our cards? It is in our cards because the high net-yielding energy sources we need to survive, with the doubtful exception of nuclear fusion, cannot match the total daily output we have heretofore enjoyed from the fossil fuels. Oil, coal, and gas have been a marvelous energy "capital," a 400-million-year-old bankroll for the Western world. Sunlight is energy "income", however; we can tap only so much of it each day. Whether we like it or not, we'll have to live within our means. This is the only way we can reach that redoubtable state Mr. Nixon calls "energy self-sufficiency."

SOVIET TRADING STRATEGY: "LET THE WEST FINANCE ITS OWN DESTRUCTION"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1974

Mr. RARICK. Mr. Speaker, the Arab oil-producing countries are not the only ones reaping a handsome profit from the energy crisis. The Russians have now gotten into the act.

The Soviets recently "sold" military armaments to Iraq in exchange for $13 million worth of Iraqi oil. The petroleum was never intended for use in Mother Russia, however. It was resold for $40 million in hard currency to West Germany, even before the Iraqis delivered it. For their efforts at playing the middle men, the Soviet wheeler-dealers pocketed a nice profit of $27 million.

Sound familiar? It is the same technique the Russians used 2 years ago when they pulled off the "great grain robbery," which sent food prices in this country into orbit. In the case of the wheat deal, it will be remembered, the Russians received taxpayer subsidies and were able to purchase our wheat at bargain basement prices. Some 200,000 tons of the U.S. wheat was diverted for resale to Bangladesh, as a Soviet public relations gesture, even before it left the Port of Houston. Recent reports now indicate that the Russians are willing to sell some of the same wheat back to the United States at an inflated profit, of course.

Last April, the Soviet market manipulators arranged another deal with the European Common Market to purchase 200,000 tons of butter at 17 cents a pound while the market price was 93 cents a pound. It was assumed at the time that the cheap butter would be used on bread made from the cheap U.S. wheat. As it turned out, much of the butter was resold at a profit to the Communist government in Chile.

The Soviets also have no misgivings about "ripping off" their allies in trade deals. Cotton, which the Soviets bartered away from Egypt and the Sudan last year, has now found its way into the world market. The Russian-owned cotton is currently in direct competition with cotton exports from these two countries.

A trend appears to be developing. The Soviet Union has finally learned how to make their economic system work: Sponge off the capitalists at a profit.

Some observers in this country hail this trend as a sign that the Soviets are developing into a semicapitalistic system. I disagree. I am reminded of the accurate observation made many years ago by the great mentor of Soviet communism, V. I. Lenin. He told his comrades:

When the capitalist world starts to trade with us—on that day they will begin to finance their own destruction.

Mr. Speaker, as an additional example of our continued financing of the Soviet Union, I include a related news clipping:

SAME CREDIT TERMS EXTENDED TO MOSCOW

The Export-Import Bank has extended $248.5 million in export trade credits to the Soviet Union on the same terms as to other borrowers, senators were told yesterday.

The loans will support exports of U.S. equipment with a total value of $552 million.

Walter C. Sauer, vice chairman of the bank, said Moscow has received no preference and was able to obtain its required 50 per cent matching of borrowed funds from private lending institutions without government guarantees.

The bank board, Sauer said, acted on available information about the Soviet economy and trade statistics in finding "reasonable assurance of repayment."

But, he said, more information would be required to go substantially beyond the present level of borrowing.

Sauer testified at the bank's budget hearing before the Senate Appropriations Subcommittee on Foreign Operations.

HOUSE OF REPRESENTATIVES—*Monday, March 11, 1974*

The House met at 12 o'clock noon.

The Reverend Henry L. Reinewald, national chaplain, Veterans of Foreign Wars, offered the following prayer:

Father, we pray Your blessings upon the United States of America, upon its people, upon its Government, and especially upon the House of Representatives of the United States.

We invoke the guidance of Your Holy Spirit upon our Nation and its people, as we meet the challenges and opportunities of this day and age, that in all things we shall do Your will. We thank You Father that in every age since the founding of these United States of America Your blessing has been upon this land and its people. We pray that Your blessing will ever be the guiding light of our Nation, that we as a people shall ever know the way, the truth, and the life You desire for us. 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.

Is there objection to dispensing with the reading of the Journal?

MOTION OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Speaker, I object to dispensing with the reading of the Journal, and I move that the Journal be read.

The SPEAKER. The question is, shall the Journal be read?

The question was taken; and the Speaker announced that the noes appeared to have it.

The motion was rejected.

The SPEAKER. Without objection, the Journal stands approved.

There was no objection.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5450. An act to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 265. An act to authorize the Secretary of the Interior to sell certain mineral rights in certain lands located in Utah to the record owner thereof;

S. 1688. An act to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; and

S. 2747. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act, to expand the coverage of the act, and for other purposes.

RESIGNATION OF THE PRESIDENT

(Mr. VANDER VEEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANDER VEEN. Mr. Speaker, as you know, I was elected as the first Democrat in 64 years from the Fifth District in Michigan. When I announced in early December of 1973 that I would be a candidate, I said that the issue in the election was Richard Nixon. I said at that time that Richard Nixon, for the good of the country, should resign. Throughout the campaign, my opponent refused to take a stand against Richard Nixon. On election day the issue was clearly drawn.

The voters spoke decisively, electing me by a 7,000-vote margin in a turnout exceeding all predictions. A very recent poll showed that for each Republican that stayed home, 2 to 1 would have voted for me, thus increasing the margin by an even larger number.

Nothing has occurred since my original statement to change my position. Each passing day and each new development has only strengthened my conviction. Some Democrats have wondered whether, for partisan advantage, it would be more advantageous to have the Presi-

dent continue in office. Our country is facing a moral crisis in government. Now is no time to seek partisan advantage.

In like manner, the President should put ahead of all other considerations the good of the country. We desperately need to get the country moving.

I was sent to Washington to deliver a message. The message is clear. I, speaking now as a duly elected Representative, am now stating that message from the floor of the House of Representatives.

Mr. President, for the good of the country, you should resign. The time is at hand.

FEELINGS OF PEOPLE OF MICHIGAN

(Mr. HUBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBER. Mr. Speaker, I happen to come from the State of Michigan. I listened with a great deal of interest to my fellow Michigander's observation as to the message in his recent election. What the gentleman from Michigan neglected to tell my fellow Congressmen was that Senator Vander Laan had campaigned in 1970 that if he was elected to the State senate, he would be opposed to income tax increases, and in 1971 he led the fight for those increases. In 1972 he assisted in the gasoline tax increase and in the metropolitan area of Grand Rapids those things are remembered by the Dutch, who have a long memory on things like that.

There are other things such as the parliamentary maneuver or reconsideration of the abortion bill. I think we heard only a partial summation this morning by my distinguished colleague from Grand Rapids as to what happened in the State of Michigan.

I will be putting in the Extensions of Remarks today some articles from papers which will shed an entirely different light on what happened in the State of Michigan.

Mr. Speaker, I think the President of the United States does not have to accede to the appeal made this morning for his resignation. If he wants to get the message from the Fifth District election, I will be glad to send him comments from other people in the State of Michigan.

REPEAL SECTION 249F OF SOCIAL SECURITY AMENDMENTS

(Mr. LANDRUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. LANDRUM. Mr. Speaker, I am today introducing legislation to repeal section 249F of the Social Security Amendments of 1972 which established the Professional Standards Review Organizations.

The Medical Association of Georgia has been in touch with me, as have many individual doctors from my district, and they have shown me how foolish this legislation was to begin with. Now that the law is going into effect, it is obvious how misguided the whole idea was. It should be repealed before it gets into full operation.

What will we gain by having a committee scrutinizing our doctors? Well, for one thing, we will run the risk of having a patient's records viewed by committeemen other than his own doctor, persons with whom he is not and may not wish to be in consultation.

More importantly, we will have our doctors unable to exercise their own best judgment as to what care is best for their patients and whose records they know. Instead, they will have to clear everything through a committee and work using "recipes" for the committee's "cookbook." All innovation and experimentation in new techniques will be curbed to keep care at the level of mediocrity. Also, the physician will be burdened with another level of bureaucracy and another load of Government paper, an obvious incentive for costs to rise.

The doctors who have talked with me are not concerned for themselves so much as they are concerned about the damage this law will do to the level of their patients' care. They rightly fear the loss of our free enterprise medical system to "medicine by cookbook." Our private enterprise medical system, run by the individual doctors, has given us the best medical care in the world. To require the doctors to be answerable to a Government committee will be a step backward.

I urge speedy consideration of this bill.

FEELINGS OF THE PEOPLE OF MICHIGAN

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I could not help but be amused by the speech that the gentleman from Michigan who just preceded me made. What he said, in effect, was that the Republican candidate in Michigan, Mr. Vander Laan, had not told the truth to the people and that is why he got defeated. I hope he can get a few more candidates like that in the fall.

RESTRICTIVE RULE ON H.R. 69

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, tomorrow the House is scheduled to begin debate on H.R. 69 to which I have very serious objections. I intend, this afternoon to undertake extraordinary measures to bring to the attention of the other Members the gross inequity that the passage of H.R. 69, under the restrictive rule of House Resolution 963, will render to a large number of urban areas and numerous counties all over this country. Among these areas affected are: New York, District of Columbia, Boston, Columbus, Buffalo, Minneapolis, Newark, Omaha, Rochester, Charlotte, Yonkers, Gary, Kansas City, and Paterson, N.J.

It is indeed a sad day for Congress when the very lives of children caught in the web of poverty will be prohibited from even having their fate fully debated by the House. We will have to debate changes in the educational policy which has existed in the United States for nearly a decade with little opportunity for amending the new educational policy as introduced in H.R. 69.

H.R. 69, as reported, employs a grossly inequitable formula for the distribution of title I funds from ESEA that penalizes those States, and especially those cities and counties with large concentrations of poor, who have made the greatest sacrifice in the utilization of their tax dollar for education and have been the most innovative in so doing.

The situation is exacerbated by House Resolution 963 which is a restrictive rule waiving points of order against the committee substitute for failure to comply with clause 7, rule XVI and allows for no amendments to amendments.

I shall object to the procedures of the House today with the hope that reason will prevail and H.R. 69 will be taken off the calendar tomorrow to allow for the development of a more equitable formula.

CALL OF THE HOUSE

Ms. ABZUG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 72]

Addabbo	Dennis	Jones, Okla.
Alexander	Dent	Jordan
Andrews, N.C.	Devine	Kluczynski
Annunzio	Diggs	Koch
Armstrong	Donohue	Kuykendall
Ashbrook	Dorn	Kyros
Ashley	Downing	Lehman
Badillo	du Pont	McCloskey
Bafalis	Eckhardt	McEwen
Baker	Erlenborn	McKinney
Barrett	Eshleman	McSpadden
Bell	Fish	Macdonald
Biaggi	Fisher	Madigan
Bingham	Flowers	Mahon
Blatnik	Flynt	Maraziti
Bolling	Frelinghuysen	Martin, N.C.
Brademas	Frenzel	Metcalfe
Brasco	Fulton	Michel
Breaux	Giaimo	Milford
Brooks	Gilman	Mills
Burke, Calif.	Goldwater	Mink
Butler	Grasso	Minshall, Ohio
Byron	Gray	Moakley
Carey, N.Y.	Green, Oreg.	Montgomery
Chappell	Green, Pa.	Morgan
Chisholm	Gubser	Moss
Clancy	Hanley	Murphy, Ill.
Clark	Hanna	Murphy, N.Y.
Clay	Hansen, Wash.	Nedzi
Cohen	Harrington	Nix
Conlan	Harsha	Obey
Conyers	Hawkins	O'Brien
Corman	Hébert	Patman
Cotter	Heckler, Mass.	Pepper
Crane	Henderson	Pickle
Culver	Holifield	Podell
Danielson	Howard	Quillen
Davis, S.C.	Hudnut	Railsback
Delaney	Jones, N.C.	Rangel

Reid	Shipley	Thone
Robison, N.Y.	Slack	Thornton
Roncallo, N.Y.	Smith, N.Y.	Tiernan
Rooney, N.Y.	Staggers	Walsh
Rooney, Pa.	Stanton,	Ware
Rostenkowski	J. William	Wilson,
Roush	Steele	Charles, Tex.
Roy	Steelman	Wydler
Ryan	Stubblefield	Young, Ga.
St Germain	Symington	

The SPEAKER. On this rollcall 287 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 8, 1974.

Hon. CARL ALBERT,
The Speaker,
U.S. House of Representatives:

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:10 P.M. on Friday, March 8, 1974, and said to contain a message from the President concerning Campaign Reform.

With kind regards, I am.

Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

ELECTORAL PROCESS REFORM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–231)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

I. INTRODUCTION

The American people wield a mighty instrument of free choice as they enter the voting booth. Indispensable to the health and integrity of that process is the accountability of candidates for public office.

Campaign abuses recently publicized and of years gone by, samplings of Congressional and public opinion, expert observation, the experiences of all of us in elective office—all proclaim that the electoral process needs reform and that the accountability of candidates must be more uniformly enforced. I commend the Congress for its own recognition of this need as evidenced by recent Senate passage of two important reform measures, by the introduction of scores of reform bills, and by detailed analyses of this entire area by many Members of Congress in both Houses.

The Executive and the Congress have, therefore, a common goal: reform that works, reform that deals with the very real concerns we have in a way which improves the electoral system instead of simply coating it with the appearance of change.

I feel strongly that the reform we seek must be realistic. For example, I continue my interest in the possibilities of a six-year, one-term Presidency and four-year terms for Members of the House of Representatives. Yet, the advantages of these proposals are not so compelling as to merit driving now for a constitutional amendment. I do, however, urge further consideration of these subjects both by the Congress and the public.

Another such proposal, appealing but in my view impracticable, is the so-called Post Card Registration plan. Its goals are laudatory, but not its practical results.

Testimony before the House Election Subcommittee has already indicated that the proposal's stated objective would not be reached and the target groups not registered. In addition to being an unwarranted Federal intrusion in an area reserved by the Constitution to the States, post card registration would be an administrative nightmare and would cause chaos in existing registration systems. Of even greater importance is the open invitation to election fraud that would be inherent in so haphazard a system. I would add that periodic in-person registration by a citizen involves a personal and political commitment that I would regret very much to see us lose.

All of our solutions in the area of campaign reform must be grounded on the solid experience of nearly 200 years, not merely on the spirited rhetoric which so frequently pervades this arena.

II. LEGISLATIVE PROPOSALS

On May 16, 1973, I urged the Congress to establish a non-partisan commission on Federal election reform. This blue-ribbon commission would have been composed of political party leaders, Members of Congress and distinguished laymen. Only one House of Congress, the Senate, has focused on it. This lack of action has come at the very time that many Members of Congress and private leaders have been speaking out about the need for vigorous action against campaign abuses.

If it had been created in a timely manner, this commission would have been charged to file a public report no later than December 1st of last year. By now we would have had an authoritative, bipartisan report recommending carefully weighed reforms for Federal campaigns, and perhaps by now we could have been well on the way toward new statutes applicable to the upcoming elections this November.

It is because of this delay that I have directed the Department of Justice to work with my staff in preparing a comprehensive set of reforms for consideration of the Congress in this session. I am hopeful that these proposals, together with other approaches being advanced in Congress, will lead to vigorous debate and solid, effective reform.

Of course, we should not be concerned with Presidential campaigns alone. A massive volume of campaign contributions goes into Senate and congressional campaigns as well. The problem faces us all, and because we are all concerned, I am anxious for the Congress and the Executive to work together in a spirit of full cooperation. For real progress to occur, we must all consider the paramount interest of the electoral system rather than parochial interests of any party or candidate.

The proposals I urge the Congress to consider as it continues to evolve its own approach fall into four major areas: campaign finances, campaign practices, campaign duration, and encouragement of candidate participation.

A. CAMPAIGN FINANCE

In recent years, political campaigns in America have become increasingly expensive. Because the need for more and more money has become acute in many Federal elections, I regard campaign financing as the most important area for reform, and the area in which reform is most urgently required.

After extensive study of a wide range of suggestions, including the many proposals developed by congressional sources, I conclude that the single most important action to reform campaign financing should be broader public disclosure. Complete financial disclosure will provide the citizens of our country with the necessary information to assess the philosophy, personal associations, and political and economic allegiances of the candidates.

A number of statutes already exist which require some disclosure, but we can and should expand and improve the process.

Specifically, I endorse the proposal that each candidate in every Federal election be required to designate one single political committee as his authorized campaign organization, which in turn would have to designate one single depository for all campaign funds. With this single committee and single depository, accountability becomes virtually assured, and the unhealthy proliferation of political committees to pyramid and conceal campaign donations would be stopped at last.

I also strongly support the proposed requirement that every donation to these committees be specifically tied to the original individual donor, excepting only donations by a national political party organization. Other organizations could act as agents of individual contributors, but the donor himself would be required to designate the ultimate recipient of his

campaign donation. This requirement would do more than facilitate disclosure; it would have the highly positive side benefit of reducing the influence of special interest groups by discontinuing their direct and often very substantial contributions to candidates. Donations to political party organizations, rather than to individual candidates, would not be interfered with and would continue to be identified as to the original donor, as existing law requires.

Even though disclosure is, I believe, the single most important prescription to deal with financing reform, I believe also that donation limits are needed on the amounts that an individual contributor could give to any Federal election campaign. I suggest that a candidate's authorized campaign committee be prohibited from accepting more than $3,000 from an individual donor in any Senate or House election, and not more than $15,000 in any Presidential election. These ceilings would apply in each campaign—primaries, runoffs, and general elections—and would include any contributions earmarked for a candidate through a national political committee. Regardless of the number of Presidential primaries, no candidate for President could receive more than $15,000 from any individual for all of the primaries combined, or more than this amount from any individual in the general campaign.

In recent years there has been a proliferation of "in kind" contributions in the form of paid campaign workers, printing supplies, the use of private aircraft, and other such nonmonetary campaign assistance. Because there is as much room for abuse with "in kind" contributions as with financial ones, I believe we should prohibit all "in kind" donations by any organization other than a major political party.

Any "in kind" contribution by an individual would, of course, continue to be permissible, but would have to be disclosed as to both donor and recipient, with an open report of its reasonable value. These personal "in kind" donations would come within the same ceiling limitations as monetary contributions and would apply toward the ceiling amounts for Senate, House and Presidential elections.

I also urge:

—That all donations of more than $50 be made by check or other negotiable instruments, so that large flows of cash can be at least inhibited;

—That all campaign-related expenditures of over $50 be drawn only from the central campaign treasury;

—That all loans to political committees be banned, so that we can end the practice of disguising donations as loans;

—That the donation of physical assets such as appreciated stocks be prohibited;

—And that campaign contributions from foreign accounts and foreign citizens be prohibited.

These proposals, when added to the present disclosure law that took effect in 1972, should assure American voters of the information they need to decide for themselves whether or not a candidate is financing his or her campaign honestly and in an acceptable manner.

The proposals I have offered advance the common goal of restraining campaign expenditures, but they do so without imposing arbitrary limits. It is important to note, as well, that existing law already limits the amount which candidates for Federal office may spend for campaign advertising in the communications media, the most costly part of modern campaigning.

Additional spending limits, desirable as they are at first thought, raise significant constitutional questions. Moreover, they would be unworkable because many citizens furnish direct support to a multitude of groups which in turn support candidates only because of selective positions on narrow issues. They can also be unfair because expenditure limitations can be set too low to provide a challenger with any hope of contrasting his views with those of the better known, federally subsidized incumbent. Finally, a limit appropriate to a geographically small, congested congressional district could be utterly inadequate for a large one. There are many other district-by-district variations that rigid nationwide spending limits could not fairly accommodate.

I conclude that full disclosure of campaign contributions and expenditures, subject to existing limitations, is the best and fairest approach, one that lets the voters decide for themselves whether or not too much money is being collected and spent. There should not be a limit on the widest possible dissemination of ideas and positions on issues, but I fear that would be precisely the effect of additional spending limitations however carefully designed.

Much of the debate over campaign reform has centered around the issue of drawing down on the public treasury to pay for all or part of political campaigns. I strongly oppose direct Federal campaign financing, and I doubt very much that most citizens would favor diverting hundreds of millions of tax dollars away from pressing national needs in order to underwrite politicians' campaigns.

Neither is it right to make millions of Americans pay the cost of the political activities of individuals and parties with which they might totally disagree. This even goes beyond taxation without representation. Thomas Jefferson in the Statute of Religious Freedom said that "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

Moreover, if we outlaw private contributions, we will close the only avenue to active participation in politics for many citizens who may be unable to participate in any other way. Such legislation would diminish, not increase, citizen participation and would sap the vitality of both national parties by placing them on the Federal dole.

In addition, almost any "public financing" measure would give incumbents an unfair advantage. Frequently, a challenger must spend more than the incumbent in order to make his qualifications known and to counterbalance the incumbent's in-office financial advantages. But if the taxpayers are to put up the money, ceilings on such spending would have to be imposed which unavoidably would penalize the lesser-known challengers.

Through the existing tax check-off for Presidential elections and political tax credit or deduction, in 1972 the Federal Treasury was subject to the expenditure of up to $100 million for taxpayer support of political campaign activities. These programs, however, do not sever the crucial tie between the individual citizen and the party or candidate of his choice, and do not carry as great a threat of Federal domination of political campaigns.

I believe our Nation has already seen too many examples of how the use of tax dollars can lead to Federal control. By setting reasonable limits on campaign contributions, and by requiring broader public disclosure, we can guarantee that the American voters are fully aware of who is making the contributions; and the Nation can then leave it to the people themselves to judge the wisdom and propriety of these donations.

Another problem in this area warrants the early attention of Congress. The Internal Revenue Service has recently held that income earned from funds of political parties is taxable under the present Internal Revenue Code. This ruling has caused widespread confusion and uncertainty on the part of political campaign committees. I believe this situation was never intended by Congress and urge enactment of legislation removing any tax or potential tax on any income earned from political party funds.

While strong financing and disclosure laws are necessary, these alone will not insure the reform we need. For most of the 20th century our campaign laws have not been enforced. Enforcement of the Federal Corrupt Practices Act, a measure riddled with loopholes, has been all but impossible, and enforcement of the Federal Election Campaign Act is difficult because of the proliferation of committees and the lack of central reporting.

Therefore, I endorse the proposal developed in the Congress to establish a Federal Elections Commission to supervise the Federal Election Campaign Act and other election measures.

This independent commission would be bipartisan and would monitor our campaign finance and disclosure laws. It would bring under the umbrella of one agency the current oversight functions of the Comptroller General, the Clerk of the House of Representatives, and the Secretary of the Senate. Membership on the commission should include representatives of the major political parties.

In its supervisory capacity, the commission would serve as a much needed central repository for election records and would have powers to subpoena documents and witnesses to fulfill its duties. It would also be able to refer campaign violations to the Justice Department for appropriate action. The work of the commission would in no way impinge upon congressional rights and responsibilities, but would expedite the disposition of violations and provide a coordinated su-

pervisory role in overseeing the various election laws.

B. CAMPAIGN PRACTICES

Many people have made the point that additional Federal laws are needed to deter or punish criminal, tortious or otherwise improper activities in Federal election campaigns. Existing laws deal with vote bribery, vote fraud, spurious campaign literature and other breaches of campaign ethics, but as in the area of campaign finance, these laws are unclear and have been unevenly and sometimes unfairly enforced through selective prosecution.

I have reviewed several recommendations in this area and conclude it is time for Federal statutes to spell out specifically the prohibition of certain campaign and election day practices. I propose that we prohibit three types of campaign practices:

—Activities which unreasonably disrupt the opposing candidate's campaign, such as the dissemination of false instructions to campaign workers and related disruptive activities, or which constitute a fraud upon the voters, such as rigging opinion polls, placing misleading advertisements in the media, misrepresenting a Congressman's voting record, or organizing slander campaigns.

—Activities which involve the use of force, such as the organized use of demonstrators to impede or deny entry at a campaign rally, or individual criminal actions which take on a special significance when they are done intentionally to disrupt the Federal election process.

—Those election day practices, such as stuffing ballot boxes, rigging voting machines, forging or altering ballots, or failing to count certain votes, all of which directly affect the electoral process in a most pernicious manner.

I realize that attempting to outlaw certain improper campaign activities requires particular attention to the First Amendment guarantees of free speech and assembly. With this in mind, I have asked the Department of Justice to draft a criminal statute designed to prohibit wrongful practices and to make them *Federal* offenses if the conduct is engaged in with the specific intent of interfering with the Federal election procedure. I invite especially thorough debate by the Congress in this difficult area.

C. CAMPAIGN DURATION

In the campaigns of 1972, there were no less than 23 separate State primaries for the Presidential contestants. The extent and duration of these proliferating primary contests have not only extended the length of campaigning but have also materially added to its expense.

I believe deeply in the statewide Presidential primary system. It affords the public a true measure of candidates who have to take their cause to different parts of the country and face the voters with their positions on crucial issues. Because I believe in the primaries but wish to bring some sense of order to the system we now have, I agree with the proposal not to hold any State Presidential primaries or nominating conventions before May 1st of an election year, and I urge that this be done.

Even though moving primary dates later in the election year is the only specific legislative action I offer to shorten campaigns, other helpful measures can be taken without Federal legislation. One way to cut down on the cost and duration of Presidential campaigns is to delay the national nominating conventions until the month of September. I urge the leaders of both national political parties to plan now for the scheduling of their 1976 conventions at this later time.

I know that delaying the nominating conventions may conflict with certain State requirements that a nominee's electors must be selected earlier than September. Therefore, I encourage the States having such requirements to change their laws to conform with this potential action by the national parties. I am reluctant to ask for Federal legislation in this area because it would intrude unduly into the right of each State to determine its election laws, but I am hopeful that the States will cooperate in this important effort. To this end, I am instructing the Department of Justice to give the States such assistance as they may desire in developing legislation to make this possible.

D. ENCOURAGING CANDIDATE PARTICIPATION

One of the major items on the agenda of campaign reform is the need to encourage qualified people to run for office and maintain a strong two-party system. We should never limit the voter's choice or discourage capable men and women from seeking to represent their fellow citizens.

I urge the Congress to examine its own benefits of incumbency which have mounted over the years. It would be inappropriate for the Executive to propose specific remedies in this congressional area, but I suggest there is reason for concern over the marked advantages—federally funded—that congressional incumbents now enjoy over their challengers. Such things as free mailing privileges, use of "public service" broadcast time, and the extensive staff and financial fringe benefits of office have made it progressively more difficult for competent challengers to have a fair chance in congressional races. I readily concede that the Presidential incumbency advantage is also substantial, but there is some protection here in the constitutional limit on length of Presidential service. I urge the Congress to review this problem and to develop reforms that will assure a better balance in congressional races.

I also propose repeal of the "equal time" provision of the Communications Act of 1934 for all Federal elections. The repeal of this provision would reduce campaign expenditures by allowing the electronic media the flexibility to provide free campaign coverage to the major political candidates, and in doing so would assist our citizens in reaching sound judgments on election day.

Finally, I have asked the Department of Justice to explore the possibility of legislation to reaffirm certain private rights of public figures so that people interested in running for public office can have greater assurance of recourse against slanderous attacks on them or their families. Landmark Supreme Court decisions have severely restricted a public figure's ability to gain redress against such grievances, but I would hope that specifically defined limits can be legislated by the Congress to prevent unscrupulous attacks on public figures. These reforms are not intended to restrict vigorous debate, but to enhance it, to help give it dignity and integrity, and to improve the prospects for good and decent people who today flinch from political participation because of their fear of slanderous attacks.

III. CONCLUSION

The reforms I have urged here, and that many in the Congress are seeking as well, are designed to open up our electoral process and to correct some of its most egregious abuses.

I am doubtful that any legislation can provide the panacea that some seek to guarantee absolute integrity in the electoral process. If our campaigns, like the communication of ideas in every area of our public life, are to remain free and spirited, they will frequently be caustic and hard-hitting, and some excesses and abuses will inevitably occur.

The central purpose of the reforms I suggest is to get the really important political information out to the people, to let them know as much as possible about their candidates, and to eliminate abuses which cross the boundaries of fair play.

America has had a remarkable history and tradition of campaign electioneering. Given full access to the actions and thoughts of political aspirants, the American people have shown great wisdom at the ballot box over two centuries of self-government. The reforms I propose today are intended to strengthen the will of the people by making our election process more open.

RICHARD NIXON.

THE WHITE HOUSE, *March 8, 1974.*

ADDITIONAL COMPENSATION TO CERTAIN EMPLOYEES IN HOUSE PUBLICATIONS DISTRIBUTION SERVICE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–889) on the resolution (H. Res. 923) providing additional compensation for services performed by certain employees in the House Publications Distribution Service, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 923

Resolved, That notwithstanding any other provisions of law, there is authorized to be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay compensation to each employee of the Publications Distribution Service of the House of Representatives for all services performed by such employee in excess of the normal workday where such services are au-

thorized by the Committee on House Administration. Such compensation shall be paid on an hourly basis at a rate equal to the rate of compensation otherwise paid to such employees.

This resolution shall take effect on its adoption and payments made under this resolution shall be terminated as the Committee on House Administration determines necessary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON HOUSE ADMINISTRATION

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 797 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 797

Resolved, That for the further expenses of the investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $320,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $65,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution, House Resolution 797, is the funding resolution from the Committee on House Administration. It represents the same amount as the committee requested and used last year. It has been agreed upon by both sides.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON ARMED SERVICES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 790 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 790

Resolved, That (a) the further expenses of the investigations and studies to be conducted pursuant to H. Res. 185, by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $150,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed $9,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72(i)); and not to exceed $2,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Ms. ABZUG. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Clerk concluded the reading of the resolution.

Mr. THOMPSON of New Jersey. Mr. Speaker, this resolution relates to the funding of the Committee on Armed Services. It was agreed upon unanimously by the majority and the minority. It represents the same funding as the committee had last year.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. ABZUG. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 1, not voting 118, as follows:

[Roll No. 73]

YEAS—312

Abdnor	Edwards, Ala.	Long, La.
Abzug	Edwards, Calif.	Long, Md.
Adams	Eilberg	Lott
Anderson, Calif.	Esch	Lujan
Andrews, N. Dak.	Evans, Colo.	Luken
Archer	Evins, Tenn.	McClory
Arends	Fascell	McCollister
Aspin	Findley	McCormack
Baker	Fish	McDade
Bauman	Flood	McFall
Beard	Foley	McKay
Bennett	Ford	McKinney
Bergland	Forsythe	Madden
Bevill	Fountain	Mallary
Biester	Fraser	Mann
Blackburn	Frenzel	Martin, Nebr.
Boggs	Frey	Mathias, Calif.
Boland	Froehlich	Mathis, Ga.
Bowen	Fuqua	Matsunaga
Bray	Gaydos	Mayne
Breaux	Gettys	Mazzoli
Breckinridge	Giaimo	Meeds
Brinkley	Gibbons	Melcher
Broomfield	Gilman	Mezvinsky
Brotzman	Ginn	Michel
Brown, Calif.	Gonzalez	Miller
Brown, Mich.	Goodling	Minish
Brown, Ohio	Griffiths	Mitchell, Md.
Broyhill, N.C.	Gross	Mitchell, N.Y.
Broyhill, Va.	Grover	Mizell
Buchanan	Gude	Mollohan
Burgener	Gunter	Moorhead, Calif.
Burke, Calif.	Guyer	Moorhead, Pa.
Burke, Fla.	Haley	Mosher
Burke, Mass.	Hamilton	Murtha
Burleson, Tex.	Hammer-schmidt	Myers
Burlison, Mo.	Hanrahan	Natcher
Burton	Hansen, Idaho	Nelsen
Byron	Hansen, Wash.	Nichols
Camp	Hastings	O'Hara
Carney, Ohio	Hays	O'Neill
Carter	Hébert	Owens
Casey, Tex.	Hechler, W. Va.	Parris
Cederberg	Heckler, Mass.	Passman
Chamberlain	Heinz	Patten
Chappell	Helstoski	Pepper
Clark	Hicks	Perkins
Clausen, Don H.	Hillis	Pettis
Clawson, Del	Hinshaw	Peyser
Cleveland	Hogan	Pike
Cochran	Holt	Poage
Collier	Holtzman	Powell, Ohio
Collins, Ill.	Horton	Preyer
Collins, Tex.	Hosmer	Price, Ill.
Conable	Huber	Price, Tex.
Conlan	Hungate	Pritchard
Conte	Hunt	Quie
Corman	Hutchinson	Railsback
Coughlin	Ichord	Randall
Cronin	Jarman	Rangel
Daniel, Dan	Johnson, Calif.	Rarick
Daniel, Robert W., Jr.	Johnson, Colo.	Regula
Daniels, Dominick V.	Johnson, Pa.	Reuss
Davis, Ga.	Jones, Ala.	Rhodes
Davis, Wis.	Jones, Okla.	Riegle
de la Garza	Jones, Tenn.	Rinaldo
Dellenback	Karth	Roberts
Dellums	Kastenmeier	Robinson, Va.
Denholm	Kazen	Rodino
Derwinski	Kemp	Roe
Dickinson	Ketchum	Rogers
Dingell	King	Roncalio, Wyo.
Downing	Koch	Rose
Drinan	Kyros	Rosenthal
Dulski	Landgrebe	Rousselot
Duncan	Landrum	Roybal
	Latta	Runnels
	Leggett	Ruppe
	Lent	Ruth
	Litton	St Germain

Sandman	Stokes	White
Sarasin	Stratton	Whitehurst
Sarbanes	Stuckey	Whitten
Satterfield	Studds	Widnall
Scherle	Sullivan	Wiggins
Schneebeli	Symms	Williams
Schroeder	Talcott	Wilson, Bob
Sebelius	Taylor, Mo.	Wilson, Charles H., Calif.
Seiberling	Taylor, N.C.	
Shoup	Teague	
Shriver	Thompson, N.J.	Winn
Shuster	Thomson, Wis.	Wolff
Sikes	Thone	Wright
Sisk	Towell, Nev.	Wyatt
Skubitz	Treen	Wylie
Smith, Iowa	Udall	Wyman
Smith, N.Y.	Ullman	Yates
Snyder	Van Deerlin	Yatron
Spence	Vander Jagt	Young, Alaska
Staggers	Vander Veen	Young, Fla.
Stanton, J. William	Vanik	Young, Ill.
	Veysey	Young, S.C.
Stanton, James V.	Vigorito	Young, Tex.
	Waggonner	Zablocki
Steed	Waldie	Zion
Steele	Wampler	Zwach
Steiger, Ariz.	Whalen	

NAYS—1

Stark

NOT VOTING—118

Addabbo	Erlenborn	Moakley
Alexander	Eshleman	Montgomery
Anderson, Ill.	Fisher	Morgan
Andrews, N.C.	Flowers	Moss
Annunzio	Flynt	Murphy, Ill.
Armstrong	Frelinghuysen	Murphy, N.Y.
Ashbrook	Fulton	Nedzi
Ashley	Goldwater	Nix
Badillo	Grasso	Obey
Bafalis	Gray	O'Brien
Barrett	Green, Oreg.	Patman
Bell	Green, Pa.	Pickle
Biaggi	Gubser	Podell
Bingham	Hanley	Quillen
Blatnik	Hanna	Rees
Bolling	Harrington	Reid
Brademas	Harsha	Robison, N.Y.
Brasco	Hawkins	Roncallo, N.Y.
Brooks	Henderson	Rooney, N.Y.
Butler	Holifield	Rooney, Pa.
Carey, N.Y.	Howard	Rostenkowski
Chisholm	Hudnut	Roush
Clancy	Jones, N.C.	Roy
Clay	Jordan	Ryan
Cohen	Kluczynski	Shipley
Conyers	Kuykendall	Slack
Cotter	Lehman	Steelman
Crane	McCloskey	Steiger, Wis.
Culver	McEwen	Stephens
Danielson	McSpadden	Stubblefield
Davis, S.C.	Macdonald	Symington
Delaney	Madigan	Thornton
Dennis	Mahon	Tiernan
Dent	Maraziti	Walsh
Devine	Martin, N.C.	Ware
Diggs	Metcalfe	Wilson, Charles, Tex.
Donohue	Milford	
Dorn	Mills	Wydler
du Pont	Mink	Young, Ga.
Eckhardt	Minshall, Ohio	

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Roncallo of New York.
Mr. Annunzio with Mr. Bell.
Mr. Carey of New York with Mr. Wydler.
Mr. Barrett with Mr. Devine.
Mr. Fulton with Mr. Armstrong.
Mr. Brasco with Mr. Dennis.
Mr. Morgan with Mr. Cohen.
Mr. Holifield with Mr. Erlenborn.
Mr. Badillo with Mr. Ashbrook.
Mr. Kluczynski with Mr. Hudnut.
Mr. Murphy of New York with Mr. Eshleman.
Mr. Delaney with Mr. Bafalis.
Mr. Brooks with Mr. Goldwater.
Mr. Dent with Mr. Harsha.
Mr. Donohue with Mr. Butler.
Mr. Henderson with Mr. Gubser.
Mr. Hanley with Mr. Crane.
Mr. Moakley with Mr. du Pont.
Mr. Nix with Mr. Rees.
Mr. Reid with Mr. Conyers.
Mrs. Chisholm with Mr. Culver.
Mr. Diggs with Mr. Podell.
Mr. Rooney of Pennsylvania with Mr. Kuykendall.
Mr. Rostenkowski with Mr. Martin of North Carolina.
Mr. Clay with Mr. Harrington.
Mr. Tiernan with Mr. Minshall of Ohio.
Mr. Macdonald with Mr. Clancy.
Mr. Slack with Mr. Madigan.
Mr. Shipley with Mr. O'Brien.
Mr. Ryan with Mr. Quillen.
Mr. Obey with Mr. Robison of New York.
Mr. Hawkins with Mr. Maraziti.
Mr. Addabbo with Mr. Frelinghuysen.
Mr. Biaggi with Mr. McCloskey.
Mr. Bingham with Mr. McEwen.
Mr. Ashley with Mr. Steelman.
Mr. Alexander with Mr. Steiger of Wisconsin.
Mr. Metcalfe with Mrs. Mink.
Mr. Andrews of North Carolina with Mr. Anderson of Illinois.
Mr. Blatnik with Mr. Walsh.
Mr. Flynt with Mr. Danielson.
Mr. Brademas with Mr. Dorn.
Mr. Cotter with Mr. Davis of South Carolina.
Mrs. Grasso with Mr. Fisher.
Mr. Gray with Mr. Eckhardt.
Mrs. Green of Oregon with Mr. Hanna.
Mr. Green of Pennsylvania with Mr. Jones of North Carolina.
Mr. Howard with Ms. Jordan.
Mr. Lehman with Mr. Mahon.
Mr. Stubblefield with Mr. Thornton.
Mr. Stephens with Mr. Young of Georgia.
Mr. Milford with Mr. Mills.
Mr. McSpadden with Mr. Roy.
Mr. Roush with Mr. Nedzi.
Mr. Symington with Mr. Moss.
Mr. Murphy of Illinois with Mr. Pickle.
Mr. Charles Wilson of Texas with Mr. Flowers.
Mr. Montgomery with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR FURTHER EXPENSES OF THE INVESTIGATIONS AND STUDIES AUTHORIZED BY HOUSE RESOLUTION 175

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 855 and ask for its immediate consideration.

The Clerk proceeded to read the resolution.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Ms. ABZUG. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. THOMPSON of New Jersey. Mr. Speaker, I withdraw the resolution.

The SPEAKER. The gentleman from New Jersey withdraws the resolution.

PROVIDING FUNDS FOR FURTHER EXPENSES OF INVESTIGATIONS AND STUDIES AUTHORIZED BY HOUSE RESOLUTION 253

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 793 and ask for its immediate consideration.

The Clerk proceeded to read the resolution.

Mr. THOMPSON of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Ms. ABZUG. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. THOMPSON of New Jersey. Mr. Speaker, I withdraw the resolution.

The SPEAKER. The gentleman from New Jersey withdraws the resolution.

Mr. THOMPSON of New Jersey. Mr. Speaker, I do not so desire.

IMPROVEMENT IN RECORDING OF ROLLCALLS AND VOTES

(Mr. McFALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McFALL. Mr. Speaker, the video consoles at the majority and minority tables can now show information by State listing. Also, the video consoles can be operated until the beginning of the next rollcall. This improvement to the system results from a continuing effort by the Committee on House Administration and its distinguished Chairman WAYNE HAYS to provide an operational system that best meets the voting needs of the Members.

This means the Members can now use the consoles to retrieve voting information for their State delegation in addition to the previous capability of retrieving information by party and vote preference.

MASS TRANSIT LEGISLATION DEFERRED

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, last Wednesday, March 6, 1974, the Committee on Rules postponed action on S. 386, the Urban Mass Transportation conference report. The Committee on Rules will again take up the conference report, S. 386, when the Committee on Public Works reports the unified transportation assistance program legislation presently pending before their committee.

The Committee on Rules deferred action on S. 386 in order that it may be considered together with the unified transportation assistance program to be reported by the Committee on Public Works.

The only reason a rule was requested on S. 386 was because it violated clause 3, rule XXVIII of the Rules of the House of Representatives, in that it contained three major changes that are not within the scope of either the House or Senate bill. Both the bills passed by the House and Senate provided for grants for operating subsidies only. S. 386 authorizes

money for grants for both operating subsidies and capital improvements. The conference committees report provides for a new formula which allocates funds in a manner which was not passed by either the House or Senate and which is in complete violation of the rules of the House.

Also, the House and Senate bills provided that the State and local agencies would be the recipients of the funds. The conference report provides that the funds are to go directly to the transit agencies.

The Committee on Public Works will begin hearings on the unified transportation assistance program on March 19. They have promised to report a bill within 5 weeks. All Members of Congress realize that it is essential we pass a practical urban mass transit bill in this session of Congress.

S. 386, which is now before the Committee on Rules, would meet with disastrous results on the floor of the House. Evidence of this fact is included in the attached table which draws a comparison between S. 386 and the unified transportation assistance program which the Committee on Public Works is expected to report.

[Dollar amounts in thousands]

Urbanized area	S. 386		Unified transportation assistance program (S. 3035, H.R. 12589)	
	Dollars in 1st 2 years of program [1]	Percent of total program	Dollars in 1st 2 years of program [2]	Percent of total program
New York	$166,640	20.83	$142,678	9.5
North New Jersey	35,280	4.41	60,703	4.1
Los Angeles	40,080	5.01	104,801	7.1
Chicago	53,520	6.69	77,619	5.7
Philadelphia	25,680	3.21	50,461	3.4
Detroit	20,480	2.56	49,828	3.4
San Francisco	19,280	2.41	37,495	2.5
Boston	21,440	2.68	33,287	2.2
Washington, D.C.	18,640	2.33	31,140	2.1
Cleveland	13,040	1.63	24,595	1.7
St. Louis	11,520	1.44	23,630	1.6
Pittsburgh	13,040	1.63	23,166	1.6
Minneapolis	9,920	1.24	21,389	1.4
Houston	8,480	1.06	21,056	1.4
Baltimore	11,840	1.48	19,825	1.3
Dallas	6,960	.87	16,800	1.1
Milwaukee	8,320	1.04	15,717	1.1
Seattle	6,880	.86	15,537	1.1
Miami	7,520	.94	15,306	1.0
San Diego	5,360	.67	15,038	1.0
Atlanta	6,880	.86	14,717	1.0
Cincinnati	5,680	.71	13,936	1.0
Kansas City	5,280	.66	13,826	.9
Buffalo	6,320	.79	13,635	.9
Denver	5,040	.63	13,142	.9
New Orleans	[3]	[3]	12,069	.8
Phoenix	3,360	.42	10,834	.7
Portland	4,800	.60	10,352	.7
Indianapolis	[3]	[3]	10,294	.7
Providence	[3]	[3]	9,980	.7
Columbus	4,160	.52	9,914	.7
San Antonio	4,240	.53	9,694	.7
Dayton	3,040	.38	8,608	.58
Norfolk	4,160	.52	8,386	.56
Memphis	3,840	.48	8,220	.56
Rochester	3,520	.44	7,547	.51
Akron	2,160	.27	6,812	.46
Birmingham, Ala	[3]	[3]	7,003	
Jacksonville	[3]	[3]	6,645	.45
Toledo	2,320	.29	5,972	.41
Nashville	[3]	[3]	5,627	.38
Honolulu	2,880	.36	5,552	.37
Richmond	2,800	.35	5,227	.35
Syracuse	[3]	[3]	4,721	.32
Wilmington	1,680	.21	4,388	.31
Grand Rapids	1,360	.17	4,427	.30
El Paso	1,200	.15	4,235	.28
Tacoma	1,760	.22	4,173	.28
Flint	1,280	.16	4,142	.28
Wichita	1,280	.16	3,794	.26
Albuquerque	1,360	.17	3,733	.25
Charlotte, N.C.	1,280	.16	3,508	.24
Peoria	1,120	.14	3,101	.21
Mobile	[3]	[3]	3,236	
Columbia, S.C.	$1,200	0.15	3,034	$.20
Harrisburg	1,200	.15	3,021	.20
Aurora			2,923	.20
Charleston, S.C.	1,120	.14	2,867	.19
Fort Wayne	1,040	.13	2,826	.19
Corpus Christi	1,040	.13	2,670	.18
Madison	1,280	.16	2,578	.17

[1] Fiscal year 1974–75.
[2] Fiscal year 1975–76.
[3] Amounts not shown.

Note: UTAP amounts do not include the $700,000,000 per year discretionary fund.

Footnotes at end of table.

CALL OF THE HOUSE

Mr. WOLFF. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. MAZZOLI). Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 74]

Addabbo	Eckhardt	Morgan
Alexander	Erlenborn	Moss
Anderson, Ill.	Eshleman	Murphy, Ill.
Andrews, N.C.	Fisher	Murphy, N.Y.
Annunzio	Flowers	Nedzi
Armstrong	Flynt	Nelsen
Ashbrook	Frelinghuysen	Nix
Ashley	Fulton	Obey
Badillo	Giaimo	O'Brien
Bafalis	Goldwater	Patman
Barrett	Grasso	Pickle
Bell	Gray	Podell
Bevill	Green, Oreg.	Preyer
Biaggi	Green, Pa.	Quillen
Bingham	Gubser	Rees
Blatnik	Hanley	Reid
Bolling	Hanna	Reuss
Brademas	Hansen, Wash.	Robison, N.Y.
Brasco	Harrington	Roncallo, N.Y.
Breckinridge	Harsha	Rooney, N.Y.
Brooks	Hawkins	Rooney, Pa.
Broyhill, Va.	Henderson	Rostenkowski
Burgener	Holifield	Roush
Butler	Howard	Roy
Carey, N.Y.	Hudnut	Ryan
Carney, Ohio	Hunt	Satterfield
Chisholm	Johnson, Pa.	Shipley
Clark	Jones, N.C.	Slack
Clay	Jordan	Stanton,
Cohen	Kluczynski	J. William
Conyers	Kuykendall	Steelman
Corman	Lehman	Steiger, Wis.
Cotter	Long, Md.	Stephens
Coughlin	McCloskey	Stubblefield
Crane	McEwen	Stuckey
Culver	McSpadden	Symington
Danielson	Macdonald	Thornton
Davis, S.C.	Madigan	Tiernan
Delaney	Mahon	Ullman
Dennis	Maraziti	Walsh
Dent	Martin, Nebr.	Ware
Devine	Martin, N.C.	Widnall
Diggs	Metcalfe	Wilson,
Dingell	Milford	Charles H.,
Donohue	Mills	Calif.
Dorn	Minshall, Ohio	Wilson,
Drinan	Moakley	Charles, Tex.
Dulski	Montgomery	Wydler
du Pont	Moorhead, Pa.	Young, Ga.

The SPEAKER. On this rollcall 288 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CAMPAIGN REFORM A MUST

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, the President recently unveiled a campaign reform proposal.

I feel very strongly that we who hold the public trust must do all we can to instill people's faith in their Government. It is for just that reason I commend the President's initiative, and hope we in Congress will continue our efforts to enact a good election reform bill this year.

Last session I introduced legislation aimed at improving the present campaign process. However, I am not unalterably wedded to my bill, H.R. 11383, and am currently studying all possible avenues of achieving what I view to be three major objectives of any effective campaign financing proposal.

First, we need to establish a Federal Elections Commission which would set realistic regulations for expenditures and contributions, and vigorously oversee election activities.

Second, we must thoroughly review the role of the mass media in our campaign process, as expenses for this purpose, which account for so much of a candidate's budget, are already high and are still increasing.

And, third, I believe that we ought to shorten the campaign time, which presently runs from spring primaries to November elections, a duration, in some instances, of more than half a year.

With regard to expenditures, the campaigns of 1972, in which $77 million was spent on senatorial and House primary and general election campaigns, were called the "costliest ever" by Herbert Alexander, one of this country's foremost authorities on money in politics. Figures show that expenses are mounting, not only for the Presidential and Senate races, but even in House contests, where some candidates are spending hand over fist. It is the rare candidate who can raise substantial sums of money—which in many cases are necessary to run a truly competitive race—without relying on large contributors. It is estimated that less than 5 percent of the voters provide the money necessary to keep the electoral process working.

My approach is rather simple. I suggest that we limit both the amount a candidate can spend and the amount any one individual can contribute. Similar restrictions must be placed on the contributions candidates receive from political interest groups.

In my bill, I have suggested that each candidate be limited to spending no more than 10 cents for each eligible voter in his State or congressional district. This serves a dual purpose. Not only does it accomplish its obvious purpose—to clamp down on excessive spending—but it should relieve the need for large contributions, since the average congressional candidate would be limited to less than $50,000.

H.R. 11383 also proposes that major party candidates for all Federal offices be

granted free television time with prorated allocations for minor party candidates as well. I am the first to admit that there are problems inherent in this approach. For example, in large metropolitan areas there are so many candidates that the limited number of stations might find it burdensome to grant TV time to all candidates for Federal office, not to mention the possibility of political overkill of sorts. Nonetheless, I am convinced it is imperative to cut down on the huge sums of money candidates on all levels are pouring into radio and television advertising—$59.6 million in 1972—and it is imperative to provide the voters with information so that they know about their candidates and the positions they take.

Finally, I am a strong proponent of shortening the time of the campaign itself. Elections in Great Britain, Canada, Australia, and Israel are all much shorter in duration. They usually entail 7 or 8 weeks of campaigning maximum, which is a far cry from the 4 months between our midsummer conventions and our November elections—not to mention the preconvention nominating period.

Moreover, protracted campaigns may do more harm than good. Voters are often alienated by the incessant bombardment of television advertisements, brochures, billboards, and so forth. In the last Presidential election, candidates started campaigning in January of 1971 for an election to be held at the end of 1972. The result—a 55 percent voter turnout—was the lowest turnout since 1948. A shortened election period, I predict, would raise voter interest and turnout, and would, of course, not place such immense financial and physical strains upon the candidates. My bill, prohibiting expenditures except during the 60-day period preceding an election, would effectively reduce the months spent electioneering.

Coupled with these specific provisions, I think there is a general need to preserve the public's participation in the electoral process. Citizen participation is an enormously important aspect of our democratic system, and our history is studded with examples of one candidate or idea making a significant political imprint because of substantial groundswell of public support. My point is that there are definite changes which must be made in our present campaign system, but we must also bear in mind the individual's rights in the political arena.

Polls and studies reveal the American people want campaign reform. Both the House and Senate have begun work in this area. The administration has now come out in favor of one approach. Before the problems of another election are upon us next November, let us do what we can to improve the current system.

LABOR—FAIR WEATHER FRIEND—VII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, from my recent statements you know that I was attacked by a labor group called the Labor Council for Latin American Advancement. You also know that this attack on me was organized by a very few people and not cleared by the board of that organization.

I know a good number of the people in the LCLAA, and it was surprising to me that some of them did not bother to protest the tactics in this situation. These are after all people who have been the victims of unfair attacks themselves. They are people who appealed to me for help when no one else would listen. They know what it means to be tagged with the curse of guilt by association, to be victimized by unfair tactics; and they should be sensitive when somebody else receives such treatment, and especially when that someone else was a friend back in colder, more lonely days. But my friends in the LCLAA let me down.

One of the officers of the LCLAA is Maclovio Barraza, and he of all people might have been expected to be among my defenders. But when the leading lights of that organization met here in Washington a few weeks ago, I did not hear from him. And when the leaders of the group decided not to do anything to clear the record or clear the injustice that had been done to me, there was no sign that Barraza tried to do anything.

This is the same Maclovio Barraza who once came to me asking for help, because he and his union had been victimized by the brush of guilt by association. This is the same man who appealed to me because I would listen. I had no great power then, but he knew that I had a sense of justice, and would act on my conscience. And I did. But now, a decade later, this same Barraza does not know who I am.

Back in those days, Barraza was associated with the Mine, Mill & Smelter Workers. One officer in his union had been named a Communist, and the whole organization had come under the cloud of suspicion. Barraza came to me, saying that his union could not get anywhere, because everyone was saying that it was dominated by Communists. He wanted the name of the union to be cleared; otherwise its whole existence might be threatened.

I wondered who I was to help. I was then a freshly elected Member of the House. Certainly I had no great position of power. But, then, too, I had traveled throughout the area in which Barraza's union was trying to do its work. I knew that the cloud under which he was working was unfair, and that justice had to be done.

Others probably knew what I did, but they were afraid to touch anything that was supposedly tainted. On Barraza's appeal, and out of my own sense of justice, I asked the Subversive Activities Control Board to clear the name of the union, and it did.

Barraza was grateful then, but where is he now? I stood by his side when no one else would, though he had never helped me before, and though he came from a State that I did not represent. I am not ashamed of what I did, and would probably act today as I did then.

But looking back on that event, it would seem that a man like Barraza, who knows what it is to be victimized, would speak up in behalf of those who helped him overcome adversity. But alas, now in his more respectable days, Barraza has a short memory. He can afford to ignore his old friend, and wash his hands of me. Well, so be it. But next time Barraza comes to me for help, I can only ask, "where were you, Maclovio?"

IMPEACHMENT

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. HICKS) is recognized for 10 minutes.

Mr. HICKS. Mr. Speaker, the Sixth District of the State of Washington says impeach the President. On January 15 my office sent out more than 160,000 questionnaires on impeachment and public financing of elections. We have been inundated with responses ever since.

To date we have received more than 20,000 replies representing the views of almost 38,000 residents of the Sixth Congressional District on the following questions:

1. As you know, the House Judiciary Committee is now in the process of investigating the impeachment charges against the President. While you do not have the benefit of the findings of this committee, if you were a Congressman how would you now vote with the information you do have?
   a. For impeachment
   b. Against impeachment
2. Did you support the President in 1972?
3. Because of Watergate and all its implications, there is a rising demand for financing of federal general elections (not primaries) out of the public treasury. If you had to vote on these issues today would you support:
   a. Public financing of Presidential campaigns?
   b. Public financing of Senate campaigns?
   c. Public financing of House campaigns?

Because we, as Members of the House, will no doubt be considering one or all of these issues in the near future, I am making the results of that questionnaire known to my colleagues.

Of those answering, almost 62 percent would now favor impeaching the President. This figure is much more significant in light of the fact that a little less than one-third of the people in that 62 percent actually supported the President in 1972.

On the other hand, about one-seventh of those who do not favor impeachment did not support the President in the last election. Less than 2 percent of the respondents were undecided on this issue.

In fact, many of those who returned our questionnaire felt so strongly either for or against impeachment, that they included a letter with their response.

A man from Bremerton wrote:

It's time to get on with the business of impeachment so that integrity can be restored in our governmental institutions and in our elected officials.

And, a woman from Tacoma said:

I would hate to be a history or government teacher at this time. What could I honestly tell students about their government when the President and his immediate staff are so far off base?

On the other side of the fence, a voter from Port Orchard tells me:

There is no direct evidence now made public to say he is guilty of any act for which he may be reasonably impeached. I am personally tired of having the executive officeholder

of our land being covered with mud that others are throwing.

Agreeing, a man from Sumner comments:

There have been too many innuendoes, charges, countercharges, truths, half-truths, and probable outright lies filling the air concerning our President.

Mr. Speaker, as you are aware, there are several interpretations on what is, and what is not, an impeachable offense. Every interpretation is based on the sparse words of the Constitution which say:

The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

A recent memorandum issued by the staff of the House Judiciary Committee states that impeachable conduct need not be criminal. The report points out that of the 12 impeachments voted by the House since 1789—including 9 Federal judges, a Senator, 1 Cabinet officer and 1 President—Andrew Johnson—at least 10 involved 1 or more allegations of misconduct as well as criminality.

Under this criteria, the staff report concludes that Presidential misconduct, as well as evidence of criminal activity, is within the grounds for impeachment. This report specifically refers to undermining the integrity of the office, arrogation of power, and abuse of Government process as impeachable offenses.

The administration, however, has taken a narrower interpretation for impeachable acts, charging that evidence of criminal conduct must be a prerequisite to impeachment.

In any event, as you are aware and many of my constituents are not under the Constitution the House is charged only with determining if there is reasonable cause to believe that the President has committed impeachable acts. If the House so determines by a majority vote, then the President has been impeached or charged and the matter goes to the Senate for trial. There a two-thirds vote is needed for removal from office. My constituents are now learning that the Senate action is much like a trial with the Chief Justice of the Supreme Court presiding and the Members of the Senate making the decision regarding the weight and sufficiency of the evidence.

The question of impropriety in office is closely tied in with the other major question in our poll, public financing of political campaigns in general elections. With the exception of the Presidential race, the results were fairly well split down the middle.

About 57 percent of those answering would favor some sort of public financing of Presidential campaigns. That number dropped off to 48 percent in favor of financing Senate races with about 45 percent opposed. And, about 47 percent favored funding House campaigns with 45 percent disapproving. As you will observe, a small percentage was undecided on this issue and did not respond to the question.

Mr. Speaker, I am sure every Member of Congress in this Chamber has received scores of letters, as I have, saying, "If you vote for impeachment, you will lose my vote." And, I am equally sure that every Member has received just as many letters saying, "If you vote against impeachment you will lose my vote."

The important question we must ask ourselves, however, is not whether we will lose or gain votes but whether we will do what is right for our country. And, we cannot make that determination until the House Judiciary Committee has completed its investigation and all the evidence is in.

The concern of the people in my district over recent events and over the issue of impeachment is evidenced by the unprecedented response I have received. Their concern focuses not only on the immediate issue before us regarding the guilt or innocence of the President, but on the whole system of government which spawned such abuses.

I am confident that the system will vindicate itself through the proceedings which are now underway in Congress and in the courts. However, I am also confident that everyone now realizes that it is essential that a climate of healthy skepticism continue to exist toward all levels of government. Such a climate promotes honesty and integrity in public affairs and is but an implementation of the proposition stated long ago by Thomas Jefferson that "Eternal vigilance is the price of liberty."

OLIN E. TEAGUE RECEIVES GODDARD MEMORIAL TROPHY

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, this past Friday evening I had the pleasure of attending the 17th Annual Goddard Memorial Dinner where a good friend and colleague, the Honorable OLIN E. "TIGER" TEAGUE, received the Goddard Trophy. This most coveted award is presented annually by the National Space Club as a tribute to the memory of Dr. Robert H. Goddard, who is known as the "Father of American Rocketry." Each year the recipient has been selected by the National Space Club for great achievement in advancing space flight programs contributing to U.S. leadership in astronautics. The trophy, which is a half-life-size bust of Dr. Goddard, is the premier trophy of the National Space Club.

This year's recipient of the National Space Club's award could not have gone to a more deserving individual than the Representative of Texas' Sixth Congressional District, OLIN E. TEAGUE. I feel qualified to express such an opinion because I have worked with TIGER and I have served with him on the Science and Astronautics Committee for more than a decade. I served under TIGER's leadership on the Manned Space Flight Subcommittee of the Science and Astronautics Committee and I now have the pleasure of being the chairman of the subcommittee that he once chaired. The groundwork he laid there has made my job much easier. The leadership he now gives as chairman of the full committee is most distinguished.

This man from Texas has truly been a champion of America's space program. The citation presented with the trophy last Friday night underscores his championship.

The citation reads:

For his significant and invaluable contribution to this nation's space program. Congressman Teague is a charter member of the House Committee on Science and Astronautics and Chairman of the Subcommittee on Manned Space Flight since it was formed in 1963. He played a major role in the decision to commit to a manned lunar landing and return by 1969 and following this commitment, provided invaluable leadership to NASA and the nation during the Apollo 204 accident investigation. Congressman Teague's depth of understanding of our aeronautics and space program combined with his widely recognized personal leadership in the House of Representatives has led to a much higher level of congressional understanding in support of the national space program. The honor and acclaim that has been attributed to the United States for its pre-eminence in space exploration is fully shared by this great statesman who is dedicated to maintaining our country's role in world leadership.

Mr. Speaker, I ask you to join in this recent acclaim of our colleague, OLIN E. "TIGER" TEAGUE. His achievements bring acclaim to us because he is one of our most distinguished Members.

ADDITIONAL INFORMATION ON RIOT CONTROL AGENTS AND THE GENEVA PROTOCOL

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, on February 5, 1974, I provided information for the Members—CONGRESSIONAL RECORD page 2099—with regard to my concern about the President's proposed exclusion of riot control agents and herbicides from the Geneva Protocol of 1925. This treaty presently is before the Senate Foreign Relations Committee for advice and consent to ratification. In my statement at that time, I advised the Members that the U.S. Army had been completing tests on a British riot control agent known as CR—dibenz (b,f)-1:4-oxazepine—and that the United States might be near to adopting this agent within its own arsenal of such agents. I also indicated that CR had been noted to have certain adverse effects, considered to be minor in the average adult population, but that, like CS, we might not really understand all of the potential effects. My point at that time was that it would be a very difficult task to exclude riot control agents from the Geneva protocol and justify this exclusion in any terms that would adequately distinguish these agents from other toxic agents on the basis of "relative" toxicity. They are chemical agents, and they have been and are being used in warfare—whether civil, national, or international war; the fact that some of the warfare is internal against nonmilitary personnel is beside the point in discussions of the Geneva protocol. The moment that we exclude one category of chemical agents from a treaty on chemical warfare agents, it seems to me that we expose ourselves to the potential challenge of treatybreaking when new agents become available, as they will inevitably. We have evidence of this continuing adoption of new agents in the news

which I have received that CR has indeed been adopted by the U.S. Army for certain applications where the older standard agent CS was not suitable. The problem as I see it is the difficulty in definition which is encountered: Must we enter into careful and explicit definitions each time a new agent is considered so that we avoid crossing the grey area between agents which would be covered by the Geneva protocol and agents which would not be covered? An examination of the technical difficulties being encountered in the current negotiations at Geneva on a new CW treaty are ample illustration of this type of problem. I do not believe that we can expect to establish any semblence of credibility in the ratification of a treaty prohibiting the use in war of chemical agents if we hamper such a treaty with selective definitions of agents which might or might not be included in the protocol. Evidence for this problem of credibility has already been voiced at the United Nations where 80 nations have expressed their opinion that herbicides and riot control agents are included in the Geneva protocol in contrast with the U.S. minority position that they are not.

I have received a reply from the Department of Defense in response to my inquiry about the potential adoption of agent CR. Without objection I would like to have this reply included in the RECORD for the information of all the Members:

DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING,
Washington, D.C., February 20, 1974.

Hon. WAYNE OWENS,
House of Representatives,
Washington, D.C.

DEAR MR. OWENS: This is in response to your letter of 25 January 1974 to Mr. Thomas R. Dashiell of my staff, requesting information on riot contral agent CR. The United States and the United Kingdom (UK) have officially exchanged scientific and technical data on riot control agents and their dissemination devices through established Weapons Standardization Programs for many years. The United States does not develop agents or dissemination devices for non-US military organizations; all developments are in response only to approved US military requirements. This does not mean to imply that we would not perform confirmatory testing to determine the validity of any data supplied if there appeared to be a valid US military need to be met.

As to your specific questions on agent CR, dibenzoxazepine, it is an upper respiratory irritant similar in effects to CS. It was first discovered by the UK in the early 1960s and was first reported in June 1962. The US obtained samples from the UK and conducted tests on effectiveness from December 1963 to June 1964. This testing demonstrated it was an effective riot control agent; however, very little effort was expended since CS at that time met all US requirements for a riot control agent. More recent information from the UK, regarding liquid suspensions of CR in proplylene glycol, was of interest to the US and additional testing was conducted to confirm the UK results. Of primary US military interest is the solubility of CR in a solvent that has medical acceptance, and its subsequent suitability in a small hand-held riot control agent dispenser. As you know, the commonly sold hand-held dispensers, for example MACE, have been shown to cause eye damage and contact dermatitis. Agent CR, 1% solution in propylene glycol, has now been approved by the Army Surgeon General as a riot control agent. Its focus of effects is the skin and mucous membranes (eyes, nose, throat, and mouth). It does not affect the central nervous system. It is approved for use only in the XM30 (1 quart dispenser), the XM32 (Hand-held "mace" type dispenser), and XM33 (Back-pack dispenser). These are the only disseminators being considered for CR, other military requirements are met by standardized CS items.

These approvals by the Army Surgeon General has been given only after comprehensive testing has demonstrated that this solution will not cause any permanent injury to persons subjected to its use.

Enclosure 1 contains two recent papers which have appeared in the British literature which provide more detail on the human effects of CR. Also, enclosed for your use (Enclosure 2) is a copy of the British investigations on the medical and toxicological aspects of CS. Please note conclusion 5 on page 46 which should allay any fears regarding hazards of civilian populations posed by CS.

We are precluded from releasing reports of the investigations we have performed at this time since we are bound by the terms of the standardization agreements not to release information derived from the property of foreign governments. However, it should be noted that the UK has now embarked on an active program to present information on CR in the scientific literature. We anticipate, therefore, early release of some technical publications concerning our investigations.

We hope these comments answer any questions you may have on the subject of agent CR.

Sincerely,

MALCOLM R. CURRIE.

ARMY REPLIES TO INQUIRY ABOUT OPEN AIR TESTING OF BINARY CHEMICAL WEAPONS

Mr. Speaker, on February 28 I advised the Members—CONGRESSIONAL RECORD page 4802—of the availability of a special report from the Congressional Research Service which discussed chemical warfare issues before the Congress during 1973. This report considered, among other issues, the Army's proposed production of a binary chemical weapon to replace a portion of our existing stockpiles of chemical warfare munitions. I indicated in that statement that I had asked Gen. Creighton Abrams whether there are any plans to conduct open-air testing of the binary munition with the compounds necessary to produce the toxic agent on target. I now have a reply from General Abrams and, without objection, I would like to have this letter included in the RECORD for the information of the Members:

U.S. ARMY, THE CHIEF OF STAFF,
March 4, 1974.

Hon. WAYNE OWENS,
House of Representatives.

DEAR MR. OWENS: This is in response to your 4 February letter requesting information regarding the Army's plans for field testing binary chemical munition systems, and especially GB or VX artillery munitions.

You are correct in your understanding that no environmental impact statement has been filed for such testing. This is because the Army, at the present time, has no approved plan or program for the open-air testing of nerve agent munitions.

In the Army's research and development program for this project, we have relied on munition and agent testing in a closed environment, in conjunction with open-air tests in which harmless stimulants were used. The results of this simulation testing are now being thoroughly reviewed to determine whether the data obtained are sufficient for a production decision, or whether it will be necessary for us to recommend to the Secretary of Defense that carefully controlled, limited, open-air tests of toxic agents be undertaken to verify the effectiveness of the ammunition before making any decision regarding production.

A recent decision by the Office of the Secretary of Defense that the chemical deterrent/retaliatory stockpile materiel at Rocky Mountain Arsenal need no longer be retained was made with due regard for the fact that plans call for modernization of binary chemical weapons in the near future.

We recognize the extreme care that must be exercised in making such a decision, and you may be assured that any plans we may have to open-air test toxic agents would be fully disclosed well in advance of the proposed date, as required by the National Environmental Policy Act and Public Act 91-121, as amended by Public Law 91-441.

Best wishes.

Sincerely,

CREIGHTON W. ABRAMS,
General, U.S. Army Chief of Staff.

REV. HENRY L. REINEWALD

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the Reverend Henry L. Reinewald, B.A., M. Div., delivered today's prayer upon the opening of business in the House. Reverend Reinewald, is the pastor of the Community Congregational United Church of Christ in Pinckney, Mich., and as the national chaplain of the Veterans of Foreign Wars of the United States, accompanied Michigan veterans to Washington to present the VFW legislative program to Congress this week.

Reverend Reinewald will serve as national chaplain for the VFW to the conclusion of the 75th national convention of the veterans organization this summer. He also has served as Michigan State VFW chaplain since 1970.

Reverend Reinewald became a member of the VFW in 1945 while serving as a pharmacist mate aboard the U.S.S. *Tryon* during World War II.

He received his master of divinity degree from New Brunswick Theological Seminary, New Brunswick, N.J., in 1955. It is the oldest seminary in the United States.

A BILL TO INCREASE AUTHORIZATION FOR GULF ISLANDS NATIONAL SEASHORE

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am introducing a bill today to increase the authorization for land acquisition for the Gulf Islands National Seashore. The bill is cosponsored by Mr. SCOTT of Mississippi. This project was authorized by Public Law 91-660, approved January 8, 1971. It is an area 150 miles in lenth on the gulf coast in the States of Florida and Mississippi. The project will preserve for posterity some of the most beautiful land and water areas in the world as well as old forts and other important historical sites. The park will consist of 17,948 acres of high land, 145,252 acres of water and submerged lands, and 52 miles of fine white sand beaches. The original authorization in 1971 included about $3 million in funds to acquire pri-

vately owned property. Steps were instituted to acquire the property but soaring property values have made it impossible to obtain it with the funds that are available. It is now estimated that $10 million may be required to obtain the 554 acres within the boundary of the seashore, most of it on Perdido Key which is privately owned. This property is an important part of the seashore program and I am not willing to see acquisition dropped. The only recourse is to ask the Congress to approve a higher funding authorization. That is the purpose of the bill I have introduced today. I consider Gulf Islands National Seashore a truly signficant national landmark and one of the most valuable projects that I have sponsored during my service in the Congress. Although it has been in operation only a short time, it is estimated that 1 million visitors enjoyed the seashore during the calendar year 1973 and that within a very few years, it will be attracting 5 million persons per year. The land that we seek to acquire is an important part of the project and it should be made a part of the seashore as quickly as possible. Land values are continuing to increase and delays will only prove more costly.

A BILL TO AID IN RETENTION OF MILITARY MEDICAL PERSONNEL

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I am introducing a bill which will provide needed help in recruiting and keeping military medical personnel in the ranks of service to their Nation.

My proposal would make such personnel immune from lawsuits which arise from charges of malpractice while such personnel are acting in the performance of their duties. It would bring military medical people on a par with similar personnel who serve the Public Health Service and the Veterans' Administration.

As things now stand, military medical teams treat a great many patients who are in the civilian sector. This includes, of course, dependents and retirees who come to military hospitals and clinics for treatment of illness. Even more significant is the fact that, in the process of gaining advanced training in special skills, military doctors are assigned to civilian medical schools and teaching hospitals around the Nation where doctors in the course of their work also treat individuals. Some military doctors are given an opportunity also to practice in civilian communities where there is a serious shortage of civilian doctors. Should, for any reason, these civilian patients bring malpractice suits, the military doctor is personally liable. Few are covered by medical malpractice insurance because of the cost. Doctors in private practice are in general covered by insurance.

This situation has caused hardship and concern among military medical personnel. Many are declining the opportunity to advance their skills because of the danger of malpractice suits. Many leave the service rather than run the risk of being hit with personal lawsuits against which they have no protection. Many view with dismay the status of other Government doctors—Public Health Service and Veterans' Administration—who do not run this risk.

My bill would authorize the Attorney General to defend civil actions against military doctors. It would make such claims applicable against the United States rather than the individual. This is as it should be.

When the Department of Defense assigns a doctor to a post where he is under orders to treat civilians, that doctor should not be placed in personal financial jeopardy because of this assignment.

My proposal seeks equity among Government doctors. It provides no special privilege to the military nor does it remove protection from those presently covered.

It simply provides equal protection to all military personnel who are called upon by their country to serve in a variety of ways. They should not be required to serve at personal financial risk.

A technical discussion of the bill follows:

TECHNICAL DISCUSSION

Section 233 of title 42, United States Code, provides generally that suit against the United States—or alternative benefits granted by the government when suit is not permitted—shall be the exclusive remedy for claims arising out of the performance of medical functions by an officer or employee of the Public Health Service acting within the scope of his employment.

The following bill would extend to active duty military medical personnel immunity from individual liability similar to the immunity presently afforded to medical personnel of the Veterans Administration and the Public Health Service.

ANALYSIS OF THE BILL

Section 1: This section of the draft bill would amend title 10, United States Code, by adding a new section 1089.

a. New 10 U.S.C. 1089(a) would provide that suit against the United States shall be the exculsive remedy for damages for personal injury and death allegedly arising from malpractice or negligence by active duty military medical personnel while in the exercise of their duties in or for the Department of Defense or any other federal agency. (Patterned after 42 U.S.C. 233(a) and 38 U.S.C. 4116(a))

b. New 10 U.S.C. 1089(b) would direct the Attorney General to defend any civil actions brought against active duty military medical personnel for damages for personal injury and death allegedly arising from malpractice or negligence by those personnel while acting within the scope of their employment (Patterned after 42 U.S.C. 233(b) and 38 U.S.C. 4116(b))

c. New 10 U.S.C. 1089(c) would provide for the removal of suits arising out of the alleged malpractice or negligence of active duty military medical personnel while acting in the scope of employment. (Patterned after 42 U.S.C. 233(c) and 38 U.S.C. 4116(c))

d. New 10 U.S.C. 1089(d) would permit the Attorney General to settle any claim asserted in a civil action arising out of the alleged malpractice or negligence of active duty military medical personnel while acting in the scope of employment. (Patterned after 42 U.S.C. 233(d) and 38 U.S.C. 4116(d))

e. New 10 U.S.C. 1089(e) would provide that suit against the United States shall be the exclusive remedy for damages for alleged assault and battery arising out of the alleged negligence of active duty military medical personnel while acting in the scope of employment. (Patterned after 42 U.S.C. 233(e))

f. New 10 U.S.C. 1089(f) would authorize the Secretary of Defense to hold harmless, or provide liability insurance for, active duty military medical personnel for damages for personal injury or death arising out of the alleged negligence of those personnel when they are acting within the scope of employment while serving in a foreign country or with other than a federal agency. As a result, active duty military medical personnel could be protected by liability insurance in the case of any claim arising out of their alleged negligence while they are acting in the scope of employment but for which alleged negligence they would not be immune from suit. (Patterned after 42 U.S.C. 233(f))

Section 2: This section of the draft bill would make new 10 U.S.C. 1089 effective on the first day of the third month which begins following the date of enactment of the draft bill. The provisions of new section 10 U.S.C. 1089 would apply only to claims accruing on or after the effective date.

H.R. 13368

A bill to amend title 10 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of active duty military medical personnel, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10 United States Code, is amended—

(a) by adding a new section at the end thereof:

"SEC. 1089. Defense of certain malpractice and negligence suits

"(a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for personal injury, including death, allegedly arising from malpractice or negligence of an active duty physician, dentist, nurse, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel of the armed forces in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Defense or any other federal department, agency, or institution shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomsoever was designated by the Secretary of Defense to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General and to the Secretary of Defense.

"(c) Upon a certification by the Attorney General that the defendant was acting in the scope of his employment in or for the Department of Defense or any other federal department, agency, or institution at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action

brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

"(e) For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to assault and battery arising out of negligence in the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations.

"(f) The Secretary of Defense or his designees may, to the extent that he or his designees deem appropriate, hold harmless or provide liability insurance for any active duty physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel, of the armed forces for damages for personal injury, including death, negligently caused by any such personnel while acting within the scope of his office or employment and as a result of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, if such person is assigned to a foreign country or detailed for service with other than a federal agency or institution, or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury."

(b) by adding at the end of the analysis of chapter 55 the following:

"SEC. 1089. Defense of certain malpractice and negligence suits"

"SEC. 2. This Act shall become effective on the first day of the third month which begins following the date of its enactment and shall apply to only those claims accruing on or after the effective date.

SIGNIFICANT ADDRESS BY HON. LEO FOSTER

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the Honorable Leo Foster, counselor at law and long recognized as one of the ablest attorneys in Florida's capital city, Tallahassee, recently delivered a speech at the Tallahassee Bar Association entitled "Impeachment—The Doctrine of Separation of Powers." In it Mr. Foster shows a remarkable grasp of the entire concept of impeachment proceedings under the Constitution of the United States. I strongly feel that it deserves the attention of the Members of Congress and I am privileged to submit it for reprinting in the CONGRESSIONAL RECORD:

IMPEACHMENT—THE DOCTRINE OF SEPARATION OF POWERS

It is my purpose to sketch rapidly certain outstanding phases of constitutional law. A great danger to constitutional government lies in popular misunderstanding of its precise methods and purposes. In many ways the small minority who would treat the United States Constitution as an archaic hindrance to their centralist purposes, and willingly would discard or subvert it, pose less threat than that far greater number who vocally support the Constitution but who unwittingly approve or participate in actions that tend to destroy its protective principles.

As employed in this Country, constitutional law signifies a body of rules resulting from the interpretation by a high court of a written constitutional instrument in the course of disposing of cases. The effectiveness of constitutional law as a system of restrains on governmental action in the United States, which is its primary raison d'etre, depends for the most part on the effectiveness of certain doctrines, (1) the concept of federalism, (2) the doctrine of separation of powers, (3) the concept of a government of laws, not of men, and (4) the doctrine of due process of law and attendant conceptions of liberty.

The second great structural principle of American constitutional law is supplied by the doctrine of separation of powers. The notion of three distinctive functions of government approximating what we today term, (1) the Legislative, (2) the Executive, and (3) the Judicial, is set forth in Aristotle's Politics. It was Montesquieu who, by joining the idea to the notion of a "mixed constitution" of "checks and balances," brought Aristotle's discovery to the services of the rising libertarianism of the Eighteenth Century. He contended that "men entrusted with power tend to abuse it." Hence, it was desirable to divide the powers of government, first, in order to keep a minimum the powers lodged in any single organ of government; and secondly, in order to be able to oppose organ to organ.

The American conception of the separation of powers may be summed up in the following propositions: (1) there are three intricately distinct functions of government, the Legislative, the Executive and the Judicial; (2) these distinct functions ought to be exercised respectively by three separately manned departments of government; which (3) should be constitutionally equal and mutually independent and, finally (4) the Legislature may not delegate its powers. At least three distinct ideas have contributed to the development of the principle that legislative power cannot be delegated. One is the doctrine of the separation of powers: Why go to the trouble of separating the three powers of sovereignty if they can be straightaway remerged on their own motion? The second is the concept of due process of law. Lastly, there is the maxim of agency "delegata potestas non potest delegari" which John Locke borrowed and formulated as a dogma of political science, that is "The Federal Constitution and State Constitution of this country divide the governmental power into three branches * * * in carrying out that constitutional diversion * * * it is a breach of the national fundamental law if Congress gives up its legislative power and transfers it to the President or to the judicial branch; or if by law it attempts to invest itself or its members with either executive power or judicial power.

"The Constitution," said Charles Evans Hughes, "is what the Judges say it is." If "treason, bribery, and other high crimes and misdemeanors" and "good behavior" are what Congress says they are, and Senator Giles and his later day counterpart Congressman, now Vice President Ford, did not err in asserting that impeachable offenses are what Congress consider them to be, what will happen when one party elects all of the members of Congress—or even two-thirds? If that party is strictly disciplined as are the Communist parties, the officers of that party will be more powerful than our elected officials and the Chairman of that party could exercise all the powers of sovereignty—directly or by threats of removal and impeachment of the officers of the executive and judicial branches—and by expelling members of Congress who would not go along.

As early as September 6, 1819, Thomas Jefferson complained that the judiciary department after twenty years' confirmation of the federal system by the voice of the nation, was on every occasion still driving the nation into consolidation. He wrote from his home at Poplar Forest to Spencer Roane,

"In denying the right they usurp of exclusively explaining the Constitution, I go further than you do, if I understand rightly your quotation from the Federalist, of an opinion that 'the judiciary is the last *resort* in relation *to the other departments* of the government, but not in relation to the rights of the parties of the compact under which the judiciary is derived.' If this opinion be sound, then indeed is our Constitution a complete felo de se. For intending to establish three departments, coordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone, the right to prescribe rules for the government of the others, and to that one too, which is unelected by, and independent of the nation. For experience has already shown that the impeachment it has provided is not even a scare-crow; that such opinions as the one you combat, sent cautiously out, as you observe also, by detachment, not belonging to the case often, but sought for out of it, as if to rally the public opinion beforehand to their views, and to indicate the line they are to walk in, have been so quietly passed over as never to have excited animadversion, even in a speech of any one of the body entrusted with impeachment. The Constitution, on this hypothesis, is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered, as an axiom of eternal truth in politics, that whatever power in any government is independent, is absolute also; in theory only, at first, while the spirit of the people is up, but in practice, as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law. My construction of the Constitution is very different from that you quote. It is that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action; and especially, where it is to act ultimately and without appeal."

The impeachment that Jefferson characterized as "not even a scare-crow" brings into play the power of one organ to remove officers of the other two organs from office on impeachment for and convictions of misdeameanors in office. Most of the state have drafted their constitutional provisions on this subject in language similar to the language of the Federal Constitution. All states but Oregon and Ohio have provisions for impeachment in their Constitutions. Slight variations exist in other states but after all is said, the basic law in them as in our State stems from the Constitution of the United States.

As there is no enumeration of offenses comprised under the term "misdemeanor in office," no little difficulty has been experienced in defining offenses in such a way that they fall within the meaning of the constitutional provision.

Impeachable offenses were not defined in England. Two theories of impeachment had evolved in English parliamentary law, (1) the Judicial, and (2) the Political theory. The Judicial is known by the fact that the law names the offenses for which impeachment may be imposed, the proceedings that must be taken to effectuate it, who may institute it, who may try it and the penalty that may be imposed. It proceeds on notice and due process. It is ruled by reason, passion is suppressed, and justice should be the goal. The Political Theory proceeds on the premises that the offense on which impeachment is based may not be specified in the constitution or the statutes but that those

charging and those trying it may convict for anything that is offensive to the ideals of the triers; that anything which they in their judgment evidences unfitness for holding office, whether connected with official conduct or not, cause so decide; that passion rules, reason is suppressed, and political victory is the goal, is ground for impeachment if the triers of the The wrongs in the Political Theory, supra, are most noticeable in some English cases where all subjects were liable to impeachment and punishment was in the discretion of the King.

Madison, whose objection led to the insertion of the more definite phrase "high crimes of the broad construction of the impeachment and misdemeanors," was the strongest advocate powers. He argued that incapacity, negligence or perfidy of the Chief Magistrate should be ground for impeachment. In discussing the President's powers of removal he maintained that the wanton removal from office of meritorious officers would be an act of maladministration and would render the President liable to impeachment.

Hamilton thought the proceeding should never be tied down by such strict rules either in the delineation of the offenses by the prosecutors or in the construction of it by the Judges. It would thus appear that it was not the intention that the Constitution should attempt an enumeration of offenses for which an impeachment would lie.

The Framers of the Constitution in leaving out of the Constitution any provision for the removal of an official subject to impeachment did it purposely and with a view of giving stability to those who hold the offices, and especially the judges:

"Mr. Dickinson," says Elliott in his Debates on the Constitution, "moved, as an amendment to Article XI, Section 2, after the words 'good behavior,' the words, 'Provided, That they may be removed by the Executive and the application by the Senate and House of Representatives'."

This was in respect of the judges.

Mr. Gerry seconded the motion. Mr. Gouveneur Morris thought it a contradiction in terms to say that the judges should hold their offices during good behavior and yet be removable without a trial. Besides, it was fundamentally wrong to subject judges to so arbitrary and authority.

Mr. Randolph opposed the motion as weakening too much the independence of the judges.

Delaware alone voted for Mr. Dickinson's motion."

Says Judge Lawrence in a paper on this subject, which he filed in the Johnson impeachment case: "Impeachment was deemed sufficiently comprehensive to cover every proper case for removal.

"The first proposition was to use the words 'to be removable on impeachment and conviction for malpractice and neglect of duty.' It was agreed that these expressions were too general. They were therefore stricken out."

Mr. Mason said:

"Treason, as defined in the Constitution, will not reach many great and dangerous offenses. Hastings is not guilty of treason. Attempts to subvert the constitution may not be treason as above defined."

He moved to insert after "bribery" the word "or maladministration."

Mr. Madison replied:

"So vague a term will be equivalent to a tenure during the pleasure of the Senate."

Mr. Mason withdrew "maladministration" and substituted "other high crimes and misdemeanors against the State."

Hinds' Precedents—Vol. 3, § 2012, pp 329, 330 (Nature of Impeachment).

The above relatively flexible conception of misdemeanor was early replaced by a much more rigid one in consequence of Jefferson's efforts to diminish the importance of the Supreme Court, the first step in which enterprise was the impeachment in 1805 of Justice Samuel Chase. The Constitution had not contemplated the formation of political parties and while there were factions within Washington's administration it remained for the organizational genius of Thomas Jefferson to bring about partisan politics and as a result, Jefferson was elected President and his political party had commanding control of the House and Senate, but he could not control the Supreme Court either by threats or intimidation and in order to accomplish his goal of achieving supreme power the impeachment of Chase was mandatory. The theory of Chase's enemies was summed up by Jefferson's henchman, Senator Giles, of Virginia, as follows:

"Impeachment is nothing more than an inquiry by the two Houses of Congress whether the office of any public man might not be better filled by another . . . the power of impeachment was given without limitation to the House of Representatives; and the power of trying impeachments was given equally without limitation to the Senate; . . . a trial and removal of a Judge upon impeachment need not imply any criminality or corruption in him . . . but was nothing more than a declaration of Congress to this effect; you hold dangerous opinions, and if you are suffered to carry them into effect you will work the destruction of the nation. *We want your offices* for the purpose of giving them to men who will fill them better." John Quincy Adams' Memoirs, Vol. 1, pp. 321, 322 (1874).

To this theory Chase could have answered,

"If this be true, the modern theories of government and the forms of civil government framed in the later periods are but solemn complicated frauds, machines for the amusement and the impoverishment of the people. If all political and judicial supervisory power is lodged in one body of men, notwithstanding the establishment which all peoples have so reverently organized under written Constitution which in terms divide the powers of government into several departments of magistracy, supposed to be created to perform the offices of adjustments and balances, then are such several departments mere cheats and shams, baubles and playthings invented to delude and ensnare.

"If this be so, what need to any other department than a single body of men, or indeed a single human being, covered with tinsel, whose ambrosial locks and imperious nod may dispense all power and all justice, and command the obedience of all other men; a government fashioned after that of Heaven itself, but whose Mentor is a mere piece of crumbling pottery?"

Chase's lawyers submitted the proposition that high crimes and misdemeanors meant offenses indictable at common law; and Chase's acquittal went far to affix this reading to the phrase 'til after the War between the States.

A major crisis in the history of American constitutional law had been successfully weathered and the great structural doctrine of separation of powers had survived. Had the Jefferson theory prevailed and impeachment established as being nothing more than an inquiry by the two Houses of Congress whether the office of any public man might not be better filled by another, the political party in power, with its control of Congress and the Chief Magistrate, could by threat of impeachment intimidate the judicial organ so as to diminish the importance of the Supreme Court. The political party in power would then exercise all soverignty as does the communist party today in USSR. Chase's acquittal went far to preserve the "checks and balances" which was greatly in the public interest because men entrusted with power tend to abuse it.

But with the impeachment of President Johnson in 1867 for "high crimes and misdemeanors," the controversy was revived. Representative Bingham, leader of the House Managers of the impeachment defined an impeachable offense as follows:

"An impeachable high crime or misdemeanor is one in its nature or consequences subversive of some fundamental or essential principle of government or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or, without violating a positive law, by the abuse of discretionary powers from improper motives or for an improper purpose."

Former Justice Benjamin R. Curtis stated the position of the defense in these words:

"My first position is, that when the Constitution speaks of 'treason, bribery, and other high crimes and misdemeanors, it refers to, and includes only high criminal offenses against the United States, made so by some law of the United States existing when the acts complained of were done, and I say that this is plainly to be inferred from each and every provision of the Constitution on the subject of impeachment."

(Trial of Andrew Johnson, I, (Government Printng Office, 1868), 147.

The issue was made. The two theories of impeachment met head on. Johnson contended for the judicial theory. The House Managers of the reconstruction Congress espoused the political theory proceeding on the premise that the offenses on which impeachment is based need not be specified in the Constitution or the Statute but that those charging and those trying it may convict for anything that is offensive to the ideals of the triers; that anything which they in their judgment evidences unfitness for holding office, whether connected with official conduct or not, is ground for impeachment; that passion rules, reason is suppressed, and political victory is the goal.

With Johnson's acquittal, the narrow view of "high crimes and misdemeanors" appeared again to win out. Doctrine of separation of powers again sustained but by only one vote in the Court of Impeachment. Two successful impeachments of lower Federal Judges in recent years have at first blush seemed to have restored something like the broader conception of the term which Madison and Hamilton endorsed, (Archbald and Ritter), but a careful study of the proceedings will reveal that in both these instances the final result was influenced by the consideration that Judges of the United States hold office during "good behavior" and that the impeachment process is the only method indicated by the Constitution for determining whether a judge's behavior has been "good."

It is my judgment that this is what Watergate is all about. The separation of powers leaves no room for removal by a vote of no confidence and those who would treat our Constitution as an archaic hindrance to their centralist purposes and willingly would discard or subvert it have adopted impeachment as their modus operandi.

Professor Raoul Berger of Harvard in his book, "Impeachment: the Constitutional Problems," published last year argues for judicial review of impeachments. He states:

"I would urge that judicial review of impeachments is required to protect the other branches from Congress' arbitrary will. It is hardly likely that the Framers, so devoted to 'checks and balances,' who so painstakingly piled one check of Congress on another, would reject a crucial check at the never center of the separation of powers. They scarcely contemplated that their wise precautions must crumble when Congress dons its 'judicial' hat, that then Congress would be free to shake the other branches to their very foundations."

I respectfully submit that if we ever agree to such a proposal (which Jefferson condemned so bitterly in his letter to Spencer Roane) accomplished by a judicial fiat of an activist court or a constitutional amendment then we should insist that the name of the Supreme Court be changed to The Presidium.

Under our division of powers doctrine, national military heroes such as Marlboro, Washington, Grant and Eisenhower became useful civil servants whereas in Greece or Rome they would have become another Pericles, Sulla or Caesar.

I submit that we must preserve inviolate the separation of powers doctrine and that we should not permit it to be eroded and as Adams in his "Defense of the Constitutions of Government of the United States of America" written and published in October 1787 states and I quote:

". . . the whole art of government consists in combining the powers of society in such a manner, that it shall not prevail over the laws. The excellence of the Spartan and Roman constitutions lay in this; that they were mixtures which did restrain it, in some measure, for a long period, but never perfectly. Why? Because the mixture was not equal. The balance of three branches is alone adequate to this end; and one great reason is, because it gives way to human nature so far, as to determine who is the first man. Such is the constitution of men's minds, that this question, if undecided, will for ever disorder the state. It is a question that must be decided, whatever blood or wounds it may occassion, in every species of gregarious animals as well as men. This point, in the triple division of power, is always determined; and this alone is a powerful argument in favour of such a form. . . ." Adams's Defense, Vol. 3, pp 410, 411.

If we abandon the separation of powers America is finished and dead.

I have seen much to hate here—much more to forgive. But in a world where America is finished and dead I do not wish to live.

CAREER DAY

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, for the past several years, staff of the Committee on Education and Labor has been privileged to participate in a unique activity which started out experimentally, and has now reached the status of an increasingly more successful annual event. This activity takes place at an elementary school located within the shadow of the National Capitol itself in southeast Washington, D.C.

Career Day is the brainchild of the principal of Lenox Elementary School, Mrs. Jennie Gross, and the school counselor, Mrs. Juanita Augustus, both of whom have worked diligently to develop a program of meaningful significance to the sixth graders for whom the activity is presented. These youngsters are by and large from low-income families and Career Day is a kind of "show and tell"—the consultants who are invited to participate in the program will have interviews with these youngsters and tell them about the job they have, and respond to questions about how they got it, the money they make, their hours of work, education, and so forth.

I suppose one can characterize this program as a big propaganda effort—an effort to show these boys and girls the value of an education, and what proper job training can do in terms of opportunities, and the groundwork that can be laid in their studies now.

Mr. Speaker, the Federal Government in so many different approaches in legislation has also called attention to the same need for training and retraining, vocational education, and postsecondary educational experiences—all geared to the fundamental purpose of making people employable and their work more satisfying to them. The need for education and training is emphasized many times as an indispensable asset in finding, holding, and advancing in the job that is a self-satisfying challenge within the range of one's capabilities and interests.

As I said earlier, Mr. Speaker, Career Day at Lenox Elementary School had a rather modest beginning some 7 years ago, but it has grown into an activity-filled program including blue collar workers, professionals, several "stars," administrative and clerical types—all from the workaday world. I am pleased that staff of the Committee on Education and Labor has annually participated in this program, as was done again this year on February 27.

You can imagine the arrangements that must be made to hold such an event. Students prepare posters on occupations and ambitions; special workshops on careers are conducted; demonstration projects are available. The consultants who are recruited volunteer their time for this worthy purpose. As a result, boys and girls have had opportunities to talk to people from all walks of life. Physicians have demonstrated the use of medical instruments; a bus driver for the D.C. schools has explained a view of the driver different from what students normally get; staff of the U.S. Treasury's Bureau of Engraving and Printing showed some "samples"; a biochemist brought a white rat to give students a close look at her occupation; a phone company recruiter demonstrated some sophisticated communications equipment; a hairdresser restyled some of the girls' hair; the District of Columbia Fire Chief talked about fighting fires; and youngsters have gotten legal opinions from attorneys.

These personal contacts have been enhanced by many invitations for class visits on numerous occasions, as well as return visits to the classrooms by consultants.

Career Day at Lenox Elementary School has become a slick, sophisticated and smooth production—and it has become famous. Several schools have started their own versions of the program and the Lenox format has achieved a good deal of praise—praise which in my judgment is richly deserved.

One of the veteran participants in Career Day is Sgt. James Thomas of the U.S. Park Police. As a result, Sergeant Thomas has visited many schools on the east coast—both in-city and suburban—to talk about the necessity of a good educational base on which to build futures, and how goals are more possible with some highpowered planning now.

Mr. Speaker, the June 1972 issue of Manpower, published by the Department of Labor, contains an article about Career Day at Lenox Elementary School. I feel my colleagues would be interested in reading the article, and I should like, therefore, to insert it at this point in the RECORD:

WHAT COULD I BE?

"I expected sixth-grade students to be curious about television jobs. But I didn't expect them to ask such adult questions."

That was the reaction of TV associate producer Jean-Louise Landry to the quizzing she got on Career Day from sixth graders at Lenox Elementary School, which is located in a low-income section of Washington, D.C. The students were more practical than starry-eyed about TV, Mrs. Landry says. Their questions centered on the inner workings of the industry, its variety of jobs, their chances of breaking into TV, how to prepare for jobs, and the pay.

Career Day, an annual event, brings together about 90 youngsters from Lenox and neighboring schools to talk to some 60 adults from all walks of life. The purpose is to start students thinking about their future careers by exposing them to people who can give them firsthand occupational information. Among this year's visitors were a lawyer, cosmetologists, policemen, a bus driver, a Marine, a telephone operator, a jewelry saleswoman, a customs officer, a biochemist, a doctor, and the director of an African jazz ensemble.

A number of the adults will continue working throughout the year with interested youngsters. A florist invited some to visit his store, and a pet shop owner will show students his recordkeeping as well as his animals. George Leftwich, assistant basketball coach at Georgetown University, plans to bring some of his players to Lenox to demonstrate their skills, in addition to giving Lenox youngsters tickets to Georgetown games. Mrs. Landry is going to take 10 budding television workers to visit the Federal City College communication arts department to learn more about the TV trades and courses they should take in secondary school.

Career Day is no stranger to U.S. education. However, the usual purpose is to bring together high school students and potential employers. Lenox school principal Jennie Gross is an advocate of sixth-grade career days, and she strongly supports her counselor's efforts to make these days a success. In part, this is because of her school's population. A number of the sixth graders are 13 years old and will soon start searching for summer jobs, she says. Moreover, many students are in families getting public assistance and have few other contacts with employed persons.

Mrs. Landry agrees that sixth grade is prime time for Career Day. "These youngsters should be giving serious thought right now to what they are going to do with their lives," the black, native Washingtonian says. "Then they won't miss out later on for lack of the right academic preparation."

AUSTIN WARNKEN—HE HELPED DEVELOP THE WEST

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, on March 15 of this year Mr. Austin Warnken will be retiring from the Department of Agriculture, Soil Conservation Service.

Austin Warnken's first position with the SCS was as junior agronomist at Placerville, receiving this appointment in September 1937. In 1939 he became assistant soil conservationist at Placerville, where he worked until 1941 when he joined the U.S. Army.

Upon his return from military duty in 1946, Austin Warnken went to Merced, transferring to Sacramento in 1947, where he has remained. In August 1952 he was promoted to area conservationist, representing the Service at the State capitol on high-level relationships with legislators, keeping them, as well as State

and Federal agencies, well informed about Service activities, enhancing the prestige of the Service; also representing the State conservationist in an outstanding manner at meetings of the State resource conservation commission. Innumerable citations and commendations have been presented to him for his excellent work, the most recent being an outstanding performance rating in 1972.

Mr. Warnken has always developed and implemented a technically sound and balanced soil and water conservation program, along with broad land use and resource planning, directing district conservationists in this activity in the 14 field offices in his area.

During his 37 years with the Service Austin Warnken has been a devoted employee. His ardor in doing what is best for the land has long been his trait. His work has been more than a job; it has been his life.

Because Austin Warnken's performance with the Soil Conservation Service has been exemplary, I feel this brief mention in the CONGRESSIONAL RECORD most appropriate. The Congress thanks you, Mr. Warnken, for your service in helping measurably to develop western agriculture.

SEATO IS DEAD—LET US BURY IT BEFORE IT STINKS

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, on countless occasions during the sorry course of the Vietnam war, we heard it argued that "Maybe we shouldn't have made the SEATO commitment, but we did and now we've got to stick by it." Dean Rusk seemed to come out with this on an average of once a week.

I never took this argument seriously; it appeared clear that the people who made it were using it to support a position rather than to arrive at one. In any case, they are now being put to the test.

We are out of Vietnam, and in order to eliminate one cause of future Vietnams the Senate Foreign Relations Committee is considering pulling us out of SEATO. You would think that the administration, which tells us it did not start the war, would welcome this move.

Instead, the administration seems determined to hang onto SEATO. In the words of Assistant Secretary of State Robert Ingersoll:

> It would create doubt and uncertainty were the U.S. to urge the dismantling of . . . SEATO at this time. (SEATO is required to provide Thailand) with an under girth of multinational support as it adjusts to an uncertain future. (Abolition of SEATO) would simply enforce a current opinion among Asian leaders that the U.S. is rapidly withdrawing from Asia and leaving them to fend for themselves.

Mr. Speaker, somebody is living in a dream world and I do not think it is I. The facts are:

First. SEATO is already dismantled, if indeed it was ever assembled and functioning. Pakistan pulled out last year. France is no longer paying dues. Britain never played an active part in SEATO, giving us no help in Vietnam. Australia and New Zealand helped us in Vietnam, but they have had a change of heart and want no more military adventures. So now we are left with only the United States, Thailand, and the Philippines.

Second. The idea of Thailand or the Philippines doing anything to protect the United States is ludicrous. In this case, "collective security" means they get the security and we collect the bills.

Third. Thailand now has an encouraging and hopeful liberal democratic government. Therefore, our CIA apparently has attempted to bring it down. With the Chilean experience fresh in our minds, it seems clear we can be most helpful to Thai democracy by getting our fingers out of their pie and keeping them out.

Fourth. The "current opinion among Asian leaders that the United States is rapidly withdrawing from Asia and leaving them to fend for themselves" is a correct opinion, at least in military terms, and needs to be reinforced. We currently have about 35,000 troops supporting a massive Air Force bombing capability in Thailand, but this capability is literally a helpless giant. We cannot use it in Laos, Cambodia, or Vietnam because of congressional prohibition. We cannot use it in any internal conflict in Thailand because the American people would not tolerate involvement in another Asian civil war. And we cannot use it in China because any action there will call for long-range remote-based weapons.

Let us face reality. Our military role in the underdeveloped nations of Southeast Asia is over. It makes no sense not to adjust our budget, our troop deployment, and our diplomacy to reflect this fact.

AFTER 25 YEARS, LET US RISK SIGNING THE GENOCIDE CONVENTION

Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, in 1948, with the horrors of Dachau and Buchenwald still fresh in the minds of men, the United States joined 55 other members of the United Nations General Assembly in unanimously adopting the International Convention on the Prevention and Punishment of the Crime of Genocide. In 1949 the Genocide Convention was transmitted by President Truman to the Senate for its advice and consent. It was not until a quarter of a century later, however, and after 78 other countries had ratified the treaty, that the Genocide Convention finally came to the floor of the Senate for a vote. This was just a month ago during the first days of the present session of the 93d Congress.

One would have thought this a banner day for the United States of America, but after a week of intermittent debate the Convention has been taken back from the floor of the Senate and put again on the calendar, with no vote taken and its future in serious doubt. U.S. adherence to the Convention, like so many honorable initiatives before it, had been blocked by a minority filibuster of a conservative coalition—an opposition battling change with a determination fired by fear.

Raising and repeating the grim specter of our Constitution superseded, U.S. sovereignty impaired, and American citizens and the U.S. Government dragged through foreign and international courts for vague crimes and under false charges, the opponents of the Convention have created a climate of concern which has no foundation in fact, but has thrown a cloud of emotionalism over serious efforts to look at the facts squarely and fairly. Although the issues have been debated for years, I would like to review the situation briefly in the hope of adding some force to the effort to clear away the time-hardened but hollow fears of the last 25 years and bring the Genocide Convention back to the Senate floor for favorable consideration.

At the outset, it must be admitted as charged that the Genocide Convention is an imperfect document, reflecting as it does the give and take of compromise among many nations. Within the United States it has been the subject not just of fearmongering but of sincere and responsible disagreement. A substantial body of opinion has questioned the wisdom of U.S. adherence to the Convention as drafted because of possible ambiguities and doubts about several provisions.

However, in reponse to these doubts, the Senate Foreign Relations Committee reported the Convention with specific understandings setting forth the precise interpretation of the agreement under which U.S. ratification would occur. On the floor of the Senate the sponsors of the Convention proposed a formal reservation, as well, in order to remove any remaining doubt about one of the most sensitive points, extradition. They pointed out, too, that U.S. adherence to the treaty could not take place until the Congress passed separate implementing legislation making genocide a crime in the United States. I submit that no one taking a fresh and open look at the Convention as thus clarified could continue to have any well-founded fears about its import or impact.

The Genocide Convention itself is a straightforward document with only nine short substantive articles. It declares genocide to be an international crime which the parties to the agreement undertake to prevent and punish. It defines the crime of genocide precisely, enumerating acts against members of groups which amount to genocide only when carried out with the intent to destroy a national, ethnic, racial, or religious group, as such. It provides that conspiracy and complicity in genocide are punishable and makes rules, public officials and private individuals alike subject to punishment. Participating states undertake to enact the laws necessary to make genocide a crime in their countries. Accused persons are made subject to trial in the place where genocide is committed or by an international tribunal—but no such court has ever been set up. The parties pledge they will extradite offenders in accordance with their own laws and treaties. They are empowered to call on the United Nations to act against genocide as appropriate under the charter. Finally, parties to disputes concerning the convention are authorized to submit the disputes to the

International Court of Justice for decision.

In my judgment, the convention on its face is clear and compelling and gives no cause for alarm. Nonetheless to meet the doubts and objections raised against it, specific clarifications and limitations have been made an integral part of our proposed adherence, as follows: The three understandings of the Foreign Relations Committee, first, strengthen the connection between the wrongful acts specified in the convention and the intent to commit group destruction that must be present to constitute genocide; second, clarify what is meant by the Convention in making "mental harm" a punishable act, and third, make clear the intention of the U.S. Government to try its own nationals for genocidal acts whether committed at home or abroad. The committee's declaration defers U.S. ratification until after implementing criminal legislation has been enacted. This proposed legislation, defining the crime of genocide and limiting the impact of this Federal initiative, has been introduced and is available for consideration. The reservation offered on the Senate floor, makes absolutely explicit the refusal of the U.S. Government to surrender American nationals for trial for genocide outside the United States.

These proposed qualifications, which are undeniably of full legal effect, should have put to rest the arguable objections to the convention. Let grim charges persist, with a momentum of their own. I would like to cast out these specters one by one.

Charge: The convention would lead to American citizens being tried in foreign lands without constitutional safeguards.

Answer: The proposed reservation negates the extradition provision of the agreement and makes clear our refusal to extradite U.S. nationals to other countries. Americans found abroad have always been subject to trial in other countries according to their laws. The convention would not change this, but might well ease the situation where genocide is charged by providing agreed definition and procedures.

Charge: Adherence to the convention would lead to incessant genocide charges against the United States by extremists in such situations as lynchings, birth control clinics, and police action against the Black Panthers. It would lead to trials of U.S. servicemen, in situations like Vietnam, for genocide, before hostile foreign courts or kangaroo international tribunals.

Answer: The convention clearly limits the definition of genocide to specified acts committed with the intent to destroy entire groups of people. One of the proposed U.S. understandings strengthens the definition even further. The definition simply cannot be expanded to cover other acts like homicide, racial discrimination, or combat killing without proof of genocidal intent. The treaty does not strengthen the hand of those who would violate international law or trump up charges to discredit the United States, nor would it silence them. It would help to show that American intentions lie in the right direction.

Charge: A treaty establishing an international crime and its punishment violates the Constitution since treatment of U.S. nationals by the American Government is purely a domestic concern.

Answer: We already are party to a number of international agreements establishing international offenses. These include oil pollution, narcotics, slave trading, pelagic sealing. If we can agree internationally to govern the killing of seals, certainly we can act in concert with other nations against killing people.

Charge: The treaty will supersede the Constitution, intrude improperly into areas of law enforcement traditionally reserved for the States, nullify inconsistent State and Federal laws and confuse questions of jurisdiction.

Answer: The Supreme Court has regularly and uniformly recognized the supremacy of the Constitution over any treaty. The convention is of no effect without implementing Federal criminal legislation. The Congress could properly enact this legislation with or without a convention under express and residual powers conferred by the Constitution. The proposed implementing act has been narrowly and precisely drawn to leave undisturbed all State and Federal laws not necessarily in conflict with it.

Charge: The convention would allow the United States to be dragged before the International Court of Justice.

Answer: Alleged disputes under the treaty involving the United States could be taken before the ICJ, but only by another signatory nation and not by any group or individual. We have acceded to ICJ jurisdiction in numerous instances such as the Antarctic Treaty and the International Atomic Agency Statute. No case has been brought before the ICJ under the Genocide Convention in its 25 years, but if we take the worst possible leap of fantasy and imagine a suit and unfavorable judgment, the matter would stop right there, for the ICJ has no enforcement powers at all.

Mr. Speaker, I submit that none of the objections to U.S. ratification that have been voiced can stand up in face of the facts. We have an element of fear here which apparently is preventing critics of the convention from rationally considering the facts. As a matter of fact, if the convention is open to criticism, it is not because it is too dangerous but because it is too weak, because it is not likely to have much real, practical effect in preventing or punishing genocide. In the 25 years since the adoption of the convention, no complaint has been brought up under the treaty and no serious effort has been made to establish the international tribunal it envisages.

Working both sides of the street, critics of the convention have argued against U.S. ratification not only because it is too dangerous, but also because it is too ineffectual. The argument that the United States should ignore the treaty because it is too weak misses the point entirely.

Even if imperfect, the convention stands as a high effort among nations to establish a more enlightened standard of international conduct. The persistent failure of the United States to accede to this standard has been used by our detractors around the world as evidence that the United States does not respect human rights, that we oppress minorities at home and acquiesce in the practice elsewhere, that the United States has refrained from joining the convention because it wants to reserve the right to practice genocide at home and abroad. To us this seems absurd, but to those hundreds of millions of persons uninformed about the United States the train of thought is not without its destructive logic.

Ratifying the Genocide Convention offers the United States a new opportunity to demonstrate the strength of our dedication to human rights and our sustained interest in the orderly development of international law. The Senate can advise and consent to the convention with no risk of relinquishment of U.S. power or prestige whatsoever, with no threat to U.S. citizens, and no likelihood of interference with domestic law and justice. I hope, Mr. Speaker, that reason will prevail and the Genocide Convention will be soon taken up again by the Senate for favorable consideration.

ENERGY CONSERVATION CHECK-LIST

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all of us have waited in line for gasoline and otherwise felt the inconveniences of the current energy crisis. And beyond the inconveniences, higher prices and unemployment resulting from this energy shortage have created real hardships for many of our fellow citizens. Each of us, therefore, has a real responsibility to try to save energy, and thereby assure that there will be enough for the essential tasks of our economy.

I am particularly pleased that in my area the energy council of the Greater Miami Chamber of Commerce has compiled and distributed a comprehensive "Energy Conservation Check-List" for business and industry. The checklist has been distributed widely throughout our area and has proven to be very valuable to our businessmen. I believe it would be of interest and help to businessmen in other parts of the country.

I include this checklist at this point in the RECORD:

A COMPREHENSIVE PROGRAM FOR ENERGY CONSERVATION

ENERGY CONSERVATION CHECKLIST

THE FIRST STEP

The majority of institutions, businesses and industries involved have initially appointed a committee to develop and administer an energy conservation plan. If not an entire committee, the plan has been established and implemented by *an in-house energy coordinator.*

The *program* or plan is *designed to reduce overall energy consumption by a specific percentage and is capable of greater reductions* should they be required and/or necessary.

The *effectiveness of the conservation measures* being taken by business and industry has *not* been *pinpointed as of yet. Most com-*

panies, however, are *hoping to lop anywhere from 15–25% off of their electric and fuel consumption.*

SOME CREATIVE CONSERVATION CUES

For banks

Are financial interests prepared to make special loans to business and other consumers of energy to finance purchase of equipment that will save fuel and electricity?

For public relations firms

As new ways are developed to make better use of energy and to create new forms of energy, is advertising ready to sell these new products and techniques?

For retail and wholesale businesses

Could the range of company products be expanded to create more of a "one-stop" supply center for consumer needs?

AND

For all employers

Are more intensified efforts being launched toward youth motivation programs that emphasize the value of staying in school? (Dropouts can only contribute to the unemployment problem.)

MANAGEMENT EFFORTS

Has a task force been formed within the company to determine the availability of materials vital to the company's existence?

Do promotional efforts for company products and services emphasize consumer conservation/education?

To help with wise energy management, has the business been counseled by local power company representatives?

If office dress codes are limiting the range of comfortable office temperatures, have they been changed?

Are work hours scheduled to minimize the use of office spaces after the regular work day?

Have ultimate work schedules, including a possible four-day schedule, been examined?

Has the use of portable heaters and air conditioners been limited?

Have office copiers and other energy consuming equipment been monitored to reduce power consumption?

Have janitorial services been rescheduled to accomplish a majority of the work during daylight hours?

Do janitorial personnel use lights only in work areas or throughout the entire building?

Do personnel travel by air or other public conveyance rather than private automobile on out-of-county trips?

Is telephone contact utilized when possible to reduce the need for in-county and out-of-county travel?

To maintain essential business services and to insure the availability of equitable allocations of gasoline for all company owned vehicles, has a feasible allocation program been established? (The program should consider the number of vehicles, their purpose and type, and the consumption of gasoline by each type of vehicle.)

Has the possibility of consolidating all business activities in fewer rooms or buildings been examined?

Has an audit of all energy usage been completed?

Have air conditioning temperatures been raised and heating temperatures lowered, with the total unit turned off weekends and evenings when feasible?

Has a transportation system been developed with Metro, to pick up groups of employees?

Have efforts of employees wanting to participate in energy conserving programs such as car pooling been coordinated by management?

Have noticeable displays of bus route information and car pooling maps been prepared with origin-destination coordinates?

Has appropriate material on bus routes and schedules, procedures to follow in setting-up car pools and bus clubs, express bus data, and location of park-ride facilities been distributed to employees and interested customers?

Have answers been secured to the transportation questions of employees and customers?

ELECTRICAL SERVICE

Have interior and exterior lighting levels been reduced where possible within the limits of security protection? (A good place to start is stockroom and hallway lighting as well as parking areas.)

Where electrical products are displayed, have the majority of "demonstration" models been turned off?

Is demand kept low by shutting off one type of equipment before turning on another?

Where feasible, is heavy equipment turned off when not in use?

Have incandescent light bulbs been replaced with more efficient fluorescent lighting?

Are light bulbs and fixtures kept clean?

Have all unnecessary electrical, heat-producing devices—such as water cooler refrigeration units and office water heaters—been turned off?

Have all decorative, floodlight and advertising lights been turned off?

Have moat water circulators, fountain pumps and other water handling pumps for decorative purposes been turned off?

Have switches been installed to control lights that are normally on twenty-four hours a day?

Are escalators and/or elevators off until store opening?

TRANSPORTATION FUELS

Have all trips been planned so that repetitive trips to conduct business in the same area are avoided?

Has the smallest class vehicle that will adequately, economically and safely meet business needs been purchased?

Are delivery and other trucks moving with a full load?

Has all dead idling on delivery stops of longer than one minute been prohibited?

Has the frequency of deliveries been reduced, coupled with a stronger "carry-it-with-you" campaign?

Has the possibility of utilizing bicycles for delivery of small parcels been explored?

Are all vehicles properly tuned?

Is the lowest octane rated fuel that will provide satisfactory operation being purchased?

Are tires inflated one to two pounds above normal inflation to reduce rolling resistance?

Motor Vehicle Operation

Are jackrabbit starts avoided when driving?

Is cruising speed attained through gradual as opposed to quick acceleration?

Is driving speed paced with traffic?

When stopping, is moderation the guide in applying brakes? (Drivers should try to anticipate places that they will have to slow down or stop.) In manual shift vehicles, avoid letting the transmission slow the vehicle down except for safety reasons.

Is vehicle air conditioning used only when necessary?

Is start-and-stop driving avoided wherever possible?

Is gasoline rationing (at service stations) anticipated? (Play safe, attempt to keep the gas tank at least half-full.)

General aviation aircraft operation

Are fuel tanks "topped off" or is room left for expansion? (With room for expansion, an average of 2 to 3 cups of fuel per tank can be saved, depending on the type of plane.)

Has power been reduced on small aircraft from 75% to 55% when cruising? (Reduced power does not compromise safety and can save up to 25% except for new or rebuilt engines during the first 100 hours of operation.)

Are proper leaning procedures being used? (If the plane is equipped with exhaust gas temperature gauge (EGT), use it all altitudes and power settings below 75% and within limitations specified by the manufacturer.)

Is ground operation time being reduced?

Is the airplane kept clean? (Accumulations of mud, bird droppings, and other dirt reduce speed and increase drag and fuel consumption.)

Is improper rigging corrected? (Having to hold aileron or rudder during cruise indicates that the airplane is out of rig. It slows speed and wastes fuel.)

Are direct courses being flown? Instead of flying from one radio navigation aid to another in Visual Flight Rules (VFR) weather, take a direct course.

Is Instrument Flight Rule filed only when necessary because of bad weather?

Are intersection takeoffs used at larger airports? (Intersection takeoffs save taxi time and long waits at end of runway, especially where airlines are waiting for separation purposes.)

Is proper spacing used in traffic pattern to avoid go-arounds?

Is strict attention paid to navigation?

Are plane pools used as you would car pools?

Is alternate transportation considered? (By carefully considering schedules, number of persons traveling in a group, time and money, there are occasions when scheduled airline service is more practical. This will conserve fuel for those many other times when travel by private aircraft is more efficient and practical.)

PRESENT BUILDING STRUCTURE/FUTURE CONSTRUCTION

Has attic space in buildings with insulated ceilings been inspected *recently* to insure that insulation has not deteriorated and is in place? (Overhead and sidewall insulation will not only conserve fuel, but will pay for itself with lower heating and cooling bills.)

Is attic space vented with thermostatically controlled exhaust fans?

Has the roof insulation been inspected to insure its good condition in buildings that have insulated roofs and make use of ceiling space for return air?

Have summer window solar loads been reduced by installing externally mounted solar screens in the east and west exposures *and* by keeping blinds and drapes closed on the sunny side?

To reduce building cooling loads, has the building roof a highly reflective surface color?

Have new building structures been designed so that they may be occupied with minimal heating and air conditioning in operation? (Building layout and design can also maximize the use of daylight.)

OPERATIONAL PROCEDURES

Is personnel reminded to "turn off the lights" when the room is no longer occupied? (Remember, the need for air conditioning is reduced in direct proportion to every 100 watts of lighting reduced.)

Are blinds and drapes closed in summer and opened in winter to take advantage of heat from the sun?

When and where possible, has all air handling equipment been turned off in unused or unoccupied areas?

Has door hardware been modified to insure that doors close automatically to save air-conditioning?

Have heating boiler temperatures been lowered?

Have new grounds maintenance schedules been established to reduce fuel use?

Have domestic-type hot water heaters been turned off except where health rules forbid?

In businesses with food preparation facil-

ities, are kitchen-type exhaust systems turned off when not in actual use?

In hotels, motels and recreational areas, are swimming pool heaters turned off except for periods of low temperatures?

When and where possible have water temperatures in swimming pools been lowered?

MAINTENANCE ACTIVITIES

Have all heating, ventilating, and air-conditioning systems been recently inspected to assure "energy-economical" operations?

Are all dampers operational and properly set?

Have all automatic temperature control systems been calibrated, adjusted, repaired or replaced to permit the most efficient operation?

Have all bearings been lubricated, all fan belts tightened, and all dirty fan blades cleaned?

Have dirty filters been thoroughly cleaned or replaced when necessary?

Are all control valves operating properly?

Have all cooling and heating coils been cleaned where dirty?

Have all air and water condensing heat exchanges also been cleaned?

Is all duct and piping insulation in good condition?

Have all worn or obsolete pumps been replaced?

Have all burner and boiler controls been inspected, cleaned, adjusted and set to insure maximum operational efficiencies?

Has a schedule of overall preventive maintenance been established?

HEATING, VENTILATING, AND AIR-CONDITIONING SYSTEMS

Are all heating ducts and furnace vents properly fitted?

Have air temperature and humidity controls been set at the most "energy-economical" levels?

Have temperature control systems been modified to make better use of outdoor air?

Has maintenance inspection—to assure minimum leakage of air in windows and doors—been conducted? (Weatherstripping and caulking around windows and doors will considerably reduce the leakage of air.)

HON. ERWIN N. GRISWOLD

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the great men who has held with distinction the Office of Solicitor General of the United States was Erwin N. Griswold who recently retired from that great office. Erwin Griswold, after being president of the Harvard Law Review and many years dean of the Harvard Law School resigned as dean and retired as Langdell professor of law in 1967 in order to become Solicitor General of the United States, one of his long-held ambitions. Erwin Griswold brought to this office a great intellect, the deepest dedication to the law, a warm concern for the public interest, and an extraordinary capacity for hard work.

To his distinguished career as a professor and dean in the teaching of the law, he was finally to become an eminent advocate before the Supreme Court of the United States for the most important possible client, the Government and the people of the United States. Through scholarship and saturation in the law he possessed a great gift of advocacy. Standing out even above his learning and experience was the quality of sincerity and firm belief in the merit of the cause he espoused which undoubtedly carried great weight with the court. His career as Solicitor General will stand out in the annals of the law and of the Supreme Court and he may always look back upon those years as a troubled time in which he made a momentous contribution to the law, to the work of the Supreme Court, and to his country. No better appreciation of Erwin Griswold could be given than was embodied in the Harvard Law Review of June 1973 on the occasion of his retirement as Solicitor General.

The first of these entitled "Erwin N. Griswold—Some Fond Recollections" is by Henry J. Friendly, judge of the U.S. Court of Appeals for the Second Circuit. The second is entitled "Dean Erwin N. Griswold" by Albert M. Sacks, dean of the Harvard Law School. The third entitled "Erwin Griswold, as Seen by a Classmate" is by Louis L. Jaffe, Byrne professor of administrative law in the Harvard Law School. The fourth entitled "Erwin N. Griswold, as Seen by a Teacher and Friend" is by Austin W. Scott, professor of law, emeritus, Harvard Law School.

These several articles present Erwin Griswold as a dean, a professor, a friend, and as a man. The total picture by these knowledgeable people confirms the estimate of him by all who knew him that Erwin Griswold is a great and good man. No higher compliment can be paid to any man. I, too, have long known Erwin Griswold and been his admiring friend. The gratitude of his Government, of the court, and of his fellow countrymen, I am sure, will go with Erwin Griswold all the days of his life, which we pray may be many to enjoy with his great, lovely, and gracious wife.

Mr. Speaker, I include the articles in the Harvard Law Review to which I referred in full following my remarks in the RECORD:

ERWIN N. GRISWOLD—SOME FOND RECOLLECTIONS

(By Henry J. Friendly) *

My first contact with the future Dean of the Harvard Law School and Solicitor General of the United States occurred nearly half a century ago, in the fall of 1926, when I had the pleasant task of inviting him to become a second-year editor of the *Harvard Law Review*. It took only a few months to make it plain that, as his first year grades had foreshadowed, Erwin was the right man to succeed me as President, even in a class containing such distinguished students as the future Justice Nathan Jacobs of New Jersey and Professor Louis Jaffe. There was one slight hitch. Less mellow then than now, Erwin had not hid under bushels his views with regard to the consumption of alcohol, which were sanctioned at the time by the National Prohibition Act, and his opinions of law students who were lawbreakers. This exercise of first amendment rights had not endeared him to some of the second-year editors. They capitulated only after having been kept in confinement at the Faculty Club until around 4:00 a.m. Doubtless the administration of a small amount of alcohol would have facilitated the decisional process, but we knew Erwin would not have liked that. I am sure the editors of 1928 never regretted their choice of a leader.

It was the custom then, as now, that the new officers would be responsible for the May and June numbers. When Erwin came to see me, I explained briefly and, I am sure, unnecessarily, what the duties of the editor-in-chief were. I also expressed my belief that the best thing for an ex-president to do was to get out of the place as soon as possible, although remaining available for counsel and advice. Erwin fully agreed. Although the masthead made me appear responsible for the May and June numbers, I was completely confident that, under his supervision, they would be as good as I could have made them. They were.

Our paths diverged for a while, until after his years of government service he came back to teach at the Law School. As is well known, he took as his two principal subjects the conflict of laws and federal taxation. In his teaching and writing on choice of law, while recognizing that Professor Beale's checkerboard had been irreparably shattered, he sought to preserve a modicum of law rather than to leave everything to choice. Very likely this was one of the few efforts in which he was not wholly successful. But who has been? Any third-year law student can knock Beale's wonderful system into smithereens, but no one has produced anything really satisfactory to take its place. With respect to federal taxation, Professor Griswold was self-taught in the Department of Justice. Today's students would doubtless be amazed to know that in the late 1920's the Harvard Law School *offered nothing* in taxation except Professor Beale's half-year course, outmoded even then, on jurisdiction to tax. In taxation Professor Griswold was on more solid ground and made exceedingly important contributions. I have recently had occasion to study and plagiarize from his remarkable article, *The Need for a Court of Tax Appeals*.[1] Perhaps the pressures on the courts of appeals and the Supreme Court may now make attainable this goal so effectively advocated thirty years ago.

It was a typically wise decision when President Conant chose Professor Griswold to become Dean of the School, at a time when the loss of some of the most illustrious members of the faculty, the problems of the war years, and the Greek tragedy of the Landis deanship had posed a threat to its continued primacy. Erwin went about the task of reconstruction in his characteristically quiet and thorough way. I saw him rather frequently by virtue of my membership on a joint faculty and nonfaculty "ad hoc" committee on appointments which President Conant had created during World War II; one of our members said, some twenty years later, that this must have been the longest "hoc" in history. Erwin was not particularly receptive to our occasional comments that a candidate for tenure did not seem to us to excel in the classroom, to have won the regard of students, or to have demonstrated writing capacity sufficiently to justify a life commitment. His answer to me usually was, "How do you think he compares with——?" mentioning one of the lesser luminaries of our own days at the School. My regular reply was that what may have been good enough—more accurately, was not good enough—in Pound's day did not suffice for Griswold's. Although I believe a few mistakes were made, doubtless the Dean was right in thinking that unless young men leaving practice for an assistant professorship could feel a fair assurance of promotion to tenure, the supply would be adversely affected, and that the School could stand one or two professors

* Judge, United States Court of Appeals for the Second Circuit. A.B. Harvard 1923; LL.B., 1927.

[1] 57 HARV. L. REV. 1153 (1944); *see* H. FRIENDLY, FEDERAL JURISDICTION: A GENERAL VIEW, 161–68 (1973).

who were less than great. Certainly he left his successors a faculty second to none.

Long years later, when I became chairman of the Overseers' Committee to Visit the Law School, I expressed my view that our meetings should be expanded from one day to two, primarily in order to afford more opportunity for talking with professors, particularly the newer ones, and with students. While I am certain the Dean regarded this as unnecessary, his reaction was positive: "It is for the Visiting Committee to decide how it wants to visit; it is for the Dean to facilitate its work." If the new format was an improvement, as I think it was, this could not have been achieved without his help.

When I was about to be sworn in as a judge of the Second Circuit in 1959, Mr. Justice Harlan, who was to induct me, phoned one day that he had heard Dean Griswold was coming down from Cambridge to New York. This was in late September, perhaps the busiest time for a law school dean. Calling Erwin, I told him how deeply I appreciated his proposed action but that it would be wrong for him to waste a day for a fifteen minute ceremony. He said, "I am coming down." That was the end of the conversation. I shall always treasure what he did and what he said. A year or so later, when I became a member of the Council of the American Law Institute, I could observe him in action there. When he raised an objection, even in fields of law that were not within his special interests, he invariably went to the jugular. My admiration was doubtless heightened by the fact that we were almost always in agreement. This was hardly accidental; we had drunk at the same font. As Mr. Williston is supposed to have said when his colleagues chided him over his giving an exceedingly high mark in contracts to a student whose performance in other courses was mediocre, "Perhaps it was the instruction."

Dean Griswold was a builder not only of faculty but also of buildings. He enlisted me in the job of procuring from corporations the funds, comparatively modest in amount but unexpectedly difficult to get, that were needed to match a foundation grant for the first new structure, the International Legal Studies building.[2] That was only a small beginning. Dean Griswold undertook the hard task of raising the money for other needed additions and for an endowment. I do not suppose he liked fundraising any more than most. But he recognized this was part of his job, and he did it in his typically effective way.

By 1967 the time had come when Dean Griswold had given all that he could to the Law School and he should return to serve the nation. But one of those happy coincidences that lift the heart, it was just after the splendid observance of the sesquicentennial, marked by his fine address, *Intellect and Spirit*,[3] that President Johnson tendered him the solicitor generalship, a post for which he was supremely qualified. The depth and breadth of his knowledge, his integrity of character, and his evident respect for the Supreme Court made it possible for him to say things to the Justices which some of them did not much care to hear, without in any way impairing the relationship that a great Solicitor General must have with all members of the Court. The same qualities won for him the admiration of an able and devoted staff.[4]

I glance rather frequently at the photograph of our *Law Review* board in my chambers. Erwin is right behind me, looking ready, willing, and able to support me if I should falter. There is no one I would rather have in that place. After all he has done for the Law School and the country, he is entitled to a rest. No one expects or wants him to take one.

DEAN ERWIN N. GRISWOLD

(By Albert M. Sacks)*

In 1967—as it happened, just after the Law School had celebrated its sesquicentennial year—Erwin N. Griswold resigned as Dean and retired as Langdell Professor of Law, in order to become Solicitor General. In an informal and candid talk to a group of well-wishers, he acknowledged that he had had three career ambitions: to be President of the *Harvard Law Review*, Dean of the Harvard Law School, and Solicitor General of the United States. That he had achieved these high ambitions was not only a stroke of happy fortune, for him and the institutions, but also a measure of the great admiration and respect he elicited from his peers at each stage of his career.

I plan to focus on Erwin Griswold's accomplishments as Dean. Since he was a faculty member at the Law School for 33 years and Dean for 21, it is obvious that the School has absorbed far more of his energy and concerns than has any other institution. To thousands of alumni—and to me as well—he continues to be "the Dean." And as a successor, I have a new appreciation of what he faced and how he coped during his deanship.

In the century since the first dean was appointed at the Law School, but four deans have had a length of service that enabled them to exercise a major and prolonged influence on the School: Langdell, Ames, Pound, and Griswold. Each faced unique problems, Langdell most clearly, and comparisons are not here called for. Still, of the four, Erwin Griswold's task was in some ways the hardest. In 1946, he inherited a school of towering reputation whose momentum had been seriously disrupted by World War II and whose faculty, student body, programs, and plant needed substantial rebuilding and recasting. He responded with a leadership whose influence can be seen in the remarkable development of the School during the post-war period.

The faculty was rebuilt and enlarged to about twice its prewar size, without dilution of quality. This growth made possible and was coodinated with the faculty's revamping of the curriculum so that a variety of elective courses and seminars were developed for second- and third-year students, and research and writing could be offered to and demanded of each third-year student. The cutting edge of the growth tended to be in the international field in the 1950's and in criminal law and urban law in the 1960's, but the expansion extended into most areas. This growth also added to the diversity of talent and outlook of the faculty, greatly enriching the intellectual life of the School.

The caliber and character of the student body were enormously strengthened, even though its size increased only slightly. Until shortly before the War, students were admitted to the Law School with nothing more than a diploma in hand from an accredited college. Scholarship assistance was limited to a relatively few advanced students. Placement was not easy and was left to individual student initiative. During the Griswold period, the rapidly rising number of qualified applicants led to an increasingly selective admissions policy. Financial aid programs combining grants and loans were designed, then tried and redesigned, and they were gradually expanded until the Law School in the mid-1960's was able to assure every applicant that, if admitted, financial need would not preclude his or her going to Harvard. This was a fabulous achievment, involving an expansion of financial aid from very minor sums to an anual disbursement of about one and a half million dollars. And a policement office was established and strengthened over time.

Life for law students was made less impersonal, less rigid, and otherwise improved in a variety of ways. The new availability of small courses and seminars has been mentioned; small group instruction by teaching fellows was also developed for first year students. And new dormitories, a dining hall, and meeting rooms were built in 1950. We look at these today and note how, with additional funds, they could have been much better. But in 1950, they represented a vast improvement, and funds were not then easy to raise.

Though the size of the student body was kept fairly stable, the increased number of courses and student organizations and activities, the expanding library, and the larger faculty and staff made increased space essential. Erwin Griswold planned and worked for this increase. The ILS building was added in the 1950's. The larger Faculty Office and Pound Buildings were opened after he left, but were a clear part of his legacy. In terms of physical facility and of intangible "atmosphere," they have enormously improved the Law School.

Virtually all of these developments called for more money, and many required much more. Before Griswold, the School had not sought regularly recurring support from its alumni; if this was to change, the Dean obviously had to organize and lead the undertaking. Erwin Griswold devoted himself to this task, with astonishing success. In the first year of the Law School Fund, the goal was $50,000. Last year, the Fund total was over $1,400,000. The Fund conception, organization, and staff, and above all the existence of a solid relationship with alumni are primarily the products of his prodigious and skillfull labors.

To list and describe these developments does not fully capture the magnitude of the changes wrought in the Law School over a quarter of a century. Dissatisfactions remain, new problems are perceived, and there is much to do. But the School is a far different and better place than it was when I was a student in 1946–48.

No one would attribute all of these changes to Erwin Griswold alone, or to any other one person. The faculty, the staff, and the students all have played important roles. But Dean Griswold exercised a strong and pervasive influence on the School. Through the strong press of his personality, his enormous energy and drive in getting things done, and an orderly and disciplined style of work, he could project himself into all of the significant corners of the School's operations. His single-minded devotion to the School, a rock-like stability of temperament, and an utter integrity of character gave assurance that his decision would be as fair and as free of narrow bias as he could make them.

He found congenial and expansive view of

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[2] I had best make clear for the record that this fundraising activity was before I became a judge!

[3] THE PATH OF THE LAW FROM 1967, at 142 (A. Sutherland ed. 1968).

[4] Occasionally the Solicitor General has taken the time to send me a note about my opinions, especially ones against the Government where he has decided not to seek review. One that sticks in my memory concerned Ira S. Bushey & Sons, Inc. v. United States, 398 F.2d 167 (2d Cir. 1968), in which, on quite amusing and unusual facts, I had gone rather far in holding the Government liable for the tort of a drunken member of the Coast Guard. Erwin's note ran something like this:

I have been under some pressure to petition for certiorari. I very much doubt whether, when we were in Law School, you would have considered that this man was acting within the scope of his employment. If Cardozo were still on the Court, I would have asked for certiorari. But he isn't and I won't.

*Dean, Harvard Law School, B.B.A., C.C.N.Y., 1946; LL.B., Harvard University, 1948.

the role of law and lawyer, and he saw many ways in which students might develop and faculty might grow. But with this went a tough-minded insistence on adherence to standards of quality. In 1970, in expressing his hopes for the School in the future, he made the point as follows: [1]

"The first hope that I find myself formulating in my mind is that the School will never yield in maintaining the highest intellectual standards, including rigor and intellectual honesty, and the recognition that thought in our field does not come easily and superficially. Though the School had shortcomings when I was a student, the great mark that it left was a scorn for shoddy and wishful thinking, and an understanding of the power of the mind when applied with rigor and discipline. I had some fine teachers in college, but not one of them gave me what I got at Harvard Law School—from Powell and Frankfurter, and Chafee, and others—a disdain for question-begging, an awareness that the conclusion is assumed in the premise, an appreciation of the value of thoroughness and many other aspects of the intellectual life."

It has been said of Erwin Griswold that, in oral encounter, his manner tends to be austere and stiff and thereby discourages relaxed feelings and easy conversation. Also, that he cannot abide small talk or suffer fools gladly. I have seen him at times when these observations were true. But I have also often seen him behave with great warmth and humor. He has sent handwritten letters to me—and to many, many others—that show a sensitive understanding and warm compassion. When faculty or staff members have confronted serious personal problems, Erwin has given strong support in every possible way. When they have received honors, he has added his tribute. And their significant accomplishments have received his personal recognition. Praise from him has the extra value of his unyielding honesty.

Erwin Griswold is about to retire as Solicitor General. We at Harvard Law School regard him as an admired colleague and cherished friend, we recall with gratitude all that he has done for the School, and we wish him many more years of happy service in the callings of the law.

ERWIN GRISWOLD, AS SEEN BY A CLASSMATE

(By Louis L. Jaffe) *

I have known Erwin Griswold since we were classmates together at the Law School long, long ago in the years 1925–28. This includes two years on the *Harvard Law Review*, of which, in the year 1927–28, he was President and I a rather lowly editor without portfolio. Despite these many opportunities for contact, I cannot say that I knew him well in those days. Griswold had then as he has now an air of authority with which he may have been born. Now that I have served under him I have come to know that his sometimes stern manner belies his humanity and his wit.

A student of mine told me a story that illustrates the point. It was his position that the Dean was stiff and unfriendly. It seems that a fellow student had seen the Dean's lights burning one Christmas Eve, and had popped his head in the door with a "Merry Christmas, Mr. Dean." "Humbug" was the reply! The Dean's wry humor was, I am afraid, lost on my friend (who would appear to have been less literate than the Dean) and there have been others down the years who have been put off by his dead-pan style. But as a professor I found him compassionate and generous in good times and in bad.

The key to Erwin Griswold's career is his intense commitment to whatever job he may be doing at the time, whether as Professor, Dean, member of the Civil Rights Commission, or Solicitor General. There are some who contend that the "liberal" attitudes he espoused on the Civil Rights Commission do not jibe with the positions he has taken as Solicitor General. The English view, as I understand it, is that a barrister does not pick or choose his cases. As an advocate he makes the best argument he can whatever his own views, even though he may play a role, as I believe Griswold has done in the decision not to bring cases to the Supreme Court.

Undergirding this wholehearted devotion of his great talents to the job is Erwin Griswold's social philosophy. Observing him as Dean, I could see how over time he pursued a policy of gradual change. He has a deep feeling for tradition but an acute awareness that the basic tradition cannot survive if new demands are not met and recognized with positive action. He left the Law School with its traditions, as he saw them, intact but with countless innovations: a larger, more varied faculty, a curriculum of great variety, a student body far more representative in sex, class, and race. The Law School is infinitely richer, more intellectually stimulating, more humane than the Law School he and I knew together in the years 1925–28, and it was during his tenure as Dean that the School came to be what it is today.

ERWIN N. GRISWOLD, AS SEEN BY A TEACHER AND FRIEND

(By Austin W. Scott) *

I shall speak here of Erwin Griswold simply as a student, a colleague, and a friend.

I first knew him as a student in my classes in Civil Procedure and in Trusts, nearly 50 years ago. It was soon clear that he was an outstanding student. He became an editor of the *Law Review*, and then its President. He was graduated at the head of his class and was given the Fay Diploma, awarded to the member of each class of the Law School who, in the judgment of the law faculty, has during his three years by his scholarship, conduct, and character given evidence of the greatest promise. That the promise was fulfilled is evidenced by the recognition of the academic world in the conferring upon him of honorary degrees by many universities and colleges in the United States, in England, in Scotland, in Canada, and in Australia.

On his graduation from the Law School he decided to spend another year with us as a candidate for the doctorate of juridical science. I well remember the oral examination, in which two of my colleagues and I put questions to him. His answers sometimes showed a greater knowledge and skill than that of his questioners.

During this year I was fortunate in having him as my assistant in drafting the *Restatement of Trusts* for the American Law Institute. We happened to be dealing with the subject of spendthrift trusts. He gave me fresh ideas, and his assembling of the authorities was flawless. He published on his own account his articles in the *Law Review*, and he soon expanded them into a book on spendthrift trusts. The articles and the book have frequently been relied upon by the courts. He was thereafter one of my most active and stimulating advisors in drafting the *Restatement*, and he prepared the Index, as well as the Index to my treatise on Trusts.

At the end of his fourth year of study, and after a brief bout with practice of the law in Cleveland, he went to Washington as an attorney in the office of the Solicitor General, and later as a special assistant to the Attorney General. But to my great delight he was induced to join the faculty of the Law School. This was in 1934, and in 1946 he became its sixth dean. He was engaged in teaching and in administration until 1967, when he added the title emeritus and went again to Washington, this time as Solicitor General.

As a colleague, both before and after he became Dean, he was a source of great help to me. He was one of those colleagues with whom you could talk on any branch of the law, and get help. Whether or not the particular problem was in his fields, he brought to it an immediate understanding and fresh ideas. Under his leadership as Dean for two decades, the Law School flourished.

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[1] Speech of Erwin N. Griswold, at Meeting of Visiting Committee of the Harvard Law School, Apr. 18, 1970.

*Byrne Professor of Administrative Law, Harvard Law School. A.B., Johns Hopkins, 1925; LL.B., Harvard, 1928; S.J.D., 1932.

*Dane Professor of Law, Emeritus, Harvard Law School. A. B., Rutgers, 1903; LL.B., Harvard, 1909; LL.D., Rutgers, 1933; D.C.L., Oxford, 1954.

A COVENANT TO WORK TOGETHER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, over a great many years I have maintained a keen interest in the affairs of the Latin American members of our hemispheric community and whenever I have had an opportunity I have tried to see as much of Latin America and to learn as much about Latin America as I could. During the recent congressional recess it was my privilege to visit Panama and Guatemala, and recently I joined a number of our colleagues in conducting a seminar on the situation created in Chile by the lately ousted Marxist regime of Salvador Allende.

I have also taken a strong interest in the development of the hemispheric outlook of the Miami area, which I help to represent in the Congress. As you know, we have a substantial Latin population in our area. We serve as a gateway to Latin America for U.S. businessmen and travelers and as an entryway for business and tourists from Latin America. This hemispheric outlook was reflected in the third annual convention of the Inter-American Businessmen's Association which took place in Miami on October 20 of last year, and especially was it reflected in the address to that convention by Ambassador Joseph John Jova of the U.S. Permanent Mission to the Organization of American States.

The past few decades have seen some significant shifts in the profile of inter-American relationship and I believe Ambassador Jova's splendid address will be of interest to our colleagues and to all who read this RECORD. I include it at this point:

REMARKS BY AMBASSADOR JOSEPH JOHN JOVA TO THE INTER-AMERICAN BUSINESSMEN'S ASSOCIATION

In the course of my life this part of the United States has changed from a real frontier—a simple mix of vacationland and farm country—to a cosmopolitan gateway for the entire world. There were first the days of boom-and-bust speculation in South Florida swampland in the twenties, followed by a far more substantial boom in the next generation, when Miami and its environs became America's playground. And now in the past decade or so it has blossomed into a bilingual city, fast developing into an extremely busy center of inter-American business, banking, education, culture, medicine and society. True, Miami has about it little of that wonderful Latin Culture exemplified in,

say, Cuzco or Old Mexico. And it is not perhaps an industrial dynamo like a Pittsburgh or a Sao Paulo. I think it is rather uniquely the inter-American city of the future. For that reason it seems an ideal place for me as the United States Ambassador to the Organization of American States to meet with the Associacion Interamericana de Hombres de Empresa. This dynamic organization is bringing together the real "fuerzas vivas" of some of the most active cities on the Gulf of Mexico and the Caribbean. As a resident of Washington I am particularly pleased at the establishment of a chapter in the Nation's capital. A city that, like Miami, is undergoing its own metamorphosis, in its case from a purely government city to a modern metropolis.

I trust that you are aware of the importance of private business at this point in the history of Latin America, when development is the main pre-occupation in every country. As businessmen, in your industrial, commercial and financial activities in Latin America you are, of course, concerned with making a profit. It is only right—indeed in our economic system it is indispensable—that you do so. But I hope too that you are conscious of your profound responsibility in the ongoing economic and social development of the hemisphere. Without such development, the outlook for business itself is dim indeed.

The United States and the industrial revolution were born at about the same time, twins out of the same mother. It should not be surprising then that the British colonies in the New World and the country which grew out of those colonies should be in the forefront of economic development. Latin America likewise grew up in the wake of a glorious tradition—the Spain of Columbus, Diego de Valasquez, Cortez, Cervantes; the Portugal of Henry the Navigator, of Camoes; of the bandeirantes; not to mention the Indian and African infusions which make our hemisphere so uniquely rich. But neither the Iberian tradition nor the Afro/Indian tradition sufficiently prepared Latin America for economic development in the twentieth century. I need not belabor the point: for complex reasons, the entrepreneurial spirit pervaded North America; and it was later in coming in most of the countries which developed south of the Rio Grande and the Straits of Florida. Those days are passed, however, and expanding economies in Latin America and your own presence here today is testimony of this fact. This little historical capsule is, I hope, sufficient to point up your importance as businessmen in the hemisphere's future. Latin America is no longer far from the center of the world's stage; no longer are there banana republics; no longer are large parts of America doomed to economic and social stagnation. No longer are its managerial and business talents confined to running haciendas or collecting urban rents.

Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time. Most of the hemisphere must rely on the private sector to be the true motor of development. It must look to the membership of this association (for example) for trade, for capital, for technological expertise—whether you are nationals of the United States of the host country or of a third country. Yet the climate for the private sector—and particularly for foreign investment—often seems gloomy. We have seen expropriations, nationalizations and the intention of some governments to control the activities of foreign companies. I think we—and by that I mean both the potentative investor and the U.S. Government—should keep in mind that reasonable controls on investment are a fact of modern life and need not be against our long-term interests. Host governments have a right to insure that investments are in the general welfare. But it is important for both government and investor to know what the rules of the game will be. By the same token, private investors have a right to stay away if the rules are too tough or their application too uncertain. I believe that most of the governments of Latin America recognize the importance of foreign investment to their economies, and I also believe most of them are increasingly aware that it is unwise to take actions which would discourage potential investors. In today's world capital is scarce and it flows only to those places where it is welcome. This fact should become increasingly clear during a period when development, with its never ending requirement for inflows of capital and technology, is the prime goal of every country of the hemisphere.

This very drive for development is opening vistas as well as creating problems for both business and government and has helped to create the present state of U.S.-Latin American relations. For those of you who are U.S. citizens especially, but for all of you, I think, the state of those relations are very important. I, therefore, propose to review briefly the picture as seen from my particular arena—the Organization of American States.

From the perspective of history, inter-American relations show a central and recurring theme, the effort of Latin American nations to place restraints upon the behavior of its giant neighbor to the north. I don't use restraint in any pejorative sense. Nations, like human beings, do themselves no good when they behave in an unrestrained fashion. So it is good for us and it is good for every nation to agree to the placing of *reasonable* restraints, and I emphasize reasonable, upon its own behavior.

For many years the principal thrust of this effort lay in the field of political behavior as Latin America sought to restrain us from intervening, militarily or otherwise. The good neighbor policy was a recognition of the validity of the principle of non-intervention and (in 1947–48) it was made a treaty obligation in the Charter of the OAS and in the Rio Treaty.

When the nations of the hemisphere agreed, not without difficulty, to institutionalize the Inter-American System through the Charter of the OAS and the Rio Treaty, these steps were based on the existence of at least a rough consensus on hemispheric goals and principles. I would summarize this consensus in terms of four elements (a) non-intervention (b) the deterrence of extra-continental aggression (c) the maintenance of peace among the nations of the hemisphere themselves and (d) the acceptance of a system of cooperation among us all.

This consensus was later inadequate to deal with the drive toward economic and social development, which became increasingly important to the Latins in the fifties and suffered a partial breakdown which threatened the edifice of inter-American cooperation. This new concern led to Operacion Panamerica and the creation of the I.D.B., and, sharpened by the advent of the Castro regime, led directly to the Alliance for Progress during the administration of President Kennedy.

The accomplishments of the Alliance for Progress were many. But it has now been largely overtaken by events and by changes in attitudes both north and south. We have seen an erosion of the consensus that bound us together, an erosion that has been accelerated by the lessening of the threats of the Cold War era. In Latin America we have seen grow a nationalism that has become increasingly assertive in its concentration on development goals. For our part, we in the United States have become increasingly cognizant of the *finite* nature of our resources and our need to balance international responsibility with our duty to our own people.

The Nixon Doctrine was a direct response to these realities. Its concept of a mature relationship, without the paternalism of the past, of a realization that our capabilities are—and must of necessity be—directed to helping others to help themselves and its offer to respond to Latin initiatives in both trade and aid, was well received in both Latin America and at home.

Unfortunately, the war in Vietnam, our obligations at home, and a deteriorating balance of payments combined to make it difficult for us to be as responsive as we had hoped.

It is this complex of changed realities, then, that is reflected in Latin America's dissatisfaction with the existing system for development cooperation. It is precisely this dissatisfaction that underlies the complaints about the OAS and the Inter-American System as a whole and which led to the creation of a Special Committee of the OAS to reform the Inter-American System. This Committee has been meeting since June, first in Lima and now in Washington. The thrust of the Latin Americans is not so much for changes in the structure or organs of the OAS as for a change in the very relationship between the U.S. and Latin America.

In drawing up a new framework of relationships, some of the Latin American countries seek to obtain from the U.S. a commitment for additional legally binding obligations and restraints. For example, a system of collective ecomonic security—complete with both obligations to provide assistance and with definitions of economic aggression—has been proposed. While the U.S. has no intention of committing economic aggression against any country, in an interdependent world, such as we have today, nearly anything one government does will have *some* impact on another. Sugar quotas in the U.S. affect world prices. An export embargo on a commodity affects the world supply situation. Moreover, it is easy to forget that this would apply to actions by Latin American governments against U.S. interests as well as vice versa. Therefore, I do not believe that such a wide-ranging system of collective economic security is acceptable to the U.S. at this time.

This is merely an example of the type of issue which faces us in the OAS now. There are many differences of opinion among OAS members, but we are working overtime in an effort to find formulas which will protect the interests of all parties.

I should make clear that our joint efforts in the Inter-American system run parallel to efforts on the world scene to order the relationships between the developed and the developing, an undertaking in which President Echeverria of Mexico has taken a leading role. In this connection, speaking of the development effort, Secretary of State Kissinger stated to the United Nations General Assembly:

"We will participate without conditions, with a conciliatory attitude and with a *cooperative* commitment. We ask only that others adopt the same approach . . . We are willing . . . to examine seriously the proposal by the distinguished President of Mexico for a Charter of Economic Rights and Duties of States. Such a document will make a significant and historic contribution if it reflects the true aspirations of all nations; if it is turned into an indictment of one group of countries by another it will accomplish nothing. To command general support—and to be implemented—the proposed rights and duties must be defined equitably and take into account the concerns of industrialized as well as of developing countries. The U.S. stands ready to define its responsibilities in a humane and cooperative spirit."

In short, the U.S. agrees that we need in the hemisphere an effective and active Inter-American System, but one based on reciproc-

ity. We think it important to seek a new *consensus*, suitable to the times in which we live, but one that is realistic, which aims at enhancing "convergent interests" and at resolving the differences among us. We must approach this in a spirit of accommodation and realism and so must our neighbors. As the Foreign Minister of Colombia, Alfredo Vasquez Carrizosa, pointed out recently in the OAS Special Committee, Latin votes of twenty-two against one American are worth nothing in themselves. If decisions are to be meaningful, Dr. Vazquez said, a consensus must be worked out in which the United States can participate. Good faith—a will of all nations to work together for peace and development—these are the essentials of a workable Inter-American System for the years ahead. In order to develop such a political will, Dr. Vazquez called for a conference of the hemisphere's foreign ministers. From the perspective of a diplomat and of someone whose vocation and personal commitment has been to the inter-American relationship, I would like to point out some of the ground rules and conditions which determine how the game will be played.

First, countries make their own decisions on what reforms are needed; development is largely an internal question. Self-help is the most essential ingredient for development, and outside assistance—while important—is secondary. A set of rules and sanctions with respect to U.S. economic behavior will not substitute for the internal development process.

Secondly, we are dealing with sovereign states, including the U.S. Where there is conflict between U.S. interests and those of other sovereign states, one must recognize the legitimacy of interests on both sides and seek mutual advantage through a process of accommodation.

Thirdly, this is a richly diverse hemisphere, with differing views on many matters. At the last OAS General Assembly we joined together to recognize under the rubric of "plurality of ideologies" the diversity of political, social, economic systems. But at the same time a historic commonality of ideals and interests has joined the Americas into a living relationship which has endured since the days of our Independence. This vitality of the Inter-American System has often been overlooked.

My fourth and last point concerns a matter I touched on briefly before—the knotty issue of the behavior of private foreign investment. There simply is not enough public capital available overseas to fund the needs for capital in the developing countries. President Nixon, in his major Latin American policy speech in October 1969, emphasized the importance of foreign investment: "For a developing country," he said, "constructive foreign private investment has the special advantage of being a prime vehicle for the transfer of technology. And certainly, from no other source is so much investment capital available, because capital, from government to government on that basis, is not expansible. In fact it tends to be more restricted, whereas, private capital can be greatly expanded." The experience of Cuba in pre-Castro days and of Brazil today could hardly be more eloquent as examples of the truth of that statement.

At the same time, developing nations fear that foreign business may contravene national development policies or interests. All of course, reserve to themselves the sovereign right to determine the conditions under which foreign investment operates. The issue involves strong emotions and real interests. It would be in everyone's interest to work out some means of resolving disputes in this area that would protect the legitimate interests of all concerned.

It is now part of our conventional wisdom that the U.S. has, for a number of years, been walking a valley of shadows. Our traditional optimism has been frustrated by the unsuspected stubbornness and complexity of problems both domestic and foreign. We have come to an equivocal tangle of complexities, new responsibilities and even setbacks in a world which is changing vertiginously. The United States has learned more of pain. And, if I may say so, I think we have learned also of humility.

Much of the thrust of this Administration's foreign policy reflects a realistic appreciation of these events. Thus we have the Nixon Doctrine, detente, a determination not to be the policeman of the world, and particularly in Latin America, a more modest perception of our true role. We also recognize the new Latin nationalism as a fact of life.

For several years we have been trying to mold our Latin American policy to these realities. We have consciously channeled a majority of our economic assistance through multilateral institutions such as the IDB and the World Bank. We have diminished the number of U.S. Government officials in Latin America. We have accepted the existence of a "plurality of ideologies" in the hemisphere. There is a realization that development is a complex matter indeed and most of the impulse must come from within.

While we are still as committed as we ever were to the desirability of economic and social development in Latin America, we want to do more listening and less talking. Because of the importance to us (and indeed to Latin America as well) of our own economic health, we have given priority to this issue. The U.S. and Latin America are traditional trading partners; we are mightily interested in the promotion of American exports, and the United States Government has given this new emphasis. And we are attempting, with due respect for the sovereignty of others, to protect what we have seen as legitimate interests of U.S. investors in Latin America and elsewhere abroad.

I need not emphasize that our efforts so far have not met with uniform success. At times we have lacked the style, the panache to project the seriousness of our intention to continue cooperating with Latin America while shedding the accoutrements of paternalism. And we have run into conflicts between how *we see our* economic interest and how several Latin American countries view *their* interests.

Despite this I am persuaded there is reason for optimism that U.S. relations with the other countries of the hemisphere can be improved in the years ahead. As Secretary Kissinger recently pointed out, we and the Latin Americans—despite our differences—have much the same principles based on freedom and human dignity. Despite differing levels of development within Latin America as well as between Latin America and the U.S., we share a tradition in which the private individual, the private entrepreneur, the private business organization have key roles in determining how society will develop.

I hope that each of us here will go forth with a deeply felt determination to help in the continuing construction of this hemisphere which we still know proudly as the New World. More and more, business is being called on to consider whether its activities are in the interest of those ideals about which we in the OAS speak—and I hope, think—a great deal. Namely, prosperity for the many, peace among the peoples of the world, the fulfillment of the individual man. Creation of healthy societies also is good business.

Through the Inter-American System the United States has a covenant to work together to improve the quality of the life for all people in the hemisphere. I feel confident that the private businessman can be counted on to do his part in the fulfillment of that covenant.

PATHETIC POSTAL SERVICE

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include an article.)

Mr. GROSS. Mr. Speaker, during most of 1969 and 1970, while the long effort to secure passage of the Postal Reorganization Act was underway, the rallying cry of the postal reformers was "Let's Get Rid of the Deficit-Ridden Post Office."

Larry O'Brien and Thruston Morton, chairmen of the Citizens Committee for Postal Reform, used the postal deficit theme almost exclusively, not only to raise hundreds of thousands of dollars, but to generate support for their reform campaign. Paid newspaper ads boldly imploring an end to the "deficit-ridden Post Office" appeared over their sponsorship in hundreds of newspapers from coast to coast.

The first recommendation of the Kappel Commission on Postal Organization was that the Postal Service should "operate on a self-supporting basis." The report stated:

> We are confident that the postal deficit can be ended within several years after the Corporation is underway through productivity improvements and a sound rate structure.

The Commission reported further that passage of postal reform legislation would provide "the opportunity to release well over a billion dollars a year of our Federal budget for the urgent social purposes of our time."

Postal reform was sold to Congress and to the American people, both from within and outside Congress, principally on the basis that only total reform of the Post Office could, and would, eliminate postal deficits.

It so happens that on August 6, 1970, during final debate on the conference report on the Postal Reorganization Act, I attempted to call to the attention of the House the solution of the conferees for getting rid of the so-called postal deficit. In pointing out that the bill called for generous appropriations from the Federal Treasury to cover so-called public service costs and to reimburse the Postal Service for "revenue foregone" for handling free and reduced rate mail, I stated:

> It does not take a lot of acumen to figure out that the new Postal Service can be self-sustaining—completely free of deficit—as long as it has a pipeline out the back door pumping up money from the public well.

I concluded my statement in opposition to the conference report as follows:

> I am convinced beyond any doubt that this so-called reform legislation will result in less postal service to the American people and at a much higher cost.

Mr. Speaker, I recite this bit of past history only for the purpose of bringing into proper perspective the observations I now make that are based on a careful examination of the Postal Service budget figures contained in the President's budget message submitted to Congress on February 4.

For fiscal year 1974, which ends this coming June 30, the Postal Service has already received appropriations from the Federal Treasury in the amounts of $1.373 billion to cover so-called public service and "revenue foregone" costs, and an additional $105 million supplemental appropriation to cover "revenue foregone" on the temporary rates which were scheduled to go into effect January 5. The budget indicates there will be two further supplemental requests for fiscal year 1974. One request is for $284 million to cover the Postal Service's unfunded liability in the civil service retirement program, and the other is a $235 million supplemental request because of the delay in postal rate increases from January 5 to March 2.

Assuming the two additional supplementals are granted, the Federal Treasury will have funneled nearly $2 billion of Federal tax revenues into the Postal Service in 1974. Yet, astoundingly enough, even with this massive Federal payment, the Postal Service estimates a net operating loss of $385 million for this fiscal year.

There is only one clear, unmistakable conclusion that can be drawn from these budget figures. In fiscal year 1974, the third full year of operation of the new Postal Corporation, the total deficit of the Postal Service—that is, the total difference between operating revenues and operating expenses—amounts to over $2.3 billion.

Mr. Speaker, this deficit is more than $1 billion higher—more than twice as much, if you please—than the largest deficit ever incurred by the old Post Office Department. A $2.3 billion deficit certainly destroys the main premise of the Kappel Commission study, which confidently concluded that the postal deficit would be ended within several years after the Corporation was underway. If nothing else, this deficit should make us admit that Congress was sold a bad bill of goods when it was pressured into reforming the Postal Service under the guise of getting rid of postal deficits.

Mr. Speaker, I am deeply concerned that unless proper action is taken, things will get much worse in the future, and "the pipeline out the back door pumping up money from the public well" that I talked about in 1970, will have no shutoff valve.

Since the so-called break-even concept was so heavily touted back in 1970, the conferees on the Postal Reorganization Act were careful to provide in the act only three specific and narrowly defined authorizations for appropriations from the Federal Treasury. These authorizations were for transitional expenses, a fixed amount to cover so-called public service costs, and an authorization for appropriations to reimburse the Postal Service for the revenue lost in handling free and reduced-rate mail. These moneys were routinely appropriated in the regular appropriation bill last year.

Nevertheless, an additional $105 million was pumped into the Postal Service in the supplemental appropriation bill last December, in response to the request of the Postal Service for additional "revenue foregone" to cover the temporary postal rates which were scheduled to go into effect on January 5.

Not only was there no authorization in the law for this type of appropriation, but obviously since temporary rates were ordered postponed for two months by the Cost of Living Council, the amount appropriated in advance was overestimated.

As I indicated earlier, the President's budget indicates that the Postal Service will ask for an additional supplemental appropriation this year of $284 million to cover its liabilities to the civil service retirement fund. There is no authorization anywhere in the law for this type of an appropriation.

The budget also indicates that the Postal Service will request a $235 million supplemental to reimburse it for the delay which the Cost of Living Council ordered in the imposition of temporary postal rates. There is no authorization in the law for this type of appropriation, either.

I submit, Mr. Speaker, that if this Congress is to continue appropriating moneys to the Postal Service, it should confine itself to appropriating only those amounts that have been specifically authorized in the Postal Reorganization Act.

The dam has already been breached with the $105 million last year for which there is no authorization, and if the Postal Service gets the two additional unauthorized appropriations it will request, the Congress will be on the way to pumping the public well dry in bailing out the Postal Service.

Mr. Speaker, there is something we can do to bring order out of what is becoming a fiscal nightmare and at the same time make the Postal Service more responsive to the needs and wishes of the people of this country.

Last year the House passed H.R. 2990, which provides, in essence, that all appropriations to the Postal Service must be previously authorized in separate legislation from the Post Office and Civil Service Committee. In other words, it requires an annual authorization bill for the Postal Service similar to the procedures we now use for the State Department, NASA, the Atomic Energy Commission, USIA, and a number of other departments and agencies.

I am firmly convinced that only through this type of annual, careful scrutiny of all postal operations and all aspects of Postal Service spending, can Congress recapture some measure of control over the Postal Service and over burgeoning postal deficits.

H.R. 2990, approved by an overwhelming rate in the House, has been languishing in the Senate committee since July 13, 1973. I would hope for the sake of the American taxpayers that the leadership of that committee would see fit, before this Congress adjourns, to favorably report the bill so that it can be enacted this year.

Mr. Speaker, I insert as a part of my remarks the following article bearing on this subject from the March 1974 issue of Dun's, the national business publication:

IS BUSINESS SUBSIDIZING THE POST OFFICE?

Amid all their worries about the rising cost of food, fuel and other essential goods, Americans are being confronted these days with still another costly phenomenon the astronomical rise in postal rates. The $3-billion direct-mail industry has seen its postal bill rise by more than 50% in the past three years. Second-class-mail charges have gone up 60% over the same period. And since 1971, the cost of mailing a first-class letter has gone from 6 cents to a dime (effective this month)—an incredible 66% hike. "At the rate they are going," charges Wyoming's Gale McGee, Chairman of the Senate Post Office Committee, "we will be paying 38 cents for a first-class letter by the 1980s."

From the earliest days of the Republic, the Founding Fathers established the principle of a government-subsidized postal system run as a public service. Not only did cheap postal rates foster trade and commerce, the thinking went, but they encouraged literacy and education through the proliferation of publications that benefited from low rates. Congress wrote this principle into law in 1794, and reiterated it at least half a dozen times over the next 150 years.

Then in 1970, at the urging of the White House, Congress made the U.S. Postal Service an independent agency—one, moreover, that would pay its own way. The change seemed reasonable and businesslike. The government was losing billions of dollars each year in running the post office. So what could be more natural than cutting the post office loose to make it on its own.

DISASTROUS CONSEQUENCES

Since then, the independent Postal Service has pursued self-sufficiency with a vengeance. And the consequences could be disastrous for both business and the nation. First of all, it could affect the profits of such divergent businesses as retailers, mail-order houses and even banks and insurance companies. For the more it costs, the more reluctant the average wage earner will be to tear a coupon out of a newspaper and send away for a new product, or to inquire about a new insurance policy or bank service. As for the direct-mail industry, business uses it to promote everything from appliances and automobiles to travel and theater productions. An estimated $45 billion of the nation's Gross National Product is generated through direct mail. "Each piece of direct mail," says New York's Democratic Congressman James Hanley, "is a seed that could ultimately raise our GNP. It is obviously productive or business wouldn't use it so much."

The nation's magazines, which have been hard hit by the rise in second-class mail rates, are also essential to the economy. The demise of both *Life* and *Look*, for example, cost thousands of jobs in such varied industries as paper, printing, advertising and trucking—as well as publishing. These huge publications decided to give up following the first big boost in second-class rates in 1971. In the case of *Look*, the rate boost would have cost $6 million.

With an additional 15% rate hike for second-class mail going into effect this month, dozens of marginal magazines are expected to go under—taking with them thousands of jobs in many industries. The victims might not only be such well-known publications as *National Review, Commentary* and the *New Republic*, but dozens of magazines that cater to business, religious, agricultural and other special groups. According to economic consulting firm Richard J. Barber Associates, the nation's magazines will be paying $341 million more in postal rates in 1977 than they were in 1971.

When pressed, Postmaster General Elmer T. Klassen will concede that some industries might suffer because of rising mail costs. But this, he argues, is not his problem. Klassen is equally disdainful of the

Founding Fathers' insistence on cheap postal rates to foster commerce and education. "We are a materials-handling business," he insists, "that can be made self-sustaining."

Outspoken Elmer Klassen, a former president of American Can Co., was tapped to head the Postal Service two years ago because of his long years of experience in labor negotiations. With 85% of the Postal Service's budget going for labor, the White House believed that Klassen, who was American Can's top labor troubleshooter for many years, would be the ideal man to solve the post office's troublesome union problems.

Klassen's solution, however, was to buy the postal workers off—at the expense of the postal customer. Despite wage controls and Klassen's rhetoric about putting the post office on a businesslike basis, the 1973 contract was far and away the best contract the postal unions had ever negotiated.

The Cost of Living Council declared that the contract was within the wage guidelines. But it is hardly a secret in Washington that the package far exceeded the 6.2% wage/fringe, package permitted under the regulations. On wages, the postal workers got a 12% increase over two years—plus an all-important cost-of-living kicker; under an escalator clause, the workers will get a 1% wage boost for every 2% rise in the cost of living. With prices rising at an annual rate of 8%–9%, this could mean an additional 4% pay hike for each year of the contract. "It could turn out to be a 20% wage boost," smiles President James Rademacher of the National Association of Letter Carriers.

Buying off the unions was not exactly what the White House had in mind when it tapped the seemingly tough-minded Klassen to run the post office. What the White House did not realize, of course, was that this was the time-honored way of doing business in the can industry in Klassen's time. Instead of taking a strike by the steelworkers over wages or the thorny issue of productivity, the can negotiators would simply grant the demands and pass them along in the form of a price increase to customers. Klassen insists that there was no other way out in dealing with the postal workers either. "We had no choice but to give the unions what they wanted," he insists. "Otherwise, they would have gone on strike."

One thing Congress did have in mind when it made the postal service independent was that mail service would surely improve. But just the opposite has happened. True, the post office improved its handling of the Christmas mail crush last year after a disastrous 1972. But along with that, it has already cut service, and Klassen plans to cut even more. Almost 900 post offices around the country have been closed down in the past three years, and late-afternoon pickups have been eliminated in many communities. Now Klassen is prepared to do away with such "frills" as Saturday service and special delivery. "It used to be said," argues Klassen, "that the world would come to an end if the banks were closed on Saturdays; it didn't. That is why I believe that the American public can be trained to do without Saturday mail deliveries. I also believe," he continues, "that special delivery will eventually be eliminated.

There is a widespread feeling, in fact, that Klassen might find the energy crisis a convenient excuse for stepping up his plans to cut back Saturday service. Since the 200,000 mail trucks obviously use gasoline, it would be difficult to argue with such a decision. "Remember," points out John Jay Daly, senior vice president of the Direct Mail Marketing Association, "that when Lucky Strike Green went to war, it never came back. That is what will happen with Saturday deliveries, if they are eliminated because of the energy crisis."

NO END IN SIGHT

The sharp rate increases and service cutbacks notwithstanding, the postal service is still a long way from paying its way. To make up for its present deficit, it is still receiving some $900 million a year from the federal treasury. Moreover, costs seem sure to keep rising. For money was not the only thing the postal workers got in their record-breaking 1973 contract.

Klassen also agreed to a no-layoff clause that guarantees a lifetime job for the more than 700,000 employees of the Postal Service, a move that can only lead to increased costs and inefficiency. Besides that, the Postal Service now pays 65% of the employees' health insurance and 100% of their life insurance premiums. For the rest of the federal government, the employer contribution is 40% and 50%, respectively. "These breakthroughs worry me," says a high-ranking member of the House Post Office and Civil Service Committee, "because they could soon spread to the rest of the federal civil service. And that will cost the taxpayers billions."

These milestones are mere drops in the bucket compared to Rademacher's next bargaining goal: assumption by the Postal Service of the 7% contribution to pension costs that is now deducted from the employee's pay. If he is successful, it would cost the Postal Service $500 million. And if Klassen's present course is any clue, the cost would be passed on to mail users in the form of still higher rates. "Klassen doesn't worry that much about costs," snaps J. Edward Day, who was Postmaster General in the Kennedy Administration, "because he can always tack them on to the rates."

That Klassen does not worry much about costs seems evident in the style in which he has decorated his office. According to the General Accounting Office, Klassen spent $48,500 to furnish his office and an additional $130,600 to outfit the lavish reception area. He also had a kitchen installed to the tune of $45,000. "It might be expected that the Postmaster General would spend most of his time in these fancy surroundings," complains Iowa Congressman H.R. Gross, the House Post Office Committee's ranking Republican. "But he spent $12,900 for travel in fiscal 1973."

Nor was cost-consciousness an evident concern when the Postal Service bought its spanking new headquarters building in Washington's L'Enfant Plaza, an office/hotel complex that was having difficulty leasing its space. The Postal Service paid some $30 million for the building to L'Enfant Plaza, Inc., which is headed by retired Air Force General Elwood ("Pete") Quesada, a well-connected Washington wire puller who once headed the Federal Aviation Agency. "On a square-foot basis," charges New Mexico's Democratic Senator Joseph Montoya, "this is the most expensive office space in Washington."

Of course, Klassen's business performance at American Can was not exactly a stellar one either. Under his leadership, the company's earnings slid from $4.12 in 1966, the year he took over, to $3.48 a share in 1969. The earnings of arch-rival Continental Can Co. rose from $2.54 to $3.18 a share during the same period. At that point, Klassen took early retirement to go to Washington as Deputy Postmaster General. "That job in Washington was a face saver for Klassen," says a prominent Wall Street analyst. "The directors wanted him out and so they used their contacts with the new Nixon Administration to get him the post office job."

What makes the Postal Service situation even more disturbing is the fact that there is no real check on its costs. Unlike other government-granted monopolies such as the telephone, transportation and power companies, there is no overseeing watchdog such as the Federal Communications, Interstate Commerce or Federal Power Commissions. Congress somehow neglected to provide one for the Postal Service in its rush to cut it loose from the government.

True, the Postal Service must have its rate increases approved by the newly created Postal Rate Commission. The Commission, however, seems little more than a captive of the agency it is supposed to regulate. Incredible as it may seem, its decisions are subject to the approval of the Board of Directors of the Postal Service. From the beginning, moreover, it has been plagued by a heavy turnover of commissioners—there have been three chairmen during the past year—who know little or nothing about the Postal Service. "The Rate Commission," points out Victor Smiroldo, Counsel to the House Post Office Committee, "does not have the muscle to examine the expenditures of the Postal Service. So it merely takes the Postmaster General's word on costs and apportions the needed revenue increase to pay for them among the various classes of mail."

The Postal Service's huge outlays for labor-saving equipment are a case in point. With a great deal of fanfare, it has spent $1.5 billion for mechanization during the past two fiscal years. Still, the percentage of its outlays going to labor—some 85%—is no less than before the program began. "There are no dramatic breakthroughs in bringing that 85% figure down," admits Darrell Brown, Senior Assistant Postmaster General for Labor Relations, "because mechanization is not moving as fast as we would like."

Whatever its faults, the post office does have a knack for knowing whom not to antagonize. For probably the best mail service in the nation is given to the National Press Building in downtown Washington, which gets no less than five pickups a day. Here are located the offices of some of the nation's most influential newsmen, whose ire, it goes without saying, could bode ill for the Postal Service. "We make a very special effort in the press building," admits Thomas W. Chadwick, the Postal Service's consumer advocate, "After all, a man's copy has got to move."

THE COMING BATTLE

In the face of the post office's seemingly uncontrollable costs, then, the rate spiral could be endless. But Klassen is running into increasing opposition to his policies, both in and out of government. And Congress is already beginning to listen.

Last year, with Klassen turning a deaf ear to their cries, the nation's hardpressed magazines and direct-mail industry went to Congress to get some relief from their plight. They managed to get through the House Post Office Committee a bill that would stretch the original 127% hike in second-class rates from five years to ten years. With the general public also exercised about rising mail costs and declining service, they seemed well on their way to getting the bill through Congress.

At this point, Klassen started fighting. Recognizing that he was unschooled in the folkways of Capitol Hill, he left the massive lobbying effort to the professionals—of which he had many. For the Postal Service's lobbying/public relations budget is second only to that of the Pentagon: $2.3 million for a staff of 68. In addition to that, Klassen has seen fit to retain the New York public relations firm of Burnaford & Co., which did extensive work for him at American Can Co. Thus far, Burnaford—without competitive bidding—has received some $821,000 from the Postal Service under Klassen's aegis. As if all this high-price muscle were not enough, Klassen hired away Norman Halliday, the magazine industry's crack lobbyist, and made him Assistant Postmaster General for Congressional Relations.

Knowing that the bill would be enacted if it ever hit the House floor, Klassen's high-priced lobbyists shrewdly concentrated their

fire on the Rules Committee. (Even though a Committee has reported out a bill, it cannot go to the floor unless it gets through Rules, which controls the flow of legislation.) The strategy worked. Bombarded with arguments that such a stretch-out would be a "windfall" for *Reader's Digest, Time* and *The Wall Street Journal*, Rules blocked the measure by a hairbreadth vote of six-to-five. "Everybody seemed to forget about all the little magazines that might go under," says Victor Smiroldo. "They just kept talking about the big boys."

But the battle is far from over. The hefty rate increases that go into effect this month will surely bring increased pressure on Congress to stop the spiral. And that pressure will not only emanate from the Northeast, where the publishing and correct-mail industries are so heavily concentrated. Congress is also beginning to hear from the small-town weeklies and dailies suddenly alarmed at their rising postal costs.

Just a few of the projected postal rate increases for small newspapers: *Ironwood* (Michigan) *Globe*, 218%; *Watertown* (South Dakota) *Public Opinion*, 200%; and the *Minot* (North Dakota) *News*, 193%. "Unfortunately" points out Stephen Kelly, president of The Magazine Publishers Association, "the fastest way to make Congress see the light is to deliver up the body of some dead publication."

Whether that happens or not, the best chance right now to roll back postal rates is the Senate. The generally sophisticated Senate is far more responsive to the importance of a prolific and diversified press than the often more parochial House. Demands to give the publishers some relief have already come from such widely divergent Senators as Massachusetts' Edward Kennedy and Arizona's Barry Goldwater. If the 1974 economy turns out to be as soft as many forecasters are predicting, the pressures on Congress to ease the financial burdens of the publishers and the direct-mail industry will surely intensify.

As with virtually every postal service in the world, the resultant deficit would have to be made up by the taxpayers. But that is precisely what the Founding Fathers intended in the first place. "If the question of giving the Postal Service $1.5 billion in a budget of $300 billion was put to the voters," argues former Deputy Postmaster General Frederick Belen, "I am sure they would opt for picking up the tab. Klassen's notion of making a materials handling business out of something that is essentially a public service simply doesn't make sense."

DOMESTIC FOOD PRICE IMPACT STATEMENT

(Mr. HEINZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HEINZ. Mr. Speaker, I am introducing today the Domestic Food Price Impact Statement Act of 1974, which requires the publication of a "Domestic Food Price Impact Statement" by the Secretary of Commerce prior to approval of the exports of any American agricultural commodity in excess of 20 percent of the projected crop. No one need remind the American people of the poor judgment used by the administration in the execution of the Russian wheat deal or of the justifiable public suspicions and anger aroused over their outrageous and costly venture. My bill is designed to safeguard the country against the negative effects of further agricultural bonanzas that disrupt the domestic market and hurt consumers at no profit to the American farmer.

At present, commodities exporters are required to file an anticipated export report with the Department of Commerce at the time each foreign sale is made. These reports show that 1.3 billion bushels of our current wheat crops are now slated to be shipped overseas during the market year July 1, 1973-July 30, 1974. This is over 70 percent of a total projected wheat crop of 1.7 billion bushels at a time when our wheat and bread prices are at an alltime high and going up daily.

Our present system is inadequate for dealing with our new situation. All we have is a reporting system. There are no safeguards. Even though reports are filed, the massive exports which have driven our food prices through the roof, continue to go out on schedule. The record shows that neither the Department of Agriculture nor the Agriculture Committee of Congress are willing to take any action. It is like having a computerized alarm system which records burglaries and catalogs them for future reference. The present system makes no connection with any law enforcement arm charged with taking action.

Under the Export Administration Act of 1969, the Department of Commerce may impose export controls, if there is a domestic scarcity, a national security impact, and an undesirable foreign policy effect. Occasionally, export controls are imposed under this authority, most notably in the case of soybeans, after the price jumped from $3.13 per bushel to over $12 per bushel in less than a year.

But the price of No. 2 wheat recently jumped from $2.64 per bushel to $4.29 per bushel from July to October 1973. Last Friday, futures on No. 2 wheat closed in Chicago at $6.31. Yet, while we still have reports, no one is taking action on controls. I think it is high time we stop being satisfied with reports of fires being started, and start demanding that a fire department get to work before everything goes up.

To prevent such "fires," my bill would prohibit all commodity exports until the Secretary of Commerce has approved each individual export registration statement. And in any year when the approved export registration statements represent 20 percent of the projected total crop—or such lower figure as the Secretary of Commerce may set—no further exports can be approved until the Secretary of Commerce has published a "Domestic Food Price Impact Statement." In this statement, the Secretary of Commerce must certify that additional exports will not, first, cause domestic scarcity; second, have direct or indirect adverse impact on U.S. consumer prices; or third, increase U.S. unemployment.

Mr. Speaker, this "Domestic Food Price Impact Statement" will be the counterpart of the environmental impact statement, which has been an effective tool in saving our environment. It will, for the first time, require a high Government official to certify to the American people, before our food goes overseas, that the exports will not take place at the expense of the American consumer. And my amendment requires the updating of this statement each time an additional 10 percent of any crop is registered for export.

America has a prime role in feeding the world's poor and hungry populations, and we can and should continue to serve as the world's breadbasket. I object—and indignantly—to the secret deals, where a handful of speculators enrich themselves at the expense of the American taxpayers. What my amendment does, Mr. Speaker, is force these speculators to put their cards on the table, and empower the Secretary of Commerce to represent the American people in these transactions.

Our skyrocketing food prices need no documentation and excessive exports are clearly the major contributing factor. In the last session of Congress alone, at least 80 bills were introduced to deal with the food price/export problem. To my knowledge, however, none of these bills makes the Secretary of Commerce directly accountable to the American people to end these exports at the expense of the American consumer. My bill does that, Mr. Speaker, and I hope it will be promptly enacted.

Mr. Speaker, the text of my bill is included in the RECORD at this point:

H.R. 13361

Be it enacted by the House of Representatives of the United States of America in Congress assembled, That this act shall be cited as the "Domestic Food Price Impact Statement Act of 1974."

SEC. 2. DEFINITIONS. As used in this title—

(1) the term "Secretary" means the Secretary of Commerce; and

(2) the terms "agricultural commodity" and "commodity" mean any raw agricultural commodity produced in the United States, including flour, meal, and oil derived from any such commodity.

SEC. 3. REGISTRATION.

(a) No agricultural commodity may be exported to any foreign country unless (1) the person exporting such commodity has submitted an export registration statement to the Secretary, and (2) the Secretary has approved such statement.

(b) An export registration statement shall be in such form, shall contain such information, and shall be submitted at such times as the Secretary may, by regulation, require for the orderly administration of his functions under this title.

SEC. 4. EXPORT LIMITATION.

(a) Except as provided in subsection (b), the Secretary may not approve an export registration statement for a quantity of a commodity which, when added to the quantity of such commodity already approved for export during the crop year (for the commodity concerned) in which the export will occur, exceeds 20 per centum (or such lower per centum as may be established under section 5(a)) of the Secretary's estimate of the level of domestic production of that commodity for that crop year.

(b) The limitation contained in subsection (a) shall not apply to any commodity with respect to which the Secretary causes to be published a Domestic Food Price Impact Statement which contains the Secretary's certification that—

(1) the domestic production of such commodity will be sufficient to insure against domestic scarcity;

(2) exports in excess of the limitation will not have any direct or indirect impact on consumer prices in the United States; and

(3) such exports will not result in increased unemployment in the United States.

SEC. 5. ADDITIONAL LIMITATIONS AND REQUIREMENTS.

(a) The Secretary may by regulation establish a limitation lower than 20 per centum for any commodity for the purpose of section 4(a) if he (1) determines such lower limitation to be necessary to insure against domestic scarcity, consumer price inflation, or increased unemployment caused by exports, and (2) causes such determination to be published.

(b) Whenever the level of exports of a commodity covered by export registration statements increases by 10 per centum, and thereafter whenever the level of exports of such commodity increases by any multiple of 10 per centum, of the estimated domestic production of that commodity above the limitation established under section 4(a) or subsection (a) of this section, the Secretary may not approve any additional export registration statement for such commodity unless he first publishes another Domestic Food Price Impact Statement containing the certifications referred to section 4(b) with respect to such increased level of exports.

SEC. 6. ADMINISTRATIVE REVISION OF ESTIMATES OR LIMITATIONS. The Secretary may revise upward or downward his estimate of domestic production or any limitation established by him if he determines on the basis of new information that the estimate or limitation originally established was erroneous or that such estimate or limitation should be revised for other reasons.

SEC. 7. CONSULTATION. In carrying out his functions under this title, the Secretary shall consult with the Secretary of Agriculture for the purpose of estimating domestic production of and demand for agricultural commodities and with the Secretary of Labor for the purpose of determining possible price and employment effects of various export levels of such commodities.

SEC. 8. ADMINISTRATION. The Secretary is authorized to issue such rules and regulations as may be necessary to carry out the provisions of this title.

SEC. 9. APPLICABILITY. This title applies to agricultural commodities planted for harvest in 1974 and subsequent years, except that section 3 of this title does not apply to any quantity of an agricultural commodity exported pursuant to a contract entered into prior to the date of enactment of this title.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COHEN (at the request of Mr. ARENDS), for today, on account of the Ditchley Conference at London, England.

Mr. MAHON (at the request of Mr. O'NEILL), for today, on account of death in his immediate family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ADAMS (at the request of Mr. OWENS), for 30 minutes, on March 12; and to revise and extend his remarks and include extraneous matter.

(The following Members at the request of Mr. BEARD) to revise and extend their remarks and include extraneous matter:)

Mr. RAILSBACK, for 5 minutes, today.

Mr. LENT, for 5 minutes, today.

(The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous matter:)

Mr. EILBERG, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. HICKS, for 10 minutes, today.

Mr. FUQUA, for 5 minutes ,today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS, to revise and extend his remarks and include an article.

(The following Members (at the request of Mr. BEARD) and to include extraneous material:)

Mr. YOUNG of Alaska.

Mr. HANSEN of Idaho.

Mr. KEMP in three instances.

Mr. SHOUP in 10 instances.

Mr. DERWINSKI in three instances.

Mr. ZWACH.

Mr. WHITEHURST in two instances.

Mr. HUBER in two instances.

Mr. ARCHER in two instances.

Mr. SCHERLE in three instances.

Mr. COLLINS of Texas in four instances.

Mr. MAYNE in two instances.

Mr. HOSMER in three instances.

Mr. MCKINNEY in three instances.

Mr. STEELMAN.

Mr. GOODLING in two instances.

(The following Members (at the request of Mr. OWENS) and to include extraneous material:)

Mr. HOWARD.

Mr. DE LUGO in 10 instances.

Mr. NATCHER.

Mrs. MINK.

Mr. FISHER in four instances.

Mr. DINGELL.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. ANNUNZIO in six instances.

Mr. MINISH.

Mr. O'NEILL.

Mr. MEEDS.

Mr. MURTHA.

Mr. MURPHY of New York.

Mr. ROSENTHAL in five instances.

Mr. YOUNG of Georgia.

Mr. STOKES in five instances.

Mr. ANDERSON of California in two instances.

Mr. BURKE of Massachusetts.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1688. An act to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

S. 2747. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act, to expand the coverage of the act, and for other purposes; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5450. An act to amend the Marine Protection, Research, and Sanctuaries Act of 1972, in order to implement the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 12, 1974, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1973, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., March 7, 1974.

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

DEAR MR. SPEAKER: This is a report to the Congress pursuant to Section 4 of the Act of August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431-35), submitted to the Speaker of the House of Representatives pursuant to Rule XL of that House.

During calendar year 1973, the National Aeronautics and Space Administration, acting through its Contract Adjustment Board, utilized the authority of the above-cited statute as follows:

a. Under date of April 10, 1973, the Board authorized a partial adjustment of a contract with Tenco Services, Inc., for operation and maintenance of a steam generating plant for NASA. The adjustment was granted on the basis that the company incurred a loss as a result of the Government's failure to cancel an original contract solicitation, and to issue a new solicitation, containing information as to what NASA considered applicable wage rates for one category of employees under the contract should be. The amount of the adjustment was $14,930.26.

b. Under date of July 24, 1973, the Board authorized a partial adjustment of a contract with Environmental Research Associates for a study of astronaut restraints and mobility aids in a weightless, shirtsleeve environment, which authorized the use of Government-furnished property on a no-cost basis. The adjustment was granted on the grounds that the company and NASA were both mistaken as to the material fact of who was to bear the costs of disposition of the Government-furnished property. The amount of the adjustment was $9,554.

Sincerely,

JAMES C. FLETCHER,
Administrator.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2005. A letter from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Department of the Treasury (H. Doc. No. 93-232); to the Committee on Appropriations and ordered to be printed.

2006. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1974 for the Civil Aeronautics Board (H. Doc. No. 93-233); to the Committee on Appropriations and ordered to be printed.

2007. A letter from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Department of Commerce (H. Doc. No. 93-234); to the Committee on Appropriations and ordered to be printed.

2008. A letter from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Department of the Interior (H. Doc. No. 93-235); to the Committee on Appropriations and ordered to be printed.

2009. A letter from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1974 for the Department of Agriculture (H. Doc. No. 93-236); to the Committee on Appropriations and ordered to be printed.

2010. A letter from the President of the United States, transmitting a proposed supplemental appropriation to pay claims and judgments rendered against the United States (H. Doc. No. 93-237); to the Committee on Appropriations and ordered to be printed.

2011. A letter from the Secretary of Agriculture, transmitting the annual report of the Federal Crop Insurance Corporation for the 1973 crop year, pursuant to 7 U.S.C. 1508(a); to the Committee on Agriculture.

2012. A letter from the Assistant Secretary of the Interior for Management and the Acting Administrator, American Revolution Bicentennial Administration, transmitting a report on a possible violation of section 3679 of the Revised Statutes, as amended, by the American Revolution Bicentennial Commission and the Department of the Interior, pursuant to 31 U.S.C. 665(i)(2); to the Committee on Appropriations.

2013. A letter from the Deputy Secretary of Defense, transmitting a report on the condition and operating results of working capital funds for fiscal year 1973, pursuant to 10 U.S.C. 2208(i); to the Committee on Armed Services.

2014. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to repeal sections which impose certain restrictions on enlisted members of the Armed Forces and on members of military bands; to the Committee on Armed Services.

2015. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the intention of the Department of the Navy to donate certain surplus property to the Warren County Chapter of the National Railway Historical Society, Warrenton, N.C., pursuant to 10 U.S.C. 7545; to the Committee on Armed Services.

2016. A letter from the Acting Assistant Secretary of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend Public Law 92-477, authorizing at Government expense the transportation of house trailers or mobile dwellings, in place of household and personal effects, of members in a missing status, and the additional movements of dependents and effects, or trailers, of those members in such a status for more than 1 year, to make it retroactive to February 28, 1961; to the Committee on Armed Services.

2017. A letter from the Commissioner of the District of Columbia, transmitting a report of the action of the District of Columbia Government on the recommendations of the Commission on the Organization of the Government of the District of Columbia; to the Committee on the District of Columbia.

2018. A letter from the Assistant Secretary of Agriculture, transmitting a report of a survey conducted by the Department of Agriculture on the funding needs of schools for food service equipment, pursuant to section 6(e) of Public Law 92-433; to the Committee on Education and Labor.

2019. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a listing of excess defense articles to be furnished foreign countries on a grant basis which have been programed for the fiscal year 1974 military assistance program since the last report and which were not included in the fiscal year 1974 military assistance congressional presentation material, pursuant to section 8(d) of the Foreign Military Sales Act Amendments of 1971, as amended [22 U.S.C. 2321b(d)]; to the Committee on Foreign Affairs.

2020. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92-403; to the Committee on Foreign Affairs.

2021. A letter from the Director, Bureau of Land Management, Department of the Interior, transmitting a report on negotiated sales contracts for the disposal of mineral and vegetative materials on public lands during the 6 months ended December 31, 1973, pursuant to 30 U.S.C. 602(b); to the Committee on Interior and Insular Affairs.

2022. A letter from the Administrator, Federal Energy Office, transmitting a draft of proposed legislation to authorize energy conservation programs and end use rationing of fuels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2023. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on amendments and modifications to contracts in connection with the national defense executed by the Administration during calendar year 1973, pursuant to 50 U.S.C. 1434(a); to the Committee on the Judiciary.

2024. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of ordered entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act [8 U.S.C. 1182(a)(28)(I)(ii)(b)]; to the Committee on the Judiciary.

2025. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the Act [8 U.S.C. 1182(d)(6)]; to the Committee on the Judiciary.

2026. A letter from the Vice Commander, Civil Air Patrol, transmitting the annual report of the Civil Air Patrol for calendar year 1973; to the Committee on the Judiciary.

2027. A letter from the Secretary of Transportation, transmitting a report on a study of revenue mechanisms for financing mass transportation, pursuant to section 138(b) of Public Law 92-87; to the Committee on Public Works.

2028. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to amend section 203(b) of the National Aeronautics and Space Act of 1958; to the Committee on Science and Astronautics.

2029. A letter from the Administrator of Veterans Affairs; transmitting the annual report of the Veterans' Administration for fiscal year 1973, pursuant to 38 U.S.C. 214 (H. Doc. No. 93-258); to the Committee on Veterans' Affairs and ordered to be printed with illustrations.

2030. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to provide for approval of sites for production and utilization facilities, and for other purposes; to the Joint Committee on Atomic Energy.

RECEIVED FROM THE COMPTROLLER GENERAL

2031. A letter from the Comptroller General of the United States, transmitting a report on problems of the Upward Bound program in preparing disadvantaged students for a postsecondary education; to the Committee on Government Operations.

2032. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the Department of the Navy's development testing; to the Committee on Government Operations.

2033. A letter from the Comptroller General of the United States, transmitting a report on the Food and Drug Administration's handling of reports on adverse reactions from the use of drugs; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 923. Resolution providing additional compensation for services performed by certain employees in the House Publications Distribution Service (Rept. No. 93-889). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 971. Resolution providing for the consideration of H.R. 11035. A bill to declare a national policy of converting to the metric system in the United States, and to establish a National Metric Conversion Board to coordinate the voluntary conversion to the metric system over a period of 10 years. (Rept. No. 93-890). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOORHEAD of California: Committee on the Judiciary. H.R. 1715. A bill for the relief of Cpl. Paul C. Almedeo, U.S. Marine Corps Reserve; with amendment (Rept. No. 93-886). Referred to the Committee of the Whole House.

Mr. FROEHLICH: Committee on the Judiciary. H.R. 3534. A bill for the relief of Lester H. Kroll; with amendment (Rept. No. 93-887). Referred to the Committee of the Whole House.

Miss JORDAN: Committee on the Judiciary. H.R. 5907. A bill for the relief of Capt. Bruce B. Schwartz, U.S. Army; with amendment (Rept. No. 93-888). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY of Texas (for himself and Mr. BURLESON of Texas):

H.R. 13358. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 13359. A bill to amend chapter 3 of title 3, United States Code, to provide for the protection of foreign diplomatic mission; to the Committee on Public Works.

By Mr. HASTINGS:

H.R. 13360. A bill to amend the Clean Air Act to provide for temporary suspension of certain air pollution control requirements; to provide for coal conversion; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ:

H.R. 13361. A bill to require filing of domestic food price impact statement in connection with exports of U.S. commodities; to the Committee on Banking and Currency.

By Mr. JOHNSON of Colorado (for himself, Mr. ARMSTRONG, Mr. BROTZMAN, and Mr. EVANS of Colorado):

H.R. 13362. A bill to provide that moneys due the States under the provisions of the Mineral Leasing Act of 1920, as amended, may be used for purposes other than public roads and schools; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of Colorado (for himself, Mr. ARMSTRONG, Mr. BROTZMAN, Mr. EVANS of Colorado, and Mrs. SCHROEDER):

H.R. 13363. A bill to provide that moneys due the States under the provisions of the Mineral Leasing Act of 1920, as amended, derived from the development of oil shale resources, may be used for other purposes other than public roads and schools; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER:

H.R. 13364. A bill to amend title 17 of the United States Code to remove the expiration date provided in Public Law 92-140 which authorized the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings; to increase the criminal penalties for piracy and counterfeiting of sound recordings; and for other purposes; to the Committee on the Judiciary.

By Mr. LANDRUM:

H.R. 13365. A bill to amend the Social Security Amendments of 1972; to the Committee on Ways and Means.

By Mr. MATHIAS of California (for himself, Mr. ALEXANDER, Mr. BIESTER, Mr. BELL, Mr. COUGHLIN, Mr. GOODLING, Mr. KETCHUM, Mr. LENT, Mr. O'HARA, Mr. PODELL, Mr. RANGEL, Mr. ROE, Mr. STARK, Mr. WINN, and Mr. YOUNG of Illinois):

H.R. 13366. A bill to amend the act which created the U.S. Olympic Committee to require such committee to hold public proceedings before it may alter its constitution, to require arbitration of certain amateur athletic disputes, and for other purposes; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 13367. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to eliminate the support requirements for divorced wives and surviving divorced wives; to the Committee on Education and Labor.

By Mr. SIKES:

H.R. 13368. A bill to amend title 10 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of active duty military medical personnel, and for other purposes; to the Committee on Armed Services.

By Mr. SIKES (for himself and Mr. LOTT):

H.R. 13369. A bill to amend the act establishing the Gulf Islands National Seashore to increase the amount authorized for the acquisition of private property to be included in the seashore; to the Committee on Interior and Insular Affairs.

By Mr. STEPHENS:

H.R. 13370. A bill to suspend until June 30, 1976, the duty on catalysts of platinum and carbon used in producing caprolactam; to the Committee on Ways and Means.

By Mrs. SULLIVAN (for herself and Mr. LEGGETT):

H.R. 13371. A bill to amend title 6 of the Canal Zone Code to permit, under appropriate controls, the sale in the Canal Zone of lottery tickets issued by the Government of the Republic of Panama; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMSON of Wisconsin:

H.R. 13372. A bill to amend section 22 of the Agricultural Adjustment Act of 1933, as amended; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California:

H.R. 13373. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging; to the Committee on Interstate and Foreign Commerce.

By Mr. WINN:

H.R. 13374. A bill to amend the Railroad Retirement Act of 1937 so as to increase the amount of the annuities payable thereunder to widows and widowers; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 13375. A bill to support the price of milk at 90 per centum of the parity price for the period beginning April 1, 1974, and ending March 31, 1976; to the Committee on Agriculture.

By Mr. FINDLEY (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. ARENDS, Mr. BAUMAN, Mr. BURLISON of Missouri, Mr. CARTER, Mr. COHEN, Mr. GUYER, Mr. HENDERSON, Mr. HUTCHINSON, Mr. JONES of North Carolina, Mr. LITTON, Mr. MCKAY, Mr. MADIGAN, Mr. MAYNE, Mr. QUIE, Mr. RAILSBACK, Mr. SCHERLE, Mr. SEBELIUS, Mr. SHOUP, Mr. SCHUSTER, Mr. TAYLOR of North Carolina, and Mr. THONE):

H. Res. 967. Resolution relating to the serious nature of the supply, demand, and price situation of fertilizer; to the Committee on Agriculture.

By Mr. ROUSSELOT (for himself, Mr. ARCHER, Mr. BAUMAN, Mr. BLACKBURN, Mr. BURGENER, Mr. BURKE of Florida, Mr. CAMP, Mr. COCHRAN, Mr. COLLINS of Texas, Mr. CRANE, Mr. DERWINSKI, Mr. HINSHAW, Mr. LOTT, Mr. MATHIAS of California, Mr. RARICK, Mr. SPENCE, and Mr. SYMMS):

H. Res. 968. Resolution expressing the sense of the House that the Economic Stabilization Act of 1970 should not be extended; to the Committee on Banking and Currency.

By Mr. ROUSSELOT (for himself, Mr. ASHBROOK, Mr. BAKER, Mr. BEARD, Mr. COLLIER, Mr. DUNCAN, Mr. FROEHLICH, Mr. HORTON, Mr. HUNT, Mr. KEMP, Mr. MARTIN of North Carolina, Mr. MICHEL, Mr. MYERS, Mr. O'BRIEN, Mr. PARRIS, Mr. STEELMAN, and Mr. STEIGER of Arizona):

H. Res. 969. Resolution expressing the sense of the House that the Economic Stabilization Act of 1970 should not be extended; to the Committee on Banking and Currency.

By Mr. CHARLES H. WILSON of California:

H. Res. 970. Resolution to authorize the Committee on Interstate and Foreign Commerce to conduct an investigation and study of the importing, inventorying, and disposition of crude oil, residual fuel oil, and refined petroleum products; to the Committee on Rules.

MEMORIALS

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

371. By the SPEAKER: A memorial of the Senate of the State of Arizona, relative to handgun control; to the Committee on the Judiciary.

372. Also, memorial of the Senate of the State of Arizona, relative to the observance of Veterans Day on November 11; to the Committee on the Judiciary.

373. Also, memorial of the House of Representatives of the State of Oklahoma, relative to Environmental Protection Agency regulations governing the production of crude oil; to the Committee on Public Works.

374. Also, memorial of the Senate of the State of Arizona, relative to the establishment of a national cemetery in Arizona; to the Committee on Veterans' Affairs.

375. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Federal participation in the costs of the social security program; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. STEED introduced a bill (H.R. 13376) for the relief of those members of the class action suit *Mozelle Frey* v. *United States of America*, filed in the U.S. District Court for the Western District of Oklahoma, for whom judgments were entered by such court, but later vacated by the U.S. Court of Appeals for the Tenth Circuit, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

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

400. By the SPEAKER: Petition of the Committee on Industry and Business, North Dakota Legislature, relative to State workmen's compensation laws; to the Committee on Education and Labor.

401. Also, petition of John B. Smith, Memphis, Tenn., relative to the 1972 election in the Eighth Congressional District of Tennessee; to the Committee on House Administration.

402. Also, petition of the council of the County of Kauai, Hawaii, relative to emergency energy legislation; to the Committee on Interstate and Foreign Commerce.