare Medal.

[From the South Bend Tribune, Mar. 22, 1974]

"JIM" FARLEY AWARDED N.D.'S HIGHEST HONOR

(By Paul Lamirand)

James A. Farley, former postmaster general, has been chosen to receive the 1974 Laetare Medal, the University of Notre Dame's highest honor.

The choice of Farley—a major influence in the Democratic Party in the 1930s and one-time political ally of the late President Franklin Delano Roosevelt—to receive the award was announced Saturday by Rev. Theodore M. Hesburgh, C.S.C., Notre Dame president.

Father Hesburgh said, "In a day when the craft of politics is held in low esteem by the general public. it is well for us to honor a man who practiced it with both integrity and affability."

The medal normally is presented at Notre Dame commencement exercises, scheduled this year for May 19. It has been given annually since 1883 to outstanding American Catholics.

Farley, 85, is currently honorary chairman of the Coca-Cola Export Corp. He lives in New York City.

Born the son of an Irish brick manufacturer in Grassy Point, N.Y., in 1888, Farley completed high school and worked 15 years for a gypsum company as a bookkeeper, company correspondent and salesman.

His first foray into politics was his election as town clerk for Stony Point, N.Y., in 1911.

He moved up through various state Democratic Party positions to state chairman in 1930, the year Roosevelt was re-elected governor of New York by a record 725,000 votes.

Following Farley's service as floor leader of the 1932 Democratic Convention, he became postmaster general after Roosevelt's election. He also served as chairman of the Democratic National Committee.

In August, 1936, he look a leave without pay to run Roosevelt's second successful campaign.

Farley split with Roosevelt over the third-term issue. He resigned from the cabinet post and campaigned only perfunctoritly for Roosevelt's third term. Just before the 1944 convention, Farley resigned as national party chairman to dramatize his opposition to a fourth term for the President.

The unchallenged honesty of Farley—known as "Gentleman Jim" and "Genial Jim"—has been commented on by several biographers.

He is said to have left the $15,000-a-year cabinet post in debt because he demanded that a building materials firm he founded should not solicit orders where his influence would count and should reject all public business offered.

Farley has two married daughters, a son, and 10 grandchildren. His wife, Elizabeth, died in 1955.

Farley joins a list of Laetare Medal winners which includes President John F. Kennedy (1961), Clare Booth Luce (1957), Sargent Shriver (1968), Supreme Court Justice William J. Brennan Jr. (1969), and Dorothy Day (1972).

[From the San Antonio Light, June 23, 1974]

ON THE LINE WITH CONSIDINE

James A. Farley, 1974 winner of Notre Dame's treasured Laetare Medal, enthralled his audience at the Waldorf with an account of his life in politics and his 35 post-

political years with Coca-Cola. It was a feat of total recall, a remarkable summation of the times, lives, triumphs and disasters of a vast tapestry of Americana. It's a pity that his response to the conferring upon him by Fr. Theodore Hesburgh of the award, which dates back to 1883, could not be heard by history scholars across the land.

Big Jim, perhaps the last honest politician, breathed life into the images of presidents, popes, kings, king-makers, dictators, tycoons and commen folk he met along the way. He thanked the long-gone constituents (Farley will be 86 "and holding," as he says in this space age, on May 30) who launched him on his political career by electing him town clerk of Stony Point, N.Y. in 1912. And he especially thanked a man who moved him into the big leagues of politics, Jimmy Walker.

PICTURE IN PARIS

He told of a meeting he had with Walker in Paris during the latter's troubles with New York's imperious Judge Samuel Seabury. A New York Times correspondent asked the two to pose. Walker, perhaps the most photographed politician of that time, demurred. He didn't think it would be a good thing for Farley, by then on his way to making Franklin Delano Roosevelt the President of the United States. Farley said nonsense, and the picture was taken. It appeared on the front page of the Times.

Seabury had some harsh things to say about Farley for consorting with a man who had fled the country, and when he returned by ship Farley was questioned about the Seabury blast by reporters who had "gone down the bay." One of them, Jim recalled the other night, was Jimmy Duffy of the N.Y. Telegram.

FRIENDLESS JUDGE

"I knew Jimmy well," Farley reminisced at the Waldorf. "He was the dean of that crowd. So I said to him, "Jimmy, it's apparent that Judge Seabury doesn't know what it means to have a friend."

Farley apologized about the length of his accepting speech.

"I've gone to so many doggone banquets that I've become sensitive about the time the average speaker takes to get over a point. I tried to wrap mine up as quickly as I could, knowing it was getting late. In my confusion I think I left out seven presidents I have known. But I guess the memory of Mussolini helped me shorten it. I was received by him after he came into power and complimented him on the draining of the Pontine marshes at some length. He seemed to be fascinated by what I had to say about the marshes and the political situation. It became a monologue. But then he put his hands on the arms of his office chair and half rose from it.

" 'When are you leaving Rome?', Mussolini said.

"I took the hint."

[From the Albany Times-Union, May 30, 1974]

OPTIMISTIC ABOUT FUTURE: "GEN'AL JIM" FARLEY REACHES 86

(By James Kilgallen)

NEW YORK.—James A. Farley, who has had two outstanding careers in his lifetime—one in politics, the other in business—observes his 86th birthday today and has no thought of retiring.

"My health is very good and I feel all right," said Mr. Farley when I interviewed him in his midtown office where he holds down the position of honorary Chairman of the board of Coca-Cola Export Corporation. "I enjoy working and meeting people."

"Genial Jim" reaches his 86th milestone manifestly disturbed over the apparent loss of White House credibility, the revelations of campaign spending in the last presidential election and the Watergate disclosures. But his confidence in the American people is unshaken and he predicted once Watergate is cleared up, "the United States will come out more united than it has been in many years."

In his hey-day in politics in the 1930s Farley, as Democratic National Chairman, visited every state in the Union and served 7 years as postmaster general in FDR's cabinet. He was often referred to by newspapermen as "Mr. Politics."

After joining Coca-Cola in September, 1940, he traveled all over the world for the company and met many noted personalities and people in all walks of life.

I asked Mr. Farley to name the six persons who impressed him most during his career in politics. He replied:

"Former Mayor James J. Walker, former Gov. Alfred E. Smith, former Presidents Franklin D. Roosevelt, Harry S Truman and Lyndon B. Johnson, and former Sen. Carter Glass of Virginia."

It was Sen. Glass who placed Farley's name in nomination for the presidency at the Democratic convention in Chicago in 1940.

When asked to name the personalities who impressed him most during his extensive travels abroad, he replied:

"This is a question not easy to answer. However, I do not hesitate to say that in my opinion Pope Pius XII was the greatest person I ever met.

"Naturally, I was impressed at the opportunity I had to meet and talk with Winston Churchill, General Franco, Chiang Kai-shek, and Mussolini who was at the height of his power in Italy in 1934 and at the time was doing a great job for his country."

[From the Paterson News, May 29, 1974]

ANOTHER AWARD FOR BIG JIM

(By Ernest Cuneo)

WASHINGTON.—Notre Dame's intellectual first team, every bit as fit and quick as its football varsity, took the field the other night at the Starlight Roof of the Waldorf to award the Hon. James A. Farley the Laetare Medal, the University of Notre Dame's highest accolade.

Since it is a tossup as to which is the more famous, James A. Farley or the University of Notre Dame, it was more or less like an exchange of honors between Harvard and Yale.

Appropriately enough, these two sportswriters and fans, Ed Sullivan and Bob Considine, were on hand to record the momentous proceedings.

The name of James A. Farley is, of course, as familiar in the world of sports as it is in politics and international business. He was New York state's first boxing commissioner and he is a racing commissioner right now.

For all practical purposes, the New York Yankees would no more start the game without Big Jim in his first base box than they would without a first baseman, both are necessary fixtures of the club.

Big Jim is the loyalist of Yankee fans, but to append the word "loyal" to Farley is a redundancy. Loyalty, happily enough, begets loyalty, and it detracts not in the least from the glory of the Notre Dame award that thousands of the Hon. James A.'s friends reacted with the observation, "It's about time!"

Actually, it was about time, because the melted snows of the Great Blizzard of 1888 were still tumbling to the sea when James A. was born that May day in the lovely little Hudson River community of Grassy Point. Jim's father was the captain of a Hudson River schooner, which carried the area's chief product, bricks, to the great metropolis downstream.

One morning, Farley's dad was kicked by the family horse as he was hitching him to the carriage. Two mornings later, the 10-year-old lad looked out the window and saw a hearse in front of the house and from then on his widowed mother took charge of her very young children.

James A. Farley recalled the other night of how his mother had told him never to take an alcoholic drink and that he never had. He was roundly cheered for this and, since the University of Notre Dame had thoughtfully provided three excellent wines, Bob Considine, and I, whose mothers had executed no such pledge, were happy to keep the team batting average by taking slugs of all three.

Actually, Farley and that immediate Hudson River locale are something of a cross-section of dynamic America. Some 60 miles upstream at Hyde Park, a wealthy squire's son, Franklin D. Roosevelt, was playing with his pony.

A few miles west, an athletic child, W. Averell Harriman was cavorting about his railroad-financier father's near one million acres. Across the Hudson was the vast private domain of John D. Rockefeller, Pocantico Hills. All three of these wealthy families, the Roosevelts, the Harrimans and the Rockefellers, were to produce governors of New York state.

James A. Farley, however, has the distinction of being the only one who turned down the Governor's Mansion, though Franklin D. Roosevelt as President, all but begged him to make the easy run for it.

Jim couldn't; he had a growing family to educate and he felt that was his first duty. The one-time powerful postmaster general was interrupted with thunderous applause when he stated that he left public office in 1940 owing $100,000. One could not help but feel sorry for our country that its present state is such that Farley's statement was regarded as evidence for continued faith in the Republic.

UNIVERSITY OF NOTRE DAME,
March 24, 1974.

THE LAETARE MEDAL

"The Laetare Medal has been worn only by men and women whose genius has ennobled the arts and sciences, illustrated the ideals of the Church, and enriched the heritage of humanity." [1]

These are the exacting criteria employed by the University of Notre Dame in awarding its Laetare Medal each year. Established in 1883, the medal was restricted to lay persons until 1968, when it was announced that henceforth priests and religious would also be eligible. Over the years the Laetare Medal has been presented to 74 men and 19 women—soldiers and statemen, artists and industrialists, diplomats and philanthropists, educators and scientists.

The Laetare Medal is an American counterpart of the "Golden Rose," a papal honor antedating the eleventh century. The name of the recipient is announced each year on Laetare Sunday, the fourth Sunday of Lent and an occasion of joy in the liturgy of the Church. The presentation of the medal is normally part of the University's commencement exercises in May.

The idea of the Laetare Medal was conceived in 1883 by Professor James Edwards. His proposal met with the immediate approval of Rev. Edward F. Sorin, C.&C., founder and first president of Notre Dame, and the Rev. Thomas E. Walsh, C.S.C., then president of the University. Through the years the recipients of the Laetare Medal have been selected by an award committee headed by the president of Notre Dame.

Generally regarded as the most significant annual award conferred upon Catholics in the United States, the Laetare Medal con-

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[1] Excerpt from Laetare Medal citation presented to General William Starke Rosecrans in 1896.

sists of a solid gold disc suspended from a gold bar bearing the inscription "Laetare Medal." Inscribed in a border around the disc are the words "Magna est veritas et prevalebit" (Truth is might and will prevail). The center design of the medal and the inscription on the reverse side are fashioned according to the profession of the recipient.

Laetare Medalists

1883—John Gilmary Shea, historian.
1884—Patrick Charles Keeley, architect.
1885—Eliza Allen Starr, art critic.
1886—General John Newton, engineer.
1887—Edward Preuss, publicist.
1888—Patrick V. Hickey, founder and editor of the Catholic Review.
1889—Anna Hanson Dorsey, novelist.
1890—William J. Onahan, organizer of the American Catholic Congress.
1891—Daniel Dougherty, orator.
1892—Henry P. Brownson, philosopher and author.
1893—Patrick Donohue, founder of the Boston Pilot.
1894—Augustine Daly, theatrical producer.
1895—Mary A. Sadlier, novelist.
1896—General William Starke Rosecrans, soldier.
1897—Thomas Addis Emmet, physician.
1898—Timothy Edward Howard, jurist.
1899—Mary Gwendolin Caldwell, philanthropist.
1900—John A. Creighton, philanthropist.
1901—William Bourke Cochran, orator.
1902—John Benjamin Murphy, surgeon.
1903—Charles Jerome Bonaparte, lawyer.
1904—Richard C. Kerens, diplomat.
1905—Thomas B. Fitzpatrick, philanthropist.
1906—Francis J. Quinlan, physician.
1907—Katherine Eleanor Conway, journist and authori.
1908—James C. Monaghan, economist.
1909—Frances Tiernan (Christian Reid), novelist.
1910—Maurice Francis Egan, author and diplomat.
1911—Agnes Replier, author.
1912—Thomas M. Mulry, philanthropist.
1913—Charles B. Herberman, editor-in-chief of the Catholic Encyclopedia.
1914—Edward Douglas White, jurist and chief justice of the United States Supreme Court.
1915—Mary V. Herrick, philanthropist.
1916—James Joseph Walsh, physician and author.
1917—William Shepherd Benson, admiral and chief of naval operations.
1918—Joseph Scott, lawyer.
1919—George L. Duval, philanthropist.
1920—Lawrence Frances Flick, physician.
1921—Elizabeth Nourse, artist.
1922—Charles Patrick Neill, economist.
1923—Walter George Smith, lawyer.
1924—Charles D. Haginnis, architect.
1925—Albert Francis Zahm, scientist.
1926—Edward Nash Hurley, businessman.
1927—Margaret Anglin, actress.
1928—John Johnson Spaulding, lawyer.
1929—Alfred Emmanuel Smith, statesman.
1930—Frederick Philip Kenkel, publicist.
1931—James J. Phelan, businessman.
1932—Stephen J. Maher, physician.
1933—John McCormack, artist.
1934—Genevieve Garvan Brady, philanthropist.
1935—Francis Hamilton Spearman, novelist.
1936—Richard Reid, lawyer and journalist.
1937—Jeremiah Denis M. Ford, scholar.
1938—Irvin William Abell, surgeon.
1939—Josephine Van Dyke Brownson, catechist.
1940—General Jugh Aloysius Drum, soldier.
1941—William Thomas Walsh, journalist and author.
1942—Helen Constance White, author and teacher.
1943—Thomas Francis Woodlock, editor.
1944—Anne O'Hare McCormick, journalist.
1945—G. Howland Shaw, diplomat.
1946—Carlton J. H. Hayes, historian and diplomat.
1947—William G. Bruce, publisher and civic leader.
1948—Frank C. Walker, Postmaster General and civic leader.
1949—Irene Dunne, actress.
1950—General Joseph L. Collins, soldier.
1951—John Henry Phelan, philanthropist.
1952—Thomas E. Murray, member, U.S. Atomic Energy Commission.
1953—I. A. O'Shaughnessy, philanthropist.
1954—Jefferson Caffrey, diplomat.
1955—George Meany, labor leader.
1956—General Alfred M. Gruether, soldier.
1957—Clare Boothe Luce, diplomat.
1958—Frank M. Folsom, industrialist.
1959—Robert D. Murphy, diplomat.
1960—George N. Shuster, educator.
1961—John F. Kennedy, President of the United States.
1962—Francis J. Braceland, M.D., psychiatrist.
1963—Admiral George W. Anderson, Jr., chief of naval operations.
1964—Phyllis McGinley, poet.
1965—Frederick D. Rossini, scientist.
1966—Mr. and Mrs. Patrick F. Crowley, founders of The Christian Family Movement.
1967—J. Peter Grace, industrialist.
1968—Robert Sargent Shriver, diplomat.
1969—William J. Brennan, Jr., jurist and Associate Justice of the Supreme Court of the United States.
1970—Dr. William B. Walsh, physician, Project Hope originator.
1971—Walter Kerr, drama critic, and Jean Kerr, author.
1972—Dorothy Day, founder of the Catholic Worker Movement, journalist, and author.
1973—Rev. John A. O'Brien, author.
1974—James A. Farley, business executive and former Postmaster General.

BICENTENNIAL IS ALIVE IN THE MIDLANDS

Mr. HRUSKA. Mr. President, several weeks ago this great country celebrated its 198th birthday. I think it is especially appropriate at this time to look ahead of the celebration of the 200th anniversary of the American Revolution in 1976 and the activities surrounding it.

As chairman of the Judiciary Committee's Subcommittee on Federal Charters, Holidays, and Celebrations, I have been very much involved in the formulation of Bicentennial plans for this Nation and have a special interest in seeing them carried out in a successful manner.

It is disturbing to note that some people may have received the impression that the 200th anniversary of our country is going to be a one-time affair, held in some distant city where a few people do all of the work and the rest just watch. It will be much more than merely an event—like a fireworks display—that makes a lot of noise, glows brilliantly for a few moments, and then disappears.

The Bicentennial will truly be something for everyone. It is a commemoration of our national heritage with a goal to improve the quality of life for the future. It is for this reason that the National Bicentennial theme—"A past to remember, a future to mold"—is so appropriate.

The Bicentennial should provide a special impetus for all Americans to become involved to do something for their communities and their Nation.

As John Warner, Administrator of the newly created American Revolution Bicentennial Administration, said at his swearing-in ceremony at the Capitol—

The success of this great period of our history will largely be dependent not so much on the number of spectators but on the number of participants.

And Nebraska and other Midlands States certainly are participating in this great affair.

On July 4, the Omaha World-Herald printed a story entitled "Bicentennial Spirit Is Alive in Midlands," written by Bill Hord, World-Herald regional editor.

The article mentions many of the truly outstanding Bicentenntial projects that have been developed in the States of Nebraska, Iowa, Dakota, Colorado, Kansas, Missouri, and Wyoming.

Don Searcy, executive director of Nebraska's Bicentennial Commission, mentions in the article his view of the celebration.

He says it is an opportunity "to portray a true image of America to give us a better image of ourselves and to portray a better image to the rest of the world. It is a chance for us to look back to the past and make changes that are necessary."

I would add to those fine words that it is an opportunity to dedicate ourselves to the future and to make the third century of our country's exisstence even better than the first two.

I think the Bicentennial projects that have been proposed in Nebraska reflect these feelings and contribute to the future betterment of our country.

I feel that it is most important that Americans realize the importance of the Bicentennial celebration and its true meaning. Misconceptions on the part of some public officials could be damaging to the spirit of cooperation and hard work already achieved by most persons taking an active part in the festivities.

Mr. President, so that my colleagues and other interested persons can become aware of the tremendous progress that has been made by several Midwestern States in preparing for the Bicentennial, I ask unanimous consent that the World-Herald article, "Bicentennial Spirit Is Alive in Midlands" be printed in the RECORD.

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

[From the Omaha World-Herald, July 4, 1974]

BICENTENNIAL SPIRIT IS ALIVE IN MIDLANDS

(By Bill Hord)

Midlands states are beginning to play a major role in the celebration of America's 200th birthday two years from today, according to an official of the American Revolution Bicentennial Administration.

"The enthusiasm generated there (the Midlands)," according to Charles Goodspeed, national director for state coordination, "is like what you'd expect to find in the original 13 colonies. We're using some of their programs for models in other states."

It has been eight years and $11 million in federal tax money since the national administration was formed by Congress—and bi-

centennial planning has now gone nationwide.

The goal is to bring planning and carrying out of programs to the grass roots level of America, according to Goodspeed.

The 50 states, all territories of the United States and Puerto Rico, have their own bicentennial commissions.

More than 1,000 cities, counties and Indian tribes representing 35 percent of the country's population have been given bicentennial recognition, making them eligible for matching funds for programs.

To qualify for recognition, a community must have at least one program of lasting value beyond 1976. Which brings planners to another goal—that of answering the questions of the future at the same time the country recalls and celebrates its past.

G. D. Barrante, executive director for Colorado's state commission, offers this reasoning for the growing role of the Midlands in bicentennial planning:

"The spirit that formed our country, if it's alive anywhere, is alive here."

Barrante says the bicentennial "is about the only positive thing that we have going. It's a reaffirmation of our values, almost like a cleansing action."

Don Searcy, executive director of Nebraska's Bicentennial Commission formed in 1972 by the Legislature, sees the celebration as an opportunity "to portray a true image of America to give us a better image of ourselves and to portray a better image to the rest of the world."

"It's a chance for us to look back on the past," Searcy said, "and make changes that are necessary."

In South Dakota, State Bicentennial Director Arnie Stenseth says the planning has been "a great excuse to get something done."

"In 1876 they celebrated the centennial in Philadelphia," Stenseth said, "This time it's nationwide."

The main goal of the bicentennial planners is involvement.

"We need to measure success by the number of people involved," says state coordinator Goodspeed, "not by the number of people watching."

He said that by the end of the year there are expected to be 4,000 towns representing 60 to 70 per cent of the population approved for bicentennial recognition.

As an example of involvement, Goodspeed points to a program in South Dakota where 4–H groups are the main programming organizations in each county.

GIRL SCOUTS

Nebraska, for instance, has a college bicentennial committee with representatives from 22 state colleges, universities, Junior colleges and technical schools.

The national Girl Scouts of America have received official bicentennial recognition and "Johnny Horizons," a nationwide cleanup America campaign, involves, among others, school children.

Bicentennial funds are dispersed by approval of the National American Bicentennial Administration following recommendation of state organizations.

Some established programs are given a boost.

The Arbor Day Foundation, a Nebraska-centered project by virtue of being the home state of J. Sterling Morton, originator of Arbor Day, received $7,000 in matching funds for its third year of operation.

South Dakota has gained recognition of Mt. Rushmore as an official bicentennial focal point, the only one in the Midlands, and hopes to gain added national attention to the attraction.

Iowa's major bicentennial project revolves around plans for a World Food Institute at Iowa State University in Ames and a World Food Conference.

The building for the institute, privately funded, will be a center for education in the agricultural sciences and will be opened with the food conference in 1976.

The conference is expected to bring delegates from all members of the United Nations and will initiate a continuing program for the study of food production, processing and distribution for all nations.

REST AREAS

A Nebraska project that has attracted national attention is the proposed "World's Biggest Sculpture Garden," a plan to place specially commissioned works at 12 rest areas along Interstate 89 in Nebraska.

Colorado's bicentennial plans, boosted by the fact the state's centennial will be observed the same year, include financial assistance to numerous construction projects.

Included are a low-income bicentennial housing project in Denver, a multi-purposed civic center in Pueblo, 13 museums throughout the state, a sports arena in Denver, parks and an amphitheater.

Frank Harrington, bicentennial director for a region that includes Nebraska, Kansas, Iowa and Missouri, said one of the largest projects in the region is in St. Louis. Early in 1975, musicians will be invited to enter original compositions in all forms of music in a contest. Winning pieces will be performed by the St. Louis Symphony Orchestra "or the most appropriate professional group available" at concerts in St. Louis and, possibly, elsewhere during 1976.

Wyoming's commission, which has already held a major celebration at Ft. Laramie, is trying to untangle a land problem in order to develop Independence Rock west of Casper as an historical site.

The rock, a stopping place for wagon trains usually about the Fourth of July, sits on a section corner, partially owned by the state, the federal government and two private landowners.

The centennial commission of Kansas, in existence for 16 months, has seen one project completed: a 44-foot statue of a Plains Indian on an island at the confluence of the Big and Little Arkansas Rivers.

The project, which will include a park area, was a cooperative effort of the state commission, the City of Wichita and a Boy Scout council.

The Indian, and ethnic groups in general, will come into focus if bicentennial plans are successful.

Nebraska's Bicentennial Commission awarded $2,000 in matching funds to the Nebraska-land Foundation to define ethnic groups in the state.

Also through financial help of the commission, Nebraska Educational TV hopes to film 10 to 12 ethnic festivals by the summer of 1976 and replay them in a series as a lead-in to a combined ethnic festival proposed for the bicentennial year.

All plans revolve around the bicentennial slogan: "A past to remember, a future to mold."

Projects for America's bicentennial celebration generally fit in three thematic areas.

"Horizons" is the name for programs and activities that point to the coming third century and what, individually or collectively, people can do to make tomorrow better.

An example is the nationwide Johnn Horizon environmental awareness program to promote a cleaner America and thoughtful use of natural resources.

"Heritage" projects are those that recall the past.

Nebraska and Iowa commissions are helping to sponsor projects called "Living History Farms," showing how homesteaders lived on the frontier.

The Nebraska farm, located at the Stuhr Museum in Grand Island, received $5,000 in matching funds. The farm experience allows people to live, work, cook and eat like the settlers.

The Iowa farm is on 500 acres acquired by a nonprofit foundation west of Des Moines. When completed, it will include a Horse Farm of 1900, a farm of 1840 and a farm of the future.

South Dakota's plan for a scale-model Farm of the Future at South Dakota State University fits the Horizons theme. A National Young Farmers Hall of Fame to be completed in the summer of 1976 at Brookings, S.D., will also be dedicated to the future.

"Festival" projects cover a wide range of activities from actual fireworks and ethnic celebrations in 1976 to the present-day events of art, education, athletics, travel, exhibits, fairs and special events.

An example: Seward has been named Nebraska's official Fourth of July city and on Thursday will be the center of the state's celebration.

A replica of America's Liberty Bell, given to Nebraska in 1950 for generating enthusiasm for the sale of war bonds and displayed in the State Capitol, will make its first appearance outside the Capitol in the Seward parade Thusday.

Other examples of proposals that are receiving bicentennial support consideration:

NEBRASKA

Publication of "Trees for Nebraska." A guide to tree planting, sponsored by the University of Nebraska.

Annual ethnic heritage awareness festival in Lincoln, sponsored by Nebraskaland Foundation, Inc.

Publication of Climatological Atlas of Nebraska, University of Nebraska.

Acquisition of paintings of Nebraska artist K. Ellsworth for Frank House Mansion Art Center, Kearney State College.

Arbor Day Education Project, Arbor Day Foundation.

Systematic identification and cataloging for Willa Cather Museum, Willa Cather Pioneer Memorial Foundation.

Construction of center dedicated to poet John Neihardt, The John G. Neihardt Foundation.

Design development of Iowa-Nebraska Friendship Fountain in the Missouri River, Riverfront Development Committee.

Study on Western Nebraska Heritage. Mari Sandoz Heritage Society and Chadron State College.

IOWA

World Food Institute and World Food Conference, Iowa State University.

Five Flags Civic Center, Dubuque, a restoration and development project.

Restoration of the Old Territorial Capitol in Iowa City and restoration of Terrace Hill, the home of governors in Des Moines.

Missouri Riverfront Development Project along a 50-mile stretch from Council Bluffs and Omaha to the north.

Expansion and development of the park facilities surrounding the Sgt. Floyd Monument near Sioux City.

Development of the Little Lakes of the Woods Recreation Area near Cresco.

SOUTH DAKOTA

Photoscape, a photography contest for state citizens, and a poetry contest sponsored by the S.D. Poetry Society.

Pageant based on Black Elk Speaks by John Neihardt.

COLORADO

Expansion of the Central City Opera House to include a tour.

The history of Colorado in ballet form to tour in 1976.

Program to collect original works of Colorado artists.

Full scholarships to Colorado schools totaling 100 in 1976, to continue after the bicentennial.

KANSAS

Freedom Park and National Military Museum dedicated to the U.S. Army at Ft. Riley.

Museum and restoration project at Goessel, Kan., north of Wichita to commemorate the bringing to America of Turkey Red Wheat from Russia by the Mennonites.

Displays at the new Sante Fe Trail museum at Larnty.

Television production in 1976 of Handel's "Messiah" by the Bethany College Oratorical Society.

MISSOURI

Monument to the Canada goose at Sumner, Mo., a quality of life project.

Restoration of the Alexander Majors home in Kansas City, the starting place of the Sante Fe Trail.

Restoration of Jefferson Landing on the State Capitol grounds.

WYOMING

Restoration and development of independence Rock where wagon trains often celebrated the Fourth of July—50 miles west of Casper.

Publication of a book reproducing 120 historical Wyoming documents.

Proposal to issue a commemorative stamp in 1976 depicting the Black Hills along the Cheyenne-to-Deadwood stagecoach line—in cooperation with South Dakota.

Promoting the attraction of Centennial, Wyo., the only town in the United States with that name.

INFORMATION NET IS DEVELOPED

A Bicentennial Information Network, called BINFT, has been developed for storing, retrieving and recording information concerning projects and activities surrounding the nation's 200th birthday in 1976.

Projects in various stages of development are entered into computers at 10 regional centers, according to Charles Goodspeed, director for state coordination of bicentennial plans.

The computer network allows one state to know what another state is doing and will supply a historical record of the bicentennial, Goodspeed said.

Eventually, news media, travel agencies and citizens will be able to use the system for gathering information.

AGENCY FUNDED WITH $11 MILLION

The American Revolution Bicentennial Administration has been funded with $11 million in federal tax money, according to state coordinator Charles Goodspeed.

Of that, $4.5 million has been returned to states in direct assistance. Another $6.5 million has been generated through the sale of bicentennial commemorative medals, he said.

The Nebraska Bicentennial Commission was formed by the State Legislature in 1972 and given $45,000 in "seed money," according to State Director Don Searcy.

The organization is working with an appropriation of $32,000 for the current fiscal year, and also generates funds through the sale of commemorative coins.

INFLATION AND WHAT TO DO ABOUT IT

Mr. PROXMIRE. Mr. President, in the magazine section of yesterday's New York Times, Leonard Silk wrote what in my judgment is far and away the best-balanced and most constructive analysis and series of recommendations on what to do about it that I have read anywhere and I am sure I have read more than a hundred articles in recent weeks on our grave inflation dilemma.

Most of Mr. Silk's article is devoted to international economic inflationary pressure and he recommends a four-point program that makes abundant sense to me.

But I want particularly to call attention to the concluding words of this remarkable article because Silk goes right to the heart of why it is so difficult for this political body of ours to face up to, let alone to master the guts of the inflation problem. Silk writes:

It has become clear that the problem of stopping inflation is not technical but POLITICAL in the large, systematic sense. Inflation is a consequence of the way massive organizational pressure-group economies operate. The military industrial complex is only the most celebrated example of the special interests which capture a huge share of national resources and give less productivity in exchange. Other groups that have won special benefits and protection from Government—whether in the form of subsidies, huge appropriations, tax breaks, tariffs, import quotas or other rules limiting foreign or domestic competition—include the oil industry, civil aviation, the highway-building industry and its supporters, dairy producers, wheat farmers, cattlemen, steel producers and textile producers. Labor unions fight for a growing share of the national pie partly by backing the demands for special favors and protection of the industries that employ them and partly by waging side-contests with managements for a bigger slice of the take.

The pressure group economy not only breeds inflation but biases national choices on what is produced and by whom and how income is distributed.

An effective program against inflation must be one that faces up to the necessity of curbing the power of the special interests and removing their corrupting influence on government.

The old style, laisser-faire capitalism is dead. Yet the mixed economy—that is, the mixture of Government and private interests that has replaced it—needs better methods of harmonizing competing group pressures in a noninflationary way and of guiding economy to serve broad social needs such as protection of the environment, development of crucially needed energy and provision of medical care, education and other vital services.

Mr. President, I ask unanimous consent that this article—with which I disagree in part, but far less than any of the many I have read on inflation—be printed in the RECORD.

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

[From the New York Times magazine, July 28, 1974]

HOW THE WORLD ECONOMY GOT INTO THIS MESS

(By Leonard Silk [1])

The world has been slow to realize that we are living this year in the shadow of one of the greatest economic catastrophes of modern history. But now that the man in the street has become aware of what is happening, he, not knowing the why and wherefore, is as full today of what may prove excessive fears as, previously, when the trouble was first coming on, he was lacking in what would have been a reasonable anxiety. He begins to doubt the future. Is he now awakening from a pleasant dream to face the darkness of facts? Or dropping off into a nightmare which will pass away?

John Maynard Keynes wrote those words in 1930—and the nightmare proved to be all too real. Today, the world economy is again threatened with breakdown and disintegration. Monetary disorder afflicts the entire non-Communist world. Nations coming up against the interlocked threats of trade and payments deficits, inflation, energy shortages and unemployment are growing increasingly nationalistic in their policies. It was beggar-my-neighbor nationalism that brought on the debacle last time, for in the end the nationalism turned demonic and aggressive in Germany and Japan. Such an outcome seems unthinkable today—as it did in 1931. The time has come to review recent economic history, whose chief lesson seems to be that we are again facing a choice between economic chaos and a difficult, unprecedented, peacetime collaboration among major Governments.

History does not repeat itself precisely. One of the great differences today from the world of which Keynes was writting in 1930 is the revolution in national economic policy fathered by Keynes himself—the use of government spending, tax cuts, budget deficits and the pumping of money into an economy to prevent deep depression. Every government, prodded by powerful political forces, has been using the Keynesian medicine for keeping employment at a high level.

An unwanted consequence has been a quickening of inflation, the worst in a generation. Throughout the industrialized world, including the United States and Canada, Western Europe and Japan, consumer prices rose by an average of 12 per cent in the 12 months ending in May, 1974. In Britain the rise was 15 per cent, in Italy 16 per cent. Japan has been boiling along at an annual rate of 23 per cent. One can find far worse rates in some of the developing countries—40 per cent in the Philippines, 47 per cent in Indonesia, 63 per cent in Taiwan and a horrendous 709 per cent in revolution-racked Chile.

In the United States, consumer prices climbed by 10.7 per cent in the 12 months ending last May. But the climb in American consumer prices accelerated to an annual rate of 12.6 per cent in the first half of this year, and wholesale prices shot up at an 18.2 per cent annual rate. Chairman Arthur F. Burns of the Federal Reserve Board warned that "if long continued, inflation at anything like the present rate would threaten the very foundation of our society."

A doomsday mood has been stealing into the thinking of a great many people—stockbrokers, small investors, gold speculators and many ordinary people watching the value of their savings, pensions and insurance policies erode. Even among sophisticated economic observers, worries have been growing that the inflation could end in a crash. Ashby Bladen, a senior financial executive of the Guardian Life Insurance Company, says: "A return to either price stability or financial stability without an intervening crash appears to me to be practically impossible. . . . And the longer the crash is postponed by continuing the inflationary process of excessive credit expansion, the worse it will be when it does come."

The threat of a crash is worldwide, and has been seriously exacerbated by the enormous deficits being incurred by oil-importing nations as a result of the quadrupling of oil prices after the Arab-Israeli war last fall. David Rockefeller, chairman of the Chase Manhattan Bank, has been warning that the existing financial system may be unable to stand the strain of the sudden transfer of tens of billions of dollars a year from oil-importing to oil-exporting nations. The International Institute for Strategic Studies in London regards the use of the oil weapon

[1] Leonard Silk is a member of The Time's editorial board. He is currently completing a new edition of his "Contemporary Economics: Principles and Issues," to be published early next year.

by the Arabs, Iranians and other members of the international oil cartel as the greatest immediate threat to world economic and political stability. The rich, industrial countries are threatened, and so are the oil-poor developing nations, such as India, Bangladesh and Pakistan.

How did the world economy get into this pickle? Can we get out of it? I believe that it will take extraordinary measures by the United States and other nations, working together—as they failed to do in the nineteen-twenties and thirties until the roof finally fell in.

A way must be found to achieve the kind of international cooperation that made possible the reconstruction of the world economy after World War II, the most devastating in history. But the United States can no longer call the tune or provide the bulk of resources to resolve the current crisis as it did after the Second World War. "It is no exaggeration," says Dr. H. Johannes Witteveen, the Dutch economist who serves as managing director of the International Monetary Fund, "to say that the world presently faces the most difficult combination of economic policy decisions since the reconstruction period following World War II."

That brilliant job of resuscitation is now taken for granted, but can anyone who in those days saw the grim shattered cities of Europe and Asia, the disease and famine, the desperate mood and the corruption of the people forget it? In the decades after the war, the world economy experienced the greatest upsurge of growth in all history. World trade revived, and the world monetary system was rebuilt as the United States deliberately incurred deficits in its balance of payments to feed dollars and gold out to the world. In effect, the United States was acting like a big winner in a poker game who knows that unless the poker chips are redistributed, the game is over. Those deliberately incurred American deficits made the best of sense, both for the United States and for the rest of the world. The concept of an interdependent world economy was no mere intellectual abstraction, but the basis for shared prosperity and growth.

The reconstructed world monetary systen was founded on the strength of the American economy, on the strength of the dollar and on the deficits in the United States balance of payments. Therein lay a serious contradiction: A strong dollar and chronic deficits in the United States balance of payments would in time prove to be incompatible; either the dollar would weaken or the American deficits would have to be ended. There was a further contradiction: If the American defects ended, the flow of dollars that was providing the monetary reserves for world economic expansion would also cease.

In fact, when the United States decided in the late nineteen-fifties that the reconstruction period was over, it turned out to be extremely hard to end the deficits. One reason was that the United States was reluctant to give up its role as leader of the non-Communist world. The 20th century had acquired the billing, at least in the United States, as "the American century." Both the Korean and Vietnam wars signified American determination to carry the "free-world's burdens"—the equivalent of Britain's "white-man's burden" a century earlier.

America's persistent payments deficits were not due solely to its military actions and economic aid programs. Of growing importance, as the deficits went on year after year, was the overvaluation of the United States dollar in relation to gold and to other currencies. This hurt American exports and made imports, as well as travel and foreign investment, cheaper for Americans. So the migration of American business overseas went on apace, with corporations using abundant and overvalued dollars to buy up foreign assets, start branches and subsidiaries abroad, hire foreign labor and use other foreign resources to increase their worldwide profits.

Foreigners, in the midst of the dollar prosperity, were schizoid about the trend. Many, especially those in close partnership with the Americans, welcomed the growth that United States capital, technology and managerial know-how helped bring. But there was increasing concern in Europe about the inflation that the dollar inflow was also helping to breed. And there was growing opposition to the "American challenge" or economic and political dominance—and about the recklessness of American military policy. Vietnam particularly strained the political bonds between the United States and its European allies. It also sealed the doom of the postwar world monetary system that had been built on a strong dollar and fixed exchange rates between the dollar, gold and all other currencies. For Vietnam accelerated the outflow of dollars from the United States and, even more damaging, increased domestic inflation. President Lyndon B. Johnson unleashed inflation at home by his unwillingness to ask Congress either for a tax increase to pay for the Vietnam war or to cut his Great Society programs to make room for the war in the Federal budget.

President Nixon inherited the inflation—and eventually made it worse. After a year of trying to stop it by tight money alone, Mr. Nixon brought the country a recession. Finding rising unemployment politically intolerable—especially with the 1972 Congressional elections looming—he switched to a highly expansive fiscal and monetary policy aimed at restoring full employment. For political reasons, he announced—few politicians had ever made it so explicit—"I'm now a Keynesian."

Under Nixonian management, the U.S. balance-of-payments deficit worsened. Dollars poured out of the country, and on Aug. 15, 1971, as part of the "New Economic Policy," Mr. Nixon slammed shut the gold window, refusing to pay out any more gold to foreign claimants in exchange for their surplus dollars. Nevertheless, overvalued dollars continued to gush out as expectations of what would once have been unthinkable—a dollar devaluation—grew. Finally, on Dec. 18, 1971, at an extraordinary monetary conference at the Smithsonian Institution in Washington, held amid the trappings and relics of the greatest achievements of American technology, the dollar was devalued by 8 per cent.

The object of the Smithsonian conference, from the American standpoint, was to devalue the dollar enough to produce equilibrium, or, if possible, a big surplus, in the American balance of payments. This would, it was hoped, restore American economic power and prestige; it would also save the "dollar standard," with the United States as kingpin of the world monetary system. For this reason the Nixon Administration was, somewhat paradoxically, eager not to "devalue the dollar" officially, but to make other Governments upvalue their currencies.

Logically, there would seem to be no difference between devaluing one currency and upvaluing others in relation to it—and indeed there is virtually none. However, there was one important difference. The dollar had been regarded as the fixed star of the world monetary system, the star around which all the other national currencies revolved. For the dollar to change its own value—to be devalued in relation to other currencies and to gold—would symbolize a radical change in the conception of the world monetary order, like the Copernican revolution in which the earth was no longer seen as the unchanging center of the universe.

After the Smithsonian devaluation of the dollar, no matter how much the Americans might insist that the dollar was still the fixed center of the world monetary system, the skeptics would go on saying, like Galileo, "But it does move." And in fact, after the Smithsonian agreement, United States officials themselves gradually accepted the new concept of a movable dollar.

The Smithsonian agreement—the "greatest monetary agreement in the history of the world," Mr. Nixon called it—was supposed to be a one-shot realignment of exchange rates that would preserve the fixed-exchange-rate system created at Bretton Woods, N. H., in 1944. However, the Smithsonian agreement failed to hit on a rate structure that would restore monetary stability. With inflation raging at differential rates, that was doubtless impossible. The Nixon Administration, in any case, made virtually no effort to defend the Smithsonian exchange rates. It practiced the doctrine of "benign neglect," smug in the belief that foreigners had no alternative to taking in more dollars unless they would be willing to further increase the value of their own currencies, which the United States still wanted them to do.

The impact of devaluation on inflation caught Washington and most economists by surprise. American economists tend to minimize that importance of foreign trade to the United States, since exports or imports constitute less than 5 per cent of this country's gross national product. But the dollar devaluation, combined with expansive fiscal and monetary policy, intensified inflationary pressures which price controls could barely suppress. Devaluation spurred domestic inflation in the United States, certainly in the short run, by raising the dollar prices here of internationally traded goods, not only those of imports entering the United States but also, and more important, those of all exportable American goods as well. Many American products suddenly looked like a terrific bargain to foreigners, and they rushed to buy—beef in Chicago, oil in Baton Rouge and paintings at Sotheby Parke-Bernet Galleries in New York. The impact on prices was dramatic. As Randall Hinshaw of Claremont Graduate School has found, the effect of devaluation was immediate on primary products, such as food and raw materials, but more gradual on the prices of manufactured goods such as automobiles and tractors, especially under then existing price controls. However, as the prices of such basic internationally traded raw-material "inputs" as iron and steel, copper, aluminum, zinc, lead and plastics have risen, so have the prices of autos, tractors and other manufactured goods. And when price controls were lifted, the prices of industrial goods soared.

Ironically, the devaluation of the dollar initially had a perverse effect on the United States balance of trade and payments. Economists had expected some lag, but it lasted longer than it was supposed to. Indeed, the dollar outflow quickened. The reason was the devaluation increased the dollar price of imports more than it reduced the *volume* of imports, especially as the American economy was expanding more rapidly and sucking in more imports. Simultaneously, devaluation cut the dollar price of American exports, causing foreign demand for cheaper American goods to boom; but the United States imposed export controls on soybeans and other agricultural goods, restricting the rise of its earnings abroad. Even more important, booming demand at home restricted the growth of United States exports. Hence the American trade position worsened in 1972, and dollars continued to flow overseas to cover the payments gap. The basic United States blunder was to think it could run a devaluation of the dollar without first slowing the economy. It did just the reverse—

coupling devaluation with strong fiscal and monetary stimulus.

The fixed-exchange-rate system could not survive the continuing dollar outflow. In early 1973, there was a second dollar devaluation, amounting to 10 per cent, following a dramatic around-the-world flight by Under Secretary of the Treasury Paul Volcker. But instead of calming the foreign-exchange markets, it rolled them further. And in late February and early March, dollars began to flood into West Germany because the mark looked like the safest port in a storm. The German central bank took in over $3 billion a day, paying out marks to all comers in a vain attempt to keep the mark's exchange rate from rising. After dishing out more than $10 billion worth of marks, German monetary officials finally grew frightened of inflation and threw in the sponge. They stopped defending the fixed exchange rate between the dollar and the mark; so the mark floated upward, and the dollar floated downward.

The Bretton Woods fixed-rate system was dead; the whole world monetary system was afloat. But inflation was anything but dead.

The loss of respect for the dollar, the key currency of the world monetary system, brought on a flight from all currencies into anything precious and scarce that would hold its value in a time of monetary crisis—gold, silver, platinum and many other commodities. Overnight it seemed as though the Club of Rome's long-range forecasts of the exhaustion of world resources were coming true in a rush, with soaring prices the fever gauge of commodity shortages.

Accidents of nature fed the commodity inflation. One of the weirdest was the disappearance of anchovies off the coast of Peru. Why this happened is still unclear. One theory is that the cause was the 1972–73 invasion of a warm-water current called El Niño, which upset the ecology of the cold-water Humboldt Current, drastically reducing the supply of plankton and other nutrients in which the anchovies feed. Most marine biologists doubt this, pointing out that El Niño comes roughly every seven years—it had last arrived in 1957 and 1962—but had not earlier seriously damaged the anchovy stock. Did an influx of predators eat the spawn? Were the young fish blown into hostile waters? Nobody really knows. Whatever the explanation, as Morgan Guaranty Bank economists correctly stressed, Peru's anchovy catch fell from more than 10 million tons to 2 million tons in 1973, wiping out a critical part of the world's fishmeal supply, which is used to feed livestock.

Bad growing weather for cereals, the failure of much of the Soviet crop, the massive Soviet-American wheat deal—a key element in détente—exacerbated the commodity inflation. But the over-all inflationary trend was no fluke. All nations were in a simultaneous boom, and world demand was outrunning supply. The perception of rising prices was transmogrified, as inevitably happens when an inflation lasts long enough, into a public perception that paper money is losing value and is not worth holding. Speculators rushed from currencies into commodities. By October of 1973, world commodity prices had more than doubled from the start of the year. And then, with the outbreak of the Yom Kippur war in the Middle East, the Arabs launched their oil weapon against the West.

World commodity inflation had given the oil producers both the motivation and the opportunity to boost their prices sky high. The rising cost of imports to the Arabs, Iranians and other oil-producing states, the rapidly growing demand for oil, thanks to the simultaneous boom in all the major industrial countries, the disappearance of American buffer stocks of oil—all these factors gave the Organization of Petroleum Exporting Countries, which includes Saudi Arabia, Kuwait, Abu Dhabi, Iran, Libya, Iraq, Algeria, Qatar, Indonesia, Venezuela, Nigeria and Ecuador, the golden opportunity for a financial killing.

The Arab oil embargo, designed to induce the Western powers to force Israel to yield to Arab demands, cut the world oil supply at the critical moment, threw the Western allies into disarray in a mad scramble for oil and paved the way for the fourfold increase in oil prices. The price in the Persian Gulf was jacked up from about $2.10 a barrel to $8 a barrel. That meant the greatest single financial coup in history—a $70-billion haul by the oil producers in a single year. In 1975, their extra take will amount to $90-billion. And, if oil prices hold, they will be taking in over $100-billion a year—year after year. The World Bank estimates that by 1980 the oil-producing countries' holdings of liquid surplus capital will total $400-billion. This would mean that just six years from now they will hold at least 70 per cent of the world's total monetary reserves.

The fantastic transfer of money to the oil-producing states has created an unprecedented shock for the world economy. That shock is, paradoxically, both inflationary and contractionary. The huge increase in oil prices and payments worsens inflation in the United States, Japan and Western Europe by increasing both living costs and costs of production. It puts powerful pressure, both direct and indirect, upon the industrial and the developing countries to increase their export prices, in order to cover their oil deficits. To be sure, high prices are bringing out more oil and curbing demand. There is now, therefore, some downward pressure on prices. The crucial issue is whether the international oil cartel will hang together, even if this means cutting production to hold up prices.

At the same time, the enormous transfer of funds to the oil producers can choke off consumption and productive investment in the West. The build-up of Arab holdings, and the huge deficits that are their counterpart, could cause a breakdown in the world monetary system.

Prof. Richard Cooper of Yale says it is as though the Shah of Iran, the King of Saudi Arabia and the others had levied an annual tax amounting to $70-billion a year upon the rest of the world. Such a tax increase, as modern economic theory teaches us, will have a contractionary effect on national economies unless the money collected is put back into the economies from which it is collected in the form of expenditures on consumer goods or capital goods. If the major share of "oil taxes" collected by foreign Governments is not respent or reinvested in production, it will choke off output and income in the oil-importing countries. Some nations—those that are the best investment bets—will receive major shares of the oil money back; that is likely to be true of the United States and West Germany. Others, less creditworthy, will suffer huge deficits; that is already true of Italy, and it could be true of many others. The nations of the West could fall into economic warfare, each fighting to reduce its own deficit, and blocking imports or depreciating its currency to do so. Competitive deflation could bring on a world depression. The most agonizing peril faces the poor, developing countries, whose markets would contract drastically.

For those nations caught with the worst deficits, there will be severe risks of defaults on their foreign obligations. This is precisely the Italian situation now. In the past two years, the Italians have borrowed more than $10-billion in the so-called Euro-currency market, taking funds from syndicates of private lenders on the credit of Italian state-owned utilities and other Government agencies. With the Italian balance-of-payments deficit running at a rate of more than $1-billion a month, Italy is having trouble raising more money abroad. Its gold reserves would barely last a year. If the Italians—and a few other governments with heavy balance-of-payments deficits—should default on their debts, some of the biggest and seemingly strongest private financial institutions all over the world would lose hundreds of millions of dollars, and the entire world financial system would be in jeopardy.

Once again, as in 1929–31, the world is facing the danger of a liquidity crisis, which, simply put, is the inability of financial institutions or governments to meet their current debts. Such a crisis, if it hit two or more countries simultaneously, could race like greased lightning through the entire world financial system. That was what happened in 1931 when the Austrian *Creditanstalt* failed. It was the breakdown of the world monetary system in 1931 that turned the sharp 1929–30 recession into the worst depression in history. Not even Keynes expected the nightmare that began in 1931. It is this kind of international catastrophe we must prevent now.

But how? There are many ways to do it, but the above account of how we got where we are today suggests the main elements essential to a solution:

First, the United States, Western Europe and Japan must recognize that they are all in the same boat, and must either work together or they will sink together.

The United States cannot dictate to the others; it does not have the power to do so, and it would only defeat its own purposes if it tried. What is needed now is genuinely shared leadership and the forging of a spirit comparable to that achieved in wartime—and to the reconstruction of the world after the last war.

Second, this cooperation must immediately take the form of preventing any single country, or its major financial institutions, from going under.

One of the reasons we in the United States are not already suffering from a major domestic financial panic is that our central bank, the Federal Reserve System, has been prepared to rescue any major financial institution that gets into serious trouble, as it has done this year in the case of the Franklin National Bank of New York. Internationally, we do not yet have a "lender of last resort." Some national central banks have met in Basel, Switzerland, to work out plans for rescuing endangered financial institutions, though not all central banks have joined the effort and it is not yet clear how far those participating are ready to go. The nations of the Western world and Japan should either create an international lending agency of last resort, or transform the International Monetary Fund into a true world central bank that can rescue major financial institutions and nations themselves from financial collapse.

Third, the world monetary system must be restored to equilibrium.

The most important single step toward that end would be a significant reduction in the price of oil, which would reduce the imbalance of payments between the oil-importing and oil-exporting countries. The oil-importing countries should develop a broad strategy to bring down the price, a strategy that should include: an effective conservation program to reduce the demand for oil; an accelerated program to develop other energy technologies; a warning that, if necessary, the United States and its allies are prepared to withhold trade and the managerial and technological skills the oil-exporting countries want for their own economic development; and a refusal by this country and its allies to provide arms if the oil-producing states persist in threatening Western economic stability.

But if the oil-producing countries are willing to work with the West for world stability and their own development, the United States and its partners should extend the

hand of friendship to them. It should facilitate expansion of their trade and foreign investment, the "recycling" of oil dollars.

Fourth, the Western nations must avoid like the plague the beggar-my-neighbor policies that helped destroy world trade in the thirties.

Such policies broke the world into hostile trading blocs, including the nations that joined in Nazi Germany's barter and rigged-exchange rate deals and Japan's Asian Co-Prosperity Sphere. The Western nations must reinforce their liberal trading policies, banning both import and export controls. They must hold their markets open to one another and seek particularly to create markets for the surplus and distress goods of nations that get into severe balance-of-payments trouble.

The nations should also forswear resorting to competitive devaluations of their currencies aimed at gaining a trading advantage over one another. They must coordinate their fiscal and monetary policies to avoid competitive deflations that could bring on world depression. The Organization for Economic Cooperation and Development (O.E.C.D.) provides a forum for the joint review of national policies; this process should be strengthened to ensure that world employment and trade are mutually sustained.

While the world monetary system remains chaotic, it would be madness to try to repeg exchanges rates; floating rates have reduced the massive money flows from one currency to another that propagated world inflation. In time, the reduction of those money flows should help to bring world inflation under control and enable exchange rates to stabilize. But the nations must work toward stability; a "great leap forward"—or backward—could be disastrous.

Fifth, nations must resolve to check their domestic inflations, controlling the excess claims of special-interest groups that are its root cause.

Inflation, while communicated internationally, originates basically from domestic sources. This is one reason why rates of inflation vary so much from country to country. There is no monetary formula or technical solution that will provide Governments with the political courage and the economic skills to reduce the exessive demands that propel domestic inflation. Governments must resist the multitude of special-interest pressures that distort or waste resources—as in the multibillion-dollar military programs which exacerbate inflation and, even more ominously, increase the danger of arms races and war itself.

Under the sway of Keynesian economic theory, inflation has been regarded by most contemporary economists as a "technical" problem resulting from a gap between the excess demand for all goods and services and what the economy is capable of producing at existing prices. The basic remedy has been to close that inflationary gap by reducing total demand, whether by tax increases, cuts in Government spending or by making less money and credit available to the private economy.

It has become clear that the problem of stopping inflation is not technical but *political* in the large, systemic sense. Inflation is a consequence of the way massive, organizational, pressure-group economies operate. The military-industrial complex is only the most celebrated example of the special interests which capture a huge share of national resources and give less productivity in exchange. Other groups that have won special benefits and protection from Government—whether in the form of subsidies, huge appropriations, tax breaks, tariffs, import quotas or other rules limiting foreign or domestic competition—include the oil industry, the maritime industry, civil aviation, the highway-building industry and its supporters, dairy producers, wheat farmers, cattlemen, steel producers and textile producers. Labor unions fight for a growing share of the national pie partly by backing the demands for special favors and protection of the industries that employ them and partly by waging side-contests with managements for a bigger slice of the take.

The pressure-group economy not only breeds inflation but biases national choices on *what* is produced and by whom, and how income is distributed. Political power shapes the national use of resources and has a major influence on who gets what. This may be the major long-run lesson of that political fiasco whose code name is Watergate.

An effective program against inflation must be one that faces up to the necessity of curbing the power of the special interests and removing their corrupting influence on Government or, the other side of the coin, curbing the efforts of Government officials to invite bribes in exchange for favors as a means of consolidating political power in a corporate state. The old-style, laissez-faire capitalism is dead. Yet the mixed economy—that is, the mixture of Government and private interests that has replaced it—needs better methods of harmonizing competing group pressures in a noninflationary way and of guiding the economy to serve broad social needs such as protection of the environment, development of crucially needed energy, and provision of medical care, education and other vital services.

Specifically, this nation and other capitalist democracies need an incomes policy, a means of regulating the growing income claims of contending groups, together with their access to money and credit through the banking system. In periods of monetary tightness and very high interest such as the present, the inequities of only general controls on money and credit become obvious, as the most powerful financial groups drain funds away from the least powerful.

Similarly, this nation and many others need more effective and democratic ways of planning their long-run social and economic development. Increasing the supply of resources, human and material, and in the proportions needed, is essential to curbing inflation in a way that will not require periodic bouts of recession, depression and high unemployment.

In an increasingly integrated world economy, such programs need to be international and not merely national in scope. Yet the time for supranational government is not yet. The fundamental decisions needed to get the world through the current economic crisis, which could become a world political crisis as well, still must be taken at the national level. Is such an effort to restore world economic order politically feasible and realistic? It had better be. The potential tragedy of the moment is that all the Governments of the major democracies are in a weakened state—weakened in large degree by the socially and politically debilitating effect of inflation itself. And the crisis of leadership and moral authority is perhaps greatest of all in the United States, on which any coordinated action program among the Atlantic nations and Japan must still depend. We know what we must do; the issue now is whether we have the will and the unity to do it.

TRADE REFORM

Mr. MONDALE. Mr. President, the Senate Finance Committee today resumes markup on one of the most vital measures before the 93d Congress, the Trade Reform Act. I am pleased by this action because I am deeply disturbed about the potential consequences of our failure to pass a trade bill.

At no time since the 1930's have we faced a greater peacetime economic crisis. The post-war world economic regime has broken down; our collective economic institutions have proven to be weak and outmoded in the face of recent events.

Widespread inflation, payments deficits and deceleration of growth threaten the economies of all the leading Western democracies.

Under mounting internal pressure to resort to protectionist policies, our major trading partners are clinging to the hope that multilateral negotiations on trade and monetary issues can bring us through the present crisis. Only if these negotiations proceed, will GATT member nations have a basis for resisting demands for trade restrictive measures to deal with their economic problems.

It is the United States that initially proposed and pressed for action on a new round of GATT negotiations in the Tokyo declaration signed last year. Ironically, it is the failure of the United States to pass a trade bill that has so far held up and now stands in the way of a meaningful negotiation—precisely at a time when closer cooperation is most desperately needed.

Some have charged that the responsibility for the delay in the trade bill lies with the amendment introduced by Senator JACKSON, which I have cosponsored, concerning emigration and most-favored-nation treatment for the Soviet Union. I believe this view is false.

It is perfectly proper that before granting the concession of most-favored-nation status we should ask the Soviet Union to live up to its international commitments in this area of human rights. This is not a question of being anti-Soviet or of seeking to interfere in internal affairs. The International Declaration on Human Rights makes clear that emigration is not merely an internal matter. The right of Soviet Jews to emigrate free of harassment is as important to Americans as any number of other concessions we have sought from the Soviets in negotiations such as the Conference on European Security and the Berlin negotiations.

Second, it was the strategy of the administration to tie together the most-favored-nation issue and other urgent aspects of the trade bill. Moreover, once the amendment was introduced, it was the administration that let the issue of emigration languish before taking serious steps to negotiate a solution.

I am encouraged by reports that the administration is making a serious effort in this regard and that progress is being made. I hope a satisfactory agreement on this point can be concluded promptly. It is my firm belief that a successful outcome will be most facilitated if we in the Congress steadfastly support the principle of the right to emigrate and the end to harassment.

Global inflation cannot be stopped by the policies of individual countries alone. During the first half of 1974 nearly all of the major industrialized and developing countries represented in the GATT suffered from catastrophic rates of inflation. The unprecedented 11 percent peacetime rate in the United States, considered horrifying by American citizens,

must be viewed in the context of 25 percent inflation in Japan, 18 percent in Italy, 14 percent in Britain, and 13 percent in France.

A quadrupling in the cost of oil, forced upon consuming countries by the petroleum producers cartel, has contributed both to runaway inflation and to massive payments deficits throughout the world.

From a $3 billion balance-of-payments surplus in 1973, the United States has moved to a $2 billion deficit in the first half of 1974. Japan has moved from a $6 billion surplus to a $6 billion deficit; and Britain and Italy are both running at deficits of $8 billion or more.

The enormous shift of money into the hands of the oil producers places an unprecedented strain on the world's financial institutions. This year alone oil-consuming countries will have accumulated current account deficits with Arab nations of up to $60 billion. The result is uncertainty, speculation, and instability in importing countries. This tempts countries to try to restore their trade balances through nationalistic policies, to limit their imports, and artificially expand exports. The only way to head off such actions is through multilateral trade negotiations.

Thus the deeper consequences of the oil crisis last year are being felt in diverse and alarming ways, long after the initial shock of higher energy costs has passed.

That the boom experienced in the last 2 years will be replaced by a global bust—triggered by collapse of lenders, like the Herstatt Bank of Cologne or Franklin National in the United States, or by excessive restraints on growth by member nations—is still a serious danger.

Added to these problems, we face another threat resulting from the proliferation of cartels among raw materials suppliers.

Eight months ago, I warned of the danger that other commodity producers might seek to follow the example set by the Arabs by forming cartels to boost their prices. Since then, there has been disturbing evidence of the prediction's coming true.

Bauxite producers have combined to create the International Bauxite Association, setting the stage for Jamaica to press for a 600 per cent increase in its earnings.

Through the International Council of Copper Exporting Countries, copper exporters are now pressing for greater control of the market.

Phosphate producers have achieved a threefold increase in prices, and members of the International Tin Agreement are seeking a 50 per cent increase in the floor price for tin.

Coffee producers are starting to dominate markets, and other commodity producers may soon join the stampede toward cartelization.

In an era marked by spreading shortages of food and raw materials, there is a high likelihood for success of efforts to drive prices higher by limiting production of critical commodities.

And as Ambassador Eberle told the Joint Economic Committee the other day, the existing GATT articles are "virtually worthless" in attempting to deal with collusion among raw materials suppliers.

In view of the disarray within the world community, some observers in the United States have argued that we should be pleased that conditions are not worse and that our major trading partners have for the most part resisted the temptation toward isolationism.

They point toward the temporary standstill agreement signed by OECD members in July and the pledge signed by the Committee of Twenty of the IMF to refrain from trade-restrictive steps to illustrate the desire for cooperative solutions to the problems of inflation and recession.

Indeed the recent GATT XXIV–6 agreement to provide compensation for U.S. losses from expansion of the Common Market and the withdrawal of dairy export subsidies by the European Community offer tangible evidence of cooperation.

But I suggest that these actions reflect certain knowledge that without immediate action to permit full scale negotiations on trade, a dangerous retreat to protectionism cannot be avoided. There is thus an acute sense of desperation underlying the calls by the European and Japanese for progress on trade.

In the case of Italy, the strain brought about by the oil cost increases has already led to a tax on imports. Japan, Canada, and the Common Market as a whole have similarly imposed new barriers to trade. How many other countries may be tempted to restrict imports while aggressively pushing exports so that they can offset the high deficits created by oil imports?

Perhaps the best illustration of the frailty of cooperation was the reaction of consuming countries to the oil crisis. While France and Japan immediately rushed to conclude bilateral deals with the Arabs, the United States initially proposed multilateral cooperation on oil. In advocating collective solutions to energy problems, Secretary Kissinger warned that:

> The world is threatened with "a vicious cycle of competition, autarchy, rivalry and depression such as led to the collapse of the world order in the thirties."

Nevertheless, only a few months later the United States joined the scramble to negotiate bilateral arrangements with the Arabs.

Panic in reaction to the oil crisis, as Fred H. Sanderson recently warned, represents a danger to our entire multilateral trading system. Sanderson said:

> If not stopped in time, it may lead to a relapse into the beggar-thy-neighbor policies of the 1930's: barter deals, competitive devaluations, trade and exchange restrictions, export subsidies in various disguises—all in a desperate effort to balance the books on oil.

Last December I proposed a series of amendments to the Trade Reform Act. The amendments are designed to broaden the focus of the GATT negotiations to deal with the threat posed by the oil crisis. These amendments would direct the President to seek to negotiate new rules within GATT governing access to supplies of critical raw materials. Under such rules both producing and consuming countries would be bound by a code of fair conduct, and they would be subject to multilateral sanctions if the rules were violated.

Economic nationalism may offer countries short-term solutions to rising oil costs and to the attendant problems of inflation and payments deficits. But over the long term the inevitable result of such a course would be a contraction in trade and disaster for every industrialized country that depends on world markets for its products.

If strong and stable governments were in office in the Western democracies, the possibility would be greater that regimes could survive protectionist sentiment. But with either newly elected leaders or governments seriously weakened by recent events, it is more likely they cannot.

Time is running out. If this year ends without approval of a trade bill by the Congress, conditions will be ripe for the collapse of cooperative efforts for countries to deal with worldwide economic problems.

At stake is more than the question of import restrictions or accelerating use of subsidies to export unemployment or export controls to other countries.

The future of the Atlantic Alliance and the survival of democracy itself depend upon the maintenance of a stable and growing world economy.

In the 1930's the Congress was confronted with an economic crisis of a similar magnitude. Congress failed to act responsibly and has ever since borne the blame for a good part of the misery and hardship of the Great Depression.

Now in the 1970's our friends abroad and the American people at home are waiting for the Congress to act. We must take the initiative and pass a trade bill that will give our negotiators the tools they need to avoid any repetition of that global disaster.

AMERICA'S INTERNATIONAL AIRLINES IN TROUBLE

Mr. MATHIAS. Mr. President, for some time now, the Congress has been debating the question of the Nation's railroads. We all agree that the solution will prove costly. The Government is being forced to assume responsibilities that are unprecedented in the railroad industry. I have been concerned for some time that a similar future lies ahead for our airlines. This is particularly true of the international airlines. They face an immediate crisis which can only be resolved by the cooperative efforts of Government and private industry.

The Wall Street Journal of July 18, 1974, provided a most provocative review of this problem. I hope the Congress and the agencies involved can act expeditiously to provide needed relief to the international carriers. If we fail to do so at this point, our efforts will have to be much greater in the future. I ask unanimous consent that the "Review & Outlook" column entitled "Red Ink Over the Atlantic", be printed in the RECORD.

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

[From the Wall Street Journal, July 18, 1974]

RED INK OVER THE ATLANTIC

Good News from Trans World Airlines. It won't lose $100 million on its international air services this year as previously forecast. It will lose only $60 million to $70 million. So says TWA chairman Charles Tillinghast Jr., who is asking the government to give him $75 million to $80 million to compensate for the increased cost of jet fuel. Pan American World Airways asks a 12-month subsidy of $194 million.

Naturally the government doesn't want to give the flag carriers money, even on the "temporary basis" they propose. Nor do we. But from their vantage point, it must seem equitable. After all, while the government doesn't own the airlines, it has a great deal to do with running them. They can't fly where they want without the approval of the Civil Aeronautics Board, which must also approve rates for passengers and cargo. They can't since November, charge discount youth fares as a way of building up their meager load factors, because the CAB says doing so is discriminatory.

At the same time, the U.S. flag carriers have to contend with foreign governments. Most of their competitors are substantially or entirely owned by governments, which are prepared to absorb perpetual losses in order to keep flying. In a free market, the almost 300% increase in jet fuel prices since October would have wiped out many of Pan Am's and TWA's competitors; even with increased fares and reduced demand, the U.S. carriers' market shares and load factors would have jumped enough to keep them healthy. But with their government-owned competitors determined to fly at all costs, capacity on the Atlantic route stays up, the loads stay down, and the U.S. flag carriers may be forced out of the business or at least into marriage.

Which leads to the question of whether it is in the national interest to maintain the U.S. flag carriers in their present form. Assuming for the moment that the answer to this is positive, the next question is what form the government aid should take. The airlines contend that only direct subsidies will give them the immediate relief they need, but they have also presented a lengthy shopping list of things the government can do to improve their survivability. For the most part these involve changes in various fare and rate regulations, granting of new routes and restricting authority for certain foreign airlines, cracking down on kickbacks and ticket rebating by foreign airlines and setting charter-rate floors.

The airlines also point out quite accurately that the U.S. government gives their foreign competitors financial assistance that they are denied. The Export-Import Bank subsidizes sale of American-made aircraft to foreign carriers. The U.S. Postal Service pays higher rates to foreign carriers to handle mail than it does to the U.S. carriers. Pan Am says its revenue would increase by $40 million if it got the higher rates. The remedy here is simple enough: The Ex-Im Bank should halt its subsidies; the Postal Service should pay one rate.

Direct subsidies should not even be considered in the context of maintaining the U.S. flag carriers in their present form. As long as the economic pressure is there, it should not be relieved until the carriers themselves have taken every step short of bankruptcy to reduce the red ink, including elimination of unprofitable services and restructuring management. While we readily agree that most of the financial problems Pan Am and TWA are having result from government actions at home and abroad, some of their trouble surely can be laid to a stubborn refusal to change.

The fundamental problem, though, cannot be treated with either Band-aids applied by Washington or self-help by Pan Am and TWA. There are just too many heavily subsidized carriers splitting up the market and no way of shaking them out as long as governments insist on throwing resources away on them. The most abusive subsidy is the international airport and airway user charge, whereby some foreign governments collect steep fees from Pan Am, TWA and other airlines, then through swift bookkeeping turn the bonanza over to its airline.

If this were an issue involving goods, rather than services, U.S. trade negotiators would be able to make a stink and conceivably draw up agreements to limit the kinds of subsidy involved. With rules, governments of the most competitive flag carriers, those both publicly and privately owned, would have grounds to cull the least efficient from their markets.

For the long-term treatment of the problem, there's no reason why this shouldn't be done. To start the process, the Nixon administration should move the issue out of the Transportation Department, where it is being treated as a domestic problem, back to the Council on International Economic Policy. Until the problem is taken away from transportation ministries around the world and treated by the folks who have to pay the bills, the finance ministries, no carriers will be able to fly the Atlantic in the black.

NUTRITION CONCERNS

Mr. McGOVERN. Mr. President, I would like to commend the chairman of the Appropriations Subcommittee on Agriculture, Environmental and Consumer Protection, Mr. McGEE of Wyoming, for his leadership in the area of nutrition. The content of this year's budget recommendation reflect his understanding of this vitally important area, and I endorse them.

There are a few points of clarification I would like to make about the commodity distribution program as it applies to the school lunch, supplemental food programs, and institutional feeding.

Congress, in passing recent legislation designed to furnish commodities to various child nutrition programs, stressed that commodities shall be provided "at traditional levels." This phrase means traditional varieties in their traditional quantities.

This means, for example, that if schools and institutions received 300 million pounds of donated flour last year, they should receive the same amount this year. Congress did not intend to alter the traditional ratio in quantities that has existed in the past. This applies to all food types used in fiscal year 1973. In no case should any traditionally donated food type, such as flour, be eliminated from the program.

Furthermore, Congress did not intend to limit participation in the supplemental food program in any way. The law clearly means that the Department of Agriculture has a positive mandate to overcome any obstacles which would prevent continuation of any supplemental food program, regardless of its size and location. If a program is small, or in a rural area, or both, no shipping or boxcar arrangements are to be made which would make their participation more difficult than the larger supplemental programs, or in any way deter their participation. All supplemental food programs shall receive the full supplemental food package as described in the Department's regulations. Also, as part of maintaining the level of commodity assistance traditional techniques such as redonation of commodities shall be employed.

Finally, I would like to note that recent legislation absolutely mandates an expenditure of $100 million in fiscal year 1975 for the special supplemental food program, known as WIC—women, infants, and children. In addition, any unspent funds from fiscal year 1974 shall be carried over and spent in fiscal year 1975. In short, the Department of Agriculture has an affirmative obligation to spend at least $100 million on WIC in 1975. These funds are available in section 32, and shall either be taken from that fund or directly appropriated. If they are taken from section 32, they shall later be replaced, as the law states, from a supplemental appropriation.

This matter has risen as a result of conversation with many Senators, in particular Senator MAGNUSON of Washington, who expressed his deep concern and stressed the absolute importance of spending WIC money in the manner I have outlined above.

Once again, Mr. President, I would like to thank Senator McGEE for his efforts in this area, and applaud his leadership.

JAMES MADISON MEMORIAL BUILDING

Mr. METCALF. Mr. President, for the last several months I have watched with interest and pride the progress being made on the new Library of Congress James Madison Memorial Building on First and Independence Avenue. It was therefore with some surprise that I read an Associated Press dispatch that indicated a move was underway in the other body to take action to use the Madison Building for general office building purposes. Subsequently, I have seen copies of a petition signed by many of my friends in the House advocating use of part of the Madison Memorial Building for office space. I would like to remind my colleagues that legislation authorizing construction of this new Library of Congress Building states that—

> Nothing contained in the Act . . . shall be construed to authorize the use of the third Library of Congress Building . . . for general office building purposes.

One of the more distressing items in the Associated Press article was a quote that expanded office space is far more important than the storage of books. I do not question the need for office space for Capitol Hill employees, but I know a majority of Members of Congress do not look upon the Library of Congress as a massive warehouse for books.

As chairman of the Joint Committee on Congressional Operations, I am very much aware of the need of the Congress for accurate, concise information. Under the Legislative Reorganization Act of 1970, the Congressional Research Service was given a mandate to expand its research and reference services to the Congress. CRS has made considerable progress in expanding its programs to make it possible to give Members and com-

mittees of Congress sophisticated, timely information. This would not be possible were it not for the books that are "stored" in the Library of Congress. The recently enacted bill for budget control puts further responsibility on the Library of Congress and its information service.

The Library of Congress acute need for additional space for staff and collections has been well documented in the Congress over the last decade and wisely the Congress made provision for a living memorial to James Madison to serve as a Library building.

Congress has many reasons to take pride in the dedication and patriotism of its Members, its staff, and the legislative agencies—the General Accounting Office, the Government Printing Office, and the Library of Congress. It is doubtful that the Congress assembled in 1800 conceived that their resolution providing for the final move of the Government to Washington and appropriating $5,000 for the purchase of books necessary for the Congress, and fitting up a suitable apartment for them, in effect established what would be the finest library in the world.

It was during congressional debate on the purchase of the Thomas Jefferson Library that the notion of a national library was articulated. Throughout the 19th century, Congress, with a vision seldom recognized by the general public, sowed the seeds for a truly national library. This included the acquisition of the Smithsonian "Deposit"—a collection of scientific books from all over the world; the purchase of the Peter Force collection of Americana; the passage of a copyright law in 1865 providing for legal deposit in the Library of Congress of books and other library materials and, in 1870, placing the administration of the copyright law in the Library itself; the international exchange resolution providing for receipt of foreign public documents; Congress extension of the use of its Library to the public; the authorization and appropriation of funds for a Library building—now the main building; and finally, in 1887, enabling legislation providing for the appointment of a Librarian of Congress, by the President with the advice and consent of the Senate, who would make rules and regulations for the operation of the Library, and appoint persons to the staff solely with reference to their fitness for the particular position.

Today, Congress' Library is no doubt the leading library in the world, respected by governments throughout the world. Its collection of Americana, including the personal papers of 23 Presidents, priceless collections of original manuscripts of other prominent Americans in many fields, prints, photographs, motion pictures, music, and rare books. The nonbook material will be housed in the Madison Building in specially designed areas using the latest in preservation and security techniques.

The Library of Congress is an alive, active institution providing testimony to the foresight and wisdom of the Congress. I am constantly amazed by the aggregate talent of its staff. We, of course, are most familiar with the experts in the Congressional Research Service, but the other departments in the Library have some of the leading specialists in technical processing, area studies, automation, preservation of library materials, and reading service for the blind and physically handicapped. Every library in this country is dependent upon the services of the Library of Congress and looks to it for leadership in innovative programs to speed up and improve the transfer of information—one of the most important commodities of a democratic society.

It is no surprise to any of us that citizens are cynical about the Federal Government. Any move to take over the Madison Building for congressional office purposes would add to this cynicism. The imposing structure designated as the Library of Congress James Madison Memorial Building stands as a monument to our free society. As we look back over our 200-year history, we can be proud of our cultural heritage—much of which is preserved for the Nation in the Library of Congress. But shame would be our lot should Congress not give adequate quarters to its great Library. We cannot escape our responsibility to the Nation to see that the irreplaceable collections of the Library of Congress are properly housed, that scholars coming to Washington are able to adequately use the Library of Congress collections, and that the staff has space in which to render the services we all demand. The need is immediate in that crowding in the Library has caused books to be piled on the floor and collections to be dispersed throughout Washington, Maryland, and Virginia. This is a deplorable situation not only because of the inefficiency it creates, but because of potential danger to Library materials, to say nothing of more than $3 million that must now be expended annually on rental space.

I trust that my colleagues in the Congress will take all steps necessary to prevent any action which would delay occupancy of the James Madison Memorial Building by the Library of Congress.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the horrors unveiled at Nuremberg brought genocide, the most ghastly of human crimes, to the forefront of public attention, both in the United States and throughout the world. The International Convention on the Prevention and Punishment of the Crime of Genocide, the immediate product of that attention, has been the object of many extensive studies since it was first adopted by the General Assembly of the United Nations in 1948. Significantly, the overwhelming majority of the studies and reports that have been made on the convention have urged its ratification. To date more than 75 nations—but not the United States—have adopted the convention.

At the first set of Senate Foreign Relations Committee hearings on the accord, held in 1950, representatives of groups claiming more than 100 million members in the United States testified in support of ratification. In 1970 and 1971 officials from the Departments of State and Justice joined the ad hoc Committee on Human Rights and Genocide Treaties—representing 53 diverse domestic groups—and several other organizations in backing the convention at new Senate hearings. Over the 25 years since the convention was first drafted the American Bar Association has been the only major body opposing ratification. And the bar has been deeply divided on this issue; the vote in the House of Delegates has been very close, and numerous subgroups in that organization, such as the section of individual rights and responsibilities and the section of international and comparative law, have supported adoption of the convention.

Of course, the convention should be ratified or rejected on its fundamental merits, not on the numbers or the vehemence of its supporters or opponents. But the studies and debates that have focused on the convention have laid to rest every principal objection to ratification. It is time that we heed the wisdom revealed in these decades of discussion. We must recognize our moral duty as leaders of a free society dedicated to careful discussion and forthright action. We must ratify the International Convention on the Prevention and Punishment of the Crime of Genocide.

INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT

Mr. McINTYRE. Mr. President, the subject of cooperation with our allies in the development of military hardware is one which I have addressed on numerous occasions in the past. This continues to be an area of great promise for saving substantial amounts of money by avoiding unnecessary duplication in research and development. This is a view which is shared by the Department of Defense, by defense industry, and by our NATO allies. The benefit to U.S. industry and to our labor force derives from the licensing of foreign developments for production in our country. The avoidance of unnecessary duplication of research and development works to the benefit of all parties involved and conserves our critical research and development resources for use in the pursuit of other high priority programs.

The other day I came across an article in the July 1974 issue of Government Executive magazine written by former Senator Charles E. Goodell in the interest of stimulating greater cooperation with our allies in the development and production of advanced military equipment. In addition to a comprehensive treatment of this subject, the article makes reference to an Army regulation which takes the lead in the Department of Defense in implementing the policy of cooperation with our allies in sharing technology. I request unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. McINTYRE. Mr. President, on July 26, 1974, I addressed a letter to the Secretary of Defense which refers to the Army regulation and questions the plans

of the Department of Defense to broaden the application of this policy to the Air Force and Navy so that the full benefits of cooperation may be instilled in the minds of program managers throughout the Department of Defense. I ask unanimous consent to have a copy of my letter printed in the RECORD at this point in my remarks.

I will continue to pursue this principle vigorously and will report to my colleagues from time to time as significant developments occur.

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

U.S. SENATE,
Washington, D.C., July 26, 1974.

Hon. JAMES R. SCHLESINGER,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The July, 1974, issue of the Government Executive magazine, on Page 32, carries an article by former Senator Charles E. Goodell covering Army participation in international cooperative research and development. This article is impressive and supports my interest in furthering greater cooperation with our allies. The article makes reference to an Army regulation, AR70–41, which establishes a procedure within the Army which requires the full consideration of foreign military developments as candidates for Army weapon system requirements. It is my understanding that the Army has taken the lead in this regard but that neither the Air Force nor the Navy has published similar directives. Moreover, the Department of Defense has not published an overall directive which would establish this policy on a uniform basis throughout the Department of Defense.

I am convinced that it is in the interest of the United States to proceed in an expeditious manner in formalizing policy and directives within the Department of Defense on the subject of international cooperative research and development. This will provide substantial savings to all countries involved and minimize unwarranted duplication of research and development. These actions in no way imply that full consideration should not be given to equipment developed solely by U.S. industry but rather that considerations of cost, performance effectiveness, and time must be recognized on a case by case basis.

Will you please advise of the Department of Defense plans for promulgation of these various directives bearing on this subject.

Sincerely,

THOMAS J. MCINTYRE,
U.S. Senator.

EXHIBIT 1

ARMY LEADS IN INTERNATIONAL BUYING

(By Charles E. Goodell)

Since World War II the United States has been cautiously feeling its way toward full cooperation with friendly nations in the sharing of technology. To the credit of the Nixon Administration, this process has been accelerated substantially in recent years.

Now the U.S. Army has taken the lead in implementing the policy officially.

Army Regulation 70–41, which became effective March 1, 1974, requires that the Army remain "abreast of doctrinal and materiel research and development in friendly foreign nations." The information will be used in "influencing, planning, and executing Army research and development programs"

The Army official policy goes beyond the requirement of gathering information. It directs that "materiel proposed for or under development will be evaluated" to determine whether cooperative rsearch and development would be appropriate, and it assigns responsibility to specific Army offices.

The Army deserves credit for officially proclaiming a policy which is so obviously to the advantage of American taxpayers and American defense. It has been difficult over the years for Americans to recognize that in certain areas of specialized work, our foreign friends are far ahead of us.

In these instances, it makes no sense for the U.S. Government to spend hundreds of millions of dollars repeating research and development that has already been accomplished and is available to us. The advantage is not only in dollars saved, but often in the availability of weapons systems earlier than would otherwise be the case.

This is not to say that foreign technology has been entirely neglected by the U.S. military. On an ad hoc basis there has been a steadily increasing utilization of foreign technology by the U.S. military.

European technology was instrumental in allowing Navy carrier strike forces to extend their military usefulness into the jet area. It is well known that without British developments such as the angled deck, steam catapult and mirrored landing system, Navy carrier aviation would not have developed as quickly and as economically to accommodate modern high-performance combat aircraft.

Similarly, the modern U.S. Army antitank weapon system known as *TOW* finds its origins in the early 1960s when the U.S. Army procured the SS 10 wire-guided missile-system developed by the French. More recently, after ten years and hundreds of millions of dollars of research and development expenditures by the DOD, it was our British allies who produced a workable vertical-take-off combat aircraft known as the Harrier. This aircraft has been introduced into the U.S. Marine Corps; and with the Harrier as a basis, the U.S. is now developing an advanced version with greater performance capabilities.

EUROPEAN TECHNOLOGY

U.S. use of European technology is not a new idea. Before World War II, as a matter of routine and in both military and civilian areas, the U.S. adopted innovative technology developed in Europe. The major U.S. contribution was our management genius, which enabled us to take creative technology and organize the massive resources required to produce the equipment at low cost and with high quality.

In spite of the overwhelmingly persuasive case for utilizing the technical advances of our friends, there are still many obstacles to be overcome. The military understandably is reluctant to admit that other countries are ahead of the U.S. in any way, except when it comes time to justify increased appropriations. In addition, the old saw is always brought out that we must "Buy American" and avoid sending American jobs abroad.

The truth is that the usual procedure is for a U.S. company to acquire a license to produce the product in the U.S. This creates American jobs and enhances American prosperity. In many cases, the American-produced product can be sold overseas, thus improving our balance of payments.

Although U.S. military requirements have intermittently demanded the utilization of advanced foreign technology, the military has until recently only edged slowly toward an open policy of cooperation. AR 70–41 represents potentially one of the most significant advances of military research and development in recent years.

It should be noted that American industry has, on its own, recognized and exploited the tremendous potential of picking our friends' brains. There are countless examples.

Item: In 1970, Thomson-CFS of France and General Dynamics entered an agreement under which General Dynamics could utilize, for the U.S. market, Thomson's designs for surveillance radar and medium-range approach radar. In 1973 the FAA awarded General Dynamics a contract for 37 airport surveillance radar systems based on the Thomson designs.

Under the industrial agreement, Thomson is designing the equipment and supplying prototypes. The production equipment will be produced in the U.S. by General Dynamics. The French technology enabled General Dynamics to offer to the FAA equipment with higher performance, but at lower cost, than equipment available from companies working without foreign assistance. In some areas, the Thomson/General Dynamics equipment exceeds the FAA's stated requirements.

INSTRUMENT LANDING SYSTEMS

In another instance, the FAA and the Air Force procured 135 instrument landing systems developed by Thomson and licensed to Texas Instruments. This was the world's first instrument landing system to be completely solid-state. It has greater reliability and stability than the systems previously used.

Item: French, Norwegian and British technologies for the construction of sophisticated tankers to transport liquefied natural gas (LNG) are enabling U.S. shipyards and American ocean carriers to participate in the transportation of this fuel. The benefits in increased jobs and the international balance of payments will probably overshadow the improvement in energy supply.

One large U.S. shipyard, about to shut down, obtained an order for three LNG tankers costing $90 million each. This created 3,500 new jobs at the Quincy shipyard of General Dynamics for the next three to five years.

The U.S. shipbuilders which have been licensed to use foreign-developed technology can be expected to build half of the 80 to 90 LNG tankers required for U.S. imports through 1985. In addition, because of improved U.S. shipbuilding efficiency and recent devaluations of the dollar, American shipyards may soon become price-competitive in the world market for LNG ships.

Given time, the U.S. might have developed its own LNG technology. However, foreign companies had a ten-year lead. Without the ready availability of the foreign technology under license arrangements, U.S. shipbuilders would have lost one of the brightest opportunities they have ever had.

Item: Because of the availability of foreign aerospace technology, a major U.S. aircraft engine manufacturer will be able to compete in the world market during the 1970s by offering the most advanced engine available for short-range commercial aircraft.

The engine is the CFM–56, which the French company SNECMA and the U.S. company General Electric are developing in a joint program approved by the U.S. and French governments. Because of high development costs, it is unlikely that U.S. industry working alone could have developed such an engine before the 1980s.

General Electric is contributing advanced core technology to the CFM–56 program. SNECMA is contributing unique trans-sonic compressor technology that constitutes a significant advance in the state of the art.

The GE/SNECMA team expects to meet stringent noise standards, largely because of work SNECMA had already done with respect to low-noise fans. The use of SNECMA's technology in conjunction with that of GE also will produce an engine that, in addition to being cleaner and quieter, will contribute to energy conservation because of a remarkably low fuel consumption.

Item: On a subway car or other self-propelled rail car, the "truck" is the assembly which includes the wheels, axles, propulsion

motors, gears and brakes. In North America, rail transit trucks traditionally have had two motors—one for each axle of the truck. A mono-motor truck has only one motor; that is, a single motor drives both axles and all four wheels of the truck. Mono-motor trucks offer significant and proven advantages over bi-motor trucks and are used extensively in Europe.

The ability to design a successful mono-motor truck is not a trivial skill. No U.S. firm has yet demonstrated it. The Light Rail Vehicles to be produced for Boston and San Francisco will be the first U.S. cars with mono-motor trucks, and those trucks will be designed in Japan. Westinghouse has a license to manufacture mono-motor trucks developed by Societe MTE, one of the leading manufacturers of transportation equipment in France; and Westinghouse expects to acquire MTE's design capability.

Item: MTE also has developed a device for rapid transit (subway) cars which allows them to generate energy as they slow down for station stops. This development is known as regenerative braking since the car's propulsion motors generate power at the same time that they are decelerating the car.

REGENERATIVE BRAKING

A rapid transit train accelerates to a high speed as it leaves a station, cruises at that speed until it reaches the next station, and then brake to stop at the station. Regenerative braking makes use of the energy which otherwise would be simply wasted during braking and dissipated as heat.

Renegerative braking has two important advantages. In a rapid transit system such as New York City's, it could result in a total energy saving of 10 to 20%. This is significant since the rapid transit system in New York uses 11% of all the electricity generated for that city.

The second advantage is the reduction of heat in subway tunnels and stations. With regenerative braking, subway stations can be air-conditioned.

Item: In the United Kingdom, British Leyland has developed a bus which is generally regarded as the most advanced urban transit bus in production in the world today. The bus, called the Leyland National, is being marketed in the United Kingdom and in several other areas of the world.

Item: A development considerably more advanced in Europe than in the United States is communication of localized traffic and emergency information to drivers via their car radios. Verbal messages temporarily—and automatically—interrupt programs on the radio and briefly transmit a traffic message. As we all know from experience, the existing traffic sign system has grave limitations as a communications medium, especially when rapidly changing conditions indicte a need to provide special information and guidance to drivers.

SHORTSIGHTEDNESS

The Federal Highway Administration recently began a research and development program to develop low-cost, add-on devices for radios, but more advanced work in Europe has already resulted in highly successful road tests under auspices of the national highway patrol authority. The European method appears to be superior technically and economically, but the Federal Highway Administration has gone its own route, starting anew, on the basis that most U.S. automobiles have only AM radios whereas the European system utilizes FM transmissions.

I believe this approach is short-sighted. "All channel" legislation now pending in both houses of the Congress would require that car radios have both AM and FM capability. This legislation is strongly supported by the Federal Communications Commission and most other knowledgeable organizations. It seems to have a good chance of passage this year.

These illustrations demonstrate the tremendous advantage to U.S. industry, and to the U.S. Government, in developing a high degree of cooperation with foreign companies and foreign governments. Obviously this is not a one-way street. There are many ways in which our friends abroad can, and have, utilized the tremendous advances generated by the American free enterprise system and U.S. Government research and development.

The interlocking of industrial technologies between foreign and American companies has significance far beyond the direct benefits to those involved. Cooperation at the industrial base enhances coperation at all levels. As economic and developmental realities lock us in with our friends to our mutual advantage, political cooperation inevitably tends to follow.

The few examples given here indicate that there is a tremendous potential for utilizing foreign technologies in solving many of our urban and other domestic problems.

A few years ago, officials of the Department of Housing and Urban Development allocated $4–6 million for the development of a vacuum system for solid waste disposal. Almost by accident, news of the allocation reached someone in the department who happened to know that such a system was operational in Sweden. He identified the opportunity.

A team of engineers was dispatched to take a look. For a mere $4,800—transportation and expenses for the three engineers—the technology was brought to the U.S. under a bilateral agreement with Sweden. The Swedish system is now operational at HUD's Operation Breakthrough project in New Jersey. This for only a few thousand dollars, rather than four or six million and perhaps much more.

The important element is that the adoption of the Swedish waste disposal system came about by chance. Few agencies of the government have systematic means of determining what might be available abroad. Too often, the government tends to operate as if no other nations experience the kind of problems which we have set out to solve.

HUD has a total domestic travel budget of $12 million a year—and a total foreign travel budget of $32,000, some of which goes unspent. In that kind of situation, it's no wonder that government decisionmakers are ignorant of the kinds of technology which may be available abroad.

Now that the Army has taken the lead in proclaiming an official policy of utilizing foreign technology whenever appropriate, is it not time for the Air Force and the Navy to follow suit? Should it not be made general policy in the Pentagon? Equally important, is it not time for HUD, DOT and and other civilian agencies to adopt the same kind of policy? To their credit, they have been moving in this direction on a few specific programs.

Would it be possible to issue a directive that no civilian expenditures for research and development can be made without a review of international availability? At least, a major effort should be made to canvas thoroughly the relevant developments overseas that might be unavailable in the U.S.

It is time that the U.S. dropped its chauvinistic attitude that we have done better than our friends in everything. Even conceding that the power, the innovative genius, and the experience of American industry could accomplish any given objective quicker and better than our competitors abroad, it should be obvious that even the United States cannot do *everything* at once.

By sometimes concentrating in areas that, for whatever reason have, been of lower priority, in the U.S., our friends abroad have developed much that we can use. We should do so.

TRIBUTE TO ERNEST GRUENING

Mr. McGOVERN. Mr. President, some of the most pleasurable, interesting and meaningful moments and hours of my life have been those I spent with the late Senator Ernest Gruening. I was one of his greatest admirers and I shall remain in awe of his many worthwhile accomplishments.

Ernest Gruening was a man of many hats and he wore them all well. One of the numerous professions he successfully pursued during his busy lifetime was that of a journalist. In 1921, he joined the staff of the Nation as its managing editor and his contribution to that magazine was an extraordinary one.

In an article in its July 20 issue, the Nation pays tribute to its longtime friend Ernest Gruening, and I think it is something that all of us who loved and admired this remarkable man would want to read. I ask unanimous consent that it be printed in the RECORD.

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

ERNEST GRUENING

The persona never engulfed the self with Ernest Gruening. The public citizen and the private person were one and the same; he was always of one piece. He had an enormous zest for life and made it a practice never to be bored. His splendid autobiography is appropriately titled *Many Battles*, and it is clear that he enjoyed all of them. He was an intellectual—educated in private schools here and in Europe, Harvard College (Bachelor of Arts in science, 1907), and the Harvard Medical School, 1912 (although he never practiced)—who loved the rough-and-tumble of politics and the challenge and excitement of journalism. In Boston he worked on the *American*, the *Herald*, served as editor of the *Traveler* (at age 27), and later moved to the *Journal* as managing editor. He was business manager, for a time, of *La Prensa*, in New York. He helped found and for five years edited the Portland (Maine) *Evening News*. He was, briefly, managing editor of the New York *Tribune* and New York *Evening Post*, but left both papers for reasons that did him credit.

"For most of his adult life Gruening was identified, in one way or another, and at different times, with *The Nation*. He joined the staff on May 15, 1921, as managing editor—*The Nation* of Villard, Kirchwey, Gannett, Lewisohn and the Van Dorens—and played a key role in the manazine's fourteen-year campaign to end the occupation of Haiti. In fact it was at *The Nation* that he first became interested in foreign policy when he campaigned against "gunboat diplomacy." He became one of the first American journalists to take an in-depth view of the Caribbean, Mexico and South America. He wrote what has been described as "the best book written by a non-Mexican" about Mexico, for which, years later, he received the Order of the Aztec Eagle. Roosevelt wisely tapped his expert first-hand knowledge and he became one of the architects of the Good Neighbor Policy, serving as adviser to the American delegation at the Montevideo Conference of 1933.

After his years in Portland, he again joined the staff of *The Nation* in 1932, this time as editor, and directed some of the magazine's more successful and important campaigns of the period, including the campaign to elect LaGuardia as Mayor of New York.

But after a time he left to become the first director of the newly created Division of Territories and Island Possessions and also administrator of the Puerto Rican Reconstruction Administration. He also served, of course, for nearly fourteen years as territorial governor of Alaska, and, more than any one person, was responsible for the successful drive to acquire statehood first for Alaska and then for Hawaii.

In two terms as Senator from Alaska, he was in the thick of every good fight and gave as good as he got in each of them. On October 7, 1963, he delivered his first major speech critical of America's role in Vietnam and on March 10, 1964, demanded the withdrawal of U.S. troops. He cast one of the two Senate votes against the Gulf of Tonkin Resolution, the other being cast by Wayne Morse. For these services *The Nation* set in motion the process by which a group of his colleagues later nominated him for the Nobel Peace Prize, which he richly deserved but did not receive. In February 1967, he participated in *The Nation*'s conference in Los Angeles which gave definite momentum to political opposition to the war. At that conference, Senators McCarthy, Hatfield, McGovern and Gruening all spoke against the war, as did Martin Luther King, Jr.—his first public speech against further American involvement in Vietnam. Another participant at the conference, Eugene McCarthy, made history the next year when he entered the Democratic primary in New Hampshire, and four years later George McGovern carried on the same fight with the active support of Ernest Gruening.

In 1968, after Gruening was defeated for re-election to the Senate his name was promptly added to our masthead as Editorial Associate and, let it be noted, he took the designation seriously. From Washington—or wherever he was at the moment—came a steady drumbeat of suggestions for articles and editorials, nor did he hesitate to offer criticism when he thought it was needed. As he was dying in a hospital in Washington, he was preoccupied with impeachment and worried about the outcome. In his view, the President should be impeached for high crimes and misdemeanors, thrown out of office, then prosecuted as a citizen, convicted again and put in jail as a demonstration that American justice still lives. The postscript in *Many Battles* is a classic indictment of Richard Nixon; no better statement of the case for impeachment has been or will be issued.

Ernest Gruening was a man of culture. He had wit and humor. He possessed a wide range of knowledge in many fields and few Americans of his generation had a richer or more varied experience in public affairs. He liked people and loved life. He was a man of impeccable honor and integrity, indomitable spirit and extraordinary moral courage. No one had a more acute sense of when the slightest compromise on an issue of principle could be fatal; he never made the mistake of letting that moment slip by. He had tenderness and affection for those he loved. What he had to say in his autobiography about the tragic deaths of Ernest, Jr. and Peter Gruening suggests, in its simplicity and directness, the depth of his feeling for them; so do his frequent references to his wife, Dorothy.

At *The Nation* we knew Ernest Gruening as a delightful and valued colleague and an ever loyal and helpful friend. His life spanned nearly a century and he was, by any reckoning, one of the most remarkable Americans of his time. Removing his name from the masthead, as we do with this issue, is a painful rite. But the conscience of a magazine that has been around as long *The Nation* is necessarily made up of the dead as well as the living. No one familiar with the editorships of Godkin, Villard and Gruening would say that their influence ceased when their lives ended. The spirit of Ernest Gruening will remain very much a part of *The Nation's* heritage.—Carey McWilliams for the Publishers, Editors and staff of *The Nation*.

Here follow comments from men who knew, admired and indeed loved Ernest Gruening:

"Ernest Gruening personified truthfulness, honesty, integrity and courage throughout his public service. He has been warning us for the past many years that these attributes of good character have been lacking in many high places in all three branches of our government.

"He recognized and warned that if our government, through its policies, violates the moral and legal principles upon which our system of constitutional self-government was founded, American citizens, once they became convinced of such wrongdoing, would demand and obtain a return of their constitutional freedoms and rights. It was to this issue of honest government that Ernest Gruening dedicated much of his time for the past ten years.

"Ernest Gruening was a very effective political evangelist in the cause of peace through enforceable Rules of International Law. He did not oppose but supported adequate national defense. But he did oppose vigorously undeclared wars by our country or any other country, military balance-of-power diplomacy, military intervention into the internal affairs of other nations even though it is done under the diplomatic guise of a détente.

"He warned again and again that nuclear proliferation and the leaving of nuclear warmaking power, in the name of national security and sovereignty, to a few nations without complete international enforcement control increases the danger of a nuclear arms race ending in a worldwide catastrophic nuclear war.

"History will record Ernest Gruening as being far ahead of his time. But above all else he will go down in history as a statesman in support of peace in our time through enforcement by world law.

"When historians in the years ahead finish their documented evaluations of the public service record of Ernest Gruening, he is certain to be ranked among the list of greatest champions of the nation's welfare ever to serve in the United States Senate."—Wayne Morse.

"My memory of Ernest Gruening will endure a lifetime. His many battles were of conscience and conviction, and the vision of the issue always became clear with time. He fought for his beliefs and he spoke his mind. He was a great man both for Alaska and the nation when we needed a great man."—Walter J. Hickel.

"Of all the men I have known in public life Ernest Gruening is the one whose life I most admire. He used to call me almost every morning, sometimes as early as 6:30 or 7:00, to tell me what I should do about this article or that editorial or chide me for not doing enough on this or that issue. He did this up until the end.

It was my privilege not only to serve with him in the U.S. Senate for a number of years but also to come to know him as a personal friend and to work with him very closely in the course of the 1972 campaign for the Presidency, and also during 1971 in the contest for the Democratic Presidential nomination.

"I always will think of Senator Gruening as a man who brought great passion and personal commitment and a healthy sense of moral outrage to the problems that faced our country.

"I arrived at the Doctors Hospital just a few minutes after Senator Gruening died, and Mrs. Gruening was still sitting there in the room with him. I stayed there and visited with her for about an hour in the presence of Senator Gruening, and we were talking without any tears at all about this marvelous life and the many things that he did.

Mrs. Gruening spent most of that time expressing her thanks and her gratitude and her joy that she had been permitted to share some sixty years with this remarkable man."—Sen. George McGovern.

"It is a measure of Ernest Gruening's greatness that in the last decade of a long and productive life, he undertook to use his intelligence and influence to take on not one, but two, of the most controversial public issues—the war in Vietnam and the problem of curbing rapid population growth. In both instances he had to contend with an administration led by his own party—and in both instances, when the time came for action, it was Gruening's position which was vindicated. Between 1965 and 1968, Senator Gruening conducted a remarkable set of thirty-two Senate hearings on "the population crisis" which elicited the views of 120 scientists, public officials, religious leaders and citizens. The record of these hearings—in 6,800 pages—was rich and diverse, ranging from detailed monographs on the prospects for population growth to Gruening's expert lecturing of indifferent John Gardner, then Secretary of Health, Education and Welfare, on the inadequacy of the department's program. When the hearings were completed, the issues of family planning and population had been defused politically and the inherent inability or unwillingness to act of the government's administrative bureaucracies had been exposed. The Gruening hearings thus laid the groundwork for positive legislation in 1967–70 on both the domestic and international aspects of the population issue.

"It was a classic example of legislative initiative and leadership, carried out by a virtuoso. Our nation and our world will sorely miss Ernest Gruening. They don't make them that way any more."—Frederick S. Jaffe, vice president, Planned Parenthood Federation of America and director Center for Family Planning Program Development.

"Back in 1929 when I was a senior at Hotchkiss, I read an article telling of the plight of a newspaper editor in Portland, Me., by the name of Ernest Gruening. In my innocence and arrogance I wrote him asking for a job, and to my amazement received an immediate answer saying that he would try me out. He said in his letter that he too had gone to Hotchkiss and couldn't imagine anybody there reading either *The Nation* or *The New Republic* or being interested enough to work on a Democratic paper in an archly conservative state.

"The Portland *Evening News* was my home for two summers and I learned more than I can ever acknowledge about journalism, the civil rights movement and trade unionism from Ernest, and also got to meet his wonderful sister Martha who was one of the founders of the NAACP. Although my life has been mainly concerned with music, it was Ernest Gruening as editor of *The Nation* who sent me to Alabama in February 1933 to cover the Scottsboro case, and it was through that experience that I was soon to join the board of the NAACP and work actively in the civil rights movement for the rest of my life.

"Last year I was present when Ernest and Wayne Morse got ACLU awards for being the two members of the U.S. Senate with the courage to oppose the Gulf of Tonkin Resolution in 1964. And in the spring of this year Ernest made his first trip to Hotchkiss since his graduation in 1903. At my class reunion last month I found that Ernest completely captivated not only the entire student body but most of the townsfolk as well. He was supposed to spend only an evening, but wound up staying three days.

"His humor and energy were unparalleled and he was certainly the nicest guy I ever worked for."—John Hammond.

THE SAGACIOUS SENATOR METZENBAUM

Mr. PROXMIRE. Mr. President, the Senator from Ohio (Mr. METZENBAUM) recently spoke words that have caused three great newspapers to editorialize on his sagacity.

The Senator from Ohio has looked down the road at the real meaning of higher world oil prices. His comparison of the profits of oil-rich Mideast countries to the world monetary reserves served to clearly demonstrate the economic upheaval in worldwide commerce.

Such exposition, as that used by the Senator from Ohio, is valuable for the country as a whole to view the big picture. There are times when we get lost in details.

Only by seeing that the oil-producing countries of the Middle East are in a position to move into such unprecedented wealth that they could buy control of some of our biggest industries can the American people view the enormity of the problem.

The distinguished Senator's ability in clarifying a complex issue cannot be praised too highly.

Mr. President, I ask unanimous consent that editorials from the Plain Dealer of Cleveland, the Washington Star-News, and the New York Times be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Cleveland (Ohio) Plain Dealer, July 19, 1974]

OIL WEALTH THREATENS WORLD

Oil-exporting countries got a hammerlock on the rest of the world when they quadrupled the price of petroleum. Poor countries are being driven bankrupt. Advanced countries are being driven into deep deficit.

Meanwhile the oil-exporting countries are raking in immense amounts of money. It is estimated they will have $60 billion in excess funds each year. That gives them an awesome power. Power like that can explode in any direction.

Iran has begun to wield its new-found power in ways that make one uneasy. It has bought the most advanced weapons. It is acquiring nuclear power and know-how. Now Iran has purchased a 25% interest in the Krupp steel works in West Germany.

For the first time, a foreign owner will have a seat on the 18-man supervisory board of the House of Krupp, the industrial giant that produced Germany's munitions for World Wars I and II, and even for the Franco-Prussian War.

Iran's pouncing on West Germany is ominous. If oil wealth can bite off such a mouthful of Krupp, what U.S. corporations might be acquired by some overwealthy, underpopulated sheikhdom?

Sixty billion dollars is two-thirds of all the overseas investments of the United States, accumulated over the last 75 years. David Rockefeller, head of Chase Manhattan Bank, warns that the gigantic flow of money could cause "econom.c and political chaos."

What could those $60 billion buy? U.S. Sen. Howard M. Metzenbaum, D–O., listed 11 American corporations and the June 24 price of buying majority control of them. He said control could be acquired for less than $47 billion, and the list included American Telephone & Telegraph, Dow Chemical, General Motors, IBM, ITT, U.S. Steel and Xerox.

Another stunning statistic Metzenbaum furnished was the total of world monetary reserves: $186 billion. But if accumulated year by year, oil-exporting countries' reserves by 1980 could produce $400 billion.

It has become a more menacing economic world since oil-exporting countries got such a tight hold on their fellow nations. Suffering is afflicting the poor peoples as a by-product of oil price manipulation. Italy, Britain and Japan are in deep hot water because of their oil costs.

Oil-exporting countries must find wholesome ways to recycle their monstrous excess cash flows. It has been suggested, wisely, that some of this money go to the relief of poor nations in the early stages of development whose progress is threatened to be choked off by the high price of oil.

Unless these oil funds are rechanneled for universal benefit, the ultimate result will be chaos.

[From the Washington Star News, July 17, 1974]

SIMON IN THE MIDEAST

Treasury Secretary William Simon's talents as a diplomat are largely unknown. In most of his foreign contacts he presumably chooses his words more carefully than in the case of the shah of Iran, whom Simon is reported in a trade-publication interview to have referred to as "a nut." A previous tangle with the touchy shah, when Simon was energy czar, required an apology to the Iranian leader by President Nixon.

Iran happily is not on Simon's itinerary in his current mission to the Middle East, which includes Egypt, Israel, Saudi Arabia and Kuwait. The blunt-spoken Treasury chief, a former Wall Street bond expert, can perform a service by putting in realistic perspective the prospects for American economic involvement in that part of the world. President Nixon's summitry, conjuring visions of instant atomic power plants, may have left a fanciful picture of the immediate future.

Egypt is most in need of Western investment and technology, and of advice on creating conditions for bringing about large-scale development with the help of the non-Communist industrial countries. It is not simply a matter of agreements between governments, though these are necessary to clear the transfer of sensitive equipment and knowledge, and to provide credits and guaranties for investors. The climate has to be right, as well, for Western businesses operating on the profit system.

Simon made an initial pitch for further economic liberalization in Egypt, where an "open-door" policy has been declared to attract foreign investors. Few concrete deals have been concluded so far, in part because of ambiguities in a new investment law. Simon should be able to gain insight into how Egyptian officialdom is likely to treat American business in the future. Israel, with a Western economic orientation, poses no such problem.

With Saudi Arabia it is mostly a different matter of exploring ways of reinvesting that kingdom's excess oil billions in the West. The same is true with Kuwait. This is a subject that could produce sensitive reactions on our part, as witness the fear expressed by Senator Metzenbaum this week that Arab oil men using less than one year's accumulation of extra capital could buy controlling interest in 11 major American corporations (AT&T, Boeing, Dow, General Dynamics, General Motors, IBM, ITT, Lockheed, United Airlines, U.S. Steel and Xerox). Financial involvement of the oil states in the American economy, obviously, will soon be as pressing a question as our own investment in many foreign countries.

Long-term economic collaboration with the nations of the Middle East, however, depends on circumstances over which Simon and his counterparts in the other financial ministries have no control. This is the conclusion of an Arab-Israeli peace that will rule out repetitions of four destructive wars and major economic dislocations like two long closures of the Suez Canal and the Arab oil embargo.

[From the New York Times, July 20, 1974]

THE OIL MONEY

Ever since the quadrupling of oil prices after the October war in the Middle East last year and the piling up of tens of billions of dollars in liquid funds by the oil-exporting countries, a question hanging over the Western world has been what long-range investments the oil states would make with their "petrodollars." The first major deal has now been disclosed: the Government of Iran is buying a 25 per cent interest in Fried. Krupp Huettenwerke, the steelworks and engineering division of the Krupp enterprise in West Germany.

The deal dramatizes the impact of the shift of wealth and power to the Middle East, and the potential dangers that could result. Krupp acquired an unsavory reputation early in the century as Germany's greatest weapons producer. Since World War II, Krupp has never resumed weapons production; but Iran's acquisition of a heavy interest in Krupp arouses understandable apprehension.

The size of the Krupp deal—though the purchase price was not disclosed, it surely ran to hundreds of millions of dollars—and the probability that the enormous sums falling into oil producers' hands will lead to other even bigger deals should force the United States and other Western countries to develop a common policy toward business acquisitions by the Iranians, Arabs and other foreign governments. As Senator Metzenbaum of Ohio has pointed out, it would cost the oil states only about 75 per cent of their excess dollar earnings in a single year to acquire a controlling interest in eleven giant American corporations including A.T. & T., Boeing, General Motors, I.B.M., I.T.T., U.S. Steel and Xerox. The buildup of liquid investible funds, at a rate of $60 billion a year or more, will go on year after year, as long as oil prices stay where they are in relation to other world prices.

From an economic standpoint, the long-term investment of petrodollars in Western industry may be necessary to avoid imposing a contractionary squeeze on economies; it reduces the threat of financial chaos resulting from massive shifts of short-term funds. But from a political, social and national-security standpoint, foreign control over major industries in the West, especially by states with limited experience in world affairs and with driving national ambitions, gives obvious cause for concern.

While the oil-producing countries can be expected to make long-term investments in the United States, it would be desirable for Congress to set maximum limits and full disclosure requirements in advance of foreign acquisition of certain American industries, especially those critical to national security.

Control over foreign investment, however, cannot provide an entirely satisfactory answer. Achievement of economic equilibrium and avoidance of undue foreign political influence will require lower oil prices and a lessening of United States and other Western dependence on imported oil.

Concerted Western policies for conservation and energy research and development are the fundamental ways of responding to the danger of excessive transfer of economic and political power to the oil states.

VOTE ON MR. ROGER LEWIS, PRESIDENT, AMTRAK

Mr. CHILES. Mr. President, on July 18, 1974, the Senate confirmed by voice

vote the nomination of Mr. Roger Lewis as a member of the Board of Directors of the National Railroad Passenger Corporation. While the fact of this vote may give the appearance of a routine confirmation with no opposition, I would suggest this is deceiving. Rather the nomination was acted upon with few Senators present because Mr. Lewis is a subject of no little controversy and there are a number of Senators, myself included, who question the wisdom of permitting Mr. Lewis to continue to function as President of Amtrak. This is not to say that Mr. Lewis would not have been confirmed on a rollcall vote, but I believe it would have been instructive for Mr. Lewis to witness how many members of this body are less than satisfied with Amtrak's performance and concomitantly its leadership.

The only real basis for evaluating a chief executive officer is on the performance of the organization which he or she heads. In this particular case the performance leaves much to be desired with no sign of substantial improvements in sight. This lack of even, steady but slow progress toward revitalizing rail passenger service is what disturbs me the most and leads me to the conclusion that a change in leadership may prove beneficial. I do not question that the task posed for Amtrak has been and will continue to be a difficult one. Rail passenger service had reached a low ebb when the National Railroad Passenger Corporation was created and Congress was not expecting miracles. However, with good organization and management I have seen a number of seemingly impossible tasks accomplished in this country and I quite frankly do not think Amtrak's challenge is totally insurmountable.

In fact, with the current energy situation there is a renewed interest in rail travel and the potential to build a long-term market for Amtrak service, should service ever achieve some level of adequacy. However, just one or two experiences with missed schedules, unheated or uncooled cars, equipment breakdowns, shabby furnishings, shortcomings in information, reservations, and on-board services, and people will be running back to their automobiles no matter what the price of gasoline.

In case one might be inclined to think that good rail service is simply an unreasonable expectation in this day and age, look to the experience of the Auto-Train Corp. which has done an outstanding job transporting passengers with their automobiles between Washington, D.C., and Florida. The only complaint from the public regarding this service is the difficulty in getting tickets for this popular mode of transportation.

Complaints regarding Amtrak are an entirely different matter. They continue unabated and in ever increasing volume. And yet from Amtrak, when there is a response at all, it is only the same litany of tired excuses that were being handed out 3 years ago. There is just no evidence of a hard-driving commitment to realizing the goal of modern rail passenger service. To give one example of the failure of initiative, the Florida Department of Transportation worked long and hard in the development of a proposal for turbotrain service between Orlando and Miami. The market potential is obvious and the State has provided a great deal of support for this project, including the authorization of State funds for its initiation in fiscal year 1974–75. And yet in its capital acquisition program for this year, Amtrak failed to even propose the purchase of the turbotrains required for the Florida run.

I am concerned over the future of rail passenger service if the present pattern continues. I think passenger trains have an important role to play in this Nation's transportation system but this will only come to pass with innovative and determined management. Management that is convinced of the future of rail passenger service and has the capability of assuring that future.

Mr. Lewis has been confirmed by the Senate as a member of the Board of Directors. However, I would strongly encourage that Board to most carefully review the record and most closely consider what it wants for the future before it decides who is capable of providing the leadership that has been so sorely lacking in the past.

COMMUNITY SERVICES IN NEW HAMPSHIRE

Mr. McINTYRE. Mr. President, I want to share with my colleagues my deep concern with the possible elimination of major community services to the poor in our country. That is why I am a cosponsor of the Economic Opportunity and Community Partnership Act of 1974 introduced earlier this week. This important legislation will extend for an additional 3 years the programs currently under the Economic Opportunity Act of 1974, authorizing direct funding to each locality to aid in its fight against poverty.

As a Senator from New Hampshire, I am deeply troubled with the problems within my own State. Earlier this year, the New Hampshire State Senate adopted a resolution which I want to share with you today. According to this resolution, "1 of every 11 people in New Hampshire lives in poverty—and over one-third of New Hampshire's elderly receive income below poverty levels." We must do all we can, Mr. President, to end poverty, by giving people a chance to help themselves, and by raising our senior citizens to the dignity they deserve. I urge my colleagues to support the Economic Opportunity and Community Partnership Act of 1974.

I ask unanimous consent that the full text of the New Hampshire Senate resolution be printed in the RECORD.

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

STATE OF NEW HAMPSHIRE SENATE RESOLUTION

Whereas, one of every eleven people in New Hampshire lives in poverty, according to U.S. census figures; and

Whereas, over one third of New Hampshire's elderly receive income below poverty levels; and

Whereas, there is ample evidence children of low-income families will remain in poverty; and

Whereas, it is estimated every low-income person costs the taxpayers $150,000 during his or her lifetime; and

Whereas, poverty cannot be eliminated by handing out money or surplus food but only by truly helping people to help themselves; and

Whereas, New Hampshire's locally-controlled Community Action Agencies have been an efficient and effective means of breaking the "cycle of poverty," as set forth in the booklet "Poverty in New Hampshire," written by a department of the Governor's Office;

Therefore, in the belief it is both fiscally sound and more humanitarian to attack the causes of poverty than merely to dole out welfare,

Be It Resolved, That the New Hampshire Senate respectfully urges Congress to enact, and the President to sign, an extension of the Economic Opportunity Act, with adequate funding, so that our State's Community Action Agencies may continue their work.

Be It Further Resolved, that copies of this resolution be sent by the Secretary of State to Senators Cotton and McIntyre, Congressmen Cleveland and Wyman, and President Richard Nixon.

SENATOR ABOUREZK APPOINTED TO POWERFUL BUDGET COMMITTEE

Mr. McGOVERN. Mr. President, last week I sent the following statement to the news media in South Dakota relative to the appointment of my junior colleague, Senator ABOUREZK, to the new Senate Committee on the Budget:

South Dakotans can take pride in the appointment of Senator James Abourezk to the new Senate Committee on the Federal Budget.

It is a great credit to Senator Abourezk that during his first term in the Senate, he has won the confidence of the leadership in being named to this important new Committee. This will give South Dakota a strong voice in determining future budget priorities.

Senator Abourezk was one of only two new members of the Senate to win this coveted assignment. I think all of us in South Dakota can take pride in this achievement.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If there is no further morning business, the period for the transaction of morning business is now closed.

CONSUMER PROTECTION—AGENCY FOR CONSUMER ADVOCACY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 707, which the clerk will report by title.

The legislative clerk read as follows:

S. 707, a bill to establish a Council of Consumer Advisers in the executive office of the President, and so forth, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to amendment No. 1563 by the Senator from Ohio (Mr. METZENBAUM). The

yeas and nays have been ordered on this amendment, but the agreement is that the vote will not occur prior to 3:30 this afternoon.

Mr. ERVIN. Mr. President, I rise for the purpose of speaking on this amendment and also upon the bill, S. 707.

This bill is an attack upon the private enterprise system which has made America the greatest nation economically that this Earth has ever known.

There is no better way to destroy the free enterprise system than to regulate it to death, and that is precisely what S. 707 undertakes to do.

In the ultimate analysis the demand for the enactment of S. 707 rests upon three premises: The first of these premises is that our bureaucratic system of government, which has developed and become so monstrous, does not function efficiently, and that the way to make our overgrown bureaucratic system work better is to add some more bureaucracy to it in the office of an administrator who is to be authorized to throw monkey wrenches at his own discretion into governmental machinery, and to harass those engaged in free enterprise by public pronouncements with respect to their goods and services.

The second premise which underlies demand for enactment of this legislation is that businessmen of America sit up all night to devise new ways to cheat and defraud the customers on whose good will they depend for their prosperity.

The third premise is that the American people are mentally incapable of managing their own affairs and must be placed under the bureaucratic guardianship of a consumer administrator. I think that it would be well at this time for us to consider what the free enterprise system is, because I believe that a realization of the free enterprise system and the fruits of the free enterprise system will be of material assistance to the Members of the Senate in reaching a correct decision in respect to S. 707.

What is free enterprise? The dictionary defines free enterprise as "an economic and political doctrine holding that a capitalist economy can regulate itself in a freely competitive market through the relationship of supply and demand with a minimum of governmental intervention and regulation."

Although this definition is accurate, I assign to free enterprise a simpler one. I prefer to call it economic freedom. I do this simply because it is a constituent part of freedom itself.

To value freedom aright, we must be mindful of what it cost. One of its foremost champions, Rudyard Kipling, had this to say about the cost of freedom in his stirring poem entitled "The Old Issue:"

All we have of freedom, all we use or know—
This our fathers bought for us long and long ago.
Ancient Right unnoticed as the breath we draw—
Leave to live by no man's leave, underneath the law.
Lance and torch and tumult, steel and grey-goose wing,
Wrenched it, inch and ell and all, slowly from the King.
Till our fathers 'stablished, after bloody years,
How our King is one with us, first among his peers.
So they bought us freedom—not at little cost—
Wherefore must we watch the King, lest our gain be lost.

Being an Englishman, Kipling referred to government as the king. To paraphrase his statement, I think that the American people and their representatives in the Senate and the House of Representatives had better watch Congress when Congress considers legislation such as that proposed in S. 707, which will destroy one of the very essentials of economic freedom and the free enterprise system.

Economic freedom constitutes a precious part of the heritage we received in trust for ourselves and our children and our children's children from all those men and women, great and small, whose blood, sweat, tears, and prayers made the America we know and love a living reality.

These men and women did not learn economics sitting at the feet of those who promise "abundance for all by robbing Selected Peter to pay Collective Paul."

They acquired their knowledge in the hard school of experience, which is the most dependable of teachers. As a consequence, they had the hardihood to accept the economic truths plainly visible to all human beings who possess both the capacity and the willingness to face reality.

They knew that earth yields nothing to man except the products of his own labor. They knew that Adam's curse is an unchanging and unchangeable law of life: "In the sweat of thy face shalt thou eat bread, til thou return unto the ground."

They knew that man has but one choice in respect to this immutable economic fact, and that such choice is simply this: Whether the bread which he must eat in the sweat of his face shall be the bread of freedom or the bread of bondage.

They knew this unalterable decree of the Creator of the universe: Free men cannot be induced to produce things of value unless they are permitted to retain a fair share of the fruits of their labor for themselves, their familiies, and the causes they hold dear.

They knew, moreover, that man can be free only if he is willing to accept responsibility for his own life.

As the consequence of these things, the valiant folk who made America realized not only that economic freedom is an absolutely necessary attribute of a free society, but also that it most effectively encourages men and women to be self-reliant and to produce goods and services in an abundance sufficient to enable such a society to enjoy the highest standards of living.

To these ends, they established the free enterprise system as the way of life in our land, and wrote into State and Federal constitutions rights to liberty and property to give the system the power to operate with success.

These constitutions secure to each American these rights: To travel when and where he pleases; to use his God-given faculties; to seek useful knowledge; to acquire, possess, use and dispose of property; to earn his livelihood by any lawful calling; to manufacture commodities or provide services; to buy and sell goods; to save and invest his earnings in any lawful undertaking; to enter into contracts for carrying out these activities with profit; and to do the other things essential to the orderly pursuit of happiness.

Let us examine the philosophic base of our free enterprise system.

A rather waggish, but somewhat truthful, commentator suggests that free enterprise rests on the desire of Americans to be men rather than mendicants. He says: "If you want Uncle Sam to take care of you, that's socialism; but if you want to take care of yourself, that's free enterprise."

The American free enterprise system is founded on these basic beliefs:

First, the needs of our people are best met by free men freely competing in a free market.

Second. The worth of our country depends on the worth of the individuals residing in it. Consequently, each individual owes to our country as well as to himself and his family the duty to develop and use his faculties and his talents.

Third. There are prerequisites to the performance of this duty. Since freedom means responsibility, the individual must accept responsibility for his own life; and since man is not born to be idle and work is indispensable to the growth of his spirit, he must have a worthwhile task to dignify his days. If he is to develop his abilities and use them with diligence in the performance of his task, he must receive a profitable return for his efforts and be allowed to retain a fair share of it for himself, his family, and the causes he holds dear.

Perhaps the best explanation as to why the free enterprise system works was given by one of the wisest of American philosophers, Ralph Waldo Emerson. He explains the nature of free enterprise in this statement:

> If a man has good corn, or wood, or boards, or pigs, to sell, or can make better chairs or knives, crucibles or church organs, than anybody else, you will find a broad hard-beaten road to his house, though it be in the woods.

The Gospel according to Matthew informs us that "The tree is known by his fruit."

When it is appraised by this test, American free enterprise manifests its superiority over all other economic systems. I cite a few facts which demonstrate this.

While it contains about 6 percent of the world's area and has only 6 percent of the world's population, the United States has 71 percent of the world's automobiles, 52 percent of the world's telephones, 44 percent of the world's radios, 30 percent of the world's railroads, and 66 percent of the world's life insurance.

Moreover, free enterprise enables the United States to enjoy a standard of living so much higher than that of other countries that it consumes 48 percent of the world's coffee, 53 percent of its

tin, 56 percent of its rubber, 21 percent of its sugar, 72 percent of its silk, 36 percent of its coal, 42 percent of its pig iron, 47 percent of its copper, and 60 percent of its petroleum. Besides, the United States has more homeowning families than any other land.

To be sure, these are material things. Nevertheless, they constitute an outward sign of the inner grace of a nation, which grants to all economic, political, and religious freedom and thus affords to each the opportunity to become the master of his fate and the captain of his soul.

All Americans should cherish free enterprise and endeavor to preserve it. Unhappily, some do not.

Some exalt government above the freedom of the individual, and for that reason would like to have all substantial economic activities controlled by government. Despite their good intentions to the contrary, others would cripple free enterprise by subjecting it to excessive governmental intervention and regulation, or by substituting political planning for individual initiative and supervision.

Existing tax laws confiscate inordinate proportions of the earnings of individuals and in that way threaten the destruction of their incentive to produce.

In addition, far too many disbursements are being made under employment security and welfare laws to drones who are simply too lazy to work and who look to the taxpayers for bread and circuses.

These things imperil free enterprise. The thing which imperils free enterprise the most is the demand that it be subjected to excessive governmental intervention and regulation, which is exactly what S. 707 would do to the American free enterprise system.

Those of us who esteem it the world's best economic system cannot take its continuance for granted merely because the rights to liberty and property which make it workable are embodied in our constitutions.

Unfortunately, constitutions are not self-executing and cannot save freedom unless love for freedom abides in the hearts of the people.

One of America's wisest sons, the late Judge Learned Hand, expressed this truth in these words:

> I often wonder whether we do not rest our hopes too much upon constitutions, upon law, and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it.

Let us pay the price, whatever it may be, to keep love of economic freedom alive in the hearts of the men and women of our land. Let us teach them by precept and by example that Trumbull Cheer pictured free enterprise aright in this verse:

> The power to choose the work I do,
> To grow and have the larger view,
> To know and feel that I am free,
> To stand erect, not bow the knee,
> To be not chattel of the State,
> To be the master of my fate,
> To dare, to risk, to lose, to win,
> To make my own career begin,
> To serve the world in my own way,
> To gain in wisdom, day by day,
> With hope and zest to climb, to rise,
> I call that Private Enterprise.

This bill, S. 707, not only proposes to make the businessmen of America and those engaged in the production of goods and services chattel to the state, but it places them under the supervision of a single human being, to be known as the administrator of consumer affairs.

As I stated at the outset, there is no more effective way to destroy the economic system which has made America great than to overregulate those who are engaged in the production of goods and services, and that is precisely what S. 707 undertakes to do.

Mr. President, I opposed the Consumer Protection Agency bill in 1970. I opposed the same bill in 1972, and today, in 1974, I begin once again the task of pointing out the dangers to our Nation's citizens in an innocently titled bill to protect the interests of consumers.

In so doing, I wish to admit that those who advocate the bill and those who support their efforts are sincere persons. But I would like to remind the Senate that one of America's wisest sons, Justice Brandeis, said that freedom is most imperiled at the hands of sincere persons.

In carrying on this debate on S. 707, the Consumer Protection Agency bill, as it was originally called—now called the Agency for Consumer Advocacy—I think I know how Clarence Darrow felt when he appeared before the Mine Commission in the Pennsylvania coal strike case in 1903. "Gentlemen," he said, "I scarcely know what to say in opening this case." Thereafter, he spent the next 8 straight hours explaining the problems faced by mineworkers.

It will take more than 8 hours to explain the many problems raised by S. 707, the Consumer Protection Agency—as originally cited—bill now before us.

Today, I simply wish to explain, in terms everyone can understand, what certain parts of this bill do.

SCOPE OF BILL

Let me just cite one example before going on to a more definitive explanation of the bill. If you will look at subsections 7(c) of S. 707, you will find a provision which reads as follows, and I quote:

> Each Federal agency shall review its rules of procedure of general applicability, and, after consultation with the (CPA) Administrator, issue any additional rules which may be necessary to provide for the Administrator's orderly intervention or participation, *in accordance with this section*, in its proceedings and activities which may substantially affect the interest of consumers. Such additional rules shall be published in proposed and final form in the Federal Register."

Yes, that is right. This bill would require every Federal unit to rewrite its rules of practice to conform to the unprecedented power which would be granted to one man—the Administrator of the CPA.

The first question that immediately comes to mind—a very logical question, I think—is who could possibly know what all these Federal agencies are? There is probably no one in this Chamber who could list all of the governmental units which conduct administrative proceedings. These include all of the divisions, bureaus, and offices of the Department of Health, Education, and Welfare, alone, not to mention every Federal bureau, office, commission, department, or agency.

This provision of the bill, standing alone, would require the rewriting of all the regulations of all Federal agencies. To illustrate what a Herculean task that would be, I invite attention to my experience with the Federal Register during the years when I last practiced law.

I had on my shelf an unannotated edition of the United States Code, containing all the laws of a permanent nature still in force, passed by Congress since the first Congress met in 1789. That unannotated edition of the United States Code occupied about 12 inches on my office shelf.

I had all the issues of the Federal Register, which contains the regulations of the Federal agencies, bound for a period of 18 months. Those bound volumes of the Federal Register, for a period of only 18 months, occupied approximately 38 inches of space on my office shelf—many times the amount of space occupied by the Federal Code which contained all the laws then still in effect, of a permanent nature, enacted since 1789.

If one does not know the scope of this bill, how can one possibly support it?

Can any supporter of this bill show me why it is necessary to subject the following Federal agencies to the whims and unprecedented powers of a CPA, if the CPA in its absolute discretion wishes to exercise these powers? These units are among the many listed in the 1974 Congressional Directory as "independent agencies" of the Federal Government:

ACTION, which now includes the Peace Corps and VISTA,

Advisory Commission on Intergovernmental Relations,

American Battle Monuments Commission,

American National Red Cross,

Appalachian Regional Commission,

Arms Control and Disarmament Agency of the United States,

Civil Service Commission,

Commission of Fine Arts,

Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped,

The Congressional Club,

Delaware River Basin Commission,

Environmental Protection Agency,

Equal Employment Opportunity Commission,

Export-Import Bank of the United States,

Farm Credit Administration,

Federal Deposit Insurance Corporation,

Federal Labor Relations Council,

Foreign Claims Settlement Commission of the United States,

Foreign-Trade Zones Board,

General Advisory Committee on Arms Control and Disarmament,

Gorgas Memorial Institute of Tropical and Preventive Medicine,

Indian Claims Commission,
Inter-American Foundation,
National Advisory Council on the Education of Disadvantaged Children,
National Commission on Libraries and Information Science,
National Credit Union Administration
National Foundation of the Arts and the Humanities,
National Science Foundation,
National Selective Service Appeal Board,
Occupational Safety and Health Review Commission,
Office for Micronesian Status Negotiations,
Overseas Private Investment Corporation,
Panama Canal Company,
President's Commission on Personnel Interchange,
President's Commission on White House Fellows,
President's Committee on Employment of the Handicapped,
President's Council on Physical Fitness and Sports,
Railroad Retirement Board,
Renegotiation Board,
Selective Service System,
Small Business Administration,
Smithsonian Institution,
Soldiers' and Airmens' Home, United States
Tennessee Valley Authority,
United States Information Agency,
U.S. Commission on Civil Rights,
Veterans' Administration,
Washington Metropolitan Area Transit Authority,
Washington National Monument Society, and the
Water Resources Council.

All of these agencies, and their bureaucratic subdivisions, are covered by this bill because they are, each of them, an authority of the Federal Government under section 551 of title 5, U.S. Code. If Senators will look at paragraph (8) of section 4 of S. 707, they will see that all such units are deemed "Federal agencies" to be subjected to the powers of the CPA, unless specifically excluded by another provision of the bill.

Speaking of specific exclusions, there is only one possible interpretation of this bill in relation to the 50 randomly chosen Federal agencies which I have listed.

The inescapable conclusion is that these 50 agencies are intended to be covered, because the sponsors of this bill have specifically excluded the agencies and activities which, in their expressly stated opinion, have only a marginal or a nonexistent impact on consumer interests.

When we stop to think, when we meditate on the fact, that under S. 707, one man, the Administrator, would be given the power to interject himself into any of the activities of any of these multitudinous agencies, if he, in his uncontrolled and actually undefined discretion, says to himself, "A consumer interest is involved," we see that we have a person, one individual, who has the unbridled and uncontrolled discretion to interfere in virtually every activity of the Federal Government.

In addition, he is given the power to supervise and ride herd on every businessman in the United States and every person who in any way is engaged in producing goods or services for the American people.

I would say that the powers that are given to the Administrator would make the most absolute eastern potentate turn green with envy.

We in the legal profession have a name for this well-recognized type of statutory construction. It is called expressio unius est exclusio alterius—"expression of one thing is the exclusion of another."

If we look at subsection 17(d) of this bill, we see that the Central Intelligence Agency, Federal Bureau of Investigation, National Security Agency, and the national security or intelligence functions of the Defense Department are expressly exempted. Subsection (e) of that same section specifically excludes Federal Communications Commission proceedings dealing with radio and television broadcast license renewals.

If we look at paragraph (11) of subsection 6(a) of S. 707, we see that many labor proceedings of the National Labor Relations Board and the activities of such agencies as the Federal Mediation and Conciliation Service dealing with dock strikes and the like are also specifically exempted. The majority report on this bill makes it clear that, in their expert opinion, such labor-oriented proceedings will have too remote an effect on consumer interests, and, therefore, must be specifically excluded.

I must take issue with this exemption. From my reading of economic history, I have acquired the information that as far back as men have kept records of such things, approximately 75 percent of the cost of any product or the cost of any service is the cost of the labor which is required to produce that product or render that service.

Yet under this bill, labor is totally excluded from the provisions. So we have a bill avowedly offered to protect the interest of consumers which says that the bill does not affect and is no applicable to labor, which accounts for a substantial part of the price of every product and every service.

I am going to offer some amendments later to try to correct this defect in the bill so we have a bill to protect the consumer and not simply a bill to allow one man to ride herd on everybody in the United States except the FBI, or the CIA, the Secret Service, the Department of Defense, and the most powerful institution in America, the labor organizations.

I commend the proponents of the bill for this approach of diligently trying to find out Federal activities which would have only a remote effect upon consumer interests and, then, specifically exempting these activities from CPA intrusion.

My first quarrel with these proponents, therefore, only extends to a reasonable difference of opinion over whether all the agency activities which are covered by this bill do, indeed, have a greater impact upon consumer interests than those which are specifically exempted for their lack of consumer impact.

For example, at this moment, I wonder whether the consumer impact resulting from the covered activities of the U.S. Office of Micronesian Status Negotiations is really greater than the exempted activities of the Federal Mediation and Conciliation Service in trying to bring a dock or truckers' strike to an end so that consumer goods may flow again.

I wish someone would explain to me why this Micronesian office's activities are more important to the consumer than the activities of the NLRB.

In fact, it occurs to me that we should start to find out what this bill would do by reviewing the activities of all Federal agencies which are covered, and comparing them to those not covered. Perhaps we can do this later on in the debate, but first let me explain a little more about the CPA.

INDEPENDENCE OF THE CPA

Before considering the awesome powers for this CPA, let us consider the proposed status of this new Federal unit. This unit is to enjoy a rarified atmosphere of independence never before enjoyed by any governmental body—virtually total independence which puts it beyond the reach of any elected official or citizen.

The CPA Administrator is to be appointed for a fixed term, coterminous with that of the President, and may be removed from office only for inefficiency, neglect of duty, or malfeasance in office, according to paragraph (1) of subsection 5(b).

Until fiscal year 1977, when new authorizations must be sought, the CPA answers to no one but an Appropriations Committee. This, of course, reflects the opinion of some supporters of the CPA concept that legislative oversight is totally ineffective anyway; hence, in their opinion, we need to create another agency to conduct our oversight on existing agencies.

We have heard a great deal lately about Watergate, about the series of tragedies known collectively as the Watergate affair, and we have seen in that instance how men, entrusted with power which they were incapable of exercising, undertook to pervert virtually every function of governmental agencies to insure the reelection of the incumbent in the White House.

Just think what could have been done by an Administrator if he had had the power to appoint Charles Colson, or H. R. Haldeman, or John Ehrlichman, to an office created by law in which he could exercise power over individuals which this bill would give to the agents of the Administrator.

If the Watergate affair teaches us anything, it is that government already has too much power to harass the people of this land and to pervert the agencies of government to accomplish purposes they were never intended to accomplish.

This total isolation to interpret and affect the law and its enforcement is one of the reasons that the administration is totally opposed to this bill, unless sig-

nificantly amended. Otherwise, any administration's domestic and foreign programs could be wrought asunder by the insulated and powerful CPA.

How can we conduct our foreign affairs, and be able to call upon the Export-Import Bank for assistance in doing so, if we have an independent administrator who can come in and interject himself into all the proceedings had between the officials of that Bank and the foreign government seeking a loan, or foreign individuals seeking methods of exporting their goods?

This total isolation is insupportable.

Mr. Justice Frankfurter's warning has gone totally ignored in this bill:

> If one man can interpret for himself what is law, everyman can. That means first chaos, then tyranny. For legal process is subject to democratic control by defined, orderly ways which are part of the law. In a democracy, power implies responsibility.

In this bill, the CPA is given vast powers and absolutely no responsibilities. Under sections 7 and 8 primarily, but not exclusively, the CPA Administrator is to determine, in his absolute discretion, what is in the best interests of consumers, and he is given the necessary powers to make sure that his determination is carried out both inside and outside the Government.

Under subsection 14(e), no citizen, Congress, or President may challenge the Administrator's determinations of what is in the best interests of consumers. The bill actually goes so far as to specifically cut off judicial review of this basic function of the CPA, while at the same time proponents argue that the CPA needs judicial review of other governmental determinations because it is an elemental right of citizens.

When we considered a similar bill during the last Congress, the distinguished senior Senator from Arkansas succeeded in amending the bill to make the CPA a 3-man Commission, to spread the risk of autocracy a little bit at least.

When that prior bill came to debate during the last Congress, this amendment was generally acclaimed by all the leading proponents of the bill.

For example, the distinguished senior Senator from New York (Mr. JAVITS) called Senator MCCLELLAN's Commission amendment "the single most effective safeguard which has now been latched onto the bill."[1]

Unfortunately, Ralph Nader did not see it that way, and he publicly attacked the amendment. The McClellan amendment was conspicuously absent when the bill was reintroduced in this Congress as S. 707, and an attempt to reinstate this single most important safeguard in full committee markup failed.

Look at what you now have under paragraph (1) of subsection 5(b) of this bill: A single CPA Administrator insulated from removal in the exact same way Congress has heretofore reserved only for regulatory, multimember agencies such as the Federal Trade Commission where the risk of tyranny is spread among several commissioners with equal authority.

This danger is compounded by the fact that, unlike for other agencies, the CPA Administrator—not Congress—will define his own jurisdiction. Let us now turn to this alarming facet of the bill.

POWER TO DECIDE WHAT IS BEST FOR EVERYONE

To understand fully why this bill is far broader than the goals by which some of its proponents are making it known, we must comprehend how the CPA is to be the protector of every human being from womb to grave, and, how, to be such a protector, the bill grants the CPA administrator the unreviewable right to decide what is best for everyone.

For example, the term "consumer" is defined in paragraph (7) of section 4 of the bill to mean—

> Any individual who uses, purchases, acquires, attempts to purchase or acquire, or is offered or furnished any real or personal property, tangible or intangible goods, services, or credit for personal, family or household purposes.

In other words, this administrator is given the power to supervise and make an unreviewable decision on his part as to every aspect of the physical, economic, and financial life of every man, woman, and child within the borders of our country. In my judgment, a man or an agency which has that capacity has never been known since this Earth began.

There is no one on this Earth, who is not offered or furnished tangible or intangible goods or services for personal use. Everyone is included.

Another apparently significant definition in this bill is the term "interests of consumers" which appears in paragraph (11) of that same section 4 of S. 707.

Under subsections 7 (a) and (b), you see, the CPA may intervene or participate in anything another agency does, if the CPA, in its absolute discretion, determines that the other agency's activity or proceeding "may substantially affect the interest of consumers."

Well, the term "interest of consumers" would, as I say, appear to be a very important term, one which should be finely circumscribed. Unfortunately, it is not. It is an inartfully drawn, bloated definition which can be reduced for clarity's sake to one word: "anything."

In fact, we do not even have to bother to read this definition, because a later provision eradicates it entirely.

Paragraph (1) of subsection 14(e), provides that no one may seek court review of anything the CPA does—or does not do—in advocating the "interests of consumers" before other agencies under section 7; in forcing other agencies to give the CPA notice under section 9; in receiving, acting upon, and publishing consumer complaints under section 10; in forcing citizens and other agencies to furnish information under section 11; and in disclosing information under section 12. There are two narrow exceptions in that provision which are not material to the CPA's determination of what is in the "interest of consumers."

That provision places the administrator above the law. He is not answerable to the law. He can, under that provision, slander or libel the character or the goods and services of any person in America, and be wholly exempt from any legal remedy on the part of the person wronged.

I thought the doctrine of the divine right of kings had passed out with the American Revolution. I thought that the notion that any person was superior to the law perished in that same revolution. Yet here the Congress of the United States is asked, in the year of our Lord 1974, a few days after a unanimous Supreme Court finding that even the President of the United States is subject to the law, to exempt the administrator of the consumer agency from responsibility under the law.

However, to nail down the coffin, paragraph (2) of that same subsection 14(e) provides explicitly that the CPA's determination that its presence is needed in any Federal decisionmaking at any level to represent the "interests of consumers," or the CPA's determination that the "interests of consumers" may be affected substantially by such decisionmaking "shall be deemed not to be a final agency action."

In plain English it means that no one may get a court to review the CPA's determination of what is best for everyone.

So, do not waste your time reading the all-encompassing definition of "interest of consumers." The bill explicitly says in the controlling subsection 14(e) that the interests of consumers (that is, of everyone) are to be, as a matter of law, whatever the CPA says they are, and nobody can trifle with that determination, not even the courts of the land.

When you consider the fact that a "consumer," under this bill, is every human being, and that the interests of everyone are to be defined for protection by the CPA alone, this bill has got to be deemed as conferring the broadest and vaguest jurisdiction and discretion ever attempted to be delegated in the history of Congress. Since there are no congressional standards in the bill, I doubt very much its constitutionality, but I will not let my objections rest on that fact alone.

Before proceeding, let me very briefly review where we have been—this bill is so complex and full of so many problems that it tends to overwhelm those who wish to read beyond its compelling, but misleading title.

We have seen that all of the tens of thousands of existing Federal bureaus, offices, agencies, Departments, and so forth, are to be affected by this legislation, with the exception only of the CIA, FBI, NSA, only certain functions of the Defense Department; FCC broadcast and television license renewal proceedings and Federal proceedings concerning certain types of labor disputes. What Federal agencies are covered is known, perhaps, only to the sponsors who apparently made an attempt to exclude Federal activities which, in their opinion, have no important effect on consumers—such as efforts to stop a dock strike.

The CPA is to be totally independent and subject to substantive review by no one, citizen or elected official, until it

[1] CONGRESSIONAL RECORD, Vol. 118, pt. 24, p. 31782.

comes back to Congress for more money in 3 years.

The CPA is to determine its own jurisdiction, and act according to its own dictates as to what it considers is best for everyone.

THE POWER TO MEDDLE WHERE NO OTHERS DARE

In discussing the powers proposed to be delegated to the CPA, we should all keep in mind Mr. Justice Brandeis' warning:

Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient * * *.

The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

To understand the sweeping nature of the proposed unprecedented powers to allow the CPA to intrude disruptively into all existing governmental decisionmaking, you must begin with a set of definitions again.

The CPA, you see, is empowered to intrude, as of unchallengeable right, into any Federal agency "activity" or "proceeding" of its choice—and by choice, I mean where the CPA makes the unreviewable determination that there is a substantial interest of consumers at stake.

As the majority report points out clearly on page 19 and elsewhere, the Federal agency with the substantive duty to hold such a proceeding or activity "cannot exclude the [CPA] Administrator from intervening or participating" in its decisionmaking.

What is a "proceeding" or "activity" of a Federal agency into which the CPA may, as of unchallengeable right, insinuate itself? These are defined terms in the bill which, when read in combination, encompass everything—I say everything—that is done by the executive branch of the Government of the United States, with the relatively minor exceptions I referred to earlier.

AGENCY PROCEEDING

The term "agency proceeding" is defined under paragraph (5) of section 4 and under subsection 7(a), which—and note the complexity already—must be read in combination for comprehension.

Under the general definition of "agency proceeding" in section 4, paragraph (5), such decisionmaking is defined as rulemaking, adjudication or licensing as defined by the Administrative Procedure Act. That, first of all, is virtually everything that the executive branch does, according to the APA definitions. In fact, the drafters need not have included the term "licensing" at all, because, under the APA, licensing is a form of adjudication, as ratemaking is a form of rulemaking.

A more specific definition of "agency proceeding" is found in subsection 7(a) for purposes of the Consumer Protection Agency's advocacy. Under this provision a "proceeding", as distinct from an "activity" is to mean the more formalized and structured decisionmaking within the executive branch.

Basic examples of these are:

First. Notice and comment rulemaking where a Federal agency exercises its quasi-legislative authority by proposing a regulation in the Federal Register or elsewhere with a solicitation for comments. These comments may be in writing or at a legislative-type hearing where witnesses are called in for comment but usually may not cross-examine each other; safety standards are promulgated by the Consumer Product Safety Commission in this manner.

Second. So-called formal rulemaking in which regulations are promulgated after a more structured hearing wherein witnesses may possibly be cross-examined by parties and where the forum agency must make its decision based upon the record developed during the hearing; much ratemaking and some Food and Drug Administration food standard-setting falls within this category.

Third. So-called formal adjudications in which agencies exercise their quasi-judicial powers to determine whether violations of law have been committed or where agencies issue some other form of order which could include the granting, modifying, renewal, or revocation of a license; Federal Trade Commission adjudications of deceptive acts and licensing activities of the Securities and Exchange Commission are examples.

AGENCY ACTIVITY

Now then, you ask, what is an agency "activity" as distinct from an agency "proceeding"? There is a long, involved answer to this question based on the bill's general definition in paragraph (4) of section 4 and its specific definition derived from reading subsections 7 (a) and (b) in necessary concert.

This is further complicated by the fact that all "agency proceedings," under S. 707, are also "agency activities," but all "agency activities" are not necessarily "agency proceedings" under the bill.

It would take courts years to figure out this mess as to whether certain types of agency decisionmaking are activities and proceedings, so I will not enter into the arcane recesses of the bill on this point.

But I will offer a shorthand rule which will be of use in many cases: If a particular agency process is not a formalized "proceeding" into which the CPA may intrude under subsection 7(a), it must be an "activity" into which the CPA may intrude under subsection 7(b).

As the majority report states on page 20,

If a Federal agency activity does not fall within the coverage of Section 7(a) [as a proceeding], it is *automatically* covered by Section 7(b) [as an activity].

Many of these agency activities which are not also proceedings would be characterized by the absence of form and structure, and they include every type of authorized action from a telephone call or letter, to Cabinet meetings with a President of the United States.

Fortunately, we have a very good illustration of an unstructured agency activity which the sponsors of this bill and the opponents agree is intended to be covered.

This example was used in the minority views. In the June 27 RECORD at page S11760 the distinguished senior Senator from Connecticut, the primary sponsor of the bill, stated that:

This example cited by the minority views *perfectly illustrates* the need for participation by CPA. . . ."

CPA DISRUPTION OF TRADE NEGOTIATIONS

The example agreed upon is Secretary of State Henry Kissinger's negotiations in the Middle East which Senator RIBICOFF acknowledges involve "both national security and substantial consumer interests," yet which he stoutly maintains are in need of CPA advocacy nonetheless.

Based upon his interpretation of the hearings on multinational corporation, Senator RIBICOFF has concluded,

That the skyrocketing cost of imported oil since 1971 was in large part due to the State Department's failure to take an active and informed part in negotiations between oil companies and the Arab exporting countries.

The answer to such a problem, we are asked to believe, is the creation of another agency, the CPA, to prod the State Department and to intrude in trade negotiations between our Government and other governments to represent American consumers.

What would the CPA do in such informal agency activities as trade negotiations and preliminary meetings concerning Most Favored Nation status? Again, there is a short answer and a long answer. The short answer is that the CPA would ruin them and embarrass the United States. The longer answer explains why this is so, and this I shall illustrate now.

Mr. President, I ask you to keep in mind, while I explain the CPA's rights in trade negotiations, and similar discussions with foreign leaders, that under subsections 7(b) and 14(e)(1) and (2), the CPA cannot—under any circumstances—be stopped from participating in these activities.

The first thing the CPA would do would be to specifically request, under subsection 9(b), information which this provision of S. 707 requires the State Department to "promptly provide" to the CPA; namely—

(1) a brief status report which shall contain a statement of the subject at issue and a summary of proposed measures concerning such subject [such as, in this example, fallback negotiating positions of the U.S.]; and

(2) such other relevant notice and information, the provision of which would not be unreasonably burdensome to the agency [i.e., State Department] and which would facilitate the [CPA] Administrator's timely and effective participation under section 7 of this title.

It should also be noted, as the majority report states in its explanation of section 9 on page 28—

Whenever there is any dispute between the Federal agency [that is, in this case, State Department] and the CPA over whether a particular action or type of action may substantially affect the interests of consumers, the Federal agency shall defer to the CPA's determination.

That is, whatever subject the CPA wants information on, is a subject fall-

ing within the purview of this notice requirement.

In exercising its advocacy functions to participate in the trade negotiations, the CPA is given the rights, under subsections 7(b) and 7(d), to participate in this agency activity and to request or petition the State Department to take action which the CPA feels to be best for consumers.

These rights, it should be reemphasized, are continuing in nature with each new phase of the negotiations. As the majority report states, in its explanation of section 7—

> The Administrator [of the CPA], under subsection (b), has the right to participate . . . at all stages of an agency activity. The fact that he has participated in the investigatory phase of an activity does not impair his right to participate in a later phase of the activity.

Thus, surely, an important counteroffer by a representative of a foreign government, to which the United States may respond by changing its original offer, is a new "stage" of which the CPA must be informed in order to exercise renewed advocacy rights.

Participation by the CPA in trade negotiations or any other informal activity under this subsection 7(b) may be by "presenting written or oral submissions" to the forum agency at each stage of the activity. These submissions need not be simultaneously submitted with those of another person, but "the Federal agency—for example, the State Department—shall give full consideration" to those submissions of the CPA before taking action.

The majority report crystalizes, for those who are not familiar with this bill's intricate legal provisions, how extraordinary a right of advocacy this is to be. In its explanation of subsection 7(b) on pages 21 and 22, the majority report notes that the CPA, and not the forum agency such as the State Department, decides whether the CPA's submission is to be oral or written, and that—and now I am quoting directly from the majority report:

> The provision does require, however, that the CPA have a full opportunity to submit its views to the decisionmaking authority before any decision is made either to take, or not to take, certain action, where the CPA determines that a substantial consumer interest is at stake. * * * Each agency is required to afford the CPA as equal an opportunity to present its views as are afforded business representatives and other parties interested in the same agency activity.

Has anyone seriously considered the implications of these powers? In our example, Secretary Kissinger must keep the CPA continually informed of all expected and actual activity at each stage of the negotiations, must listen to the CPA before making a decision at each stage, and must give the CPA an opportunity equal to any other party—equal opportunity to the person negotiating for a foreign nation, be he king or minister.

Can anyone imagine the Secretary of State telling some Arab leader, "excuse me sheik, before I decide on your new proposition, I must contact the Administrator of the Consumer Protection Agency or one of his agents."

It would appear that an advocate of the CPA will have to fly around with the Secretary of State—that would be the only way possible to comply with the letter of this proposed law and its explanation in the majority report which calls for the CPA not to cause "undue delay" and not to present information in a "piecemeal and disorganized manner."

But the worst is yet to come. If the CPA, under subsection 7(d), requests the Secretary of State to take particular action during these trade negotiations, and the Secretary fails to take the requested action—the Secretary must notify the CPA in writing why he refused to act, and this writing is to be a matter of public record.

Then, to top that, the CPA is authorized, under subsections 8(a) and 14(e) to take Secretary Kissinger to court to seek review of the Secretary's refusal to act as requested by the CPA or to give the CPA a full opportunity to participate.

I find this literally incredible to be asked to subject the Office of the Secretary of State and the Office of the President of the United States to such obviously disruptive indignities, and at the same time to be told to exempt Federal actions to resolve strikes because a massive lobby tells us these strikes have no effect on consumers—strikes which can stop, and have stopped, the shipment of needed food, clothing, and medicine into an entire State.[2]

We are asked to create a CPA to tell us what is in the interests of consumers, but in regard to labor issues, we are asked to rely, not on the CPA, but on what organized labor tells us is in the interests of consumers—even if it contradicts empirical evidence.

CPA AS A DUAL PROSECUTOR

Let us now turn to a problem in the formalized area of agency process, termed "proceedings" under subsection 7(a) of S. 707.

This problem concerns agency adjudications of violations of law, and the fact that subsection 7(a) would allow the CPA to intervene in such adjudications as a full party.

In the minority views, we used, as an example of this type of proceeding, adjudications of alleged violations of law under the Federal Trade Commission Act by the FTC. We did this to beard the lion in its own den, since such adjudications were frequently cited by proponents as showing the need for CPA intrusion power.

THE "PROSECUTION" DEBATE

We pointed out that CPA intervention as a full party in such adjudications would result in dual "prosecution" of a businessman, thereby raising substantial due process questions. The lions roared that we were using an inflammatory and inappropriate term when we used the word "prosecution." This appears to be the primary argument against our opposition to this portion of the bill.

Those who object to the terms "prosecution" or "prosecutors" being used in conjunction with FTC adjudications simply are not familiar with that agency's chief enforcement mechanisms.

And, since the FTC is presently the major Federal consumer protection agency in existence—hence the major target for the CPA—failure to understand FTC enforcement mechanisms reflects a fatal lack of knowledge necessary to adequately assess the impact of the CPA.

In a formal Federal Trade Commission adjudication, there are only two full parties—the FTC prosecutor who presents and argues the complaint, and the respondent, an administrative defendant who is charged with a violation.

The official title of the FTC prosecutor is Complaint Counsel. But, just as Assistant U.S. Attorneys are frequently called prosecutors, the FTC Complaint Counsel is also frequently called a prosecutor—because he prosecutes for a finding of violation by the Administrative Law Judge or the FTC before whom the parties appear and litigate.

If there is any doubt in anyone's mind as to this being a prosecution, he or she may merely refer to the legislative history of this bill for frequent reference to this term by those who should know.

For example, turn to one of the documents accounting for a good part of the impetus behind the CPA legislation. It is found in the Senate CPA hearings record for the 91st Congress—Ralph Nader's exposé of the FTC by his so-called "Raiders." Nader's Raiders use the terms "prosecute," and "prosecution" when talking about FTC's enforcement actions.

Of course, there may be many who view that document with suspicion. For those, I offer an alternative—the statements of an FTC Chairman made during the last time that the FTC was called to testify on the CPA bills. This was in the House of Representatives during the last Congress, and the Congressmen questioning the Chairman also used the term.

The FTC Chairman at the time was Miles W. Kirkpatrick, an extremely competent lawyer who proved to be one of the best Chairmen of the Federal Trade Commission since that agency's creation.

Let me excerpt just a few of the relevant statements made during that hearing, in the order in which they appeared.

> Mr. KIRKPATRICK. * * * Let me respond to your question with respect to adjudicative hearings which involve a respondent, as a defendant if you like, and involve a claimed violation of law. It would be my position that we [FTC] are there already as consumer advocates, that the Commission, and its Bureau of Consumer Protection, already are bringing actions in the consumers' interest.
>
> Representative HORTON. Have you been satisfied with your prosecution of consumer complaints?
>
> Mr. KIRKPATRICK. * * * I think that the staff that we now have is doing a vigorous job of enforcement and prosecution of cases before us. * * * When we bring a case before us it is our Bureau of Consumer Protection who is prosecuting the case * * * and it is before the Federal Trade Commission.

Of course, if we did not want to respond to the proponents' strongest argument, we could have used adjudications of violations of law by agencies other

[2] E.g., Hawaii.

than the FTC as our illustration. In fact, we could have cited the legislative history of this very bill, S. 707, if we did, because many examples have been mentioned.

For just one example, if you will look into the hearings on this present bill, S. 707, you will find this interesting reference in a law review article authored by one of the witnesses for the American Bar Association; and I quote again:

> The Civil Aeronautics Administrator . . . was held in *Lee* v. *CAB* to have no right to seek judicial review of Civil Aeronautics Board orders dismissing pilot license revocation proceedings prosecuted by the Administrator before the Board.

This is on page 331 of our hearings. The author then quotes from the case, in which the Court of Appeals for the District of Columbia talks about the "official whose function it is to prosecute." And, the author makes an interesting analogy—he points out that the court apparently viewed the CAB prosecutor in the same light as it would an FTC prosecutor arguing before his own agency.

Finally, and conclusively I hope, the author notes in a footnote on page 330 of our hearings that:

> The FTC prosecutes not in court, but in administrative proceedings. . . .

DANGERS OF DUAL PROSECUTION

This brings us back on point, but even so, we can begin our discussion of the dangers of dual prosecution with reference to another statement made by the then FTC Chairman Kirkpatrick during the CPA hearings mentioned.

FTC Chairman Kirkpatrick warned that:

> Adjudicative matters, however, should be handled somewhat differently, for they involve rights of particular respondents as important as the imposition of fines, penalties and forfeitures.[3]

The FTC then, and now as far as I know, is opposed to granting the CPA the right to intervene as a full party in its adjudications, for fear of infringement on the rights of the accused—a position, one would think, most liberals would endorse.

The FTC has consistently refused to all consumers the right to intervene as full parties in such adjudications, and is on record in a letter to Senator ALLEN during the last Congress as not being able to support such an extraordinary right in its adjudications. Why this is such an extraordinary power might not be readily apparent to those who are unfamiliar with this type of adjudication and the rights of a party in it.

These adjudications, as are all formal agency adjudications subject to the Administrative Procedure Act, are required to be agency trials litigated with a record of the proceeding and decided upon the basis of evidence contained in that record. This is to preserve the due process rights of the party charged with the alleged violation.

As mentioned, in such an FTC adjudication, there are really only two "parties"—the company or businessman charged with the alleged violation, called a respondent, and the FTC prosecutor, who acts as an advocate before a FTC administrative judge or the Commission, itself.

Neither competitors of the respondent nor consumers of his products or services have a right to appear as a party, although they may be allowed to intervene at certain levels as limited intervenors for a particular evidentiary purpose, or, as amicus curiae.

The FTC has, in fact, been experimenting with allowing such limited intervention to deduce arguments as to penalties—as distinct from full prosecution attempting to prove guilt.

The reason why an outsider has no right to appear as a full party is that party status carries with it certain rights pertaining to putting information into the record upon which a decision of guilt or innocence must be made. If a party can dominate the record, his position will usually prevail. These rights relate primarily to the production or questioning of evidence, and include such powers as cross-examination of the other party's witnesses, introduction of your own witnesses, subpena power, and the like.

The proceeding is similar to a criminal trial where, of course, you also only have one prosecutor. One major difference, however, is that the rules of evidence are much looser than in court—hearsay, for example, may be used—and this often works to the distinct disadvantage of the person charged.

The FTC staff, through its Complaint Counsel, prosecutes its charge with use of these discovery powers, and the respondent has an equal opportunity to defend. Under subsection 7(a) of this bill, the CPA could enter such a proceeding, as of right, as a full party—the FTC could not throw the CPA out or downgrade its intervention status, no matter who complained.

Proponents are fast to point out that the CPA could intervene, if it wished, as a party-respondent to help defend the accused businessman. A simple reading of any of the hearings on proposals to establish a CPA ought to make it clear that the likelihood of the CPA intervening to protect a businessman charged by the FTC with a deceptive act is exremely remote. Besides, even if an accused businessman did not want such help, he would be given an offer which, by law, he could not refuse.

The real probability, however, is that the CPA will intervene on the side of the FTC prosecutor as another full party-prosecutor—whether or not the FTC prosecutor thought this was a good idea.

And, keep in mind, this is to be no average public interest advocate—but a full-blown agency of the United States intervening with significant resources and prestige to prove the guilt of a single businessman who is already facing prosecution by another full-blown agency of the United States with significant resources.

[3] Hearings on H.R. 16, etc., 92d Congress, at 353.

Consider what happens once the CPA orders the FTC to let it in as a dual prosecutor: To the extent that the CPA follows a line of prosecution identical to that of the FTC prosecutor, we have useless, expensive, and delaying duplication. To the extent that the CPA's line of prosecution diverges from that of the FTC, and this should be the majority of cases, we have an outsider not only usurping FTC's congressionally mandated responsibility, but subjecting a citizen—as of yet innocent—to conflicting prosecutions. Very serious due process questions are raised when two prosecutors see who can outprosecute whom.

There is a hortatory clause in subsection 7(a) which proponents rely on to assure us that the CPA will rarely intervene as a party. It says that the CPA shall refrain from intervening as a party. unless the CPA determines it is necessary to intervene as a party to represent consumers. This is not only meaningless; it is misleading when offered to calm the business community, because an even more insidious power relative to this point is contained in a later advocacy provision.

Under subsection 7(e), the CPA can achieve many of the important rights of a party without intervening as a party and subjecting itself to like powers by an opposing party. This well-camouflaged provision would grant the CPA the power to order a forum agency such as the FTC to, in turn, issue orders with respect to the summoning of witnesses, production and copying of papers and books of a party or witness, and to issue interrogatories which must be answered by a party.

Thus, the CPA could intervene as an amicus curiae, insulated from examination by an opposing party, and force the FTC to proceed down a line of prosecution to the CPA's liking. A prosecutor's dream.

Subsection 7(e) would allow the forum agency only the same amount of discretion to refuse such a CPA demand for party powers as the forum would have in relation to actual parties, themselves. That is, there is no added protection against unfairness or disruption, merely the general rules as to relevancy, burdensomeness, and the like which, under the Administrative Procedure Act, apply to all real parties when they attempt to seek greater discovery.

Senator RIBICOFF, in his June 27 RECORD statement said that he thought there was no real danger presented by this unusual subsection 7(e) under which the CPA could have party powers without party responsibilities. Our response to that statement showed, in detail, that both the bill and its report demonstrated S. 707 is not consistent with his intent.

Let me now offer additional proof, from the testimony of Robert Pitofsky during the hearings on the bill before the Senate. Mr. Pitofsky is a former highranking FTC official who is often selectively cited by supporters of S. 707.

Mr. Pitofsky urged that this very same provision be deleted from this bill because it presented a "danger" that—

First, the CPA would build a record and make it voluminous; [4]

Second, the CPA would "take the power to control the proceeding out of the hands of the [forum] agency's staff," [5]

Third, the CPA would have more discovery power than the respondent who is charged in the adjudication.[6]

But, supporters, say, there is a reference in the controlling subsection 7(a) to the fact that a forum agency will issue only orders which are appropriate with respect to its rules of practice and procedure. On first glance, one would think that this would give the forum agency some additional discretion in the matter to prevent abuse; but on closer examination of this subsection, one will find that such rules of practice and procedure by a forum agency must be "consistent with subsection (c) of this section" 7 of the bill.

A look at subsection 7(c) will show that proponents of an overreaching CPA need not worry about the CPA's not having more rights than anybody else in any formalized proceeding. This is the same subsection (c) mentioned in the beginning of my remarks—the one which requires each Federal agency, as soon as this bill is enacted, to rewrite its rules of practice and procedure in consultation with the CPA.

What is the purpose of such a massive rewriting of all agency rules of advocacy? The answer is also found in subsection 7(c): "to provide the [CPA] Administrator's orderly intervention or participation in accordance with this section"—that is, in accordance with the unprecedented powers in section 7. So much for the myth that advocacy will be as usual in all Federal agencies, with nothing being changed by this bill.

Agency adjudications of violations of law account for a minuscule number of the proceedings and activities covered by S. 707, yet we cannot get them exempted. Broadcast license renewals before the Federal Communications Commission—also formal adjudications, but not necessarily ones involving violations of law—are exempted, however.

The explanation given in the majority report of this FCC exemption would surely support exempting adjudications of violations of law. The only—I say only—explanation of this mysterious exemption in the entire report is found on page 43, and this is it, in its entirety:

> Section 17(e) provides that the bill shall not apply to any agency action in the FCC with respect to the renewal of any radio or television broadcast license.

No wonder the Washington Post Company with its huge holdings in the broadcast area, supports this bill—the lobbyists for such vested interests did an outstanding job, second only to that done by organized labor.

POWER TO CHALLENGE THE GOVERNMENT

Speaking of hypocrisy, let us now turn our attention to one of the most controversial powers to be granted to this allegedly nonregulatory Consumer Protection Agency—the power to overturn in court the decisions which we have mandated other agencies to make.

We are asked to believe that it is absolutely essential for the CPA to have the congressionally-granted power to challenge in court any decision of any other agency. We are told that such a power is an elemental right.

Yet what happens, then, to that elemental right when it comes to the major decisions made by the CPA which will, by explicit definition, substantially affect the interests of consumers? I will tell you what happens—they are specifically made nonreviewable under subsection 14(e) of this bill.

The major decisions to be made by the CPA are: First, involving whether a particular agency proceeding or activity might involve substantial consumer interests, and second, which of these consumer interests—many of which will be contradictory—should be advocated by the CPA. These major CPA decisions of astounding import are made unreviewable because to allow judicial review of them would, in the opinion of the proponents, be disruptive and confusing.

Yet, we still are asked to grant the CPA the right to challenge the major decisions of other agencies, and when we argue that this also will be disruptive and confusing for the same reasons, we are told that it is an elemental right.

Arguing with some proponents of this bill is like squeezing a balloon—strangle one end, and it bulges at the other.

You see, when it suits the advantage of the proponents of this bill, they will argue that the CPA is just another Federal agency, and should be treated as such. And when the going gets sticky on that basis, these proponents will argue that the CPA is not really a Federal agency, as such, but, in effect, just another person equivalent to any citizen.

CONFUSING PUBLIC DUTIES AND PRIVATE RIGHTS

Those who make this argument are confusing private rights with public duties—a very dangerous thing to do in this day and age. Until the Government starts paying taxes to the people, we should keep in mind that it is the people who have rights, and the Government which has duties. Too many Government officials have forgotten that recently.

The right of citizens representing their own special interests—be they consumerists, environmentalists, or industrialists—to challenge the Government is a right to be cherished, a measure of the liberty that has made this country great.

Extending that right of challenging the Government to the Government, itself, in the cavalier manner that this bill does, is a mockery of that right which will lead to its erosion and a Government divided upon itself.

We can guard, perfect, and expedite the rights of private citizens, but we should never make the mistake of thinking that we do so by letting the Government exercise these same rights by proxy and predilection.

Let me illustrate. During the hearings on this bill, witness after witness, in response to tough questioning by Senator ALLEN, stated that the CPA would use its extraordinary powers to promote freer trade with foreign nations. See, for example, the testimony of consumerist Betty Furness at page 353 of the hearings record; of Yale law professor, Ralph Winter, at page 503; and of the witness for Consumers Union, Peter Schuck, at page 520.

The proponents of this bill say that the CPA is necessary because consumers do not have the money, time or expertise to advocate their own interests before Federal agencies and courts. And, as mentioned, they also acknowledge that trade negotiations and similar dealings with foreign governments are a major target for CPA attack.

Let us put all these uncontested statements together into an example which is hypothetical but not unlikely.

Let us say negotiations with an Arab nation, the Soviet Union, or some other country are being conducted by the Secretary of State, the President of the United States, the President's Special Representative for Trade Negotiations or some other appropriate Federal official in the name of the United States.

Let us also say that, as with many such activities, these negotiations involve not only trade but matters of national and world security, and that the various issues are commingled on the bargaining table.

In addition, let us say, as has happened recently, some of the trade issues involve whether this country shall be able to get—or, conversely, will allow—greater numbers of imports and whether the foreign nation shall be able to get—or conversely, allow—the building of an American manufacturing plant in that foreign nation.

Now, this has gotten to be quite a complicated example. But in the real world, that is the way things are. If we are going to seriously consider creating a CPA of the type in this bill, we cannot rely on simplistic prattle. Trade negotiations between nations are not like buying a used car from the corner lot.

Returning to our example, and keeping in mind the testimony of such proponents of the bill as the distinguished senior Senator from Connecticut, Consumers Union and Betty Furness, we must assume that the CPA will intervene in this informal activity and use its prestige and powers to advocate for greater importation of goods and the building of an American plant in the foreign nation.

Remember, the CPA is to be an advocate of the special interest of consumers only—it will have the "advantage" of myopia and single-mindedness in proceedings and activities conducted by officials who have to weigh all interests and all potential consequences.

The U.S. negotiators are, in our example, representing businessmen who might profit or lose, depending upon the outcome. They are also representing American workers, who might very well lose by the outcome as advocated by the CPA; they are representing segments of the public who are more concerned with international ramifications than with trade, and, in addition, these negotiators are concerned with the overall good of this country.

It is an extremely delicate and difficult process involving all of these interests, and no outsider, be it another Govern-

[4] 1973 Senate Hearings, at 223.
[5] Ibid, at 211.
[6] Ibid, at 203.

ment agency or a private citizen, has the right to intrude into it.

So, now comes the CPA and, under subsections 7(b) and 14(e), makes the unchallengeable decision to intrude into these negotiations and get more foreign goods flowing into this country—the other overriding issues notwithstanding. Now, why cannot this major decision of the CPA be challenged by citizens?

First, as stated by the proponents, mere citizens will not have the time, money or expertise to do so—they are too busy paying taxes to support the bulging Federal Government.

Second, and more importantly according to proponents, allowing mere citizens to appeal the major decisions of the CPA would disrupt the decisionmaking of the CPA. Never mind that that CPA decision will be disruptive of more important decisionmaking.

Not only that, if the final decision of the United States is not to the liking of the CPA, the CPA can appeal the action of the United States under subsection 8(a)—and the court cannot turn the CPA out on the basis of improper standing.

We are asked to grant the CPA in that subsection 8(a) automatic and unlimited standing, and the legislative history of this bill is replete with intent of sponsors that such trade negotiations are to be the target for CPA attack. The only question will be whether such an action is reviewable by anyone—if it is, the CPA may appeal it.

This CPA obviously cannot be a consumer "representative"—consumers will have absolutely no control over it. This CPA is to be shielded from challenge by mere citizens, from challenge by the U.S. executive branch, and from challenge by the Dr. Frankensteins whose idea it was, the Congress of the United States.

Frustrated consumerists, failing in their search for a Messiah, are willing to accept a dictator.

UNLIMITED RIGHT TO APPEAL

Turning to that subsection 8(a) on judicial review, Senators will note that it contains what is either a drafting error or another attempt to usurp power. This subsection grants to the CPA a right to appeal any "action" of any agency. "Action," by the way, includes failure to act under subsection 4(3). Yet, this subsection does not require that the CPA's appeal be in relation to an action which would adversely affect consumers. That is, subsection 8(a), if taken literally, grants the CPA power to appeal a decision on any grounds.

This subsection 8(a) merely and quite clearly provides that—

> The [CPA] Administrator shall have standing to obtain, in the manner prescribed by law, judicial review of any agency action reviewable under law.

Grounds for such review are not mentioned anywhere in the bill.

A provision in a later subsection adds to the confusion but does indicate that this sweeping grant in subsection 8(a) was not intended and should, therefore, be amended. Subsection 14(g) requires the CPA, upon appealing, to issue a public statement in which it sets forth the consumer interest it intends to represent in court.

Perhaps it was intended that this later provision applying to an extra-judicial duty would mysteriously modify the clear right of the CPA in judicial proceedings.

More significantly at this point, perhaps it is worthy to remember that the definition of "interest of consumer" is broad enough to cover virtually anything which might be affected by a Government decision, and, of course, whatever the CPA says is an interest of consumers, would be, as a matter of law if this bill is enacted, an interest of consumers.

Thus, whatever confusion is generated by the unlimited grant of judicial review rights to the CPA, turns to consternation over the fact that it makes no difference how you view this sweeping bill. It is just another problem in this misconceived legislation for the courts to clear up at some later date.

Returning to the grant of standing in subsection 8(a), what this means, in nonlegal language, is this: If the CPA files the proper papers on time—that is, it follows "the manner prescribed by law"—it will have an unrestricted right to sue—that is, a court may not say the CPA is an improper party—for judicial review of any agency action if anyone under any circumstances could have so sued—that is, if the action were "reviewable under law," as are virtually all Federal actions in one respect or another.

BURDEN ON COURTS

Considering the scope of the CPA's jurisdiction and its rights to interpret its own jurisdiction, this is the most far-reaching right to judicial review ever conceived by Congress, stripping the courts of any shred of discretion to control their own calendars.

This power will not only change the standard of review of Federal actions—although not the scope—it will place a confusing and confounding burden upon our Federal courts, a burden which can only result in the courts making public policy contrary to the very essence of American administrative law.

In practical terms, the courts will be faced with two congressionally-ordained expert agencies: one agency being mandated to balance all special interests and come to a final decision on the basis of the public interest, and another agency challenging that public interest decision on the basis of its explicit right to seek judicial review of such decisions as a representative of a special interest.

There are those who predict that the CPA will not appeal many final agency decisions. The only reason for supposing such a prediction to be true would be that the CPA has enough power, including the threat of suit, to coerce any other agency into acting in accord with the CPA's views. Otherwise, the CPA's initial determination would be a shallow fraud.

That is, when the CPA, under subsection 7(a), intrudes into a proceeding being conducted by another agency, it must make a determination that that proceeding "may substantially affect the interests of consumers." It also must issue a public statement to this effect in which the CPA sets forth the substantial interest of consumers it is going to represent, according to subsection 14(g).

Having done all that as the publicized champion of the consumer, does anyone seriously believe that a decision by the forum agency with which the CPA has publicly disagreed will be left unchallenged?

Does anybody believe this extraordinary and overreaching judicial review right is going to go abegging in the hands of a Washington bureaucrat, especially one with his reputation on the public line?

We also fail to recognize any merit in the argument that the forum agency will always win such court fights. This argument does not recognize the fact that the CPA is to be a congressionally-ordained expert agency fighting another congressionally ordained expert agency in an embarrassing U.S. against U.S. court battle to determine who speaks for the Government.

If one recognized expert says in court that another recognized expert did not give the proper or sufficient weight to the evidence presented in an administrative hearing, it is elemental that the court, on review, must go through all of the evidence and assign its own values to the evidence, perhaps even coming up with a decision that neither expert agency agrees with.

We have heard these two soothing but erroneous arguments before—few suits will be brought, and most of these will be won by existing agencies. We heard them in debate on the National Environmental Policy Act which has many striking parallels to this CPA legislation.

In relation to these two soothing arguments which we are hearing now again, consider the recent remarks by one of the leading jurists in this country and an acknowledged expert and scholar on administrative law, Henry J. Friendly, chief judge of the U.S. Court of Appeals for the Second Circuit. On the subject of congressional predictions about litigation volume he states: [1]

> One must wonder whether the framers of [NEPA] could have remotely conceived the volume of litigation it would spawn.[2] In practical effect it has come to mean that any proposed federal action having a conceivable effect on the environment will become the subject of a suit, whether successful or not.

In light of this history, and to paraphrase the learned judge, in practical effect S. 707 may well come to mean that any proposed Federal action having a conceivable effect on the consumer will become the subject of a suit, whether successful or not.

On the question of success of suits, the second soothing argument we hear in relation to S. 707, proponents of this concept fail to recognize one central point. No matter who wins a United States against United States suit, the Government, by definition, always loses

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[1] 4 Maryland Bar Journal 9 (April 1974), at 13.

[2] Ibid, at 14.

and the courts always find these suits among the most burdensome and difficult. This is so because they have to substitute their judgment where it was never intended to be substituted, or they have to remand and, thereby, cause great delay with no guarantee that another appeal would not be taken from the subsequent agency action.

Consider the problem in relation to NEPA, as Judge Friendly makes it clear:

A court cannot decide whether an agency gave sufficient weight to environmental factors without making up its own mind what would be sufficient weight. This involves each judge's making his own value judgment, and these will differ in accordance with his particular tastes. . . . Almost all such cases are appealed [to a higher court]. When the reviewing court sustains the agency, years will have elapsed during which costs will have vastly increased.

There is an additional argument made by proponents of S. 707, one which is spurious, but not clearly so upon first examination. It is that Federal agencies, right now in some instances, can take a sister agency to court for a judicial review of its final decision.

What these proponents always fail to point out is that (a) it is a rare occurrence when viewed in light of all appeals, and (b) it only happens between agencies which have regulatory or proprietary congressional policies which are in conflict. The CPA is supposed to have no such mandates.

The courts are the proper place to resolve a conflict in duties imposed by Congress upon two different agencies. For example, the Justice Department was given authority to prevent anticompetitive mergers, and the Federal Home Loan Bank Board was given authority to approve mergers.

It is one thing for the Justice Department to challenge such an FHLB-approved merger in court; it is entirely another thing for the CPA, a nonregulatory agency, to challenge such a merger where the Justice Department has failed to do so. The CPA is to be a gadfly with no substantive duties or responsibilities.

Another example is the Department of Agriculture appealing ICC rates to protect USDA's proprietary interest in the billions of dollars it loans.

Let me use an illustration to show the silliness of creating a nonregulatory agency to appeal the decisions of agencies which the Congress has created and given the duty to make regulatory decisions for the United States.

Suppose a bill were introduced to grant any Federal district court judge the unchallengeable right to intervene in the proceedings of any other district court for the purpose of protecting the interests of consumers therein. Now suppose this bill also granted these intervening judges the additional right to appeal to the court of appeals any decision of his brother judge, as any adversely affected party could. If Members could not support such a bill, look again at S. 707. It follows the same principle.

Before leaving this complex subject, we must point out another facet of section 8 in this bill which could easily turn danger into calamity. The CPA may appeal to the courts, not only actions arising out of proceedings and informal activities in which it has participated, but the CPA may appeal to the courts agency actions in which it has not participated.

Thus, we shall not know whether any "final" decision of the Government is really final until we know whether the Government, through the CPA, is going to appeal itself or seek a further delaying rehearing prior to appealing which it must do if it did not participate in the original decisionmaking.

THE POWER OF INQUISITION AND REVELATION

Let us now consider the proposed powers to grant the Consumer Protection Agency the most far-reaching information-gathering powers of any State, Federal, or local agency ever created—including the Federal Bureau of Investigation. And, when coupled with its broad powers to disseminate what it has gathered, these powers of inquisition and revelation clearly make the CPA a major threat to privacy, and property.

The sponsors, in their June 27 comments on the minority views, incorrectly stated that we overlooked the "safeguards" in these provisions, and failed to distinguish between the CPA powers to gather information and to disseminate it.

As we pointed out in our extensive reply to those comments of June 27, we did distinguish between information access and release, and there are no adequate safeguards in these provisions.

In fact, throwing businessmen some of the "safeguards" in this bill, would be like throwing a drowning man a lead life preserver.

It is in these information-gathering and dissemination powers that the CPA's regulatory powers are most evident—even if proponents keep assuring us that the new unit will be nonregulatory.

Indeed the sponsors acknowledge this in their June 27th discussion of these information powers, comparing the CPA to—and I quote from page 21524 of the RECORD—"other Federal regulatory agencies."

The CPA is granted authority to compel other agencies and private citizens to divulge information that no other agency would even ask for, and then to publish it.

Again, we are asked to have faith in this totally independent, unknown future Administrator of the CPA, but we are told he is needed because we cannot trust other bureaucrats. We are assured that he will not use all of the powers granted to him, but we are told that they are so necessary that they cannot be trimmed back.

Under subsection 11(a), the CPA is granted general power to gather any information it wants, in any way it wishes. This is done in very broad terms, terms which, according to the majority report on page 30, allow the CPA to conduct its own product testing in its own laboratories.

During the early years of this bill's proposal there was general agreement that such product-testing power should not be vested directly within the CPA, and should specifically be prohibited.

I think that one of the main reasons why the first amendment was placed in the Constitution was to make it clear that the Government of the United States should not have the power to tell the people what the truth is about anything, and yet this bill is inconsistent with that purpose of the first amendment because it specifically empowers the CPA Administrator to issue any statements to the public of any views he has on any subject coming within his broad jurisdiction; and it expressly provides that he shall not be liable in any court for any statement he so makes, regardless of its injurious consequences upon innocent people.

INTERROGATORY POWERS

Subsection 11(b) of S. 707 provides the partisan CPA advocate with something no special interest advocate ever had, which no nonregulatory agency ever had, and which very few substantive agencies have—the power to require citizens to file, under oath, answers to questions put to them by the CPA.

It is specifically intended, according to page 32 of the majority report, that this power be used by the CPA to force businessmen to divulge trade secrets.

And even worse, section 12 authorizes the CPA, in its absolute discretion and without prior notice, to disclose trade secrets to protect the public—see S. 707, page 75, lines 1–2; page 74, lines 6–7—something no other regulatory agency may do, to our knowledge.

Returning to subsection 11(b), under this provision the CPA might even be able to force reporters to divulge their sources, as the sponsors acknowledged in their June 27 comments on the minority views.

It is significant that a lawyer from Consumers Union, which publishes the magazine Consumer Reports, expressed fear at one of our hearings that such could happen, and nothing was changed in this regard.

The subject matter of these information orders from the CPA is limited to whatever information the CPA considers is required "to protect the health or safety of consumers or to discover consumer fraud or other unconscionable conduct detrimental to an interest of consumers." In short, the scope of the orders is limited to anything the CPA Administrator wants. His power in that is unlimited.

If a person who is on the wrong end of one of these orders wishes to quash it in court, the Administrator will prevail by merely showing that the information substantially affects health or safety of consumers or falls within the other areas of scope mentioned above, and is relevant to those purposes. Considering the fact that the CPA is the congressionally endowed expert in this area, that is hardly a test. The only other hope of the citizen is that he can prove that answering will be unnecessarily or excessively burdensome, a slight hope.

The CPA cannot use information received under this power against the person who supplied it in a pending agency proceeding, but it can use the information in a subsequent proceeding.

Thus, the nonregulatory CPA can have regulatory power by proxy—it can force information out of a businessman, present that information to a regulatory agency, demand a proceeding against the

person—and appeal any decision not to hold a proceeding—enter the proceeding as a dual prosecutor, and appeal any decision made as a result of the proceeding which is not to the liking of the CPA. Thus, the CPA will have all of the rights of a regulatory agency and none of the responsibilities.

Subsection 11(c) of the bill gives the CPA unprecedented and virtually untrammeled access to any Federal agency data bank, file, and record which the CPA Administrator, in his discretion, "deems necessary for the performance of his functions." This power is subject to seven extremely narrow exceptions, most of which evaporate right out of sight when you read their intent in the majority report.

One of these exceptions is worth noting, however, because it will result in making the jobs of existing Federal agencies far more difficult. The exception is found in paragraph (7)(B) of subsection 11(c). This exception allows a Federal agency to deny to the CPA trade secrets and other confidential business information which it has received subsequent to the enactment of this bill, but the Federal agency may deny the CPA access to these secrets only under the following conditions:

First, the original agency must have gotten the secrets pursuant to a written agreement not to divulge them;

Second, the information must not have been obtainable without such an agreement—that is, the original agency had no subpena or other mandatory power to obtain it;

Third, the failure to obtain the secret information would have seriously impaired the original agency in carrying out its program; and

Fourth, access to the information is likely to cause substantial competitive injury to the person who supplied the secrets.

This is not only an extremely narrow exception, but also it will clearly result in businessmen failing to voluntarily surrender confidential information to assist the Government in its programs.

It may seriously be doubted whether a businessman who does not want his trade secrets shown to the CPA would volunteer such information to an agency which could procure it by subpena or other means—the CPA could have access to the secrets just for the asking, because the information could have been obtained by the original agency without an agreement to keep it confidential.

Perhaps those who advocate this idea do not realize how extensive a practice it is for businessmen to save a Federal agency the trouble of a suit by volunteering confidential information under a protective agreement. If this provision remains, such a practice would probably no longer be extensive, and it is likely that all Federal agencies will have to go into court to get the information they need.

I should note that this provision would allow the owner of a trade secret to seek a court injunction against granting the CPA access to it. But the bill is silent with respect to any grounds upon which the injunction could lie, thus forcing him to plead the conditions listed before—an obviously hopeless task.

As to disclosure of information obtained by the CPA, subsection 12(a) grants to the Administrator the right "to disclose to the public or any member thereof so much of the information subject to his control as he determines appropriate to carry out the purposes of this act."

The subsection makes it clear that the only limitations to be placed upon such CPA disclosure are those listed in this section 12. No other existing legal limitations on Federal agency disclosure would apply.

Needless to say, after such a broad delegation of power to disclose information, one might expect numerous and tightly drawn exceptions to such an unbridled right to disclose the vast amount of information which the CPA will gather. Unfortunately, this section follows the pattern of its predecessors—narrow, contorted, and ill-fitting limitations upon an overwhelming grant of power.

Subsection 12(b) applies to information which the CPA has gotten through its access to the files and the records of other agencies. More specifically, it applies to information exempted from mandatory public disclosure by these agencies under the Freedom of Information Act or any other applicable statute.

Even more specifically, this subsection applies only to such information where the original source agency has specified in writing to the CPA that information is exempted from public disclosure by statute, and that the CPA should not disclose it.

In such a final case, the CPA may not disclose that particular information. Or, if the original source agency has specified a particular form or manner for the disclosure of such information, the CPA must comply with that specification. Otherwise, the CPA has a full disclosure right, subject to some minor inconveniences, but not prohibitions, in later subsections which will be dealt with later.

You should note that the sponsors rely on this provision as the major "safeguard" in the information area—if a Federal agency gives the CPA product information, and says in writing that it falls within the Freedom of Information Act exclusions and should not be disclosed, the CPA may not disclose it at that time.

The sponsors conveniently overlook two critical factors in this regard.

First, the major consumer product information collecting agency in the Government, the GSA's Consumer Product Information Coordinating Center, is transferred to the CPA under section 15 of this bill—thus, as to the information collected by that agency, the CPA, alone, decides what to publish.

Second, what is to prevent the CPA from bringing or threatening an action under the Freedom of Information Act and/or subsection 8(a) of this bill to force any other source agency to reclassify its determination concerning the exempt status of the information?

PUBLISHING TRADE SECRETS

Subsection 12(c) creates another broad loophole in existing trade secret law (18 USC 1905) which now prohibits all Federal agencies and their employees from using to their own advantage and disclosing trade secrets and other confidential business information. S. 707 would allow the CPA to publicly disclose such trade secrets and confidential information if the CPA in its sole discretion decided that such disclosure was necessary to protect health and safety generally—no relation to a consumer transaction or interest is necessary.

This regulatory function for the CPA applies to information received from private citizens who either volunteered it or were forced to surrender it under the CPA's information order power which would allow discovery of trade secrets.

It also probably applies to information volunteered by a Federal agency, so long as the CPA did not exercise its authority under subsection 11(c) to force the agency to surrender the trade secrets. But the disclosure function does not apply to information which the CPA has forced a Federal agency to divulge under subsection 11(c).

The CPA is also allowed to disclose any such trade secrets or confidential information to congressional committees, courts and Federal agencies when the CPA is representing an interest of consumers, but it must do so in a manner designed to preserve the information's confidentiality. In addition, the CPA is allowed to generally divulge such confidential information to other Federal officials concerned with its subject matter in the same manner.

In all other cases, the CPA would be bound by the same law as other Federal officials, and would not be allowed to disclose such secrets or confidential information. But the loophole which this subsection creates is big enough to frighten anyone who has millions of dollars invested in a secret formula or process.

Subsection 12(d) of S. 707 makes it clear that CPA's regulatory function is complete with respect to protecting the public. Where, in the sole opinion of the CPA, "immediate release is necessary to protect the health or safety of the public," the CPA is authorized to disclose immediately such trade secret information or any other disclosable information in its possession, including information which could put someone out of business.

In other cases, where release of information might cause substantial injury to reputation or goodwill, the CPA will allow the affected person or company time to comment or seek injunctive relief. Again, we wonder about what grounds such a person or company would plead in court in light of the clear statutory right of the CPA to divulge the information.

This seems to be a travesty on justice, to give an absolute power to the Administrator, and then authorize suits to enjoin him to prevent the Administrator from exercising his absolute power.

CPA PRODUCT RATINGS

Subsection 12(e) originally began as a provision designed to guard against the CPA telling consumers what to buy, eat, and do. It applies to CPA-released information which names products and serv-

ices. Now, together with its intent as laid out in the majority report, this subsection achieves the opposite result.

This subsection 12(e) provides, in pertinent part, that the CPA shall "not indicate expressly that one product is a better buy than any other product." The majority report, in its explanation of the subsection on page 37, fleshes this out as follows:

This provision should not be read as prohibiting the [CPA] Administrator from making any statement comparing the relative characteristics of any product or service. He may make objective comparisons of performance or of certain qualities of a product or service. This subsection is not intended to cut off frank, factual and meaningful discussion of various products and services by the Administrator . . .

That is, the CPA can determine what characteristics of competing products it should test, and test these products itself, and publish the results in order of performance of the characteristics chosen by the CPA as most important. It will be a message to consumers as to what the CPA recommends should be purchased, but it will not be labeled as such.

The one happy final note in this subsection is that, for the first time, the bill recognizes that consumers are not complete idiots; they will be able to recognize a good-better-best rating when they see one, even if it is not labeled as such.

As far as its information powers are concerned, then the CPA is to be a huge Federal vacuum cleaner fitted with a collecting bag riddled with holes, allowed to run amuck throughout the Nation as well as the corridors of bureaucracy sucking information in one end and spewing it out the other.

SUMMARY AND CONCLUSION

Mr. President, I have only covered a few of the problem areas in this bill. Yet there is only so much horror that can be portrayed before one's audience goes into shock.

Let me, therefore, briefly and generally summarize the points I have made, and postpone a discussion of additional problems in this bill to a subsequent time in the debate.

First, we have seen that S. 707 would grant powers to a political appointee who would be responsible to no one.

Second, we have seen that many of these powers are of the type that no responsible official would use, and no irresponsible official should have.

Third, and more specifically, we have seen that this bill:

Takes the strongest advocacy powers available to regulatory agencies, and grants them to the CPA; then, takes the strongest advocacy rights of private citizens available to no governmental unit and also grants them to the CPA; then it creates advocacy rights never given to either a regulatory agency or a private citizen, and also gives these to the CPA.

Fourth, we have seen that the CPA under this bill is to become none other than the most sophisticated and insatiable data bank ever conceived by man.

Fifth, we have seen that the CPA can—with impunity—use the data forcefully collected from Federal agencies, businessmen, labor unions, newsmen and private citizens to force its views upon others and drive people out of business.

Sixth, we are asked to remember that consumers do not have the time, money, and expertise to appear on their own behalf before existing agencies designed by us to protect consumers, and asked to forget that the proposed solution to this problem is to design and create yet another agency to protect consumers before whom consumers will not appear because they do not have the time, money, or expertise.

Seventh, we are asked to condemn existing agencies because they have not functioned as their supporters thought they would, and we are asked to applaud the creation of yet another agency whose supporters assure us will perform as they think it will.

Eighth, we are asked to admit that we cannot exercise our oversight functions properly and to use this as an excuse for providing no oversight function for a new agency to conduct our oversight for us.

S. 707 would coronate a Caesar within the Federal bureaucracy.

In the name of consumers, I ask you to rise against this Caesar. Not because you desire consumer protection less, but because you desire good government more.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 425) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes, with amendments in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 5094) to amend title 5, United States Code, to provide for the reclassification of positions of deputy United States marshal, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14592) to authorize appropriations during the fiscal year 1975 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

SENATE RESOLUTION 370—DIRECTING THE SENATE COMMITTEE ON RULES AND ADMINISTRATION TO STUDY THE SENATE RULES AND PRECEDENTS APPLICABLE TO IMPEACHMENT TRIALS

Mr. MANSFIELD. Mr. President, I have at the desk a resolution, submitted on behalf of the distinguished Republican leader, the Senator from Pennsylvania (Mr. HUGH SCOTT), the assistant majority leader, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the assistant Republican leader, the distinguished Senator from Michigan (Mr. GRIFFIN), and myself, and I ask that it be called up and given immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution.

The legislative clerk read as follows:

S. RES. 370

Resolved, That the Committee on Rules and Administration is directed to review any and all existing rules and precedents that apply to impeachment trials with a view to recommending any revisions, if necessary, which may be required if the Senate is called upon to conduct such a trial.

Resolved further, that the Committee on Rules and Administration is instructed to report back no later than 1 September 1974, or on such earlier date as the Majority and Minority Leaders may designate, ai d

Resolved further, that such review by that Committee shall be held entirely in executive sessions.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The question is on agreeing to the resolution.

The resolution (S. Res. 370) was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSUMER PROTECTION—AGENCY FOR CONSUMER ADVOCACY

The Senate resumed the consideration of the bill (S. 707) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

Mr. ROTH. Mr. President, I ask unanimous consent that Loren Murray of Government Operations have consent to be on the floor for the remainder of the bill.

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

ORDER FOR VOTE ON METZENBAUM AMENDMENT TO S. 707 AT 4 O'CLOCK

Mr. MANSFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. BARTLETT. For what purpose?

Mr. MANSFIELD. To make a unanimous-consent request.

Mr. BARTLETT. Yes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment occur at the hour of 4 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I thank the Senator.

Mr. President, I ask that these requests not interfere with the Senator's speech.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma has the floor.

Mr. BARTLETT. Mr. President, I ask unanimous consent that during the debate and consideration of this bill, David Russell and Harold Scoggins of my staff be accorded the privilege of the floor.

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

Mr. BARTLETT. Mr. President, I ask to have printed in the RECORD at the conclusion of my remarks various statements and editorials.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. BARTLETT. Mr. President, supporters of S. 707, which establishes an Agency for Consumer Advocacy, would have people believe that anyone who opposes the bill for any reason is anti-consumer. I want to make it clear at the outset that I am very much aware of consumer problems and believe there are steps Congress can take to give the consumer better protection. But I must oppose establishing an agency charged with the singular duty of consumer protection because I believe, in the long run, it will only support the consumers with the loudest voices and the most money—to the detriment of those whose cause may be more justified and more in line with the overall public interest of the United States.

Our system of government is designed to serve the public interest—not the consumer's interest, manufacturer's interest, marketer's interest, or any other special interest. Who are the American consumers if they are not the same American public that Government has been serving for 200 years? Only a balanced judgment based on a consideration of all segments of the national economy serves the public interest. Any effort to emphasize consumer interest, as such, to the exclusion of all the other parts of our economy can only result in distortion; it will not serve the public interest.

A clear example of how a devotion to the interest of the consumer to the exclusion of other considerations can boomerang and have an adverse effect on consumers is found in the Federal Power Commission's policies on natural gas prices. Consumer pressures for suspension of wellhead prices of natural gas at far below competitive fuel price levels caused a burgeoning demand and a severe drop-off in the search for new supply sources. Now consumers are faced with critical shortages; supplementary supplies from abroad or synthetics will cost double or triple the unrealistically low Federal Power Commission prices.

The only fuel that will help many users of natural gas is natural gas, because they do have the lines, they have the hookups, and they want the gas; and because of primarily the low-price structure for 20 years, since 1954, the supplies are very limited.

The problem of a possible conflict between consumer interest and the public interest will be magnified tremendously if S. 707, establishing the Agency for Consumer Advocacy, is enacted because of the inordinate amount of power this ACA will have in dealing with other Federal agencies. We must consider what positions the ACA would take in deciding importation policies and foreign trade negotiations.

It seems to me that this is a matter in which the possible ramifications have not been fully considered.

Representative JOE WAGGONNER of Louisiana has recognized the problems which might come up if such a powerful ACA is established. In the following speech—cited by Representative DON FUQUA in 1973 before the House Government Operations Committee hearings—which he delivered in 1973 on the House floor, he explains the consequences in the event consumer interest is championed to the detriment of the public interest, giving examples of the interest of the Consumers Union and the possible foreign policy ramifications of ACA intervention into the question of oil imports. Here is the problem as he explains it:

Mr. Speaker, the April 25 edition of the Washington Post reports that the distinguished senior Senator from Michigan, Mr. HART, has filed a friend of the court brief in the U.S. Court of Appeals for the District of Columbia, challenging the legality of the recently negotiated steel import limitation agreements by Japanese and European producers.

These agreements, designed in part to protect domestic wage earners, placed limits on the amount of foreign steel exported to the United States from the participating countries. Consumers Union, one of the Nation's most prestigious consumer organizations, has sued the Secretary of State to have the agreements declared illegal.

The impact on consumers in such agreements is obvious. A limit on the amount of foreign steel coming into the United States will obviously contribute to high or higher prices for steel and the billions of consumer goods utilizing steel.

Not until I read the Post article did I fully grasp the precedent-setting nature of this case, its relationship to legislation pending before the Congress, and its impact on public interest issues which includes as a lesser part consumer protection issues.

Consumers Union, as an advocate for the special interests of consumers, of course, argues that meeting the consumer need for more competitive goods through greater importation is now more important than protecting the needs of domestic wage earners or a struggling friendly foreign nation.

Consumers Union and other consumer representatives have long held a freer trade position. In fact, they have argued that this will be one of the missions of an independent Consumer Protection Agency—CPA—a proposal now undergoing hearings in the Senate.

This CPA would be given extraordinary powers never before conferred on an advocate to attempt to increase this country's importation of goods in the interests of consumers and at the expense of other special interests.

Such a proposal should give the Congress pause. Do we really want to create a CPA which can intrude into the negotiation of the State Department and oppose any position that would result in higher prices? Do we really want to create an agency that, failing to impose its will at the negotiations stage, can appeal the negotiated trade agreement to the courts and ask the courts to impose the CPA's will on the State Department?

The effect of such broad and sweeping authority, as proposed in some Consumer Protection Agency legislation, on issues that transcend mere consumer affairs is not being adequately considered, I fear.

What, for instance, should be the position to a Consumer Protection Agency on the importation of oil into this country? In the midst of an "energy crisis," the consumer interest would appear to be in having available a plentiful and inexpensive source of oil. Yet when we begin to look outside of our boundaries for sources of oil, we also go beyond the boundaries of mere consumer affairs into affairs of State.

For instance, there is enough surplus in the Middle East to meet our domestic needs. It is estimated that by 1980, one out of every five barrels of oil consumed in the United States will come from the country of Saudi Arabia, alone, if we can still import it.

The Saudi Arabians, however, have recently made it clear that increases in their oil exports will be directly linked to the United States' position on the political crisis which exists between the Arab countries and Israel. In short, they tell us, Arabian oil will be tied to an alteration of this country's pro-Israel stance.

Supporters of a CPA have made it clear that balancing considerations of State, such as our policy vis-a-vis the Middle East is not to be a function of the CPA. The CPA, they say, is to be an advocate of a special interest, not a judge of the public interest, and that nonconsumer issues will have to be protected by others.

Yet, I think it is reasonable to infer that a Consumer Protection Agency, if created, would be compelled to protect oil consumer interests by advocating within the State Department a pro-Arab stance, and failing there, appealing to the courts any pro-Israel State Department decision that could result in higher oil prices.

Mr. Speaker, the Consumers Union suit is clearly precedent for such a development. We, in the Congress, should take a long, hard look at any proposal—even one as popular as consumer protection—which holds even the potential to upset the delicate affairs of State and place our friends around the world in jeopardy.

I think the points that were made by Representative WAGGONNER of Louisiana are certainly worth our consideration; because since they were written, we have had an energy crisis, we have had embargoes by the countries in the Middle East, the Arab countries, and we have seen what has resulted from a short-sighted approach to providing our own domestic energy, in having shortages, and in knowing that the policies we were following were not going to provide sufficient energy. Nonetheless, I think it shows that the consumer has been well represented, without an ACA or a CPA.

The argument for so long was, "Let's bring in cheap foreign oil," and cheap foreign oil was imported in greater amounts than the domestic energy industry could sustain. Because of this, the foreign development of reserves went on, with American capital and American know-how and American companies leading the way for them, providing ample quantities of cheap foreign oil which could be imported into this country in a way to weaken the domestic industry.

In the process of all this, the steel products essential to the oil industry had the same fate. The raw steel capability today of companies in this country is just what it was 20 years ago, no greater, even though the demand for steel has increased.

The American companies relied to an extent, I might add too much of an extent, on imported foreign pipe for the drilling of domestic wells. In doing this, they weakened the domestic oil industry's capability of producing pipe in quantities desired today.

So, we weakened our own industry at a time that we needed to strengthen it. I think this all brings out what actions the ACA might take as far as prices of products such as tubular goods or as products of oil.

Would they be interested in lower priced products which would not bring in sufficient amounts of steel tubular goods or of refined products, or would they be interested in the supply side of the arrangement?

The point is that there are many consumers with different interests or there are many citizens with different consumer interests, some are interested in a cheaper price for the short term, others are interested in a free market price for the longer term, knowing that there will be an assurance of sufficient supply.

Looking at this question from a different angle, championing or protection of the consumer interest could result in an intrusion on one of the most important freedoms we enjoy—freedom of the press, ultimately, as CBS commentator Jeffery St. John has stated, undermining "the foundation of editorial freedom, which is advertising." Stating that there is often a difference between the consumers and those who claim to speak for the consumers, Mr. St. John foresees the possible destruction of advertising by government-inspired consumer protection efforts. I submit the statement he made before the House Government Operations Committee last year for your information:

I am a CBS radio network "Spectrum" commentator and a syndicated columnist for the Copley News Service. I am also a frequent contributor to the editorial pages of major American daily newspapers, among them the New York Times, Long Island's Newsday, the Philadelphia Inquirer, the Washington Star, Chicago Tribune, Detroit News, and the Los Angeles Times. During the past few years, I have written extensively on consumerism in general and the Consumer Protection Agency proposal in particular, for both the broadcasting and printed media.

Because of my dual background in both broadcasting and print, I believe myself sufficiently informed to state some specific reasons why Congress should permanently table its proposal to create a Consumer Protection Agency. In short, I believe its creation will pose a clear and present danger to press freedom, far beyond the widely admitted dangers thus far faced from actions by the Congress, the executive, and the judicial.

Let me now briefly state my case by beginning with a quote from Senator Charles Percy, when he appeared before the Ervin Constitutional Rights Subcommittee. Senator Percy said the following:

"The threats to a free and vigorous press are very real * * * I have no doubt that this country feeds on an active, probing, inquiring, inquisitive press that never waivers or hesitates because of implicit or explicit Government intimidation."

Senator Percy and others who have taken this position publicly have piled up points with the press with such ringing statements. However, Senator Percy and his ally, Ralph Nader, support the concept of a Consumer Protection Agency that would, in my judgment, gravely compromise the economic foundation of the press. CPA would be empowered to intervene in the proceedings of every Federal agency touching on consumer interests, including advertising which forms the indispensable foundation of the printed and broadcast media. We seem to forget that the press is a business. Its profits from advertising pay for the multimedia complex that comprises the American communications industry. The CPA would also be empowered to intervene in radio and television license renewals. In fact, it has been suggested by advocates of the CPA that the amount of consumer news a station carries be considered as a yardstick for license renewal by the FCC.

The consumer crusade against advertising and its attempts to police allegedly deceptive ads raises the much-evaded question of whether the press, be it broadcast or print, can remain—in Senator Percy's words—"probing," "inquiring," and "inquisitive" if the economic lifeblood of that press is progressively controlled and regulated by Government, with "implicit or explicit Government intimidation"—to further borrow Senator Percy's words.

ADVERTISING ESSENTIAL TO PRESS FREEDOM

The creation of the Consumer Protection Agency, in my judgment as a working journalist, would greatly increase the capacity of the consumer movement to become a menace to free speech and free expression. Ultimately, the consumer movement would undermine the foundation of editorial freedom, which is advertising.

"It's all very well for consumer advocates to attack advertising," observes Yale law professor Ralph K. Winter, Jr., when writing of the CPA proposal, "but they themselves"—meaning the consumer movement—"merchandise consumerism in such a way that puts Madison Avenue to shame. Their activities seem very much geared to media impact and involve a great deal of sensationalism." Professor Winter contends, however, that consumer advocate attempts to suppress and regulate advertising "would impose restrictions on advertising which could cause the amount of advertising in the economy to sharply decline."

The ironic aspects of the strange alliance between the consumer movement and the press is that Ralph Nader and his allies advocate policies which the press has accepted uncritically, yet those policies could lead to the piecemeal economic destruction of the press. The lack of critical examination by the Congress and the press of the consumer movement and such proposals as the CPA is a case in point. The creation of CPA would permit Nader and his allies to go radically beyond what they have managed to do piecemeal via the efforts of the Federal Trade Commission. Since the 1969 Nader-inspired report on the FTC, a skillful campaign of power politics by Nader and others has forced the FTC into a radical advocacy posture, principally against businesses that use television advertising in their marketing. The FTC "counteradvertising" campaign that compels companies to confess their guilt as assessed by the FTC, in future ad campaigns, raises serious questions that go beyond Government policy which is even now undermining the press' economic foundation.

Former FTC Commissioner Lee Loevinger warned that the FTC's counteradvertising campaign would wipe out ad revenues and ultimately "drive all broadcasting to dependence on Government subsidy or support and thus greater Government control." If, he argued further, Government can mandate the expression of specific viewpoints, "in economic realm, it can do it with equal logic in the political realm. Counteradvertising would create a host of problems, including a test of free speech under the first amendment." It should be realized, however, that the counteradvertising campaign proposed by consumer advocates is not for the purpose its proponents state. It represents only one stage, in my judgment, in their steady onslaught against the economic foundation of the press.

For we have seen that what followed the Government-mandated countercigarette commercials was the abolition of cigarette advertising on radio and television. And now the abolition of small-cigar advertising.

POLICING ADVERTISING AND PRESS

Senator Frank E. Moss insists that his efforts and those of consumer advocates to police advertising and their successful campaign to ban cigarette commercials from broadcasting (accounting for a $200 million annual loss in revenues) do not constitute a first amendment case. Nevertheless, Senators Moss and Percy, while supporting editorial press freedom from Government intimidation, evade the central issue of whether their efforts ultimately will help undermine press editorial freedom if advertising is progressively destroyed by Government-inspired consumer protection efforts.

Dr. Frank Wolf, assistant professor of political science at Drew University, in a recently published study, "Television Programing for News and Public Affairs," concluded that the richer and more profitable a broadcast news operation, the more complete and controversial its news and public affairs programs. This commonsense economic approach seems to elude the consumer advocates who continue their assault on advertising in broadcasting. The printed press has looked on this campaign either with indifference or, in some cases, has encouraged it, indirectly benefiting when cigarette broadcast commercials were banned for a product legally sold over the counter. Now the printed press is awakening to the implications of the consumer movement's efforts. "A spate of Government rulings," observed publisher Eugene Pulliam, "is eroding the economic base of journalism. The American communications industry is struggling for its very survival in a web of Government regulation."

The belated questioning by the printed press of the implications of consumerism comes at a time when Nader's star and credibility is beginning to dim. Until recently, Nader's power was rooted in a compliant, even adoring, press with allies here in Congress who helped him pass individual consumer laws that have, by Nader's own admission, failed. Harrison Wellford, a Nader associate, admits, moreover, that the current FTC assault on advertising is not likely to maintain its current "vigor." For these reasons, it is crucial for Nader and his allies to railroad through Congress this CPA bill that will provide consumerism a permanent power base within Government; a new, more radical Government agency to do battle with the old bureaucrats.

FALSE PREMISES OF CONSUMERISM

Mr. Chairman, it is my view that, just as counteradvertising was deceptive labeling and packaging of the worst sort by consumer advocates, the CPA falls under the same category of mislabeling and deceptive advertising. CPA is not really for the consumers, but for those who claim to speak for consumers. I underscore "who claim to speak for consumers." In reality, the consumer movement wants CPA as merely a means to a larger end: the restructuring of the entire governmental system. I cite to you in support of this position, Mr. Consumer Crusader himself, Ralph Nader.

In the 1969 hearings on CPA before the House, Nader acknowledged that "you cannot separate consumer interests from other interests * * *. I think we should try to reform the entire governmental apparatus through this kind of [Consumer Protection Agency] with strong powers, with strong skills, with strong zeal, strong consumer testing and disclosure functions." Nader predicted that the CPA "would revolutionize Government."

The premises of consumerism in general and the attack on advertising in particular have received few critical challenges, largely the consequence of a bias in the broadcast and printed press which, until recently, assumed Ralph Nader beyond error. The foundation of Nader's "credibility" rests on his successful campaign against the GM Corvair, which resulted in the 1966 congressional hearings on auto safety headed by Senator Abraham Ribicoff.

The consequences of those congressional hearings made Nader a super-super star of the consumer movement. But now, 7 years later and after a 2½-year investigation by a subcommittee headed by Ribicoff, the original sponsor of Nader has made an amazing and, to my way of thinking, largely unreported admission, at least as far as the coverage given the GM hearings in 1966 is concerned. This is from the Ribicoff report: "Although we have not upheld Mr. Nader's charges against Corvair and General Motors," the Ribicoff study stated on March 28, 1973, "we believe they were made in good faith based on information available to him. After gathering all the evidence concerning them, we can understand how he reached the position stated in his letters. The documents he cites provide some support for his views. However, we believe the clear preponderance of the evidence, much of which was unavailable to Mr. Nader, is on the other side."

Of course, Mr. Nader disputes this conclusion. However, every campaign in which Nader has engaged since his rise to his current lofty prominence contains countless examples of questionable data and dubious premises that have gone largely unchallenged. His attack on advertising, for example, is rooted in premises that are highly subjective and speculative, lacking any real scientific foundation. Nader contends that the food industry's use of advertising panders to "superficial," and what are "critical consumer needs" are Nader's personal opinion and not the product of any canvass of millions of consumers, whose taste and choice vary from individual to individual and from income group to income group. To say, moreover, that advertising "manipulates" unsuspecting consumers is to arrogantly assert that consumers are mindless robots who lack the intelligence to make market judgments.

Creation of a CPA will provide Nader and his consumer allies a bureaucratic dictatorship with powers far beyond what anyone else has dared demand, while, in my judgment, insulating CPA from review and accountability by Congress. Such a proposal is made in the face of past failures of consumer protection laws. "Calling for creation of a CPA," observes Professor Winter of Yale, "is an admission of egregious failure of consumer protection regulation in the past. But surely the mind boggles at the argument that the failure of regulation in the past calls for imposing another bureaucratic overlay." Parenthetically, the nonpartisan Tax Foundation reported recently: To date there are more than 1,000 Federal Government consumer protection programs, administered by 57 agencies at an annual cost of $3 billion. At present, 23 States have consumer protection departments, 29 have consumer fraud agencies attached to the attorney general's office, and more than 50 cities and 20 counties have consumer protection units.

CPA AND REPORTERS' CONFIDENTIAL COMMUNICATIONS

The paradox of the press endangered by a consumer movement it has uncritically promoted and supported is made more so by the fact that with the creation of the CPA will go subpenalike powers to gather information, placing newspaper and broadcast reporters in precisely the same bind they now face with grand juries. The CPA would require the filing of reports and the answering of questions by any person engaged in a business or industry that touches on interstate commerce in order for the CPA to obtain information for the protection of consumer health and safety or to uncover fraud. Reporters covering American industry, and as a matter of fact working for the communications industry, would be subject to CPA. Thus, the proposed "shield law" also supported by Senator Percy is at cross-purposes with his espousal of extraordinary power for the CPA.

Several specific provisions in the pending Consumer Protection Agency bills are particularly ominous.

Now, I realize—departing from my prepared statement—the chairman of this committee has said, in effect, that we are concerned with the House bills and not the Senate. It would seem to me, from my knowledge of Congress, that this bill is eventually going to have to go to conference and the issues in either of the bills have to be reconciled. Therefore, in S. 707, for example, the CPA would be specifically charged with the "maintenance of truthfulness and fairness i advertising 'with powers' broadly interpreted by the executive branch." In the past, this kind of sweeping mandate has always led to abuses, with the executive using such powers for political purposes. The dangers inherent in a CPA, on this score alone, are that an enterprising press might well be intimidated by an administration being investigated by, say, the Washington Post.

In fact, while the Washington Post was digging for information on the break-in and burglary of Watergate, which later won the paper a Pulitzer, friends of the Nixon administration sought to use the existing doctrine of the FCC and "license challenges" to deny a license renewal to the two radio-TV stations owned by the Post in Florida. It was suspected, but not proven, that the purpose of the license challenge was to put pressure on the Post to soft-pedal its Watergate probe.

But, anyway, two other provisions proposed before this body by witnesses and contained in S. 707 raise grave questions. First, the bill would empower the CPA to provide specific money grants to private consumer groups on the State and local levels, opening the way to harassment of local advertisers, newspapers, and radio-TV stations with money provided by the taxpayers. Although both Senate CPA bills specifically forbid political activity underwritten by CPA grants, past experience with the Office of Economic Opportunity funds used for radical political activity makes it doubtful that CPA funding would not be used for political organizing under the label of consumerism. The disastrous experience of OEO indicates that it is exceedingly difficult to police or correct misuse of public funds.

CPA INQUISITORIAL POWER AND REPORTER'S PRIVILEGE

Second, if H.R. 14 or S. 707 is passed, the CPA would be granted unprecedented powers for information-gathering not granted to any other nonregulatory agency, backed by court enforcement provisions. CPA would "require any person engaged in a trade, business, or industry which substantially affects interstate commence" to provide information of concern to consumers. Reporters, of course, would be covered by these sweeping powers and would be obligated to turn over to the CPA any confidential and/or sensitive information. CPA supporters deny that this proposition raises the same question on which Congress has been deadlocked for some time: the right of reporters to protect their confidential sources from grand juries. A number of reporters have already gone to jail for refusing to divulge their confidential sources.

A "shield" provision has been suggested for CPA by Consumers Union to cover this crucial question; however, Congress has also become deadlocked on the issue of a "shield" provision. The U.S. Supreme Court, moreover, ruled in June of 1972 in the case of *Branzburg* vs. *Hayes* that reporters had no privilege to protect confidential sources. Thus, any "shield" proposal would be nullified and the proposal itself puts into question the CPA drafters' judgment. But H.R. 14, "shield" or not, proposes to go far beyond reporters' confidential sources by reasons of the broad sweeping informational powers demanded—without even the adversary proceedings of a court of law.

Yale law Professor Ralph K. Winter, Jr., in questioning by Senator James B. Allen in recent testimony before the Senate subcommittee hearings on the CPA, acknowledged that reporters would be affected by the proposed CPA provision. This very real possibility was tacitly acknowledged but not until Senator Allen spelled out the consequences of what was being proposed. "I really have not given that particular subject enough thought," the professor told Allen. "You have raised an important issue, I think." Remarkably, Consumer Reports is backing the CPA proposal.

CPA CONTRARY TO INDIVIDUAL LIBERTIES

It is precisely, in my judgment, the absence of "thought" on matters of legislating consumerism and its effect not only on the press but on the consumer and the economy that has permitted a dangerous proposal like CPA to gain wide acceptance. This uncritical climate reveals a confusion on the part of CPA supporters like Senator Percy and others who speak passionately of protecting the free press while supporting CPA which would undermine press economic and editorial freedom. This contradiction is the direct result, in my judgment, of an absence of thinking in principle, particularly ignoring the principle that private institutions and individuals are entitled to protection from arbitrary abuse by government. This is a right that goes back to the very beginning of the Republic. "What we must be concerned about," Senator Ervin observed on the Senate floor last fall when he opposed creation of CPA, "is whether the people have enough protection from the oppression by too much government, even if it is well meaning."

Senator Ervin's opposition to CPA is consistent with the North Carolina Democrat's view that all freedoms must be protected. He has led the fight against no-knock laws, invasion of privacy, government pressure tactics against the press, and is now chairman of the Watergate investigation, which has made the constitutional scholar of the Senate somewhat of a folk hero among the liberals in and out of the Senate. However, it is these same liberals who speak so passionately for enactment of a CPA bill. Therefore,

the question for liberals is whether Ervin is as correct on this issue as he has been on others. For institutionalized consumerism and the proposed Consumer Protection Agency are no less lurking dangers to press liberty than locking up reporters who refuse to divulge their confidential sources. The press, consumer advocates, and politicians like Senator Percy need a refresher course in freedom before it is too late.

CBS COMMENTATOR JEFFREY ST. JOHN—BEFORE HOUSE GOVERNMENT OPERATIONS COMMITTEE

Perhaps the worst mistake that this legislation makes is the assumption that we can, with accuracy, determine the answers to these two important questions:

First. Who is the consumer?

Second. What are his interests?

I submit that this determination is impossible. You say that all of us are consumers. Yes, I agree. However, all of us are individuals who not only have interests which conflict with each other, but we have conflicting priorities and interests within ourselves. George Lamb of the Association of Home Appliance Manufacturers, pointed this out, 1973 hearings, House Government Operations Committee, when he said:

As individuals each of us has conflicting interests. As purchasers each of us has an interest in low price, high quality, and easy availability of goods or services; yet insistence on low price almost inevitably affects quality and availability in an adverse way. Individually, each of us is interested in a livable environment; yet, as we are seeing the attainment of such an environment increases the cost of products and makes some unavailable. We have within ourselves many other conflicting interests, no one of which should be declared paramount in guiding the work of Federal agencies.

Even among consumers there is seldom a single interest a Consumer Protection Agency could represent. Product safety may be one area in which a single interest may be found, but even here there is a point beyond which consumers' interests diverge—a point at which safety requirements adversely affect the utility, availability, and cost of a product. At this point consumers will differ on how these factors are to be balanced.

The vast body of consumers across the Nation, who would bear the brunt and cost of the agency's activities, could exercise no influence over the CPA's decisions.

The consumer is not monolithic. The consumer is multifaced. Therefore, there will be numerous times when the CPA will have to choose between consumer interests and advocate one interest at the expense of another.

For example, an automobile safety standard may make a car safe but more expensive to buy and if the device makes the car heavier, more expensive to operate since it will require more gas. In this instance, the current petroleum shortage, the increasing price of this petroleum and our dependence on imports would also be considerations. Who is the consumer in this case? What position should a CPA take? Will this position be compatible with the public interest?

In a statement made last year before the House Government Operations Committee, T. Edward Day of the Consumer Electronics Group of Electronic Industries Association, pointed out numerous examples of consumer conflict in the automobile industry, the trans-Alaska pipeline controversy, the regulation of natural gas, and so forth. I submit a portion of this statement for your information:

On the other hand, if the CPA is to present only one interest of consumers to any agency, CEG has grave doubts as to how, in an age of competing consumer interests, the CPA is expected in many situations to select a single consumer interest to represent.

For example, in a proceeding looking toward the establishment of more efficient automobile emission control devices and standards, which side would the CPA represent? On the one hand, there is the position which, in the name of public health and environmental protection, calls for ever stricter standards and ever more exacting devices. On the other side, there is also another legitimate consumer position: The economic cost to the car owner. It has been stated that new cars, equipped with emission control devices meeting Federal standards, by 1976 will be getting as little as 6 to 8 miles per gallon in fuel consumption. In a time of continuing inflationary and international pressures on the cost and availability of gasoline, having in mind proper concern for the energy crisis, where should the CPA stand—with the environmentalist-priority consumers or with the economic-priority consumers? This latter group has a right to be concerned over poor gas mileage and with the increased cost of automobiles resulting from super-exacting standards for pollution control devices.

Where would the proposed CPA have stood on the trans-Alaska pipeline controversy—with the protector of the permafrost and tundra or with the homeowner caught up in the spiraling costs and diminishing availability of home heating oil, natural gas and propane?

What position would the CPA take on the Interior Department's recent environmental impact statement regarding a prototype shale oil program? On the one hand, there is the homeowner consumer who is worried about the cost and supply of home heating products, the car owner worried about gasoline, and the farmer worried about fuels for crop drying.

On the other hand, however, there are the environmentalist consumers worried about the impact of large-scale strip-mining of shale and the degradation of air and water quality in the area, and there is the recreation consumer concerned about the withdrawal of recreational land for shale mining. How would the CPA choose one side in such a controversy? And if the CPA as envisioned in H.R. 21 is to present a spectrum of views, the history of this environmental impact statement is a clear example of the redundancy of such a function.

What about a Federal Power Commission proceeding to develop rules exempting small producers of natural gas from rate regulation in order to stimulate exploration and increase the gas supply? Which side of that issue is the consumer side? I see that the Consumer Federation is forming a task force on energy. Many people are becoming active in the energy crisis. How is it going to help to have the CPA get into that act—on which side? If there is rationing of fuel, which would the CPA prefer to cut back—the factories where people work or the houses where they live?

There are literally hundreds of potenial dilemmas which the CPA would have to resolve. And these are not far-fetched examples but ones which actually would have to be confronted by the Agency. One of the leading advocates of this legislation recognized this problem during the debates on S. 1177 in the last session. "Though [the CPA] may present," he said, "to a host agency a variety of consumer concerns over which a particular agency decision may impact, it is expected that it will advocate one interest over another."

However, the gentleman making that statement did not resolve the question of which "consumer concern" the CPA would advocate in the proceeding and how much it would select it. CEG submits that the consumer interest is not monolithic and the impossibility of defining how it is to be determined is a fatal stumbling block.

Neither liberals nor conservatives are able to agree within their own groups as to which is the pro-consumer side in tariff cases or cases under the antidumping law or the countervailing duty law. Does the consumer side support low consumer prices for imported products or does it support protection of American workers against unfair foreign competition?

What is going to be the consumer side in cases before the National Labor Relations Board or in proposed decisions of the Federal Reserve Board? What about the Office of Management and Budget and the General Accounting Office and the Cost of Living Council? What is the consumer side on overuse of Yosemite National Park or on the routes of federally funded interstate highways? A leading House sponsor of this legislation in its broadest form has said the real subject matter of hearings on this type of bill is "disorder in government." Surprisingly, I agree with him.

Regardless of whether the CPA is to advocate only one or numerous interests of consumers, one thing is certain—confusion and additional delay will result in administrative hearings in which the CPA participates or intervenes.

The problem of determining who the consumer is and who should be represented will be compounded by the multitude of agency matters which would be affected by CPA power. The Administrator, on the basis of his view as to what is "in the interest of consumers" could first, bring heavy pressure to direct Government decisionmaking and second, by litigious procedures cause protracted delay in the decision process.

Because the CPA will have so much power it will be able to affect decisions in a mammoth number of areas, given the problem of determining who the consumer is and the administrative problems which will develop as a result of this totally new layer of adversary proceedings being superimposed on the administrative decisionmaking process and the judicial review of that process. I am afraid that the result will be disastrous for business, for Government, and for the consumer we want to help.

Taking the petroleum industry as an example, here is a list of the multitude of agency matters that would be affected. This list is also indicative of the problem cited by Mr. Day of determining who the consumer is. As I read the list, I ask you to ask yourself these questions in each case: First, Who is the consumer? Second. Does he represent the public interest?

Interior.—Lease Sales, drilling permits.

FPC.—Natural gas prices, certification of pipelines, end use controls.

EPA.—Rules and regulations governing environmental matters.

IRS.—Accounting practices, tax rules and regulations, repatriation of capital and capital allocation decisions.

Department of Justice.—Consent decrees, mergers, acquisitions and divestitures, decisions to prosecute and not to prosecute, appeal and not to appeal.

FTC.—Mergers, acquisitions, divestitures,

the entire question of advertising and fungibility, temporarily dealer assistance, allocation of available supplies to company and independent jobbers.

The problem is the same in other areas of our economy. For instance, who is the consumer in agriculture? To illustrate the problem here, I present to you a portion of a statement made by representatives of the American Farm Bureau, from the prepared statement of Clifford G. McIntire, legislative director, and Fred Poole, director, Government relations, economic services, American Farm Bureau Federation—House Government Operations Committee hearings on consumer protection legislation, 1973:

The members of Farm Bureau families—over six million individuals—are all consumers. They share with the great majority of all consumers a belief in the American competitive enterprise system in which property is privately owned, privately managed, and operated for profit and individual satisfaction; in which efficiency of production and high per capita production are primary elements in determining standards of living.

The conceptual problem of who is "the consumer" appears in the case of agriculture just as it does in other industries. In the case of agriculture the matter is simple. There are no non-consumers of food and probably no non-consumers of natural fibers as well. However, food consumers are divided into dozens of subgroups according to tastes, diets, preferences for quality grades, and so forth—just as consumers of other industries are divided.

To advocate the position of one group may very well infringe on the interests or tastes of another.

The food supply chain extending from the farm field to the family table or food establishment is well known. In this chain, however, there is a certain delicacy which is often overlooked. This is one of our chief concerns with these CPA bills. Food production is very complex due to an interdependence of crops, the possibility of substitution, and a dependence upon the weather and supplies. Crops have to be planted and harvested and stored in season, and there is no other time for it. To increase the supply of beef, for example, as we should all now know, takes a matter of years.

Certainly it can be said that, in contrast to the perhaps prosaic situation of only a year ago, agriculture has today become dramatic. Food prices are front and center in public attention.

To illustrate our doubts about the value of a CPA in agriculture, let us assume that a Consumer Production Agency, is in existence,

In the matter of food the consumer interests to be represented by such a CPA seem clear. They are (1) price, (2) quality, (3) supply.

In the area of price we now have an existing government agency—the Cost of Living Council.

Quality is now a concern of the Department of Agriculture as well as the Food and Drug Administration, the Federal Trade Commission, and perhaps others—all now in existence.

Supply, as it is affected by the government, is a matter for the Department of Agriculture.

The CPA has, under most of the proposed bills, a power to appeal from and to seek to stay any upward price mandate of the Cost of Living Council as harmful to the consumer.

Thus we would have, in effect, two CLC's—both with a mission to save the consumer and one with the power to appeal a decision of the other.

Then, of course, it is possible that the CPA might well have analyzed the meat problem as a matter of getting a cheaper supply of feed grains to the feeder. In this circumstance the CPA could move on its own motion to intervene at USDA and perhaps seek to compel the imposition of export controls to increase the domestic supply of such grains and thus to lower prices. This is very much a picture of today's grain situation and some proposals for dealing with it.

It is not difficult to imagine the CLC, the USDA, the White House, Treasury, State, and Commerce all arrayed against a CPA. And, if you will, everyone waits while an appeal is taken. All of this can be going on while beef producers are deciding on the level of production for which they can prudently plan and the farmer is calculating his grain planting in the light of prospective prices. In the meantime, packers, processors, packaging suppliers, and all sorts of service industries wait on that decision—and probably curtail production. All of this you see, is going on now without the presence of a CPA, just a CLC.

We see here all that is involved in the delicate chain of supply we mentioned earlier. It involves the whole public. Every step or link in the chain has great effect upon the whole. To influence one link of it usually sets up a ripple effect throughout the whole system. This, of course, is true of many other industries, and agriculture in this sense is not altogether unique. However, many other industries have simpler lines that do not involve millions of people or the millions of decisions American farmers make each year. Single annual crops represent the livelihood of many growers. Artificiality or undue uncertainty in the pricing picture can have enormous effects upon supply as millions of American farmers make their crop and production decisions from season to season. It can cause new crises, such as the current fertilizer situation which needs no elaboration. An artificial price has made the U.S. product so attractive that large supplies are going overseas to create a domestic shortfall.

We believe that essentially this government has enough agencies with enough expertise to handle the problems suggested in this broad brush approach. Some would argue that we have too many now. But clearly there is little need for more.

This is by way of saying that one agency with responsible authority in its own area can far better handle its problems alone than if it is compelled by law to be encumbered by the presence and participation of another agency, one which not only can insert itself in its formal and informal proceedings but which can in the end, as of right, take an appeal for a judicial decision as most of the bills before you provide.

One may say that such an interpretation or expectation assumes bad administration of the law establishing a CPA.

The Wall Street Journal, in an editorial on April 10, 1974, also recognized the problem of determining who the consumer is and opposed this legislation, pointing out its pitfalls. Following is the editorial:

MR. NADER'S NEW YEAR'S WISH

On January 1, Ralph Nader announced that his resolution for 1974 would be to win enactment of a Consumer Protection Agency. In years gone by, his problem has been to get the House, Senate and White House to act in concert. So far, so good. The House has acted, the Senate can hardly wait and the President will sign just about any CPA legislation the Congress sends him.

Too bad. While the creation of another federal bureaucracy did not top our list of New Year's wishes, neither did we oppose the general idea. But the agency now being fashioned to Mr. Nader's specifications goes so far beyond the cute little office we had in mind that opposition is in order.

To begin with, the $10-million-a-year consumer agency will not simply institutionalize the consumer advocate. An agency that could somehow divine a consumerist version of the public interest and make that view known throughout the federal establishment is not an altogether objectionable idea. If the CPA seriously weighed costs as well as benefits it might do some good.

What is emerging, though, is an agency empowered to force its subjective view of consumer interest into almost every administrative procedure and to initiate legal action against any decision it disagrees with. Routinely we can expect to see government lawyers battling government lawyers in The United States of America vs. The United States of America. Is it any wonder the American Bar Association thinks the idea is dandy?

Nor is it surprising that organized labor thinks this would be grand. About the only area specifically exempted from CPA meddling is that which covers labor. The last thing George Meany wants is to have a consumer advocate rustling through a proceeding on unfair labor practices and announcing the cost to the consumer of meeting an AFL-CIO complaint, then pitting the consumer against a union in a court action. Nor would he wish the consumer advocate, a person who will inevitably wear a white hat, inveighing against rail and dock strikes, postal-service wage negotiations or any labor activity that winds up costing the consumer.

It so happens we are in total sympathy with Mr. Meany in desiring to keep the CPA out of his hair, but find it incredible that he would think the democratic process will be served by having the agency tangled in everyone else's. By the same logic, he would oppose government control of wages but be willing to give a government czar control over prices. Yet he understands the workings of the marketplace well enough to know there's no percentage for labor in that kind of regime. Money has to be made for wages to be paid.

Similarly, there exists no individual or group of individuals who could consistently learn the consumer interest through contemplation. There are too many classes of consumers, both those consuming today and those who will be consuming in the future. Does the government's consumer advocate, in the Alaska pipeline case, represent the consumer whose highest priority is to view an unsullied tundra? Or the one who wants to buy gasoline in 1980? Does the CPA represent the consumer's health, safety, environmental interests? Or the consumer's short-run pocketbook interest? Or the consumer's long-term pocketbook interest? Nobody will know until this wise person is named and examined.

For the life of us, we can't even understand why Mr. Nader wants to have his unknown wise person installed in a powerful bureaucracy. As it is, private consumer organizations have a good thing going. There are enough of them around to represent both the tundra viewer and the 1980 gasoline buyer, the consumer's health interest, safety interest and long and short-term economic interests. All these consumer views are reflected through the myriad federal departments and agencies, and there is thus intense concern for the consumer.

What can only happen with a CPA, which presumes it can somehow represent all these views and somehow strike the balance, is an inexorable erosion of Washington's concern for the consumer movement. After every federal agency has been challenged in court by the CPA, after having labored mightily to compose competing interests into an administrative decision, the wise person who runs the CPA will be ground to bits by Capital politics. If the CPA is adopted in its present

form, we have a hunch Mr. Nader's New Year's resolution in, say 1977, will be to win repeal of the Consumer Protection Agency.

One of the most unfortunate results of the establishment of an agency charged only with protecting the consumer is going to be, in every area, the possibility of forcing the development of minimum price for maximum quantity. On the face of it, this sounds like a goal to be achieved. But in most areas the result could be disastrous because the quality will suffer For example, in the automobile industry, if untrained and unknowledgeable personnel at CPA become overzealous in finding ways to force prices down, the result may be a compromise on auto safety.

Along this line, the Consumer Protection Agency is to act as an advocate, and the role of an advocate is to exert all effort to make certain that his specific point of view prevails over all opposing points of view. I seriously question whether this combat-type function of the CPA should be adopted. The result will be one agency of the Federal Government conducting guerilla warfare on the other agencies.

Government supported factionalism is fundamentally a bad policy. This is illustrated by an article entitled "Let's You and Him Fight," by Senator ALLEN which appeared in the February 1973, Nation's Business:

LET'S YOU AND HIM FIGHT

Many of us are alarmed to see the term "consumer protection" being reduced to a senseless but loudly sung slogan that can drown out meaningful statements of complicated problems and force a division of opinion on false issues such as whether one is "anti" or "pro" consumer.

Nowhere has this been demonstrated better than by the squabbles inside and outside Congress during the past three years over bills that would, among other things, create an independent Consumer Protection Agency to advocate the interests of the consuming public within governmental forums.

Throughout these three years of CPA consideration, the American consumer—the "man in the street"—has had little conception of what was being proposed in his name; for the most part, all he was told was that those who favored "consumer protection" had been fighting losing battles with those who were against "consumer protection."

Little wonder that consumers become confused and frustrated.

Consider the 1970 Senate passage of a CPA bill by the vote of 74 to four. To those familiar with the CPA proposals, that overwhelming 1970 vote shows with nerve-tingling clarity the dangers—to American consumers, themselves—of debating a far-reaching and legally complex proposal merely on the false issue of whether one favors or opposes "consumer protection."

I cast one of those four lonely "nay" votes in 1970, I was strengthened in my conviction that this was the correct action because in so voting, I was standing shoulder to shoulder with the distinguished Sen. Sam Ervin, one of Congress' greatest lawyers and a champion of the constitutional rights of the man in the street.

We all know now, however, that the 1970 Senate-passed CPA proposal, which died in the House, was a drastic mistake that would have legislated a bureaucratic monstrosity into existence. Even its sponsors later acknowledged this.

In 1972, under the leadership of Sen. Ervin, the four lonely voices of 1970 grew to many times that number and pressed for a full debate on the issues raised by a complicated and completely revised bill.

REAL ISSUES TO THE FORE

Evidence of the new attention given to real issues, and the continuing problems in the bill reported out of the Committee in 1972, were the hundreds of amendments made at the subcommittee and full Committee levels as were the 77 amendments to the bill which were filed subsequently for introduction during the floor debate. Conversely, only six amendments were similarly filed for the 1970 debate.

Repeated attempts to choke off thorough consideration of the issues in connection with the 1972 bill failed, and the measure was set aside after 12 days of debate for attention to more pressing matters prior to adjournment. Conversely, in 1970, the CPA bill was considered and passed in just two days.

In my opinion, neither the bill that reached the floor nor any of several other CPA bills introduced during the past Congress was perfected to the point of being a genuine consumer protection proposal.

The problems in past bills have been both technical and substantive.

Technical problems can be overcome with diligent attention to the details of draftsmanship.

For example, in my views in the Committee report on the 1972 bill, I demonstrated that what was intended to be the key guideline in the bill—the definition of "interest of consumers"—was nothing more than lengthy gibberish; it would have been literally impossible for any CPA official to understand what he was to do. This was a fatal technical flaw that should have been corrected prior to sending the bill to the floor.

But you cannot make the mistake of attempting to draft technically correct provisions in the absence of an appreciation of the use to which these provisions will be put. And it is on this point that an ever-growing number of us in the Senate have our major reservations about past CPA proposals. What sounded good in theory proved dangerously overreaching when applied to the facts.

For example, it is undisputed that major work stoppages (such as dock strikes) and collective bargaining attempts to resolve these stoppages result in a major impact on the interests of consumers. The federal government, through the Federal Mediation and Conciliation Service, often plays a critical role in such situations.

INVITATION TO CHAOS

If we are to define the "interest of consumers" as it really is, and include such collective bargaining situations as a forum for CPA advocacy, we must fashion the proposed advocacy powers in such a way as to make a contribution to the public interest and to avoid turning volatile situations into chaos.

When the director of the Federal Mediation and Conciliation Service read the 1972 Senate CPA bill, he recoiled in horror at the prospect of its "adverse impact" on the Service and asked exemption for his agency.

This is just one of many cases where existing federal agencies went on record to state how their public interest responsibilities would be seriously hampered by a CPA of the type proposed in the overreaching 1972 Senate bill. The problem with all past CPA proposals has not been the major goal of the bills: Granting the interests of consumers due consideration and protection within the administrative process.

Instead, the problem has been that this positive dream has been abrogated by the unnecessary negative nightmare of the powers proposed for a CPA—powers to insinuate a guerrilla warfare unit into our own government to fight our own government, catching in the crossfire business, labor, environmental and other interests within the larger public interest; powers that would also grant unprecedented authority for the CPA to pry into and publicize the private affairs of those other interests.

I have always supported sound consumer protection bills, such as the bill enacted into law last year that will result in the creation this year of a new Consumer Product Safety Commission to assure that consumer products are made safe or safer.

I can readily agree to the value of a CPA that will assist this new Commission and other federal units in the difficult task of giving the interests of consumers due consideration and protection. A CPA could do this by presenting, efficiently and without disruption, relevant information to forum agencies and courts.

But I cannot agree to the creation of a CPA to attack and disrupt this Commission and other federal agencies while they attempt to fulfill their responsibilities to the public.

Neither I nor you should stand by and allow a bill, drafted to do violence, to be catapulted through Congress under the guise of "assistance" or "consumer protection." As the Bible tells us, "Woe unto them that call evil good, and good evil."

The CPA concept is expected to be the number one "consumer protection" proposal of the 93rd Congress. I urge you to study carefully whatever CPA bills are introduced in 1973, with the history of their invidious forerunners in mind.

I urge you to advise those who represent you in Congress as to whether the positive intent of the CPA proposal has been drafted into legislative reality in the 1973 bills, or whether they once again represent a threat to the public interest.

In my view there is no convincing argument to justify isolating the consumer interest and placing it in this adversary status against the other elements of public interest.

Why should the consumer have a special adversary status? What about the taxpayer? He is the one who will have to foot the bill for what appears to be a $10-million-a-year budget. The taxpayers of the United States are entitled to the same protection as the consumer when it comes to seeing that funds are spent prudently. Perhaps when he knows the cost, the taxpayer would rather tackle some of these problems without assistance from the Government. We must rely on ourselves as much as possible. Big Government cannot do it all. But if we turn to the Government to find a remedy for every ill, we will give up a great deal of our freedom of choice in the process and an increasing amount of our paycheck for taxes.

As Jeffrey St. John pointed out—

There are at present more than 1,000 Federal Government consumer protection programs, administered by 57 agencies at an annual cost of $3 billion.

In addition—

Twenty-three states have consumer protection departments, 29 have consumer fraud agencies attached to the Attorney General's Office, and more than 50 cities and 20 counties have consumer protection units. (Previous article by St. John.)

Before taking the easy way out by passing S. 707, let us really tackle the problem by working within this framework which has already been established, strengthening where necessary, to achieve our goal of consumer protection.

I think this approach will have better results, and it will cost the taxpayer less.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Press-Herald, Portland, Me., Apr. 23, 1974]

IT ISN'T NEEDED

John Mohay, executive vice president of the Eastern Meat Packers Association, was in Maine recently to urge members of his organization and the Maine Independent Meat Packers Association to oppose a congressional measure which would create a federal Consumer Protection Agency.

Mohay indicated an awareness that his recommendation might be regarded with suspicion in some quarters. "We frequently sound like we're against motherhood and advocating sin because we take positions on so-called legislation," he said.

He's right on both counts. The nation does not need a Consumer Protection Agency and saying so is something akin to knocking motherhood and encouraging sin.

Agencies exist with power to protect the consumer. Even they have gone off the deep end in recent months and they've done it in some instances in a manner little short of ridiculous. We don't need another expensive agency to do the same things—good and ridiculous—at additional cost to the taxpayers.

But the nation has grasped the consumer cause with the same passion it clasped environmental reform a few years earlier. The best of causes become misshapen when stretched to extremes. There is abundant evidence now of an awareness of extremes in environmentalism. We are learning to be more selective in that program. So must we be in the field of consumer protection. We do not need another costly expansion of the federal bureaucracy to provide that measure of protection which is needed or that caution which the prudent consumer should exercise himself.

[From the Cincinnati Enquirer, Apr. 7, 1974]

DOES THE CONSUMER NEED A CZAR?

After several years of false starts, Congress appears at the moment to be moving inexorably toward the establishment of a new, unified, autonomous Consumer Protection Agency (CPA). It appears just as determined to arm the new CPA with powers whose breadth and pervasiveness have aroused the anxiety even of those who have not objected on other occasions to the intrusion of the federal government into the everyday affairs of its constituents.

Actually, there are two CPA bills wending their way through the legislative machinery—one a House version, the other the handiwork of the Senate. Either would give the CPA a grant of authority unequaled by that of any comparable agency in the entire federal structure.

Whichever version Congress ultimately embraces, the proposed new CPA would have authority to intervene in the proceedings and actions of nearly all other federal offices and regulatory agencies whenever the CPA's administrator determined that intervention would be "in the interest of consumers." The CPA would also possess authority to seek judicial review of decisions of other agencies, to force use of their powers of subpoena, to go in access to trade secrets, to require the testing of products, to operate a system for collecting and appraising public complaints.

The CPA, in short, would inject itself as an uninvited third party into very nearly all proceedings between government on the one hand and the business sector on the other. That would encompass financing, licensing, mergers, marketing, advertising, rate-issuing, agricultural policy, mineral learning and all other regulations except those involving labor and national security.

Underlying the CPA proposal is the option—obviously fallacious—that there is a consumer interest that the federal government must defend.

In reality, there are many consumers' interests—all of them competing for attention and service.

In one area after another, moreover, the consumers' interest that would be advanced by a single, omnipotent CPA would be a minority interest frequently unrelated to the clearly expressed preferences of the American people.

Those who have anointed themselves as the sole and exclusive guardians of the American consumer, as an illustration, regard safety as the most important aspect of an automobile. Yet the American people, through their preferences expressed in the marketplace, have shown an equal interest in cost, in reliability, in comfort and in style.

Where food is concerned, the self-proclaimed protector of the consumer is interested exclusively in nutrition. The homemaker, by way of contrast, is interested also in cost, taste and variety.

With respect to packaging, the professional consumer activist speaks out only in behalf of standardization. The real American consumer, however, prefers to consider convenience in use, proper protection of the product, cost and appeal.

Opponents of the CPA admittedly face a difficult task fighting this escalation in the federal government's resolve to render American life risk-free. For to raise a serious question about the movement known as consumerism is to risk being identified as an enemy of the people, as one who asserts the right of the gouger and the scoundrel to exploit the public.

In reality, however, we believe that the American consumer is the most critical, most sophisticated, most knowledgeable in the world. He is accustomed to making choices—between a car's relative safety and its relative comfort, between a tin can and a plastic container, between the large size and the medium size. A Congress that regards him as capable of choosing a President and a set of senators and representatives and thereby to chart the course of the Republic in the grave area of war and peace ought to trust him to buy a can of peas without federal supervision.

The proposal to create a new Consumer Protection Agency is one more manifestation of Congress' proclivity to shrink from responsibility. The easiest answer to every problem that Congress elects to weigh is the establishment of a new independent agency with powers to do what, in Congress' judgment, needs to be done.

What Congress fails to consider is that its buck-passing simply feeds the already inflated federal bureaucracy and grants to an even vaster army of nameless, faceless bureaucrats the authority to make far-reaching, potentially fatal orders from which appeal is all but impossible.

The consumer can be protected, we believe, without being smothered.

[From the Savannah (Ga.) News, Apr. 17, 1974]

NO WAY ON CPA

Protecting consumers like the preservation of motherhood, is seemingly a thing that everyone can support. With this view in mind the House recently passed a bill that would establish a consumer protection agency (CPA). The Senate will act on the measure within the next few weeks.

Unfortunately, things are not always as they seem—for one man's protection may be another man's poison. With this view in mind it is well worth our time to ask what the aims and implications of such an agency would be.

We have long held the view that a healthy free market is the best way to promote the interests of all consumers. Under the stimulus of competiton, business has a vested interest to respond to varied needs with the best possible product. In recent years, however, some self-styled consumerists have advanced the notion that we cannot trust business to do this.

As their fantasy would have it, businessmen are evil ogres who constantly plot to pawn off shoddy goods on the public. But alas; this fairy tale is to have a happy ending because when appropriate legislation is passed, the white knights of the federal bureaucracy will sally forth and lasso all their villains with red tape.

So much for fables. They are fine for children and others whose child-like faith in federal goodness, despite Watergate, surpasses all understanding. Nevertheless, we must consider the proposed consumer agency in the light of reality.

Even if one accepts the view that government must play a substantial role in protecting consumers, the need for a new agency is far from clear. At present nearly all levels of government are involved in consumer protection. The existing federal regulatory agencies are one example, and most state governments now have programs of their own. In the private sector, a number of tax-exempt groups are also working for this cause.

With all these consumer protectors on the scene, the proposed CPA would merely duplicate efforts. Still, this is the least of the objections against it. Its establishment would hurt consumer interests in a number of ways.

The agency's proposed set of regulations would increase the cost of doing business, with some, the added cost being passed on to the consumer. Another point is that while some might say bureaucracy is worthless, it is certainly not cheap. The proposed CPA is no exception. Its proponents concede it will cost $50 million in its first five years of operation. Opponents have good reason to believe the total will be much higher.

In any event this outlay will further reduce the purchasing power of all consumers through higher taxes and inflation. We believe that a better way to promote consumerism is to let the consumer keep his money and buy what he likes.

The whole concept of CPA rests on the questionable assumption that all consumers agree on what constitutes their interests. While it is true that most want more money to spend, such agreement will rarely extend beyond this and a few other points. As an example, some consumerists might prefer cheap energy sources to environmental concerns. Others might take the opposite view. In such cases the CPA might have some problems in deciding which group of consumers truly represents the "consumer interests."

One commentator has described the proposed CPA as another "bureaucratic monstrosity." Without a doubt, such an agency would attract those who have an ax to grind against the business community. Indeed, the House supporters of the plan took great pains to exempt organized labor from CPA regulations even though unions have a strong effect on consumer-related issues.

If these trends continue, the day may come when big government will consume the consumer.

[From the Tulsa (Okla.) World, Mar. 23, 1974]

CONSUMER PROTECTION

After creating dozens of consumer protection agencies over the past 40 years, Congress is now establishing a new agency to protect consumers from the old ones.

A bill for a "Consumer Protection Agency" was delayed by a technicality in the House last week. But there is little chance that it will be killed. Protecting consumers is, after all, very big this year.

The new bureau will represent the consumers before the other bureaus which Congress previously created to look after the consumers' interest—the Federal Trade Commission, Federal Power Commission, etc.

Next year, maybe the lawmakers can initiate still another agency to represent consumers who don't get satisfaction from the 1974 model. It could go on forever.

[From the Indianapolis (Ind.) News, May 7, 1974]

A NEW BURDEN

The Congress is in the process of constructing a super-bureau whose jurisdiction is virtually unlimited and whose powers are, in practice, dangerously ill-defined.

We are referring to the proposed, and so-called, Consumer Protection Agency. The House recently passed HR-13163 at the urging of such stalwarts as Ralph Nader, the Women's Lobby Inc., Friends of the Earth, Sierra Club, Consumers Union, and—of course—the AFL–CIO and the United Auto Workers. Only two Indiana Republicans voted for this latest example of governmental opportunism, John T. Myers and Elwood Hillis.

What the bill will do, among other things, is give the Consumer Protection Agency a piece of the regulatory action now enjoyed by battalions of existing Federal agencies, such as the FDA, the FTC, by allowing it to intervene on behalf of "consumers" in the proceedings of those agencies.

In such instances it will have an indirect subpena power and be entitled to introduce evidence, examine and cross-examine witnesses. The practical effect of such intervention is likely to be a more rigid policy on the part of existing regulatory bodies.

Administrators of the new agency, eager to "make their bones" in the consumer protection racket, will be strongly tempted to characterize any concessions to accused firms as a sign of weakness on the part of existing regulators.

By appearing as an advocate in the activities of other agencies, the new agency creates an imbalance weighted against the subject of the action. The initiating agency is already in the role of accuser. A business firm then must defend itself against two prosecutors, one wielding the authority of a combined judge and jury, and both competing to demonstrate their concern for a hypothetical "consumer."

Although supporters in Congress claim the CPA will not be looking over the shoulder of existing regulators, it does have the power to ask another agency to initiate a proceeding, and if the request is not honored, the agency must explain publicly its failure to comply with the CPA request.

In addition to placing burdens on American businesses (one congressman predicted it would become another OSHA), the CPA will clearly require a massive bureaucracy to carry out its mandate. A House committee estimated the cost of the first year at $50 million, but the bill leaves the money authorization wide open.

Unless the Senate rejects this bill or the President vetoes it, Americans will be saddled with a vast new network of government controls imposed under the pretext of protecting them.

[From the Washington Star-News, Tuesday, July 9, 1974]

A CONSUMER BUREAUCRACY?

Only the highest motivation propels all those people and groups now pleading—with good chance of success, we fear—for creation of a federal Consumer Protection Agency. They want to rid the marketplace of flimflam and faulty products. They see vast benefits if the consumer becomes really entrenched in government with a watchdog agency of vast power. And, having scored a three-to-one victory for this proposition in the House, they now are knocking on the Senate's door.

The Senate should be very cautious, we think. Behind the idealistic gloss, there are many nettles in this plan. The House was stampeded into approval by election-year pressures, and the vote does not reflect the grave reservations which many members had about the proposal. But the Senate need be in no such hurry. It can take time to ponder the reforms passed in haste heretofore that have grown into monstrosities, costly beyond anyone's prior imagination.

This new agency would be stoutly independent, with incomparable authority to take action—legal and otherwise—over a sweeping spectrum of government, industry and business. Its administrator, needless to say, immediately would be one of the most powerful persons in the country—intervening in affairs of other government agencies, as well as the private sector. A good question is whether any single person should have the awesome power to speak for the consumer that's envisioned here. And not only business is troubled by this: Though the AFL–CIO supports the measure generally, it wants all labor affairs exempted from scrutiny by the consumer czardom. Unless this is done, it may oppose the bill. "We don't regard labor relations as having a consumer interest," a spokesman said. "We don't want another government agency intervening in labor-management relations, sticking their noses in our affairs."

Sounds a lot like business speaking, doesn't it? If labor affairs—which even get into the uses of certain prefabricated products—don't affect consumers, what does? No doubt other segments of society also will want to be exempted. The trouble is that about everything is consumer-related; the consumer agency operatives will have to cover an incredible field. They'll be authorized to do it, too, under this bill, often duplicating protective functions of other agencies, as in safety and public health, for examples.

And the immeasurable scope of this assignment makes one thing inevitable: a ballooning new bureaucracy. An agency that theoretically can be called upon to seek amends for every faulty toaster and prematue tire blowout in the country will have thousands of people on the payroll before long, including an army of lawyers. Another good question is whether it will cost more than it saves the consumers.

Private consumer groups are doing remarkably well in striking terror into cheaters of the public, as are consumer agencies in some states. Neither are the existing federal regulatory agencies impotent. The Senate should, we think, turn this superagency idea aside. If that isn't possible, it must be at the very least put some sensible limitations on the proposed agency, which cannot attempt to do everything for everybody without winding up in chaos.

[From the Dallas Morning News (Tex.), Mar. 30, 1974]

"PROTECTING" THE CONSUMER

Of course we are all against fraud. As for conmen, gyp artists and other sworn enemies of the consumer, a pox on them.

But must the federal government protect us from them? Must the government, indeed, protect us most of all from thoroughly honest businessmen who make products that raise the hackles of Ralph Nader?

That is what will come to pass if Congress should create at long last a so-called Consumer Protection Agency, even as the House Government Operations Committee voted this week to create one.

The phrase "so-called" is chosen deliberately. In theory, there are more than 200 million consumers in America; if they are agreed on an orthodoxy of "consumer protection," it has so far escaped our notice.

The consumerists think of consumers in the mass. In point of fact. they are individuals. Some emphasize efficient products; others want safety; a lot of others—perversely, if you ask the consumerists—simply want bargains and availability.

The consumerists think Washington can decide what is and what isn't in the consumer's interest. Accordingly, a Consumer Protection Agency would represent "consumers" before other federal agencies and the courts. The brueaucrats would tell us what we want. How thoughtful!

But naturally no one can predict where such an agency would go from there. Toward banning "useless" products, perhaps? The history of government agencies indicates that all wax in power age; all takes on added functions. This one has too many functions as it is. Congress should defeat it, or failing that, the President should veto it and let the traditional consumer protection agencies—local government and the free choice of the individual buyer—do their stuff?

[From the St. Louis (Mo.) Globe-Democrat, June 16, 1974]

CONSUMER AGENCY IS A LEMON

The Senate is considering a bill, generally similar to one passed in April by the House, which would create a new independent bureaucracy called the Consumer Protection Agency. While the name is appealing to almost everyone—who isn't a consumer?—the actual consequences would appeal to almost no one except those who enjoy below-the-belt punches at business.

For open-ended funding of at least $50 million as estimated by a House committee, exclusive of the usual budget swelling as time goes on, taxpayers would have to support another agency to oversee the consumer protection that already exists in the Federal Trade Commission, Interstate Commerce Commission, Food and Drug Administration and at least 30 other federal agencies covering more than 1,000 consumer programs, as well as in state and local consumer programs, the President's consumer advisor staff and others.

Although the proposed CPA is billed as non-regulatory, it would have the power to intervene in the decisions of almost every other federal agency if, in the ill-defined opinion of CPA, it "may substantially affect an important interest of consumers." Thus, notes a minority report issued by respected legal expert Sen. Sam Ervin (D–N.C.) and other senators, the CPA could "enter the proceeding as a dual prosecutor, and appeal any decision made as a result of the proceeding which is not to the liking of the CPA. Thus the CPA will have all of the rights of a regulatory agency and none of its responsibilities."

Ervin notes that CPA could require other federal agencies and private citizens through indirect subpoenas to divulge information forbidden to any other agency, including trade secrets and possibly even the confidential sources of reporters. Information gained under interrogatory power can be used against the person who supplied it in any subsequent proceeding.

The inevitable result to dual proceedings will be long delays, greatly increased legal costs, and harassment. An indication of the anti-business bent of the legislation is the exclusion of labor unions from the purview of CPA. The only other exemption goes to the television industry, for reasons never explained by supporters of the bill.

How will CPA represent "the consumer" in a hearing before, say, the Federal Power Commission? Will it support consumers who want a dam because of the increased electricity, or consumers who oppose a dam because it harms a recreational area, or consumers who prefer a different site because of the ecological situation Obviously, the independent CPA would advocate whatever the

Naderish types it attracts wants. Senators note it could even get involved in foreign trade bills, oil pipeline cases, and other far-ranging matters.

The CPA would be allowed to study ways to tag competing products with information from test findings, but there is no provision to allow a suit for damages against CPA for faulty published data that may have disastrous effects on producers.

The Senate is likely to pass this bad legislation and thus appear to help consumers, unless a planned filibuster is successful. Too many senators in an election year apparently refuse to vote against anything with the word "consumer" in it, even though the bill is a bigger lemon than anything the CPA would investigate.

[From the Richmond Times-Dispatch, June 23, 1974]

AN UNSOUND PROPOSAL

The House of Representatives already has passed, and the Senate will soon consider, legislation to create a new consumer agency with so much power that it would make other federal regulatory agencies "look like a benign cluster of Sunday school picnics," in the words of two opponents of the proposal.

The bill establishing an independent Consumer Protection Agency was approved by the House on April 3 by the lopsided vote of 293–94, despite the danger that the CPA might become—as Democratic Rep. Don Fuqua of Florida warns—"the most independent" and "the most powerful federal agency in existence."

While the House and Senate bills differ in some details, basically what each would do would be to set up a brand new federal agency with vast power to hold a whip over other agencies to be sure that the latter didn't allow American business to do anything inimical to the interests of consumers.

That seems a laudable enough objective; nobody wants the consumer to be taken advantage of by business firms which palm off on him, through misrepresentation or other unfair means, products or services which are dangerous or inferior.

The question is whether the proposed new agency would constitute an unwarranted interference in, and unduly tight control over, the operations of private business enterprises.

Already in existence by congressional action in 1972 is a Consumer Product Safety Commission with power to set standards for, or even ban, products it believes pose an unreasonable risk of injury to consumers. A major purpose of some agencies—the Food and Drug Administration, for example—is to look out for consumers' interests, and there are offices of consumer affairs in some other federal departments. The President has a special assistant concerned with consumers' interests.

To Rep. David E. Satterfield III of Virginia's Third Congressional District (the Richmond area), the proposed Consumer Protection Agency would represent overkill in the matter of consumer protection.

He and other opponents have grave doubts about giving any agency the right to interfere in the activities of all other federal agencies to protect what the CPA would determine to be the consumers' best interests. Under the proposal, the CPA could require other agencies to use their subpoena power to get information for the CPA from private business concerning matters relating to consumer products. The CPA could take other agencies to court if it felt the latter were not acting in consumers' interests.

Present regulatory agencies now necessarily become privy to trade and business secrets of firms which are regulated, but these secrets are kept confidential. The CPA would have power to obtain these secrets from the regulatory agencies, and the House bill would authorize the CPA to reveal those secrets in testimony before congressional committees, courts and other federal agencies.

Three Republican senators—Baker of Tennessee, Cook of Kentucky and Beall of Maryland—voted with the majority to report the CPA bill out of a Senate committee, but they also issued a statement warning that unless some changes were made before passage by the Senate, the bill "could turn daily governmental affairs into litigation-type confrontations, giving the CPA the ability not only to disrupt and delay government but also virtually to dominate the federal agencies and all other persons as well." They also object to giving the CPA power to "rummage through the files of other government agencies."

It is interesting to note that one of the two Senate committees which considered and approved the bill added a provision giving the proposed agency the power to intervene in certain labor cases. Since labor negotiations often directly affect the consumer, and in light of the broad powers given the agency to intervene in business firm's affairs, the provision added by the committee seems logical. The *Washington Post* reports that the addition of the provision "nearly pushed the AFL–CIO into the opposition camp. However, labor lobbyists now believe they have the votes to kill that amendment on the Senate floor, and are supporting the bill."

Reps. John Buchanan of Alabama and Sam Steiger of Arizona, the two who said the CPA would make other regulatory agencies "look like a benign cluster of Sunday school picnics," also warned that the bill would overburden the federal judiciary with consumer cases, cause delays in agency rulings dealing with consumer matters, and concentrate too much power in the hands of a relatively few bureaucrats.

These warnings, and others which have been voiced both in and outside of Congress, point to the potential dangers in the whole CPA proposal. When the measure comes before the Senate within the next two or three weeks, it should be defeated, in the overall public interest.

[From the New Bedford (Mass.) Standard-Times, Apr. 16, 1974]

WE DON'T NEED IT

Sometimes the Congress of the United States, albeit well-intended, brings to mind George Orwell's chilling novel "1984", in which he warned that Americans one day would surrender their liberties to bureaucratic masters who desired only to do good for their subjects.

The matter at hand, now being considered in both House and Senate, is proposed establishment of a new independent federal agency, to be known as the Consumer Protection Agency (CPA), with full legal authority to intervene in the proceedings and actions, both formal and informal, of virtually all other federal offices and regulatory agencies whenever the administrator determines it is "in the interest of consumers."

Unlike any other body in government, the CPA will be further empowered to seek judicial review of decisions of other agencies; to force use of their powers of subpoena and other requests for information; to gain access to their books and files; to gain access to trade secrets; to require testing of products; to operate a public complaint system and in general, to become a third party in all government-business proceedings.

Such proceedings include financing, licensing, mergers, marketing, advertising, rate-setting, agricultural orders, mineral leasing food and drug and other regulations—cutting across the entire socio-economic fabric of the nation. Only labor and certain national security matters are exempted.

What is wrong with this concept of a superagency?

The interests of consumers are already represented in established departments and agencies which are pledged to fulfill the whole public interest as the cornerstone of law and public policy. Because consumer groups are often in conflict, the proposed CPA would not be able to represent a "consumer view," but would have to choose between opposing views of consumers. Thus, even though financed by public funds, it would be forced into representing special interests and, in doing so, would be armed with powers possessed by no other federal body.

How, one wonders, can Congress justify the use of taxpayer funds to finance legal disputes on behalf of the "interests of consumers" in opposition to other government agencies which are sworn to make decisions and take action in the whole public interest?

In light of public disagreements which arise between opposing consumer organizations, how can the CPA determine which group of consumers to speak for when intervening in business-government matters? On what basis will it make a choice when intervening in such matters as gas rationing, price controls, ecology, and tariffs?

If the CPA, representing "consumer interests," succeeds in reversing the decisions of other agencies representing the public interest, what happens to the interests of other special groups—labor, taxpayers, the poor etc.? What will the Supreme Court say about permitting a special interest to prevail over the broad public interest which includes all these groups?

When the CPA administrator injects himself into not only formal proceedings, but even into informal investigations, consultations, correspondence and perhaps telephone contacts of other agencies—how can government officials be held accountable for their actions and decisions?

This new agency clearly is given the right to go to federal courts on any occasion in which a government agency or bureau "fails to take the action" requested by the CPA administrator. What is the rationale for Congress to empower a single government official (among hundreds of equally high officers) to sue in court to change or upset the decisions of all other administrators? Isn't this a power greater than that possessed even by Cabinet officers, or perhaps the presidency itself? How can government function under such circumstances?

In our view, this proposed superagency is not only totally unnecessary but a potential monster of massive proportions that theoretically seeks to pad us in styrofoam layers of costly bureaucratic protection but actually would inhibit the effective operation of government, erode concern for the total public interest, and encroach upon personal freedom.

CPA is a paternalistic, Big Brother notion conceived by those firmly convinced that government always knows more than people. It should be dumped and forgotten so that Congress can get on with important matters.

[From Advertising Age, July 22, 1974]

NOW IS NOT THE TIME FOR NEW CONSUMER AGENCY

Coming at a time when everyone else is being lectured about wanting too much and spending too much, the Consumer Protection Agency proposal now in Congress seems to us to reflect a continued willingness to let bureaucracy grow in the face of inflation and continued business uncertainty.

The administration's economic experts talk about lopping $10 billion from the next fiscal budget, but most expenditures seem

all too impervious to cuts. If the Nixon men and Congress are serious about trying to stem the tide of inflation, they should whittle away at expenditures that aren't of the highest priorities. The CPA ranks as a measure that we can at least put off for more pressing matters, such as pension reform.

Under normal circumstances, we'd be ready for a CPA to speak for consumers on important inequities in the marketplace, if such a piece of legislation managed to get past the Senate, Senate-House conferences and onto the President's desk. As its supporters have said, it would strengthen ties between government and the people. Consumers, in this age of impersonal selling, want to feel they have some resource when attempts to correct real problems related to products or services get bogged down or are not given a fair hearing by existing regulatory agencies.

But these are not normal times. If we don't move—and move swiftly—to check the double digit inflation that is eroding the value of the dollar, consumers won't have any money left over to buy products to complain about. Furthermore, consumers at the present time are not without help.

There are plenty of regulatory agencies set up to protect their needs, as well as private organizations such as the Better Business Bureau. We admit that they sometimes have proved less than zealous in championing the interests of the consumer, but now is not the best of all possible times to overlay another governmental body on the existing structure.

The best way for Congress and the administration to show that they have the best interests of the consumer at heart is for them to hold down spending. And that means voting down unessential legislation, including establishment of a Consumer Protection Agency.

[From the Decatur (Ala.) Daily, July 8, 1974]

"CONSUMERS" TOO OFTEN LEGISLATIVE PASSWORD

All of us are consumers, regardless of our occupation, our interests, our locations. Thus, there would appear to be considerable merit in the establishment of a federal Consumer Protection Agency to represent each and everyone of us in matters that might affect our consumer habits. The more we look at it the more we conclude there is little, if any merit in the establishment of such an agency to represent the consumer before other federal agencies and in the courts.

There are senators who share a similar view and for good reasons. At this point, the position is in the minority, but hopefully reason and an appreciation of possible ramifications of the measure may influence more members of Congress to change their positions. The bill could reach the Senate floor as soon as Wednesday.

The legislation would create a new independent federal agency headed by an administrator, appointed by the President, subject to Senate confirmation. This administrator would have broad powers to intervene in the administrative proceedings of every federal department and agency and to seek judicial review of the decisions of such departments and agencies. The sole standard contained in the measure, upon which such intervention would be based, is his determination that the result of a pending action might substantially affect the interests of consumers which are defined in the bill as covering just about everything.

At least some members of the Senate believe the bill is too encompassing in its present form and they are justified in this belief A minority view of the legislation was printed in the June 13 issue of the Congressional Record. We quote portions of that view:

"We believe that CPA such as that proposed in S. 707 (Senate Bill 707, the GPA bill) is a bad idea whose time has come and gone, and we urge the bill's rejection or, at least, its extensive revision after thorough consideration. We do so for the following major reasons:

"S. 707 is bad in theory, being conceived out of a paranoid fear of businessmen and farmers, a patronizing attitude toward consumers and a paradoxical view of the role of government.

"S. 707 grants powers to a political appointee who would be responsible to no one, powers which no responsible official would use and which no irresponsible official should have.

"S. 707 will result in the subversion of the public interest to the often conflicting special interests of consumers, as these special interests are defined by a corps of bureaucrats.

"S. 707 is, itself, a fraud upon consumers who have been led to believe it is the answer to their day-to-day problems and frustrations.

"S. 707, if enacted, will lead inexorably to the creation of other special advocacy agencies representing interests just as important as those of the consumer which are threatened by the existence of a powerful CPA."

The last thing the government of the U.S. needs during these days and times is another giant bureaucratic machine, further fouling the already too seldom expeditious methods of serving the public, including the consumer. All such an agency would do, in effect, is require more hundreds of millions of dollars to find ways to perpetuate itself, while the consumer will gain nothing except more costly doubletalk.

In signing their minority view, Sens. Sam Ervin Jr., Jim Allen, Bill Brock and Sam Nunn, made the following statement:

"This bill is being promoted in the good name of the consumer, yet its provisions belie its promotion. When the guillotine was about to behead a famous French lady during that country's revolution, she creid out, 'O liberty, how many crimes are committed in thy name.' After a thorough reading of S. 707, it leads us to conclude, 'O Consumers, what crimes we are asked to commit in thy name.'

"This bill will promote disruption and delay in the Federal Government. It is ill-conceived and over-powered. It will grant some unknown political appointee appalling powers to coerce other agencies to do his bidding, to pry into the private affairs of the public and to publish information which could ruin legitimate businessmen. It will subvert the public interest to a lesser included special interest.

"We again urge that this bill be rejected for the reasons stated in these views, or at least, that the bill be thoroughly rewritten after thoughtful consideration."

We expect the next step toward successfully defeating this measure is strong and appropriate word from the public, the consumers of the nation. If we speak loudly enough, the Senate will consider the measure for what it is, just another expensive, bureaucratic arm of government that usually ends up working contrary to the best interests of the people rather than for the people.

[From the Wall Street Journal, July 23, 1974]

DO WE NEED A CONSUMERS' BUREAU

(By Arlen J. Large)

Rep. David Henderson of Iowa, during final House debate in 1887 in a bill creating the Interstate Commerce Commission:

"This city is today swarming with keen, zealous, able agents of the railroad power trying to defeat passage of this bill. Every vote cast at their dictation and every vote cast against this bill is a vote for railroad supremacy and against the people . . . The passage of this bill will be one of the greatest steps that can be taken to speed the coming of still happier days for our people."

Sen. William Proxmire of Wisconsin, introducing in 1974 a bill to abolish the Interstate Commerce Commission:

"There are more whiskers and cobwebs at the ICC than any other place in the government. With fierce competition among air, rail, barge and road transportation, regulation for other than safety purposes has long been unnecessary. The answer is abolition plus strong enforcement of the antitrust laws."

Unfortunately, there's no swarm of railroad agents pestering Congress to pass Sen. Proxmire's bill; the railroads have grown comfortable with the ICC. Instead, Washington is aswarm with lobbyists promising that there'll be "still happier days for our people" if Congress sets up just one more new government agency to see that the ICC and other sleepy bureaucracies start working harder for ordinary consumers. And a rival flock of business lobbyists is warning of chaos and disaster if the proposed Consumer Protection Agency ever starts charging around Washington raising hell in triplicate.

While there's no chance that Congress soon will bestir itself and abolish the ICC, there's considerable unhappiness with it and other alphabet agencies that regulate transportation, energy, medicine, food and other industries. That unhappiness has led to overwhelming House passage of the Consumer Protection Agency bill earlier this year. The Senate is debating it hotly now. Virginia Knauer, the President's powerless consumer adviser, is keen for it. Yet the unsatisfactory record of the old-line regulators ought to be a strong argument against trying to cure the ills of bureaucracy with more bureaucracy.

For Congress, setting up a "good" new agency to correct its own mistakes of the past is the easy way, a cop-out. The consumer agency would be doing the job Congress itself should be doing, has the power to do, but hasn't the energy to do.

SOME SCARY SCENARIOS

This isn't the argument of the consumer agency's business opponents and their allies in the Senate; they essentially want to keep the status quo. Thus the opposition's debating points run to a new-found admiration for the existing "orderly processes of the government," and scary scenarios of the consumer agency using its vast powers to bully even Henry Kissinger.

Sen. Sam Ervin of North Carolina and three other Senate opponents note in a written argument that the consumer agency can give advice to the State department on foreign trade policies that affect consumers. So suppose, they say, that U.S. diplomats are negotiating an oil deal with the Arabs. Sen. Ervin's camera rolls:

"Can anyone imagine the Secretary of State telling some sheik, 'Excuse me, before I decide on your new proposition, I must contact the administrator of the Consumer Protection Agency or one of his agents.' It would appear that an advocate of the (agency) will have to fly around with the Secretary of State—that would be the only way possible to comply with the letter of this proposed law."

With the opposition portraying the agency as a reckless bureaucratic giant, its supporters naturally stress how small and prudent it will be. Sen. Abraham Ribicoff of Connecticut and his allies promise the agency will consist of "a relatively small number of professionals" helping regulators, "on a case by case basis" to see the consumer viewpoint.

But this contradicts the proponents' si-

multaneous visions of a truckload of consumer triumphs to be won in the federal regulatory snakepit. A checklist of examples of wrongs the agency supposedly could correct is long and ambitious: The high price of heating oil, Food and Drug Administration foot-dragging on safety rules for X-ray machines, Commerce Department sloth in banning fire-prone clothing, Civil Aeronautics Board tolerance of high air fares and lost luggage, FDA laxity toward dangerous toys, Transportation Department snoozing on rickety school buses, Federal Aviation Administration flabbiness on DC-10 cargo doors that pop open in flight, which proved fatal to 344 people in a crash near Paris this year.

Such a list belies the claim that the new agency would be a midget; it would have taken a many-eyed monitor to note that the FAA's ruling on DC-10 cargo doors was "permissive" instead of "mandatory," and to get the ruling reversed. But the list also belies any assertion that the status quo is all right and that the existing regulators are doing their jobs well.

A congressional decision to correct regulatory wrongs with an institutionalized consumer advocate would just endorse and enlarge a dark side of government that's already subject to ridicule. Advocacy proceedings before federal regulatory bodies can drag on for years in a lawyerish nightmare of hearings and appeals. Sen. Ribicoff's bill would put a new set of faces at attorney's tables in hearing rooms all over town, adding new parties to a function of government that has a life of its own.

In his irreverent book "The Institutional Imperative (How to Understand the United States Government and Other Bulky Objects)," Robert Kharasch describes the purpose of the regulators this way: "The activity of regulation, the sheer running of the machinery processing minute inquiries and complex questions, is itself the only 'purpose' of regulation. This is so because the machinery defines the purpose: You cannot say whether a rate is reasonable without establishing a rate base, and the question of what goes in the rate base is a question so surpassingly difficult as to be decided only by the machinery of regulation. So, only the operation of the machinery defines the purpose of its operation."

There's much argument about whether the old-line regulatory agencies have become "captives" of the industries they regulate. Sponsors of the consumer bill assume that they are, and that the new agency is needed as an antidote to that captivity. Sen. Ribicoff and the other sponsors also worry about attempts to put in a political fix on the agency's freedom to pursue consumer injustices wherever it sees them. Over strong protests from the Nixon White House, the pending Senate bill would give the agency's chief a fixed four-year term to prevent a President from sacking him for policy reasons.

The fear of political intervention is understandable in the light of the recent history of reversible milk price supports and White House badgering of the Internal Revenue Service. But the kind of independence proposed for the consumer agency could someday give it captivity problems of its own.

The agency's staff basically will confront endless Go-No-Go decisions on whether it should become a party in a formal ICC proceeding on a vegetable truck route, or get involved in a proposed new Agriculture Department rule on hot dogs, or appeal in court a Federal Trade Commission decision on the elasticity of suspenders. And thus the staff could itself become a major focal point for lobbying and pressure from affected industries and consumer groups.

It's easy to imagine the president of an airline that wants higher fares trying to persuade the head of the consumer agency to stay out of his CAB case. If the fare increase isn't granted, the argument would run, my airline will go smash, and *then* how would consumers get to Des Moines? If the consumer agency buys that, its failure to show up at the CAB hearing could itself influence that board's final decision.

Doubtless in its early years the consumer agency wouldn't buy such arguments readily, and would oppose most government decisions favorable to business, just as business groups fear now. But if experience with existing regulators is a guide, the blood could cool and the head could nod as the years go by and precedents build up for not intervening in cases, lest an industry lose its capacity for service to consumers in the long run.

Then at some point Congressmen waving pro-consumer banners would be tempted to pass a new law establishing an advisory council to the Consumer Protection Agency, to make the agency more aggressive. And in the end, a spiritual descendent of Sen. Proxmire might arise to note the agency's whiskers and cobwebs and urge its abolition.

MORE DIRECT WAYS

If Congress isn't happy with the performance of its own regulatory creatures, it has more direct ways of shaking things up. It could, as Sen. Proxmire and a few others suggest, seriously explore the merits of deregulation, leaving more business decisions to the competitive marketplace.

Congress could change its statutory marching orders to its regulators. That happened, with great legislative bloodshed, in 1962, when Congress told the FDA to keep off the market drugs that aren't effective, as well as those that are unsafe. Congress could also use more frequently a tactic adopted in the air and water pollution laws, which set fixed deadlines of performance for the Environmental Protection Agency and gave ordinary citizens legal standing to sue the agency in court if it flubs the job.

Finally, the Senate could crack down on the ancient presidential custom of reserving the regulatory commissions as retirement pastures for former Congressmen and favored cronies. The alphabet agencies aren't like Cabinet departments, where the top men are responsible to the President. The regulators, in contrast, exercise semi-judicial powers delegated by Congress and are not part of the Executive Branch. Yet the Senate has been supine about confirming almost any nomination to a regulatory agency. Last year's rejection of a Nixon-appointed nominee to the Federal Power Commission was a rarity.

But of course, it would be hard, distasteful work for Congress to change regulatory objectives, or supervise the agencies closely with a minimum of politics. It makes people mad and upsets the routine. As controversial as it is, a Consumer Protection Agency is an easier approach.

Cynics might argue that it's too much to expect Congress ever to shape up, so a new bureaucracy is the best available stopgap. In that light, the Consumer Protection Agency, if it comes, will be a confession of congressional sloth and timidity, a shield intended to protect Congress from its own hard duty.

(*Mr. Large, a member of the Journal's Washington bureau, covers the Senate.*)

Mr. WEICKER. Mr. President, I thank the distinguished Senator from Oklahoma for yielding the floor. I just wanted to comment briefly on the pending amendment of the distinguished Senator from Ohio (Mr. METZENBAUM), relative to eliminating the exemption for the Federal Communications Commission. This is the second time that I have indicated I just do not think we should have any exceptions on this bill.

The last occasion dealt with exceptions as they applied to labor unions. This time we are talking about an exception in the bill for broadcast license renewal proceedings before the FCC. I have introduced my own amendment which would eliminate the exception for the Central Intelligence Agency, the FBI, the National Security Agency, and the national security or intelligence functions of the Department of Defense.

When this bill came to the Senate in 1970, there were no exceptions, and in 1972 there were no exceptions. It just goes to show what happens when you leave something lying around the Halls of Congress for about 4 years. All of a sudden everybody gets to working on it and it no longer is a law which applies to everyone but, rather, to fewer and fewer, with those on the outside of the law gaining ascendancy insofar as their numbers are concerned.

Certainly nothing affects the consumer more than that which he hears over the electronic media. The consumer is directly involved with radio stations, television stations, and so forth.

Clearly, there is no compelling rationale for this exemption. I urge my colleagues to support this amendment to assure the broad consumer interest is fully and adequately served by the proposed Agency for Consumer Advocacy.

Mr. RIBICOFF. The amendment would strike the exemption for license renewal proceedings before the FCC. The amendment should be opposed.

First. FCC license renewal proceedings do not bear a reasonable relationship to a marketplace transaction involving consumers. There is no commercial transaction between a licensee and a consumer. The proceedings do not affect in a reasonably direct way a consumer interest. The exemption makes explicit what would be the case anyway.

Second. Even if license renewals involved a consumer interest, the consumer interest would in all likelihood not be substantial enough to justify ACA participation.

License renewal proceedings only involve individual stations operating in a limited market area. There are 8,580 radio and TV stations in the country. FCC's renewal of one local station would not affect most consumers.

Third. Because the exemption is only from the license renewal proceedings itself, the exemption is actually very limited. It is not intended to exempt license applications involving cable television, since that does involve a transaction between licensee and consumers. It does not include FCC's regulation of advertising on television because the truth of advertisements does substantially affect consumer interests. It does not include general rulemaking procedures FCC may hold concerning any subject. It does not cover FCC's regulation of long-distance telephone rates.

The exemption in fact only covers a small percentage of the FCC's activities.

Fourth. Inclusion of section 17(e) does not represent a sudden change in policy. The committee report on the leg-

islation in 1972 noted—page 61—that license renewal proceedings would be exempted because it does not involve a marketplace transaction between licensee and viewer. Simply in the interest of clarity, specific wording to this effect was added when S. 707 was drafted.

Mr. MAGNUSON. Mr. President, the Metzenbaum amendment to strike section 17(e) is ill conceived. The Committee on Commerce and the Committee on Government Operations thoroughly considered S. 707 and recognized the somewhat unique aspect of license renewal in the vast array of Federal agency activities.

The mission of the consumer advocate is to represent consumers before Federal decisionmaking agencies. But the interests of consumers as defined in this legislation are primarily concerned with marketplace activities or those governmental activities having a far reaching impact upon the consumer from a broad perspective.

For example, in the determination of area natural gas rates, a Federal Power Commission proceeding would certainly be an issue in which the Consumer Protection Agency should be involved. A Civil Aeronautics Board decision concerning the responsibilities of air carriers for consumer baggage claims would be a matter of interest to the consumer advocate. And the Federal Communications Commission a host of activities such as the prime time access rule, the question of advertising toward children, and long-distance telephone rates are certainly within the area of interest of the consumer advocate.

But why should the consumer advocate devote any of his resources to the 390-watt radio station in Pasco, Wash., or the 250-watt radio station in Spencer, W. Va. With one-third of all broadcast licenses up for renewal each year, the Consumer Protection Agency could spend all of its time in license proceedings having minimal impact on the Nation's consumers and be forced to avoid the vast array of issues which affect all of us.

Additionally, I would mention that the Commerce Committee has before it at this very moment significant license renewal legislation. We have had some 50 witnesses appear before the committee and we are told by those witnesses not to change our license renewal requirements because any changes might reduce the ability of challengers to "advocate" their point of view. Mr. President, there is already enough advocacy in the area of license renewals and that advocacy is, as it should be, local in origin because the issue of license renewal is local in scope.

I must oppose the Metzenbaum amendment. The committee has properly excluded a local matter from the purview of this agency. And to do otherwise would be to diminish the ability of the CPA to represent the consumers' interest.

The PRESIDING OFFICER. The hour of 4 having arrived, under the previous order the pending question is on agreeing to the amendment of the Senator from Ohio.

The question is on agreeing to the amendment of the Senator from Ohio. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAGNUSON. Mr. President, many Senators are not in the Chamber, and they will be coming in. The yeas and nays have been ordered on the amendment of the Senator from Ohio?

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. It is a vote up or down, yes or no, on the amendment.

The PRESIDING OFFICER. The Senator is correct.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HELMS (when his name was called). I vote "present."

Mr. HUDDLESTON (when his name was called). Mr. President, as the holder of an interest in a broadcast station which is licensed by the Federal Communications Commission, I believe it would be inappropriate for me and a possible conflict of interest to vote on this amendment. I will, consequently, vote "present."

Mr. TAFT (when his name was called). I vote "present."

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from California (Mr. CRANSTON) is absent on official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Utah (Mr. Moss) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from New Mexico (Mr. DOMENICI), the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), the Senator from Idaho (Mr. MCCLURE), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I also announce that the Senator from New York (Mr. JAVITS) is absent on official business.

The result was announced—yeas 17, nays 57, as follows:

[No. 332 Leg.]

YEAS—17

Allen	Griffin	Metcalf
Brooke	Hart	Metzenbaum
Buckley	Haskell	Muskie
Case	Kennedy	Roth
Chiles	Mansfield	Weicker
Ervin	McClellan	

NAYS—57

Abourezk	Fulbright	Pearson
Aiken	Goldwater	Pell
Bartlett	Gurney	Proxmire
Beall	Hatfield	Randolph
Bennett	Hathaway	Ribicoff
Bible	Hruska	Schweiker
Brock	Hughes	Scott, Hugh
Burdick	Jackson	Scott,
Byrd,	Johnston	William L.
Harry F., Jr.	Long	Sparkman
Byrd, Robert C.	Magnuson	Stafford
Cannon	Mathias	Stennis
Church	McGee	Stevens
Clark	McGovern	Stevenson
Cotton	McIntyre	Symington
Curtis	Mondale	Talmadge
Dole	Nelson	Thurmond
Dominick	Nunn	Tower
Eagleton	Packwood	Young
Fannin	Pastore	

ANSWERED "PRESENT"—3

Helms	Huddleston	Taft

NOT VOTING—23

Baker	Eastland	Javits
Bayh	Fong	McClure
Bellmon	Gravel	Montoya
Bentsen	Hansen	Moss
Biden	Hartke	Percy
Cook	Hollings	Tunney
Cranston	Humphrey	Williams
Domenici	Inouye	

So Mr. METZENBAUM's amendment was rejected.

Mr. RIBICOFF. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUGHES. Mr. President, the issue before us today is not new to anyone. For over a decade now the Congress has considered various measures designed to represent the economic interests of consumers.

Thirteen years ago, when President John F. Kennedy delineated a consumer bill of rights, he described the plight of the American consumer in this way:

> Consumers, by definition, include us all. They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision. Two-thirds of all spending in the economy is by consumers. But they are the only important group in the economy who are not effectively organized, whose views are often not heard.
>
> Each succeeding generation has enjoyed both higher income and a greater variety of goods and services. As a result our standard of living is the highest in the world—and, in less than 20 years, it should rise an additional 50 per cent.
>
> Fortunate as we are, we nevertheless cannot afford waste in consumption any more than we can afford inefficiency in business or government. If consumers are offered inferior products, if prices are exorbitant, if drugs are unsafe or worthless, if the consumer is unable to choose on an informed basis, then his dollar is wasted, his health and safety may be threatened, and the national interest suffers. On the other hand, increased efforts to make the best possible use of their incomes can contribute more to the well-being of most families than equivalent efforts to raise their incomes.

Mr. President, last year, according to Senate Antitrust Subcommittee reports, Americans lost a total of more than $7 billion paid out for automobiles repaired improperly, unnecessarily, or not at all.

Fourteen billion dollars a year is lost

simply because food labels do not give enough information for the consumer to get the best buys.

Another $7 billion is lost to price fixing in the bread and dairy industries.

These losses to the individual consumer, and others like them, amount to nearly $200 billion every year, approximately $1,000 annually for every man, woman, and child in the United States.

We have long known the problem exists; for too long, we have failed to take decisive action in the Congress.

Since 1961, when Senator Estes Kefauver first introduced a bill to establish a Department of Consumers, parliamentary maneuverings in the Congress have consistently made it impossible for the matter to come to a vote on the issues at stake.

While I have respected the views of those who opposed this legislation, and I shared some of their concerns, I regret very much that these methods have been used to defeat it.

When legislation has received thorough public hearings over a period of years, been studied by the appropriate committees for many months before being reported to the Senate, and then has been debated at length on the Senate floor, I believe such legislation should be voted up or down on its merits.

At the time of its consideration during the 92d Congress, it appeared that a great many of the objections to the establishment of a consumer protection agency were based on what might happen administratively rather than on the content and the spirit of the law itself.

I believe these difficulties have been worked out since then with several features of the 1972 version now removed or modified in the draft before us today.

Many of my distinguished colleagues will be addressing these specific issues in greater detail during our debate.

My own concern is that we set the fundamental conflict involved here in its proper perspective.

In 1784, in his classic exposition on "The Wealth of Nations," Adam Smith addressed this conflict very clearly when he wrote:

> The clamor and sophistry of merchants and manufacturers easily persuade . . . that the private interest of part, and of a subordinate part of the society, is the general interest of the whole . . . consumption is the sole end and purpose of all production; and the interest of the producer ought to be attended to, only so far as it may be necessary for promoting that of the consumer.

It is clear, Mr. President, that, in our current system, the balance has tipped the other way. A close relationship between regulatory agencies and regulated industries is inevitable in certain cases. Properly restrained, this close relationship is not harmful per se to the public interest.

It is detrimental to the public interest, however, if the close relationship between a regulatory agency and a regulated industry is not balanced by effective representation of other affected interests. The consumer's advocacy role is addressed to correct this imbalance in representation.

For too long, the consumer has been at the mercy of the producers of goods and services without recourse to challenging quality, safety, fraud, and other injustices.

In my view, the way to assure an effective voice for consumers to challenge these injustices in the regulatory process is to create an advocate for the consumer interest.

As my colleagues have clearly pointed out in establishing the Consumer Protection Agency as a nonregulatory agency, an important distinction is involved.

Regulatory activities consist of setting and enforcing standards for the conduct of individuals and business entities.

Representation, on the other hand, is not a regulatory activity. It consists of presenting legal, economic, scientific and other types of evidence to a decisionmaker, but does not consist of making the ultimate decision.

The Consumer Protection Agency proposed in this legislation has no authority to overrule the decisions of any other agency.

It has no authority to alter any other agency's regulatory authority.

It has no authority to initiate a judicial proceeding for the enforcement of any other agency's authority.

The legislation neither grants to the CPA any regulatory authority taken from any existing agency, nor does it change any of the substantive law which regulatory agencies apply.

Mr. President, I might not be in public life today, were it not for my frustration, years ago, over the failure of a State regulatory agency—the Commerce Commission—to give a fair shake to the statewide association of independent truckers which I headed, at the time. I was told that if I did not like the way the Commission was run, I should run for a commissioner's post, myself, and change it.

My own experience has shown me that regulatory agencies—by the very nature of their task must consider the entire public interest. As a consequence, they become almost exclusively involved in the overall picture, without sufficient attention to individual needs and problems.

To counterbalance, we must assure every citizen adequate representation in the decisionmaking process.

We must guarantee a way for letting the voices of ordinary people be heard.

Mr. President, we have already delayed too long. It is time we recognize and act on the long-neglected interest of the individual citizen, the individual consumer.

The minority views filed with S. 707 have suggested that the concept of consumer advocacy is one whose time has come and gone.

I respectfully suggest that to assure individual rights an equal voice in the arena of conflict with collective rights is a concept whose ascendancy began with the founding of this Nation 200 years ago.

I commend my colleagues for bringing before us for action that I believe to be a major legislative step forward in protecting the health and well-being of the individual American.

It is my deep hope that we will, at last, be able to vote on the merits of the alternative proposals. The American people deserve and have a right to know where we stand on this fundamental issue.

Mr. ROTH. Mr. President, S. 707 represents what I hope will be the successful culmination of a legislative process that began in earnest in the Senate in 1970. As many of my colleagues will recall, that was the year a bill to establish an independent consumer protection agency and a council of consumers in the White House was passed by the overwhelming majority of 74 to 4.

Since that time, a great deal of meticulous, persistent effort has been expended by many highly motivated people in both Houses of Congress in hammering out a balanced bill that accommodates the wide range of interests represented in consumer affairs. I believe S. 707 is such a bill and deserves the best efforts of all the Members of this great body in making whatever further refinements are necessary to achieve the level of support that was given its predecessor in 1970.

S. 707 would create an independent nonregulatory agency for consumer advocacy that would serve as an advocate of consumer interests before other Federal agencies and the courts—it would have no regulatory powers. In my opinion, if properly administered, it should have a positive, beneficial effect on Government, consumer, and business institutions.

The needs of the consumer that would be served by an Agency for Consumer Advocacy—ACA—are readily understood, well recognized, and highly publicized. The fact that passage of this bill would give consumers a spokesman in many governmental decisionmaking processes which affect their health, safety and economic well-being is of great comfort to many of our citizens. This is especially true for those who feel helpless and frustrated because there has been no effective means of obtaining representation before the decisionmakers in Government.

What is not so easily understood, well recognized, or highly publicized is that S. 707 would benefit the regulatory agencies of the Federal Government and the business institutions of this country.

There has been a great loss of faith in our regulatory agencies. They have been criticized and maligned, sometimes unfairly, because of the complex burdensome processes that have thwarted the consumer in getting his position represented in regulatory proceedings. The Agency for Consumer Advocacy would counteract much of this criticism by providing a responsible representation of the consumer interests. It would provide the agencies a channel for clarifying and simplifying the various complex aspects of consumer interests. Citizens would then know that both the business and consumer sides of the story were considered in the decisions of regulatory agencies.

Most business people and the organizations representing them have given little recognition to the potential of the Agency for Consumer Advocacy as a positive force for their long-term inter-

ests. In the first place, the drafters of this legislation have embodied many safeguards to assure that the rights of persons in private enterprise are not unfairly injured by any action the agency takes. The disclosure of information received from another agency, trade secrets or confidential business information, and information which would violate privileged relations is prohibited. Also, transmission of consumer complaints, intervention in court actions, and release of product information by the ACA are all subject to strict requirements designed to assure fairness to affected persons. Finally, the fear that the agency will become a bureaucratic monster is addressed by a limited budget and a requirement that the General Accounting Office provide the Congress with an evaluation of the agency operations within 36 months after passage of this legislation. This will afford Congress the opportunity of critically appraising the extent to which its objectives have been carried out before authorizing additional appropriations for the agency.

On the positive side, consumers who do not feel suspicious of business and government—who do not feel shut out and unrepresented in government proceedings that affect their pocketbooks, well-being, and livelihood, will be better customers of the businesses of this country who are trying to serve them well. The trust engendered by this relationship will undoubtedly contribute to better economic results for business. Another benefit of the Agency for Consumer Advocacy for business will result from the fact that unfounded misleading charges made in the name of the consumer by uninformed or irresponsible parties will not long survive when subjected to the objective evaluation that will be possible by the agency.

Mr. Edward Donnell, chairman of the board of Montgomery Ward, in an address before the American Retail Federation a year ago suggested that—

> For business to always oppose whatever consumers or their representatives propose, strains the credibility of our public statements that for us the consumer always comes first. . . . We are providing the American public with the most efficient, responsible and protective marketing system in the world. Yet we believe it can be further improved. Because of this belief we have supported such consumer legislation as the Agency for Consumer Advocacy Agency bill, truth in lending, the warranty-guaranty bill, and the Uniform Consumer Credit Code.

I believe this same viewpoint is shared by other business leaders who have supported consumer protection legislation.

A few days ago, Mrs. Virginia Knauer, the President's Consumer Adviser, released what she described as one of the most important public statements she has made in her 5-year tenure in office. Mr. President, because I believe the basis of the support for the Agency for Consumer Advocacy by the President's Adviser on Consumer Affairs is highly significant, I ask unanimous consent that the full text be placed in the RECORD at this time. It will be noted in Mrs. Knauer's statement that the reference is to a Consumer Protection Agency—CPA. This name was changed to Agency for Consumer Advocacy by an amendment to S. 707.

Gentlemen, I am pleased to lend my support to this legislation, and I look forward to the benefits its passage will bring.

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

Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, today released the following statement on legislation to establish a Consumer Protection Agency:

"Soon the Senate begins its debate on legislation to establish a Consumer Protection Agency. It is the most important consumer matter to come before the Congress in the five years I have served as the President's Consumer Advisor. It is the first answer by Congress to years of criticism by Congress that government agencies too often do not adequately reflect consumer interests.

I believe that if the CPA becomes a reality, it will have a profound, positive effect for the public on government, consumer, and business institutions. It will be a problem-solving force for the consumer, undertaking programs and making recommendations to resolve or minimize some of the major problems facing the public, such as inflation. My reasons for these beliefs are as follows:

The CPA will be a tremendous aid to our regulatory agencies. The CPA will not be a regulator. It will not have any enforcement powers. It will not take away the decision-making powers of government regulatory agencies. It will help the agencies listen to consumers.

Our agencies too often have been under attack for lack of cohesive consumer contributions to their basic decision-making process. Critics have said that the legal machinery of consumer participation is much too complex to be used to advantage by the average consumer in a regulatory proceeding; that the individual, in contrast to business, is at a basic disadvantage in becoming aware of and gaining access to the kinds of public policy considerations, data, and information vital to his or her interest; and that, unlike the business community, the average individual, limited by lack of funds, time, and information, cannot without help overcome the cumbersome and burdensome steps needed to participate in a regulatory proceeding.

Our regulatory agencies today receive many letters from the public which are emotional and filled with rhetoric. The agencies understand this; they do not expect the average citizen to be an economist, an engineer, a lawyer, or whatever other specialist is needed to comment effectively on an issue. Further, emotional arguments are important in understanding the temper and the desires of the public; but they are not effective substitutes for the type of complex problem-solving recommendations the agencies need and will get through a CPA staffed with the specialists necessary for knowledgeable representation. CPA will be able to make those recommendations and thus help the regulatory agencies focus on the central issues of importance. Thus, the CPA will be a unifying and orderly force.

Any one given consumer issue may involve various consumer interests. However, a specific regulatory agency may be Congressionally directed to emphasize one of these interests. In important program areas such as energy, pollution, housing, food, or drugs, where more than one agency is working on different but related aspects of a single problem area, CPA would be a unique repository for a wide range of consumer views and concerns. It will thus be able to present a broad and balanced point of view and will provide an efficient economical means of channeling various complex aspects of consumers' interests, where no such means currently exist.

CPA will be an aid to those institutions now working on behalf of the consumer.

CPA will be of incalculable value in stimulating the basic research and analysis needed to set priorities for the consumer movement as a whole. Some consumer groups today are highly sophisticated, others are inexperienced in the problem-solving process. CPA will act as an aid to these organizations, giving them a vehicle they do not have today.

CPA will do much to help business institutions.

Business representatives have made the point over and over again that they suffer from too much government regulations, from rule proceedings too narrowly based, and that in many cases competition can solve consumer problems more effectively than regulation. CPA should be able to ask hard questions and hopefully provide recommendations as to where regulation can be removed to benefit the consumer by allowing the free market to operate. It can act to strengthen business incentives to make maximum use of efficient cost-saving technologies and standards.

For those areas of the economy where some regulation must take the place of competition, CPA should contribute significantly to the types of analysis and data available to assist in difficult pricing and rate-making decisions made by the regulatory agencies. These pricing and rate-making decisions have a profound effect on business as well as consumer costs. A significant number of the price and output decisions in the economy are made through forces of regulation rather than competition. A strong consumer voice in seeing that the determinants for agency decisions are fair and equitable, cannot help but benefit the economy as a whole.

CPA will be a powerful force against major consumer problems such as inflation.

CPA will help agencies identify areas of the economy where lack of competition contributes to inflation; it will help facilitate public understanding of price-quality options in promoting competition; and it will assist agencies in developing proposals to attack inflation through increased competition.

CPA will help agencies identify outmoded rules that should be eliminated or modified to better combine consumer protection with increased economies, productivity, and efficiency.

CPA will work with the agencies to develop their anti-inflation programs. As an example, the Department of Housing and Urban Development has expressed concern about the lack of a requirement for advance disclosure of settlement and closing costs and about the prevalence of referral fees, kickbacks, rebates, and unearned fees that add to consumers' costs. An effective program to eliminate these abuses would be an inflation deterrent, and an aid to buyers and sellers of homes.

By being a powerful force against fraud and deception, the CPA could act against inflation by saving the consumer valuable dollars.

The CPA will help consumers fight inflation through sponsoring research that will aid in obtaining higher quality, more relevant information about the key characteristics of the products they purchase. CPA could sponsor studies of factors in product performance and durability which will help consumers make more sensible choices about key budget decisions.

The CPA could help to increase support for needed and effective programs and help the Administration, Congress, and the public identify programs that are not cost effective.

The CPA will be a leader in providing essential consumer education and information.

One major problem in today's complex marketplace relates to the lack of consumer education.

Helena Z. Lopata, Chairman of the Department of Sociology at Loyola University in Chicago, in her book, *Occupation Housewife,* published the results of a five-year study of women at all economic levels. One major finding was the sense of frustration women felt because they had not been taught how to cope with the modern marketplace. In short, we are taught how to earn money but not how to manage it.

CPA will be able to promote and provide educational and informational programs to help fill this void.

CPA is mandated to help resolve individual consumer complaints.

One of the most frustrating problems for the consumer is to have a legitimate complaint about a product or service and not be able to do anything about it. Regulatory agencies have been unjustly criticized for not resolving the individual's complaint, a role for which they were not designed. The CPA will be a powerful ally in this regard, taking steps to insure that the proper agency or the top management of a firm is aware of the consumer's problem. CPA will also work with business to establish voluntary complaint-handling systems. CPA's complaint-filing system will be able to provide an early-warning system on emerging problems so appropriate action can be immediately taken to correct the cause.

CPA will be able to provide a major assist to state and local government agencies.

By acting as a clearing house and liaison between the Federal, state, and local governments, the CPA will be available to help develop and implement programs designed to eliminate problems on the local level. Note, for example, the recent resolution passed by the National Association of Attorneys General urging the passage of CPA.

CPA should give much credibility to our major institutions.

Today, traditionally, there has been a great loss of faith in our institutions—most have come under criticism and attack. Some of this criticism is justified; some is not. CPA would, in effect, be a healing and unifying force.

Finally, and perhaps most important, the CPA could be a powerful antidote to the poison of alienation and helplessness affecting many of our citizens. Too many of our citizens believe that their pleas for help or understanding are unheeded; that only the big and powerful can count on effective and responsive representation; that only the big and powerful have access to decision makers.

The United States Senate has the opportunity to counteract this belief—it can give the American public a vivid demonstration that the individual in America is not the forgotten person—that he or she is represented and represented well . . . and that with the establishment of a CPA, the feelings of hopelessness and alienation no longer will have reason to exist.

The President, in his September, 1973 Message to Congress, called for the establishment of a Consumer Protection Agency. He promised to work with Congress to this end, which we have been doing. We hope this spirit of cooperation and compromise continues. The House has already passed a CPA bill.

Now I hope and pray before the debate is over, the Senate will have the opportunity to vote on the merits of a Consumer Protection Agency.

Mr. ABOUREZK. Mr. President, as a cosponsor of S. 707, I am pleased to have this opportunity to make a brief statement in support of the Consumer Protection Agency Act.

Legislation to create an independent, nonregulatory consumer protection agency emerged during the past decade as a solution to the massive problems facing consumers, despite the numerous laws designed to protect them. A strong feeling has grown up that American society has not been placing a high enough priority on consumer considerations in making determinations about the public interest, and that agencies responsible for administering consumer laws have generally been ineffective in carrying out their full responsibilities. This general feeling of frustration and helplessness on the part of consumers is attributable in large part to two major factors. First, industry has the resources to secure the best advocates to represent them in agency proceedings while the consumer does not and thus goes largely unrepresented. And second, the highly splintered authority for administering consumer laws has resulted in a lack of coordination among programs. The bill which is before us today addresses both these problems. It would create an independent consumer advocate within the Federal Government to meet the need for better coordination among the various programs and to provide a strong voice for the consumer in the administration of these laws.

At the heart of this proposal lies the basic issue of equity and of efficient, representative government. Under existing conditions, the Federal agencies which make daily decisions affecting the health, safety and economic well-being of the American consumer do so without the benefit of adequate consumer input. Consumer groups simply do not have the resources which other interest groups have to present their case before Federal agencies and courts. As a result, regulatory agencies with a responsibility to protect consumer interests have often been unresponsive to consumer needs. This bill seeks to correct this basic imbalance in representation in our regulatory process by establishing a Federal agency to advocate the interests of consumers.

The creation of a consumer protection agency will remove the business monopoly on the decisionmaking process and restore consumer participation in the democratic process. It will not preclude advocacy on the part of industry or any other interested parties. It would simply assure that the voice of the consumer is also heard. In this time of increasing suspicion and cynicism about the workings of government, the Consumer Protection Agency Act would open up the Federal regulatory system to all points of view. In so doing, it should do much toward improving the performance of these agencies and restoring public confidence in the regulatory process.

Much concern has been expressed that the enactment of this proposal will disrupt the orderly operation of government and unduly interfere with legitimate business relationships. I do not believe that this would be the case. The Consumer Protection Agency has no regulatory powers. It will be an advocate. The CPA will not be able to compel another agency to take any action, or make any decision. Its power lies in persuasion—in the same manner as any other party that participates in Federal agency proceedings.

The Consumer Protection Agency Act will simply assure that all parties affected by our Federal regulatory system will be represented in the decisionmaking process. It will also assure that Federal regulatory agencies have access to all points of view in formulating their decisions. Such legislation will stimulate an open and sincere Government response to the general public interest rather than narrow special interests. This should be the goal of all public policy.

DEATH OF LARRY SCHNEIDER

Mr. MAGNUSON. Mr. President, several weeks ago, the cause of motor vehicle safety and the Nation suffered a serious setback. Lawrence Schneider, Chief Counsel of the Department of Transportation's National Highway Traffic Safety Administration collapsed on a tennis court of a heart attack. He was 38.

Larry Schneider represented the public service ideal at its best. As a vigorous and relentless advocate of the public interest, his work contributed to saving the lives of countless Americans who never knew him. His impact was felt far beyond the important legal role he played as Chief Counsel.

As Chief Counsel for 3 years, the NHTSA's program grew under his legal guidance. He is credited with spearheading two precedent-setting cases against the auto industry which will save thousands of lives. In his most significant effort, Larry's brilliant legal brief asserted the position, ultimately adopted by the court, that the Federal Government could set motor vehicle safety standards which advanced the state of the art of motor vehicle safety technology. That decision has been the basis of many of the safety standards which will save lives in the years to come.

Larry's most recent effort involved the recall of certain wheels which the NHTSA declared to be defective. General Motors disagreed, arguing that there was only a problem when consumers overloaded the vehicle. In adopting the Government's position that the manufacturer could have foreseen the overloading, manufacturers will be held more accountable for safety related defects on motor vehicles. This will undoubtedly effect the ability of the Federal Government to expeditiously remove unsafe vehicles from the Nation's highways for years to come. His role as Chief Counsel extended far beyond litigation however. He was an active force in pressing for amendments to the Motor Vehicle Safety Act, including one which will require manufacturers to remedy defects at no cost to the consumer. In addition, he played an active and creative role in developing and molding NHTSA policy on future rulemaking endeavors. His years at the NHTSA made him a source of stability and consistency in an agency with frequent personnel changes.

While Larry was a champion of the auto safety program, he also approached

his task with fairness and level-headedness. He was sensitive to human needs, but he also was aware of the economic and political realities of the industry he regulated. As such he constantly strove to strike a balance among the competing interests and to keep on program on an even, steady keel.

His outstanding efforts at the Department of Transportation were twice recognized. In 1972, he received the Secretary's Award for Meritorious Achievement. The year before, he was given the Administrator's Award for Exceptional Achievement. Prior to joining the safety agency in 1968, Larry engaged in private law practice and served in the Justice Department's appellate section under Attorney General Robert F. Kennedy.

While I and my colleagues on the Commerce Committee will miss him, Larry left behind his wife, Susan, and their three children, David, Anne, and Jeffery. To them, I express my most sincere condolences.

PROPOSED STUDY OF PUGET SOUND

Mr. MAGNUSON. Mr. President, on July 11, Mr. Richard S. Page, executive director of the Municipality of Metropolitan Seattle—METRO—testified before the Senate Appropriations Subcommittee on State, Justice, Commerce, and the Judiciary. Mr. Page's testimony was an excellent and detailed exposition of the tremendous importance of Puget Sound, of METRO's ongoing and very successful efforts to retain the Sound's environmental integrity, and of what METRO is now doing, in coordination with State and Federal agencies, to protect the Sound. METRO's record in protecting Puget Sound is one which I believe other Senators may well wish to review. Consequently, I ask unanimous consent, Mr. President, that Mr. Page's statement be printed in full at this point in the RECORD.

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

TESTIMONY BY RICHARD S. PAGE, EXECUTIVE DIRECTOR, MUNICIPALITY OF METROPOLITAN SEATTLE

My name is Richard S. Page. I am Executive Director of the Municipality of Metropolitan Seattle. I am appearing before you today to ask for increased and accelerated funding support for the National Oceanographic and Atmospheric Administration's (NOAA's) proposed study of Puget Sound—properly known as the Puget Sound Marine Ecosystems Analysis (MESA) project.

The Administration's budget request for FY 1975 includes $300,000 to help design a comprehensive, multi-year study of Puget Sound, the largest estuary in the continental United States. The design work has basically been completed by NOAA, Metro and the Washington State Department of Ecology. Therefore, we urge you to approve a total of $3.7 million in FY75 to fund the first full year's study effort. NOAA estimates the study can be completed in four to five years for approximately $15.8 million; however, the majority of data needed by Metro will be generated in the first two to three years.

NOAA had planned to begin a Puget Sound project in FY76. We strongly recommend a fiscal 1975 project beginning because of the urgent need for wise management decisions by government officials at all levels and by private companies. The need for immediate action is especially grave since Puget Sound will probably receive oil shipments from Alaska in the near future.

A NATIONAL RESOURCE

Puget Sound is a unique national resource—three times as large as any estuary in the continental United States. It is a kind of utopia for the recreational sailor and outdoor enthusiast; it has miles and miles of low-density and undeveloped shoreland; its estuarine and fisheries resources have been assigned a monetary valuation of $700 million, but in this day of rapidly depleting fisheries, reserves are actually invaluable; and its water quality is becoming unique in the world. The northern Sound has an abundance of natural resources so precious to the nation that we can't really attach dollars to their worth.

We are in a period when pressures on public agencies and private industries are coming together simultaneously to produce decisions which could commit at least $1 billion worth of public and private investments in facilities around the Sound. These facilities may, if wisely based, provide for continued quality and environmental protection of the Sound. Or, these massive investments could contribute to the degradation of this magnificent body of water.

Those decisions must be made within the next two years for the following reasons:

The Sounds geographic location makes it an inevitable transportation corridor for Alaskan oil.

The Sound is at least three times deeper than any harbor in the United States, making it one of the few harbors in the world capable of accommodating the new deep-hulled super transports.

Metro and other municipal sewerage agencies discharging into the Sound must make decisions required by the 1972 Water Pollution Control Act Amendments regarding water pollution control facilities which will cost more than $600 million over the next ten years.

The Sound is one of the last areas in the United States with large tracts of shoreland still available for recreational and industrial development.

Decisions, then, must be made about the transportation of oil and the installation of facilities for handling the oil traffic. Decisions must be made about the construction of adequate port facilities for handling the deep-hulled super transports and for dredging, etc. of inter-tidal waters to accommodate those port facilities. Decisions must be made about the kinds of water pollution control treatment processes and facilities required to protect the fine quality of the Sound's waters. And decisions must be made about potential development along its shores and estuaries.

NEED FOR STUDY

These multi-million dollar decisions, which could have an irretrievable impact on the Sound, will be based more upon speculation than on information if a comprehensive MESA-type study is not undertaken immediately.

The MESA project is essential to give us more information about the Sound's physical characteristics, its biological and marine resources, and its chemical characteristics before we make costly and irretrievable commitments which could degrade its environmental quality. For example, we don't know which nutrients, metals or other contaminants are threatening its water quality. We don't know enough about its flow characteristics and we don't have the baseline data we need to understand its eco-system or to assess potential impacts on that system.

The proposed MESA project would provide us with that information. But this scientific effort must be accelerated if the information is to be most timely for public and private decision makers.

COMPLEMENTS OTHER EFFORTS

The MESA project would also provide needed coordination for smaller specialized studies that are already funded or underway. The State Department of Ecology is embarking on a $500,000 Puget Sound baseline study in anticipation of increased oil transport activity in Puget Sound. There are also smaller, but very important, studies underway on highly specialized aspects of the Sound's characteristics. Many are being conducted by the University of Washington; others by other federal, state and local agencies. These studies must be coordinated so that they can complement and supplement one another if they are to provide the kind of information required for environmentally effective decision making.

We believe this task requires an agency like NOAA which has amassed scientific, technical and analytical expertise to effectively manage the coordination effort that the MESA project would provide. In addition, we believe that it is essential that the study be undertaken by an agency like NOAA with no direct interest in the decisions such a study might influence.

METRO'S INTEREST IN STUDY

The Municipality of Metropolitan Seattle (Metro) is the largest of several municipal sewerage agencies along the Sound which have an immediate and urgent need for results from the MESA study because of pending decisions regarding water pollution control facilities which will cost more than $600 million in the next ten years. Requirements of the Water Pollution Control Act Amendments of 1972 (PL 92–500) necessitate that decisions be made about construction of those sewerage facilities in the next two to three years. These multi-million dollar water quality decisions will be based upon limited information in the absence of a MESA-type study. We believe it would be irresponsible to make such decisions in an information vacuum.

METRO HISTORY AND ORGANIZATION

Metro provides sewerage service to 14 cities, 18 sewer districts and one private agency in King County. About 900,000 people living in a 300-square mile area are served through its system of interceptors and treatment plants.

Metro was created because of local concern for the quality of waters in the Puget Sound area. During the late 1950's a citizen-inspired effort succeeded in winning state legislation for, and voter approval of, the organization of Metro to finance, build and operate a metropolitan sewerage system. The early program was directed at eliminating two practices which were then contributing to water pollution in Puget Sound, Lake Washington and Elliott Bay. Those practices were:

The discharge of treated effluent, rich in nitrogen and phosphorus, from ten secondary treatment plants into Lake Washington. The nutrients were stimulating the growth of algae in the lake and beaches were closed to swimmers. The water was turbid and maladorous.

The discharge of tens of millions of gallons per day of raw untreated sewage into the Duwamish River, Elliott Bay and Puget Sound. A number of Puget Sound beaches were closed due to the raw sewage outfalls.

A clean-waters plan prepared in 1958 described the sewerage services and facilities necessary for the entire Lake Washington-Cedar and Green-Duwamish River basins and provided for two goals:

The removal of all treatment plant discharges from Lake Washington and abandonment of many small treatment plants on its shores;

The interception of all raw sewage discharges into Puget Sound via a system of large interceptor lines around the lake, on

both banks of the Duwamish River and along Seattle's commercial waterfront, Elliott Bay, and the treatment of this sewage in large treatment plants.

A $125 million ten-year construction program begun in 1961 was finished in 1971 ahead of schedule and within two percent of original cost estimates. The program was financed almost entirely with local money. Four new plants were built to replace more than twenty small facilities and more than one hundred miles of interceptor tunnels and trunk sewers were constructed. The results were immediate and dramatic improvements in the water quality of the lake and Elliott Bay. Beaches along the lake and the Sound were reopened and the Seattle metropolitan area became one of the few in the world with an environmental success story to tell.

Metro's two major treatment facilities are the Renton plant which provides secondary treatment and chlorination with effluent discharged into the Duwamish River, and the West Point plant which provides primary treatment and chlorination with discharge into Puget Sound through a deep outfall line terminating in a 600-foot long diffuser section three-quarters of a mile from shore in 240 feet of deep water.

Metro's West Point plant is its largest with a dry-weather flow capacity of 125 gallons per day (mgd). We also operate three small plants serving small drainage basins along the Sound—Alki, 10 mgd; Carkeek, 3.5 mgd; and Richmond Beach, 3.2 mgd.

TREATMENT REQUIREMENTS

Requirements of the 1972 Amendment to the Federal Water Pollution Control Act would necessitate providing secondary treatment of the type provided at our Renton Treatment plant at all of our plants now discharging primary-treated chlorinated effluent to the Sound. Secondary treatment intended to remove oxygen-demanding substances from the effluent is appropriate for discharges into oxygen-limited receiving waters, but Puget Sound's waters are abundantly rich in oxygen. To meet the 1972 requirements would, therefore, cost at least $55 million for secondary treatment facilities which would produce no improvement in the quality of the Sound's waters. The 1972 Act also establishes a 1983 goal of best practicable treatment (BPT). The locally elected officials who sit on the Metropolitan Council, Metro's policy board, have taken the position that Metro should proceed to meet those 1983 requirements, bypassing the inappropriate secondary treatment interim standards for removal of oxygen-demanding substances. In that way we can tailor our treatment processes for those four plants to meet the real water quality needs of Puget Sound.

However, such an approach is predicated on the assumption that sufficient information about those water quality needs will be made available to us soon enough to make rational, sound decisions about the real parameters of "best practicable treatment". We are dependent upon the MESA project for that information.

Summary

When one considers the public and private investment anticipated for the Sound in the next ten years, the justification for such a study is clear. Metro alone will spend upward of $300 million in treatment facilities. Additional investment by other municipal dischargers and the industrial sector will certainly bring this figure to more than $1 billion. In that perspective a $15 million study to provide information for making $1 billion worth of decisions seems remarkably cost-effective.

We believe those dollars become even more cost-effective when viewed in the perpective of environmental tradeoffs: Puget Sound is the inevitable transportation corridor for Alaskan oil development; it has one of the deepest harbors in the world and is one of the few capable of accommodating the new deep-hulled super transports. At the same time, it is a kind of utopia for the recreational sailor and outdoor enthusiast; it has miles of low-density and undeveloped shoreland; its estuarine and fisheries resources are invaluable; and its water quality is of a standard that is rapidly becoming unique in the world. The Sound has an abundance of resources so precious that we can't really attach dollars to their worth.

We trust, then, that the Committee will conclude that the acceleration of the MESA project for the protection of the Sound's waters is entirely warranted and indeed essential.

Thank you for the opportunity to appear before you.

Mr. ROBERT C. BYRD. Mr. President, I should like to ask whether or not any Senator has an amendment to the bill that he wishes to offer today or whether or not any Senator wishes to speak to the bill.

If not, I would be prepared to ask unanimous consent that the Senate resume the consideration of routine morning business.

RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume consideration of routine morning business with statements limited therein to 5 minutes each.

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

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders or their designees under the standing order on tomorrow, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that on tomorrow, following the recognition of Senator ROBERT C. BYRD and prior to the transaction of routine morning business, the Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes.

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

ORDER TO PERMIT THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the order for recognition of the Senator from Illinois tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

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

ORDER TO PROCEED TO CONSIDERATION OF THE CONFERENCE REPORT ON H.R. 14592

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the completion of routine morning business tomorrow, the Senate proceed to the consideration of the conference report on the military procurement authorization bill (H.R. 14592).

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

ORDER FOR RESUMPTION OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at not later than the hour of 3 p.m. tomorrow, the Senate resume the consideration of the unfinished business (S. 707).

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 10 o'clock a.m. tomorrow. After the two leaders or their designees have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes, with the additional order for the recognition of Mr. PERCY for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes.

Mr. President, upon the completion of routine morning business tomorrow, the Senate will proceed with the consideration of the conference report on H.R. 14592, the military procurement authorization bill.

Upon the disposition of that conference report tomorrow, time permitting, the Senate will take up S. 3792, a bill to amend and extend the Export Administration Act of 1969.

At the hour of 3 p.m. tomorrow, the Senate will proceed to debate the motion to invoke cloture on the consumer protection bill.

At the hour of 4 o'clock, the Chair will ask that the roll be called to establish a quorum, and upon the establishment of a quorum, or circa 4:15 p.m., the mandatory rollcall vote will occur on the motion to invoke cloture.

Senators will be aware, therefore, that there will be at least one rollcall vote tomorrow. What ensues following the vote on the motion to invoke cloture will depend upon the outcome of that vote.

On Wednesday, the Senate will take up the bill making appropriations for the Treasury Department and the Postal Service, H.R. 15544.

On Thursday, the Senate will take up H.R. 15323, an act to amend the Atomic Energy Act of 1954, as amended; and it is also anticipated that on Thursday the Senate will take up the Public Works Appropriation bill, H.R. 15155.

It is possible that an additional appropriation bill will be ready for floor action by Friday.

Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. It is not entirely outside the realm of possibility that another appropriation bill will be ready for floor action on Saturday of this week.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10 o'clock a.m. tomorrow.

The motion was agreed to; and at 4:29 p.m. the Senate adjourned until tomorrow, Tuesday, July 30, 1974, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 29, 1974:

DEPARTMENT OF THE INTERIOR

Jack W. Carlson, of Maryland, to be an Assistant Secretary of the Interior, vice Stephen Alan Wakefield, resigned.

Lynn Adams Greenwalt, of Maryland, to be director of the U.S. Fish and Wildlife Service. (New position).

FEDERAL ENERGY ADMINISTRATION

William W. Geimer, of Illinois, to be Director, Intergovernmental and Regional Relations, Federal Energy Administration. (New position).

OFFICE OF ECONOMIC OPPORTUNITY

Bert A. Gallegos, of Colorado, to be Director of the Office of Economic Opportunity, vice Alvin J. Arnett, resigned.

FOREIGN CLAIMS SETTLEMENT COMMISSION

Wilfred J. Smith, of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1973, vice Kieran O'Doherty, term expired.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR PERMANENT PROMOTION

To be medical director

Donald E. Bedingfeld	William C. Larsen
Peter J. T. Beeton	John F. Lee, Jr.
George M. Berg	Charles G. Lewallen
Richard J. Bouchard	Donald P. MacDonald
Philip S. Brachman	John E. Manire
William A. Cherry	John R. McDonough
Jerome G. Green	Joseph J. Noya
Donald A. Henderson	John T. Schwartz
Jean R. L. Herdt	Maurice E. Snyder
Kenneth H. Hyatt	Robert Van Hoek
Marcus M. Key, Jr.	Harry W. Weller

To be senior surgeon

Richard R. Bates	James W. Justice
Allen W. Cheever	David C. Kay
Harold T. Conrad	Harry R. Keiser
Anthony N. Damato	Carl M. Leventhal
Roger A. Feldman	Robert N. Ligo
J. Kenneth Fleshman	Clayton H. McCracken, Jr.
Donald D. Funk	George D. Monda
Robert J. Griep	Will L. Nash
Joseph S. Handler	Charles H. Neilson
Roger W. Haskell	
Robert R. Jacobson	

To be surgeon

Ruth T. Takeshita	Karl A. Western

To be dental director

Charles H. Davis	Thomas A. McDermott
Francis J. Kendrick	George E. Mitchell
Ernest C. Leatherwood, Jr.	Charles S. Stitt, Jr.
James T. Lovett	Lawrence E. Van Kirk, Jr.

To be senior dental surgeon

Lawrence I. Carnes	Merlyn B. Johnson
Sherman L. Cox	Thomas L. Louden
Charles O. Cranford	Leo N. McKenzie
Ronald Dubner	Robert E. Mecklenburg
Glen D. Elliott	
T. Edwin Evans, Jr.	Stewart H. Rowberry
John F. Goggins	Lowell W. Smith
Charles H. Hayden	Charles D. Sneed
Donald W. Johnson	

To be dental surgeon

Kent L. Angerbauer	Dennis L. Smedley
Preston A. Littleton, Jr.	Larry J. Wisman
David C. Schrupp	E. Walter Wolford

To be nurse director

Invelda M. Artz	Jane A. Lee
Jean C. Casey	Marjory E. Lewis
Elizabeth A. Casper	Audrey M. Lindgren
Elizabeth Edwards	Agnes Malec
Eileen G. Hasselmeyer	Shirley A. Middleton
Mary L. Lane	Mary T. Shea

To be senior nurse officer

Norma J. Baxter	Lawrence J. Welding
Rita Chow	Irene C. Zyniewicz
Josephine J. Hedrick	

To be nurse officer

Ronald J. Haberberger	William J. Young
Richard A. Lindblad	

To be sanitary engineer director

Paul H. Bedrosian	Charles W. Northington
Edgar A. Jeffrey	
Bernd Kahn	Warren F. Smith
Dean S. Mathews	Charles V. Wright, Jr.

To be senior sanitary engineer

Richard J. Anderson	John E. Regnier
Robert G. Bostrom	Donald G. Remark
Jules B. Cohen	Edgar F. Seagle
Donald P. DuBois	S. David Shearer, Jr.
John A. Eckert	Jay S. Silhanek
John A. Eure	Albert V. Soukup
Gerald M. Hansler	Lyle D. Thomas
George C. Kent	John C. Villforth
Richard E. Reavis	Gerald G. Vurek

To be sanitary engineer

Timothy J. Bergin	Walter W. Liberick, Jr.
Wayne A. Blackard	Leroy C. Reid, Jr.
Donald J. Dunsmore	Lynn P. Wallace

To be scientist director

Adolph R. Brazis	Roslyn Q. Robinson
Virgil R. Carlson	Kenneth K. Takemoto
Eskin Huff	

To be senior scientist

David Abraham	Burton R. Evans
Sotiros D. Chaparas	Arthur D. Flynn
Carleton M. Clifford, Jr.	David A. Fuccillo
	J. Richard Gorham
Robert H. Depue, Jr.	Vincent J. Sodd
Robert L. Elder	Robert T. Taylor

To be scientist

Richard J. Bull	Jerry M. Rice
Donald L. Lodmell	

To be sanitarian director

James A. Clark, Jr.	Donald C. Mackel
J. Edward Cowan	Arthur B. McIntyre, Jr.
David H. Flora	
John W. Greenley	George Morrison
Samuel W. Hoover	Steadman M. Overman
John E. LaPlante	

To be senior sanitarian

Robert E. Adams	Robert L. Sanders
Willard N. Adams	Thomas C. Sell
John H. Brandt	Jack Womack
Matthew C. Lynch	

To be sanitarian

Ronald K. Ament	Walter R. Payne
Charles K. Byram	Richard Willia Peterson
Michael D. Flanagan	
Sidney J. Gault	Ernesto Ruiz-Tiben
Robert A. Houseknecht, Jr.	Robert E. Sanders
	Leo H. Snyder
Frank N. Kanatani	William R. Wheatley
Richard J. J. O'Connor	Richard D. Wise
Kent Oldenburg	

Te be veterinary director

Thomas P. Cameron	Richard L. Parker
James R. Ganaway	Leo A. Whitehair
Robert H. Huffaker	

To be senior veterinary officer

Don C. Gibson	James L. McQueen
John E. Holman, Jr.	John H. Richardson
Charles W. McPherson	Robert W. Thomassen

To be pharmacist director

Donald E. Baker	Salvatore D. Gasdia
Mario C. Baratta	Albert B. Ripley
Bertram J. Baughman	Billy G. Wells
Peter L. Bogarosh	

To be senior pharmacist

Francis P. Barletta	James R. Grigdesby
Gerard L. Eugene	Robert E. McKay
Paul O. Fehnel, Jr.	Lowell F. Miller
Wesley, R. Gladhart, Jr.	Lawrence D. Smith

To be pharmacist

Richard M. Gallant	Thomas B. Talamini
Ronald A. Gomes	Thomas J. Walker
Donald H. Hamilton	Stephen T. Werelus
Richard M. King	James C. Yatsco
Thomas C. Seidl	Anthony R. Zelonis

To be senior assistant pharmacist

George D. Armstrong, Jr.

To be dietitian director

Ernestina Bou	Marguerite M. Smith
Martha E. Clark	

To be senior dietitian

Lois R. Seidler

To be therapist director

Janeva I. Porter	Robert N. Zimmerman
Joseph K. Reed, Jr.	

To be senior therapist

Peter D. Cline	Lamont B. Smith

To be therapist

Hugh M. Moffatt, Jr.

To be health services director

William B. Parsons	George L. Romance
Francis F. Reierson	Robert J. Savard
Robert M. Pennington	Walter R. Sceery

To be senior health services officer

Robert W. Carrick	Lavert C. Seabron
Charles L. Cox	Martin J. Walsh
Kenneth F. Hunt	Walker C. Williams

To be health services officer

Charles L. Bunch	John D. Sexton
Robert J. Chanslor	Allan C. Tapert
Coy A. Davis, Jr.	Joel G. Veater
Paul E. Lehman	John L. Young, Jr.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Gerald W. Johnson, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Robert E. Hails, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

Maj. Gen. Marion L. Boswell, [redacted] FR, U.S. Air Force, for appointment as Senior U.S. Air Force Member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Bruce Palmer, Jr., [redacted] Army of the United States (major general, U.S. Army).

IN THE NAVY

Vice Adm. Charles S. Minter, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Raymond E. Peet, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. William T. Rapp, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

Major to lieutenant colonel

Abell, John T., [redacted]
Abrams, Irwin B., [redacted]
Acosta, Javier F., [redacted]
Adamcik, Frank J., [redacted]
Adams, Dale F., [redacted]
Adams, James E., Jr., [redacted]
Adams, Leland L., [redacted]
Adams, Robert L., [redacted]
Adams, Robert N., [redacted]
Adams, Roderick B., [redacted]
Addington, Vernal E., [redacted]
Addison, Belmer J., [redacted]
Addison, James M., [redacted]
Affierbach, Robert F., [redacted]
Ahmann, James H., [redacted]
Aimo, Joseph, [redacted]
Albach, John S., Jr., [redacted]
Albers, Burnell L., [redacted]
Albright, William E., Jr., [redacted]
Alewine, Martin A., Jr., [redacted]
Alker, Philip R., [redacted]
Allen, Owen W., Jr., [redacted]
Allen, William E., [redacted]
Allred, Elmer G., [redacted]
Andersen, Louis M., [redacted]
Anderson, Alvord V. P., III, [redacted]
Anderson, Douglas W., [redacted]
Anderson, Jack R., [redacted]
Anderson, James R., [redacted]
Anderson, John A., Jr., [redacted]
Anderson, Kenneth A., [redacted]
Anderson, Kenneth D., [redacted]
Anderson, Marlan G., [redacted]
Anderson, Robert B., Jr., [redacted]
Anderson, Theodore G., [redacted]
Anderson, Theodore M., [redacted]
Anderson, William D., [redacted]
Anderson, William G., Jr., [redacted]
Anonsen, Charles E., [redacted]
Anstine, Gale B., [redacted]
Anunson, Gary W., [redacted]
Apperson, Earl A., [redacted]
Archibald, Robert G., [redacted]
Armstead, Claude E., [redacted]
Armstrong, Charles W., [redacted]
Armstrong, Howard D., [redacted]
Arndorfer, Thomas F., [redacted]
Arnet, John E., [redacted]
Arnold, Raymond L., [redacted]
Arthur, Alan W., [redacted]
Arthur, Harold F., [redacted]
Ashley, Clifford B., [redacted]
Askenasy, Eugene K., [redacted]
Aufdemorte, Lewis G., Jr., [redacted]
Auld, Harry E., [redacted]
Austin, Ronald R., [redacted]
Avinger, Ronald Q., [redacted]
Aycock, Robert E., [redacted]
Babcock, Walter C., [redacted]
Backa, Ralph W., [redacted]
Bacon, Merle D., [redacted]
Baginski, James I., [redacted]
Bagnani, Valentino, Jr., [redacted]
Bailey, James E., [redacted]
Bain, Hubert L., [redacted]
Baker, James E., [redacted]
Baker, Kendall J., [redacted]
Baker, Willard D., [redacted]
Bal, Eugene, Jr., [redacted]
Balden, Harold A., [redacted]
Balderston, Robert E., [redacted]
Ball, George A., [redacted]
Ballantyne, Wayne L., [redacted]
Ballard, William L., [redacted]
Bandarrae, Frederick J., II, [redacted]
Banick, Theodore J., [redacted]
Barber, Paul A., [redacted]
Barfknecht, Harold A., [redacted]
Barinowski, Robert E., Jr., [redacted]
Barnett, Warren K., [redacted]
Barnicoat, William J., Jr., [redacted]
Barrows, Ralph E., [redacted]
Bartels, Peter H., [redacted]
Bartenetti, John G., [redacted]
Bartolutti, Leonard F., [redacted]
Basham, Robert R., [redacted]
Bass, Donald C., [redacted]
Bass, Gerry W., [redacted]
Bass, Williamson G., [redacted]
Bassett, William W., [redacted]
Bathurst, William D., [redacted]
Battaglia, Joseph H., [redacted]
Bauer, Eugene L., [redacted]
Bauer, Robert F., [redacted]
Baxter, James L., [redacted]
Bayless, Ovid L., [redacted]
Beals, Gordon A., [redacted]
Beauddin, Jean P., [redacted]
Beaver, William G., [redacted]
Beck, Edward M., [redacted]
Beck, Stanley C., [redacted]
Beckwith, Charles A., Jr., [redacted]
Beckwith, Wayne K., [redacted]
Beene, Reagan H., Jr., [redacted]
Beggs, Conrad L., [redacted]
Belford, Willis A., Jr., [redacted]
Bell, Clarence P., [redacted]
Bell, Edward J. III, [redacted]
Bell, Kenneth H., [redacted]
Bell, Robert K., [redacted]
Belmonte, Francis J., Jr., [redacted]
Bennett, Arthur C., [redacted]
Bennett, James B., [redacted]
Benson, Edgar C., Jr., [redacted]
Benson, Frederick J. R., [redacted]
Benson, Vernell C., [redacted]
Benson, Walter C., [redacted]
Bentz, Richard H., [redacted]
Berkowitz, Jerry G., [redacted]
Berman, Leonard J., [redacted]
Berretta, Robert E., [redacted]
Bethany, Glenn A., [redacted]
Biggs, Richard J., [redacted]
Bills, Walter R., [redacted]
Bina, Melvin J., [redacted]
Binford, Donald D., [redacted]
Bivona, Charles S., [redacted]
Bjorneby, Walter E., [redacted]
Black, Walter A., [redacted]
Blair, James A., [redacted]
Blake, Charles R., [redacted]
Blevins, Thomas E., [redacted]
Bloodworth, James O. III, [redacted]
Blum, Fred M., [redacted]
Blunck, Kurt G., [redacted]
Boardman, Henry W., [redacted]
Bodenhausen, Max G., [redacted]
Boehm, John A., [redacted]
Boettcher, Gary G., [redacted]
Bohne, Derwin L., [redacted]
Bohren, Joseph F., [redacted]
Bohrer, Ronald R., [redacted]
Bolls, Dillard D., [redacted]
Bones, James R., [redacted]
Boning, William J., [redacted]
Bonner, Otis L., Jr., [redacted]
Boone, George T., [redacted]
Booth, Robert E., [redacted]
Boren, J. D., [redacted]
Botbyl, George W., [redacted]
Bott, Donald H., [redacted]
Boucher, William A., [redacted]
Bounds, Lowrey K., [redacted]
Boverie, Richard T., [redacted]
Bowden, William P., [redacted]
Bowen, Joseph A., Jr., [redacted]
Bowen, Ralph K., [redacted]
Bowline, Jerry D., [redacted]
Bowling, Melvin G., [redacted]
Boyd, Denzil H., Jr., [redacted]
Boyd, William P., [redacted]
Boyer, Joe C., [redacted]
Boyer, Ronald J., [redacted]
Boyette, Robert T., [redacted]
Bozik, Edward E., [redacted]
Bradberry, Harold E., [redacted]
Bradfield, Sidney C., [redacted]
Bradley, Charles W., [redacted]
Bradshaw, Robert D., [redacted]
Brady, Perry B., [redacted]
Branch, William E., Jr., [redacted]
Brandon, William W. II, [redacted]
Brandt, David D., Jr., [redacted]
Brandt, Joseph P., [redacted]
Branz, Michael H., [redacted]
Brashear, John A., [redacted]
Bratcher, Wayne R., [redacted]
Bray, Dwight A., [redacted]
Brazell, Leroy A., [redacted]
Breaux, Marvin R., [redacted]
Breid, Jack L., [redacted]
Brendel, Jo [redacted]
Brevard, William N., [redacted]
Brewer, Alton P. H., Jr., [redacted]
Brewster, Philip L., [redacted]
Bricker, John C., [redacted]
Briggs, James E., Jr., [redacted]
Bright, Boris E., [redacted]
Brittain, Charles J., [redacted]
Broderick, George T., [redacted]
Brodman, Robert F., [redacted]
Bromley, Robert D., [redacted]
Brooks, Kenneth D., [redacted]
Brooks, William O., [redacted]
Broomall, William L., Jr., [redacted]
Brougher, John D., [redacted]
Broughton, Robert N., [redacted]
Brown, Alfred D., Jr., [redacted]

Brown, Bill V., XXXX
Brown, Curtiss E., xxx-xx-xxxx
Brown, Geoffrey C., Jr., xxx-xx-xxxx
Brown, Ivan D., xxx-xx-xxxx
Brown, James T., xxx-xx-xxxx
Brown, Joseph R., xxx-xx-xxxx
Brown, Lawrence A., xxx-xx-xxxx
Brown, Luther J., xxx-xx-xxxx
Brown, Robert M., xxx-xx-xxxx
Browning, Bob D., xxx-xx-xxxx
Browning, Donald G., xxx-xx-xxxx
Brubaker, Richard E., xxx-xx-xxxx
Brubaker, Robert D., xxx-xx-xxxx
Bruha, Harlan L., xxx-xx-xxxx
Brummett, Jack D., xxx-xx-xxxx
Brundage, Harold L., Jr., xxx-xx-xxxx
Bruner, Gordon C., xxx-xx-xxxx
Bruno, America P., xxx-xx-xxxx
Brunson, James E., xxx-xx-xxxx
Brusini, Andrew R., xxx-xx-xxxx
Bryant, Ray H., xxx-xx-xxxx
Bublitz, Robert W., xxx-xx-xxxx
Buckingham, Jack L., xxx-xx-xxxx
Buckman, Louis C., xxx-xx-xxxx
Buechele, Charles L., xxx-xx-xxxx
Bullington, Robert J., xxx-xx-xxxx
Bullock, Jerry M., xxx-xx-xxxx
Bulmer, Ronald L., xxx-xx-xxxx
Bunting, Joseph D., Jr., xxx-xx-xxxx
Burke, Walter J., Jr., xxx-xx-xxxx
Burnett, Roy P., xxx-xx-xxxx
Burney, William J., xxx-xx-xxxx
Burnfield, Watson D., xxx-xx-xxxx
Burns, Kenneth D., xxx-xx-xxxx
Burns, Robert C., xxx-xx-xxxx
Burns, Samuel T., III, xxx-xx-xxxx
Burns, Winfield S., Jr., xxx-xx-xxxx
Burris, Darrel G., xxx-xx-xxxx
Burton, Conrad L., xxx-xx-xxxx
Bush, Lawrence P., xxx-xx-xxxx
Buster, Gerald O., xxx-xx-xxxx
Butcher, Paul C., xxx-xx-xxxx
Buzard, Lyman E., xxx-xx-xxxx
Caldwell, Jimmie D., xxx-xx-xxxx
Callahan, Leo F., xxx-xx-xxxx
Calvert, Donald L., xxx-xx-xxxx
Cameron, Paul A., Jr., xxx-xx-xxxx
Cammack, Luther S., Jr., xxx-xx-xxxx
Candee, Leslie W., xxx-xx-xxxx
Cannon, James, A., xxx-xx-xxxx
Cantelous, Louis W., Jr., xxx-xx-xxxx
Carlson, Kenneth D., xxx-xx-xxxx
Carnes, James R., xxx-xx-xxxx
Carroll, John H., xxx-xx-xxxx
Carroll, Oscar L., xxx-xx-xxxx
Carter, Frank P., xxx-xx-xxxx
Carter, William E., xxx-xx-xxxx
Carver, Richard C., xxx-xx-xxxx
Case, Charles W., xxx-xx-xxxx
Casey, Aloysius G., xxx-xx-xxxx
Casey, Thomas A., xxx-xx-xxxx
Cash, Eugene G., xxx-xx-xxxx
Casillas, Eleas, xxx-xx-xxxx
Cassidy, Duane H., xxx-xx-xxxx
Cates, Charles W., xxx-xx-xxxx
Catlett, Albert W., xxx-xx-xxxx
Chafey, Frank D., xxx-xx-xxxx
Chapman, James C., xxx-xx-xxxx
Chapman, Robert E., xxx-xx-xxxx
Charles, William M., Jr., xxx-xx-xx...
Chase, Donald J., xxx-xx-xxxx
Cheek, Fleming A., xxx-xx-xxxx
Cheney, Glen M., xxx-xx-xxxx
Cherry, Richard E., Jr., xxx-xx-xxxx
Chestnut, James M., xxx-xx-xxxx
Chetelat, Larree D., xxx-xx-xxxx
Chovanec, Albin E., xxx-xx-xxxx
Christian, William C., xxx-xx-xxxx
Christianson, Howard L., xxx-xx-xxxx
Christner, Alan S., Jr., xxx-xx-xxxx
Christophersen, Edwynn J., xxx-xx-xxxx
Chubner, James F., xxx-xx-xxxx
Chur, Lester R., xxx-xx-xxxx
Cipra, Donald J., xxx-xx-xxxx
Clapp, John N., xxx-xx-xxxx
Clark, Harry G., xxx-xx-xxxx
Clark, Richard E., xxx-xx-xxxx
Clarke, Clarence S., xxx-xx-xxxx
Clarke, William H., xxx-xx-xxxx
Clever, Larry A., xxx-xx-xxxx
Clune, John J., xxx-xx-xxxx
Cobb, Francis C., xxx-xx-xxxx
Cocchiarella, Joseph V., xxx-xx-xxxx
Cocke, William F., xxx-xx-xxxx
Cockes, Elbert D., xxx-xx-xxxx
Coffland, Richard A., xxx-xx-xxxx
Colbath, Thomas N., xxx-xx-xxxx
Cole, James G., xxx-xx-xxxx
Cole, Norman S., xxx-xx-xxxx
Coleman, Fred T., xxx-xx-xxxx
Coleman, Marvin L., xxx-xx-xxxx
Colleran, Joseph A., Jr., xxx-xx-xxxx
Collier, Robert M., xxx-xx-xxxx
Collins, Gerald J., xxx-xx-xxxx
Collins, Wesley B., xxx-xx-xxxx
Colver, William S., xxx-xx-xxxx
Comfort, Norman D., xxx-xx-xxxx
Conley, Edward C., xxx-xx-xxxx
Conley, Thomas F. III, xxx-xx-xxxx
Conn, Henry L., xxx-xx-xxxx
Connelly, Thomas L., xxx-xx-xxxx
Connet, Robert K., xxx-xx-xxxx
Conrady, Denis A., xxx-xx-xxxx
Conway, James E., xxx-xx-xxxx
Cook, Roger D., xxx-xx-xxxx
Cook, William H., xxx-xx-xxxx
Coon, David B., xxx-xx-xxxx
Cooper, Fred M., xxx-xx-xxxx
Coopland, Victor D., xxx-xx-xxxx
Copin, Charles R., xxx-xx-xxxx
Coppedge, Charles A., xxx-xx-xxxx
Coppi, Quintin J., xxx-xx-xxxx
Corak, George J., xxx-xx-xxxx
Corbett, Lon P., xxx-xx-xxxx
Corder, Jesse K., xxx-xx-xxxx
Cordner, Floyd B., xxx-xx-xxxx
Cornelius, William H. Jr., xxx-xx-xxxx
Cornwell, Jimmy L., xxx-xx-xxxx
Correll, Charles A., xxx-xx-xxxx
Corum, Delbert M., xxx-xx-xxxx
Cosgrove, John A., xxx-xx-xxxx
Courtaney, Dennis E., xxx-xx-xxxx
Covington, Lowell O., xxx-xx-xxxx
Coward, William E., xxx-xx-xxxx
Cowden, David A., xxx-xx-xxxx
Cowell, Roger R., xxx-xx-xxxx
Cowser, Kenneth R., xxx-xx-xxxx
Cox, Kenneth L., xxx-xx-xxxx
Cozort, Gerald N., xxx-xx-xxxx
Crader, Richard M., xxx-xx-xxxx
Craig, Leo L. Jr., xxx-xx-xxxx
Cram, Deryl L., xxx-xx-xxxx
Crawford, Cyril J., xxx-xx-xxxx
Crawford, Jack R., xxx-xx-xxxx
Crawford, Van L. Jr., xxx-xx-xxxx
Crawford, Warren L., xxx-xx-xxxx
Cregger, Arthur E., xxx-xx-xxxx
Crego, Richard N., xxx-xx-xxxx
Crews, Carl B., xxx-xx-xxxx
Cribbs, Charles M., xxx-xx-xxxx
Crock, Lee, xxx-xx-xxxx
Cromack, Dana B., xxx-xx-xxxx
Cross, Vernon L., xxx-xx-xxxx
Cross, William B., xxx-xx-xxxx
Crotty, Paul V., xxx-xx-xxxx
Crowe, Robert F., xxx-xx-xxxx
Crowther, Walter E., xxx-xx-xxxx
Crutchfield, Lewis M., xxx-xx-xxxx
Cruts, Robert E., xxx-xx-xxxx
Cullen, Edward R., xxx-xx-xxxx
Cummings, Gerald R., xxx-xx-xxxx
Curtis, Donald R., xxx-xx-xxxx
Curtis, Raymond J., xxx-xx-xxxx
Curtis, Thomas J., xxx-xx-xxxx
Cusenbary, Charles L., xxx-xx-xxxx
Custer, Jack E., xxx-xx-xxxx
Custis, Daniel J., Jr., xxx-xx-xxxx
Cutler, John B., xxx-xx-xxxx
Dagwell, Harry R., xxx-xx-xxxx
Dahlfors, Theodore E., xxx-xx-xxxx
Daily, Madison M., xxx-xx-xxxx
Dale, John A., xxx-xx-xxxx
Dale, Walter M., xxx-xx-xxxx
Daley, James P., xxx-xx-xxxx
Dalpra, Clarence E., xxx-xx-xxxx
Dalton, James E., xxx-xx-xxxx
Dalton, Roy C., xxx-xx-xxxx
Dalton, Russell A., xxx-xx-xxxx
Dalton, William M., xxx-xx-xxxx
Dandy, Thomas G., xxx-xx-xxxx
Darling, Thomas G., xxx-xx-xxxx
Dasbach, Leonard W., xxx-xx-xxxx
Dattolico, Christino, xxx-xx-xxxx
Davidek, Leonard J., xxx-xx-xxxx
Davis, Clifford B., xxx-xx-xxxx
Davis, James R., xxx-xx-xxxx
Davis, James, xxx-xx-xxxx
Davis, John W., xxx-xx-xxxx
Davis, Quinton, xxx-xx-xxxx
Davis, Richard L., xxx-xx-xxxx
Davis, Robert V., xxx-xx-xxxx
Davis, William M., III, xxx-xx-xxxx
Dawson, Robert E., xxx-xx-xxxx
Dayton, Roy D., xxx-xx-xxxx
Dean, Grant G., xxx-xx-xxxx
Deane, Raymond E., Jr., xxx-xx-xxxx
Dech, Jack L., xxx-xx-xxxx
Decker, Dwayne Z., xxx-xx-xxxx
Decker, Jason D., xxx-xx-xxxx
Delaney, Robert E. C., xxx-xx-xxxx
Delmar, Robert A., xxx-xx-xxxx
Demaar, John R., Jr., xxx-xx-xxxx
Dempsey, Derrel L., xxx-xx-xxxx
Dempsey, Robert A., xxx-xx-xxxx
Denney, Carl L., Jr., xxx-xx-xxxx
Dennis, Derrol L., xxx-xx-xxxx
Deogburn, George T., Jr., xxx-xx-xxxx
Depaepe, William C., xxx-xx-xxxx
Deppish, Walter C., Jr., xxx-xx-xxxx
Dereska, Stanley P., xxx-xx-xxxx
Derridinger, Richard K., xxx-xx-xxxx
Deschaines, Carroll E., xxx-xx-xxxx
Desjardins, John R., xxx-xx-xxxx
Dever, James C., Jr., xxx-xx-xxxx
Devereaux, Alan L., xxx-xx-xxxx
Devick, James H., xxx-xx-xxxx
Devlin, Joseph A., xxx-xx-xxxx
Dibrell, Sam P., Jr., xxx-xx-xxxx
Diebold, James W., xxx-xx-xxxx
Diedrich, William B., xxx-xx-xxxx
Dietrich, Clay, Jr., xxx-xx-xxxx
Dillard, Louis S., Jr., xxx-xx-xxxx
Dimond, Harold R., Jr., xxx-xx-xxxx
Dirl, Wesley R., xxx-xx-xxxx
Disante, Albert F., xxx-xx-xxxx
Diven, James E., xxx-xx-xxxx
Dix, Willard L., xxx-xx-xxxx
Dixon, Robert H., xxx-xx-xxxx
Dodd, Thomas J., xxx-xx-xxxx
Dodds, George A., xxx-xx-xxxx
Dodds, John W., Jr., xxx-xx-xxxx
Doerschlen, Eddy J., xxx-xx-xxxx
Doglione, John A., xxx-xx-xxxx
Donaldson, Ralph L., xxx-xx-xxxx
Donoho, Laurence W., xxx-xx-xxxx
Donohue, Frederic M., xxx-xx-xxxx
Doran, John J., Jr., xxx-xx-xxxx
Dornberger, Billy G., xxx-xx-xxxx
Dorr, Robert E., xxx-xx-xxxx
Doty, Jerry D., xxx-xx-xxxx
Douglass, Charles R., xxx-xx-xxxx
Dowler, Donald A., xxx-xx-xxxx
Doyle, James W., Jr., xxx-xx-xxxx
Dreibelbis, Ryland R., xxx-xx-xxxx
Duff, Thomas O., xxx-xx-xxxx
Duffack, William C., xxx-xx-xxxx
Duffer, Harold E., xxx-xx-xxxx
Duffley, Edmund M., xxx-xx-xxxx
Duffy, Richard E., xxx-xx-xxxx
Dugan, Thomas W., xxx-xx-xxxx
Duke, Robert G., xxx-xx-xxxx
Dunagan, Eddie D., xxx-x...
Dunn, Harry P., xxx-xx-xxxx
Dunn, James D., xxx-xx-xxxx
Dunne, Robert E., xxx-xx-xxxx
Dunwoody, Richard H., xxx-xx-xxxx
Duplessis, Paul E., xxx-xx-xxxx
Durant, Richard B., Jr., xxx-xx-xxxx
Durham, Archer L., xxx-xx-xxxx
Durham, Kenneth W., xxx-xx-xxxx
Dutcher, Barent C., xxx-xx-xxxx
Dutton, Ronald K., xxx-xx-xxxx
Duvall, William D., xxx-xx-xxxx
Earle, Jack D., xxx-xx-xxxx
Eaton, Melville E., Jr., xxx-xx-xxxx
Eberlein, Marwin G., xxx-xx-xxxx
Ebert, Leroy A., xxx-xx-...
Eberwine, James F., xxx-xx-xxxx
Echols, James R., xxx-xx-xxxx
Eddins, Neil L., xxx-xx-xxxx
Eddy, John C., xxx-xx-xxxx

Edgar, John H., xxxx
Edwards, David J., xxx-xx-xxxx
Edwards, Gerald R., xxx-xx-xxxx
Edwards, Harold L., xxx-xx-xxxx
Edwards, Jay T., III, xxx-xx-xxxx
Edwards, Ollie H., xxx-xx-xxxx
Eells, Gordon L., xxx-xx-xxxx
Eells, Kenneth W., xxx-xx-xxxx
Egleston, Lemuel R., Jr., xxx-xx-xxxx
Ehrlich, Elmer R., xxx-xx-xxxx
Elftmann, John W., Jr., xxx-xx-xxxx
Ellins, Meyer, xxx-xx-xxxx
Elliott, Charles J., xxx-xx-xxxx
Elliott, David L., xxx-xx-xxxx
Elliott, John N., xxx-xx-xxxx
Elliott, Melvin C., xxx-xx-xxxx
Ellis, Robert J., xxx-xx-xxxx
Elrod, Watt D., xxx-xx-xxxx
Elsea, Stanley W., xxx-xx-xxxx
Emley, William P., Jr., xxx-xx-xxxx
Emma, Frank J., xxx-xx-xxxx
Emrick, Harry W., xxx-xx-xxxx
Englebrecht, Maynard L., xxx-xx-xxxx
Enouen, Paul W., xxx-xx-xxxx
Ensey, Harry R., xxx-xx-xxxx
Erb, Richard I., xxx-xx-xxxx
Erchinger, Ralph C., xxx-xx-xxxx
Erickson, Duane H., xxx-xx-xxxx
Erickson, Robert A., xxx-xx-xxxx
Erickson, William D., xxx-xx-xxxx
Ernce, Charles A., xxx-xx-xxxx
Ernst, William H., xxx-xx-xxxx
Estes, Frederic D., xxx-xx-xxxx
Estes, Thomas B., xxx-xx-xxxx
Evans, James F., xxx-xx-xxxx
Evans, John L., xxx-xx-xxxx
Evenson, Loren D., xxx-xx-xxxx
Ewan, Franklin R., xxx-xx-xxxx
Eyre, Lawrence J., xxx-xx-xxxx
Falletti, Joseph L., xxx-xx-xxxx
Falzon, Alexander, xxx-xx-xxxx
Fanning, Francis R., xxx-xx-xxxx
Fanucchi, Ledio, xxx-xx-xxxx
Farha, Jimmie L., xxx-xx-xxxx
Farrar, Coy W. Jr., xxx-xx-xxxx
Farrar, Walter B., Jr., xxx-xx-xxxx
Fass, Alfred W., xxx-xx-xxxx
Fassett, Chester A., xxx-xx-xxxx
Fauser, Rodney H., xxx-xx-xxxx
Fazio, Vincent S., xxx-xx-xxxx
Feichtinger, Duane C., xxx-xx-xxxx
Feil, John A., xxx-xx-xxxx
Feiler, David C., xxx-xx-xxxx
Feilner, Paul W., xxx-xx-xxxx
Fenimore, John W., xxx-xx-xxxx
Ferari, Earl, xxx-xx-xxxx
Ferguson, Charles L., xxx-xx-xxxx
Ferons, Daniel D., xxx-xx-xxxx
Ferrell, Charles W., xxx-xx-xxxx
Ferris, Delle L., xxx-xx-xxxx
Fields, Herbert R., Jr., xxx-xx-xxxx
Fields, Samuel H., xxx-xx-xxxx
Finch, Ronald E., xxx-xx-xxxx
Fincher, Ernest D., xxx-xx-xxxx
Fine, Allen E., xxx-xx-xxxx
Fink, Craig A., xxx-xx-xxxx
Finkelstein, Eugene S., xxx-xx-xxxx
Finkelstein, Herbert A., xxx-xx-xxxx
Fioritto, Benny H., xxx-xx-xxxx
Fisher, Donald G., xxx-xx-xxxx
Fisher, James L., xxx-xx-xxxx
Fisher, Robert F., xxx-xx-xxxx
Fitzsimmons, Robert, xxx-xx-xxxx
Flanigen, Edwin G., xxx-xx-xxxx
Flesher, Hubert K., xxx-xx-xxxx
Fletcher, Harry P., xxx-xx-xxxx
Floyd, Charles R., xxx-xx-xxxx
Flynn, John J., Jr., xxx-xx-xxxx
Foister, James W., Jr., xxx-xx-xxxx
Foresman, Louis W., xxx-xx-xx...
Forrester, Cleveland E., xxx-xx-xxxx
Forsbeck, Donald G., xxx-xx-xxxx
Forster, Tom J., xxx-xx-xxxx
Fortenberry, Lawrence J., xxx-xx-xxxx
Foss, Gerald P., xxx-xx-xxxx
Foster, James E., xxx-xx-xxxx
Fox, Loren J., xxx-xx-xxxx
Francisco, Lawrence R., xxx-xx-xxxx
Franklin, Charles E., Jr., xxx-xx-xxxx
Franklin, Wallace H., xxx-xx-xxxx
Fratt, Merlyn D., Jr., xxx-xx-xxxx
Fredricks, Barron, III, xxx-xx-xxxx
Freeland, Darrell E., xxx-xx-xxxx
Freeman, Byron J., xxx-xx-xxxx
Freeman, William E., Jr., xxx-xx-xxxx
Freer, Albert P., Jr., xxx-xx-xxxx
Freitag, Theodore C., xxx-xx-xxxx
French, William T., Jr., xxx-xx-xxxx
Frey, Eugene W., xxx-xx-xxxx
Freyer, Gustav J., xxx-xx-xxxx
Frias, Reynaldo, xxx-xx-xxxx
Fried, Clarence D., xxx-xx-xxxx
Fritz, Paul F., xxx-xx-xxxx
Fromm, Robert E., xxx-xx-xxxx
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Vartanian, George M., [redacted]
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Vaughan, Kenneth E., [redacted]
Veylupek, John A., [redacted]
Vibrock, Charles H., [redacted]
Vickers, Douglas B., [redacted]
Vickrey, Luster A., Jr., [redacted]
Vipralo, William J., [redacted]
Vivona, Alexander A., Jr., [redacted]
Vlach, William R., [redacted]
Vollmann, Phillip D., [redacted]
Volpe, John M., [redacted]
Vondrak, Richard B., [redacted]
Wacker, Jerome, [redacted]
Wacker, Rudolph F., [redacted]
Waddell, Donald R., [redacted]
Wagner, Donald C., [redacted]
Wagner, Louis C., [redacted]
Wagner, Robert E., [redacted]
Wainwright, Robert D., [redacted]
Waite, Lawrence A., Jr., [redacted]
Waits, Kenneth D., [redacted]
Walden, Ray Y., Jr., [redacted]
Walker, Keith L., [redacted]
Walker, Richard C., [redacted]
Walker, Robert E., [redacted]
Walker, Roe E., [redacted]
Walker, William L., [redacted]
Walkup, Ernest E., Jr., [redacted]
Wall, Carl D., Jr., [redacted]
Wallace, Robert T., [redacted]
Wallace, William J., [redacted]
Waller, Archibald S., Jr., [redacted]
Waller, Robert E. [redacted]
Walsh, James P., Jr., [redacted]
Walsh, Venice L., [redacted]
Walters, Harry G., Jr., [redacted]
Walters, Robert A., Jr., [redacted]
Walthall, Harold R., [redacted]
Warrell, Edwin S., Jr., [redacted]
Washofsky, Meyer A., [redacted]
Watkins, Donald L., [redacted]
Watson, Laddie R., [redacted]
Watson, Marion R., [redacted]
Watson, Richard J., [redacted]
Watson, Ronald E., [redacted]
Waxstein, Bernard A., Jr., [redacted]
Wayson, Kenneth A., [redacted]
Weatherford, Dewayne L., [redacted]
Weaver, Ralph W., Jr., [redacted]
Webb, Gerald L., [redacted]
Wedgeworth, Roy M., Jr., [redacted]
Weed, John R., [redacted]
Weeks, Wendell L., [redacted]
Weems, Joe F., [redacted]
Wehling, George E., [redacted]
Weigman, Richard J., [redacted]
Weiland, David W., [redacted]
Weingarz, William E., Jr., [redacted]
Weis, Carl G., [redacted]
Weiss, Jerald E., [redacted]
Welch, James D., [redacted]
Welch, Thaddeus B., Jr., [redacted]
Wellington, Raymond Jr., [redacted]

Welsh, Jerome F., xxxx
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Whitacre, Roger L., xxx-xx-xxxx
Whitaker, Darrell D., xxx-xx-xxxx
White, Dawson N., xxx-xx-xxxx
White, Howard K., xxx-xx-xxxx
White, Joe M., xxx-xx-xxxx
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Wilson, Dwight V., xxx-xx-xxxx
Wilson, James M., xxx-xx-xxxx
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Wood Sterling H., xxx-xx-xxxx
Woodruff, Robin M., xxx-xx-xxxx
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Wright, Harley D., xxx-xx-xxxx
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Youngflesh, Richard D., xxx-xx-xxxx
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Yunk, Robert J., xxx-xx-xxxx
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Zander, Frank H., xxx-xx-xxxx
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Zartman, John R., xxx-xx-xxxx
Zeiler, Burton D., Jr., xxx-xx-xxxx
Zenick, Francis J., xxx-xx-xxxx
Zieg, James E., xxx-xx-xxxx
Zinke, Henry, xxx-xx-xxxx
Zook, David H., Jr., xxx-xx-xxxx
Zuber, Albert J., xxx-xx-xxxx
Zulauf Elmer J., xxx-xx-xxxx
Zumwalt, James T., xxx-xx-xxxx

CHAPLAINS

Auer, Robert F., xxx-xx-xxxx
Bartone, Donald E., xxx-xx-xxxx
Branham, Mack C., Jr., xxx-xx-xxxx
Chapman, James W., xxx-xx-xxxx
Cole, Newton V., xxx-xx-xxxx
Fetherston, Richard J., xxx-xx-xxxx
Grimmett, Philip E., Jr., xxx-xx-xxxx
Hemkens, Edward B., xxx-xx-xxxx
Howard, John L., xxx-xx-xxxx
Jacobs, William H., xxx-xx-xxxx
Mattimore, William F., Jr., xxx-xx-xxxx
McConnell, Francis P., xxx-xx-xxxx
Meade, Henry J., xxx-xx-xxxx x...
Narron, John B., xxx-xx-xxxx
Ward, Lawrence E., xxx-xx-xxxx

DENTAL CORPS

Abrams, Herbert, xxx-xx-...
Andrews, Roy W., xxx-xx-xxxx
Aronovitz, Robert, xxx-xx-xxxx
Binzer, William C., xxx-xx-xxxx
Brendlinger, Darwin L., xxx-xx-xxxx
Crosthwaite, Harold J., xxx-xx-xxxx
Davis, Earl W., xxx-xx-xxxx
Delorimier, Jacques A., xxx-xx-xxxx
Derricotte, Eugene A., xxx-xx-xxxx
Gust, Richard S., xxx-xx-xxxx
Hawkins, Benny F., xxx-xx-xxxx
Jewson, Leonard G., xxx-xx-xxxx
Kramer, Donald C., xxx-xx-xxxx
Lambert, Ralph L., xxx-xx-xxxx
Leinweber, Alfred D., xxx-xx-xxxx
Mary, George G., xxx-xx-xxxx
Metzger, Donald E., xxx-xx-xxxx
Norwood, Ralph F., Jr., xxx-xx-...
Powell, Joseph M., xxx-xx-xxxx
Richardson, James E., xxx-xx-xxxx
Schell, Jerome, xxx-xx-xxxx
Shaw, Fred A., Jr., xxx-xx-xxxx
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Turner, Donald C., xxx-xx-xxxx
Wardle, William L., xxx-xx-xxxx
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Wettlaufer, Robert K., xxx-xx-xxxx
Wilson, Brice N., xxx-xx-xxxx
Wymer, William E., xxx-xx-xxxx
Zwick, Harold H., xxx-xx-xxxx

MEDICAL CORPS

Armstrong, Raymond G., xxx-xx-xxxx
Ball, Thomas P., Jr., xxx-xx-xxxx
Barber, Dennis D., xxx-xx-xxxx
Bauer, Charles R., xxx-xx-xxxx
Bellamy, Henry M., Jr., xxx-xx-...
Bonner, Robert H., xxx-xx-xxxx
Brekken, Alvin L., xxx-xx-xxxx
Cheng, Alfred K., xxx-xx-xxxx
Chong, Vernon, xxx-xx-xxxx
Costin, Ronald E., xxx-xx-xxxx
Curtis, Sidney H., xxx-xx-xxxx
Daniel, Thomas G., xxx-xx-xxxx
Derby, Dennis R., xxx-xx-xxxx
Deverell, William F., xxx-xx-xxxx
Downs, Spencer R., xxx-xx-xxxx
Fite, Fulton W., xxx-xx-xxxx
Fitzrandolph, Raymond H., xxx-xx-xxxx
Gregory, Joseph E., xxx-xx-xxxx
Griggs, George A., xxx-xx-xxxx
Hale, Albert S., Jr., xxx-xx-xxxx
Harris, Richard C., xxx-xx-xxxx
Hightower, James O., Jr., xxx-xx-xxxx
Hill, Richard P., xxx-xx-xxxx
Hoffman, James F., Jr., xxx-xx-xxxx
Holl, Carl W., Jr., xxx-xx-xxxx
Johnson, John A., Jr., xxx-xx-xxxx
Jones, David R., xxx-xx-xxxx
Jones, Frederic G., xxx-xx-xxxx
Jones, Frederick R., xxx-xx-xxxx
Kandel, George E., xxx-xx-xxxx
Kiplin, Lydell C., xxx-xx-xxxx
McGowan, Ronald L., xxx-xx-xxxx
Meader, Willard L., xxx-xx-xx...
Perry, Carlos J. G., xxx-xx-xxxx
Pollard, Richard A., xxx-xx-xxxx
Pollock, Joseph J., xxx-xx-x...
Preator, Richard F., xxx-xx-xxxx
Ramos, Edwin D., xxx-xx-xxxx
Randall, George E., xxx-xx-xxxx
Richardson, Jesse F., xxx-xx-xxxx
Romberger, Wesley E., xxx-xx-xxxx
Savage, Hilbert B., Jr., xxx-xx-xxxx
Shallow, James T., xxx-xx-xxxx
Shepherd, Virgil J., xxx-xx-xxxx
Speicher, Carl E., xxx-xx-xxxx
Spinelli, Francis R., Jr., xxx-xx-xxxx
Spoor, Daniel H., xxx-xx-xxxx
Stecker, Raymond H., xxx-xx-xxxx
Stowe, Fred R., Jr., xxx-xx-xxxx
Swift, James T., xxx-xx-xxxx
Thomas, Charles N., xxx-xx-xxxx
Thurston, Charles S., xxx-xx-xxxx
Tilles, Jerome, xxx-xx-xxxx
Wachs, Theodore J., xxx-xx-xxxx
Warren, Bruce H., xxx-xx-xxxx

NURSE CORPS

Beaton, Frances A., xxx-xx-xxxx
Carey, Eleanor M., xxx-xx-xxxx
Delaney, Shirley J., xxx-xx-xxxx
Fender, Ruth A., xxx-xx-xxxx
Johnson, Betty L., xxx-xx-xxxx
Kidd, Jane, xxx-xx-xxxx
Legalle, Barbara L., xxx-xx-xxxx
Meredith, Helen M., xxx-xx-xxxx
Morgan, Lois J., xxx-xx-xxxx
Peek, Lilith J., xxx-xx-xxxx
Pulliam, Gladys C., xxx-xx-xxxx
Reid, Mary L., xxx-xx-xxxx
Richardson, Marinel, xxx-xx-xxxx
Studer, Joan R., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Bellor, James R., xxx-xx-xxxx
Blakeney, Joe F., xxx-xx-xxxx
Carter, Jackie D., xxx-xx-xxxx
Christianson, James D., xxx-xx-xxxx
Currie, William D., xxx-xx-xxxx
Deramus, Charles E., Jr., xxx-xx-xxxx
Finn, Joseph J., xxx-xx-xxxx
Fisher, Jackie V., xxx-xx-xxxx
Freistedt, Calvin H., xxx-xx-xxxx
Gonzales, Norbert, xxx-xx-xxxx
Gottlieb, Harold J., xxx-xx-xxxx
Harmon, Charles C., Jr., xxx-xx-xxxx
Illsley, David B., xxx-xx-xxxx
Jacko, Paul P., xxx-xx-xxxx
Jackson, Thames F., Jr., xxx-xx-xxxx
Klotsko, John A., xxx-xx-xxxx
Koehler, John W., xxx-xx-xxxx
Marcotte, Victor H., xxx-xx-xx...
Marschall, Barton R., xxx-xx-xxxx
Martin, Everette E., xxx-xx-xxxx
Martino, Charles W., xxx-xx-xxxx
McIntyre, Robert T., Jr., xxx-xx-xxxx
Mullen, Paul E., xxx-xx-xxxx
Myers, Charles G., xxx-xx-xxxx
Newton, Richard W., xxx-xx-xxxx
Rolfs, Robert R., xxx-xx-xxxx
Rutten, James M., xxx-xx-xxxx
Seal, Daniel H., xxx-xx-xxxx
Skinner, John A., xxx-xx-xxxx
Soto, Carlos A., xxx-xx-xxxx
Williams, Walter H., xxx-xx-xxxx
Wood, James F., xxx-xx-xxxx
Zimmerman, Rodney J., xxx-xx-xxxx

VETERINARY CORPS

Cable, John W., xxx-xx-xxxx
Dixon, Dock F., Jr., xxx-xx-xxxx
Jensen, James P., xxx-xx-xxxx
Jones, Norman D., Jr., xxx-xx-xxxx
King, Charles C., Jr., xxx-xx-xxxx
Pace, William E., xxx-xx-xxxx

Shiftlett, Richard M., [redacted]
West, Joe E., [redacted]

BIOMEDICAL SCIENCES CORPS

Aboud, Ellis G., [redacted]
Baldwin, Bart A., [redacted]
Bousser, James E., [redacted]
Calder, Glade H., [redacted]
Curry, Charles J. [redacted]
DeVincentis, Joseph G., [redacted]
Deuel, Kenneth H., [redacted]
Fisher, Elwood E. [redacted]
Hodges, James M., [redacted]
Kittilstad, Owen H. [redacted]
Lucchesi, Rudolph A., [redacted]
McDonald, Maynard R., [redacted]
Penikas, Vincent T., [redacted]
Reardon, Joan A. [redacted]
Wexler, Seymour [redacted]

HOUSE OF REPRESENTATIVES—*Monday, July 29, 1974*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Jesus said: *I have come that they might have life and that they might have it more abundantly*—John 10: 10.

Eternal God, our Father, who art from everlasting to everlasting and whose mercy and truth endureth forever, speak to us the words of wisdom and give to us the strength of spirit we need to do our work faithfully and fully this day.

Grant that all who work under the dome of this glorious Capitol may have the higher wisdom of Thy spirit, the greater truth of Thy mind, the broader glory of Thy concern, and the deeper love of Thy goodwill.

Bless all who live and labor under the flag of this land of liberty. So rule their minds and so direct their endeavors that justice, peace, and freedom may here and everywhere prevail for the glory of Thy holy name and the good of our human family. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15074) entitled "An act to regulate certain political campaign finance practices in the District of Columbia, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6642) entitled "An act to suspend the duties of certain bicycle parts and accessories until the close of December 31, 1976," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. HARTKE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 754. An act to give effect to the sixth amendment right to a speedy trial for persons charged with criminal offenses and to reduce the danger of recidivism by strengthening the supervision over persons released pending trial, and for other purposes;

S. 821. An act to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes; and

S. 3164. An act to provide for greater disclosure of the nature and costs of real estate settlement services, to eliminate the payment of kickbacks and unearned fees in connection with settlement services provided in federally related mortgage transactions, and for other purposes.

A DEMOCRAT FOR THE PRESIDENCY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, as one of the first Democratic Members of the House to rise in support of President Nixon and the office he holds, I wish to announce my opposition to impeachment. I am ready to roll up my sleeves and work with those on the Judiciary Committee of a like mind in asking our colleagues from all sections of the Nation to vote against the articles.

I know the members of the Judiciary Committee have experienced a great deal of anguish and soul searching in reaching their individual decisions, but I must disagree with the committee's recommendations. Alleged misconduct is indeed a serious matter, but equally serious is the damage we do to our Nation and the Office of President.

When this matter reaches the House floor I would hope we will not lose sight of what is best for the American people and the Nation itself. I know, Mr. Speaker, you will give those of us who oppose impeachment a fair shake.

REV. ALICE M. HENDERSON, FIRST WOMAN CHAPLAIN OF U.S. ARMY

(Mr. FLYNT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, it is a source of pride that the first woman chaplain of the U.S. Army, Rev. Alice A Henderson, is from the Sixth Congressional District of Georgia, which I have the privilege to represent.

Chaplain Henderson was born in Indian Springs, Butts County, Ga., on December 13, 1945. Raised with four brothers and five sisters, she graduated from Henderson High School in Jackson, Ga.

A 1968 graduate of Clark College, Atlanta, she attended Turner Theological Seminary, Atlanta, where she graduated in 1972 with a master of divinity, philosophy, and theology.

Prior to receiving her commission, Chaplain Henderson was an associate minister at the Cobb-Bethel African Methodist Episcopal Church in Atlanta. Presently she is attending the U.S. Army Chaplain School in Fort Hamilton, N.Y., and upon completion of her course, her first duty station will be Fort Bragg, N.C.

It is with respect and pleasure that I congratulate her on being commissioned as a captain of the Chaplains Branch of the U.S. Army.

FAVORABLE COMMENTS RECEIVED ON TELEVISED IMPEACHMENT PROCEEDINGS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, along with millions of other Americans, over the past few days I spent many hours glued to the television set watching our Committee on the Judiciary. I want to say that the experience made me proud of that committee and proud of the House of Representatives. I have heard nothing but favorable comments from citizens who watched the committee at work.

One reasonable prediction was that the performance of the committee and its chairman would result in a sharp rise in the percentage of public approval of the Congress, as measured by the polls.

There were impressive statements made both for and against impeachment, but the proponents of article I were able to buttress their case with a wealth of factual material drawn from the evidence before the committee. In contrast, those opponents who spoke to the proposals to strike various subparagraphs of article I—and several were noticeably silent—made few references to specifics. Instead, they appeared to rely mainly on procedural stratagems, some of which backfired, and on legalistic arguments.

The high quality of the debate was marred by the jury trial tactics of one member, whose frequent sneering comments about the proponents of impeachment were in unpleasant contrast to the consideration and respect shown by other committee members. I doubt that these tactics helped the gentleman's client.

On the whole, let me repeat, we deeply appreciate the hard work, the dignity, the sincerity, and dedication of our Committee on the Judiciary and its chairman.