the price of propane gas; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK (for himself, Mr. BADILLO, Mr. DINGELL, Mr. DRINAN, Mr. EILBERG, Mrs. GRASSO, Mr. GRAY, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. MOSS, Mr. NIX, Mr. PODELL, Mr. RODINO, Mr. ROSENTHAL, Mr. SEIBERLING, Mr. STARK, and Mr. WALDIE):

H.R. 13528. A bill to amend the Internal Revenue Code of 1954 to impose an excise tax on certain inventories of gasoline, crude oil, and petroleum products, for the purpose of discouraging the accumulation of such commodities in excess of the reasonable demands of industrial, business, or residential consumption; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 13529. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS:

H.R. 13530. A bill to prohibit the transportation by water of merchandise between the United Sttaes and the Virgin Islands except in vessels built in, and documented under the laws of, the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BOB WILSON:

H.R. 13531. A bill to provide retirement annuities for certain widows of members of the uniformed services who died before the effective date of the survivor benefit plan; to the Committee on Armed Services.

H.R. 13532. A bill to amend the Internal Revenue Code of 1954 to allow the nonrecognition of the gain from the sale of the principal residence of a member of the Armed Forces who is required to reside in Government-owned quarters if a new residence is purchased within 1 year after such member is no longer required to reside in such quarters; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.J. Res. 939. Joint resolution to designate the third week of September of each year as "National Medical Assistants' Week"; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H. Res. 983. Resolution relating to the serious nature of the supply, demand, and price situation of fertilizer; to the Committee on Agriculture.

By Mr. JOHNSON of Pennsylvania:

H. Res. 984. Resolution relating to the serious nature of the supply, demand, and price situation of fertilizer; to the Committee on Agriculture.

By Mr. McSPADDEN (for himself, Mr. JARMAN, Mr. STEED, Mr. CAMP, Mr. JONES of Oklahoma, and Mr. ALEXANDER):

H. Res. 985. Resolution on the seriousness of the fertilizer shortage; to the Committee on Agriculture.

By Mr. MEZVINSKY:

H. Res. 986. Resolution relating to the serious nature of the supply, demand, and price situation of fertilizer; to the Committee on Agriculture.

MEMORIALS

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

379. By Mr. HANSEN of Idaho: A memorial of the Legislature of the State of Idaho, relative to the streamflow of the Snake River; to the Committee on Interior and Insular Affairs.

380. By the SPEAKER: A memorial of the Senate of the State of Oklahoma, relative to Environmental Protection Agency regulations concerning the production of crude oil; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FLYNT:

H.R. 13533. A bill for the relief of Stephen A. G. Goddard; to the Committee on the Judiciary.

By Mr. REES:

H.R. 13534. A bill for the relief of Ester Libkind; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

404. The SPEAKER presented a petition of the Board of Administration, Department of Oklahoma, Veterans of World War I of the U.S.A., Inc., relative to amnesty; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CATTLEMEN LOSING MONEY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. COLLINS of Texas. Mr. Speaker, a year ago the newspapers and television were crowded with the news that the cost of meat was pretty high. Ladies were striking at the grocery stores. Everyone was complaining about it.

Now the shoe is on the other foot and the cattlemen are losing money raising beef. I was not aware of this situation as I do not have a cattle rancher in my district and it is not publicized in the news.

Last week I was talking to a rancher and he told me about the poor financial condition that they are now in. Yesterday, buried over in the middle of the third section of the newspaper, I saw another story that got more specific about it.

In August of 1973, live cattle soared to record levels, with choice steer reaching a peak of $58 per hundred pounds. This same type of beef steer sold this week for $41 to $42 per hundred pounds. This is a good drop in price, but where the cattle feeders are getting caught in the middle is the fact that the price of corn has gone skyrocketing. Corn is now moving at $3 a bushel, and this means that feeding cattle represents a tremendous loss. I read of an example where a man and wife, with no hired labor, ran a 274-acre farm. They are raising 300 cattle per year. Under today's present cost of feeding cattle, they are losing $114 a head. This means they are losing over $34,000 this year, and for a small operator, that would take him completely out of the market.

When we are quick to criticize a cattle rancher, we do not always stop to realize that he is also caught in the middle of inflation. If he is feeding cattle to round them out, he must be buying a lot of corn. When he is paying $3 a bushel for corn, it is going to cost him more per pound. With the natural law of economics governing supply and demand, the excess cattle that are now available have forced the market price down.

As this cycle gradually eases out we will see higher beef prices, because the inevitable inflationary influences will take place. An interesting phase of this development is the fact that we tried to control the prices of beef. Control did not work, as it will not work for oil, gas, or for any other commodity. The other interesting feature is that, although cattlemen were severely criticized only 7 months ago as being big profiteers, they are now, in this very short time, losing more than they made last year. I have not heard any newsman come forward and express sorrow or regret at the tremendous losses that the cattlemen are now taking.

It is another example of the fact that price controls will not work. The cattlemen would have been better off if we had never tried to control the price; if we would have let them continue all last summer to place the cattle in the market in an orderly manner, we would have been able to maintain a more orderly price ratio in the market. I am hoping that the law of supply and demand will encourage greater agricultural production, so that the price of feeds will drop back to a lower, more balanced ratio.

Price control will never work. The cause of inflation in this country is the fact that we have excessive Government spending in Washington. The first term that Lyndon Johnson was President, his budget was $100 billion. Ten years later, this Congress is discussing a $304 billion budget. As long as Congress continues to overspend and to go in for excessive Government spending, we are leading this country into excessive inflation. We must balance the budget and we must reduce excessive Federal spending.

THIS LIFE WE TAKE

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 13, 1974

Mr. HARTKE. Mr. President, the Friends Committee on Legislation published an article entitled "This Life We Take" by Trevor Thomas which is a case against the death penalty. While the Senate debates the question whether to reimpose the death penalty in the United States in certain circumstances, we must be ever cognizant of the right to life.

The interest in which this distinguished body must consider whether to take the life of another voluntarily must be with an eye on the direction of civilization. Let us all lend our support to the direction which will lead men from violence.

I ask unanimous consent to have the article by Mr. Thomas printed in the Extensions of Remarks.

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

THIS LIFE WE TAKE—A CASE AGAINST THE DEATH PENALTY

(By Trevor Thomas)

(Published by the Friends Committee on Legislation)

A Man Who Changed His Mind—

Ernest Gowers, Chairman of the British Royal Commission on Capital Punishment:

"Before serving on the Royal Commission, I, like most other people, had given no great thought to this problem. If I had been asked for my opinion, I should probably have said that I was in favor of the death penalty, and disposed to regard abolitionists as people whose hearts were bigger than their heads. Four years of close study of the subject gradually dispelled that feeling. In the end I became convinced that the abolitionists were right in their conclusions though I could not agree with all their arguments . . ."

"The only moral ground on which the State could conceivably possess the right to destroy human life would be if this were indispensable for the protection or preservation of other lives. This places the burden of proof on those who believe that capital punishment exercises a deterrent effect on the potential criminal. Unless they can establish that the death penalty does, in fact, protect other lives at the expense of one, there is no moral justification for the State to 'take life'."

Rev. Dana McLean Grefley, Rabbi Roland B. Gittelsohn, Rt. Rev. Monsignor Thomas J. Riley. Members of the subcommittee of the Massachusetts Commission to Investigate the Advisability of Abolishing Capital Punishment.

The man sits in a cage of steel and concrete under a single bright light that burns around the clock. He has been tried by a jury of his peers, judged and sentenced to die. He has killed and now society, through the anonymous machinery of the state, will kill him. He has been brought here to keep that appointment with death.

Two guards will watch him this last night so that he can do no violence to himself. Before setting down for the long night, they offer tobacco and a variety of food for the last "hearty" meal.

After an eternity of night they see the beginning of a new day and a last breakfast. There will be no reprieve. The time of death, so impossible, so unimaginable, has come. Now the warden and the captain of the guards move down the long corridor toward the cell. A physician harnesses a stethoscope across his chest, its black tube dangling like an obscene umbilical cord.

Shoeless, he walks—or is carried or dragged—between two guards through the green door of the octagon chamber. Inside he is strapped to a metal chair; first around the chest, then the stomach and each arm and leg. A guard connects the black tube.

Outside, the physician adjusts the stethoscope to his ears. Twelve witnesses of the people, as required by law, watch through thick glass windows.

Each step of the ritual is checked and checked again. The last guard steps from the chamber and seals the door. The executioner makes his motions, inside liquid acid gurgles into a well beneath the chair. A bag of cyanide eggs is immersed in the acid. The combination produces deadly hydrocyanic acid gas, sweet-smelling like peach blossoms.

The man in the metal chair gasps and throws his weight against the straps in a final convulsive bid for life. Minutes pass. The head snaps back, then slumps forward. The physician hears the pounding, straining heart hesitate, become faint and then stop. He notes the official time on the appropriate charts. The man is pronounced dead.

In California, death is by gas. In Massachusetts, New Jersey and Tennessee the condemned die by electrocution. New Hampshire, Kansas, and Washington hang the prisoner "by the neck until dead." In Utah he may be shot or hanged. From 1930 through 1969, nearly four thousand men and women were legally executed in the United States.

Why? For many the answer is obvious—to protect the rest of us, or to serve as a warning and prevent repetition of the crime. Others argue in the name of justice, or revenge.

Then why have some states and not others outlawed capital punishment? Does the destruction of an occasional criminal protect any of us? Is the penalty a just one? If it is evil for us to take life as individuals, do we compound that evil by killing in the name of the state?

These are questions which have social and moral implication for us all. They demand that we cast off old prejudices in our search for the truth; that we put to use the knowledge of criminologists and psychiatrists; that we and our legislators take a careful look at present practices. This pamphlet is one attempt to throw light into some of the dark corners of that ancient institution, legal killing.

THE BEGINNING OF THE END

The first record of abolition of capital punishment was by edict of King Leopold of Tuscany in 1786, followed by Joseph II of Austria in 1787. Yet the English courts in 1800 punished over 200 offenses by death. One might forfeit his life for stealing five shillings, fishing in private streams, or robbing a rabbit warren.

In 1801, a boy thirteen years old hanged in England for stealing a spoon. Another boy, ten was sentenced to death for murder in 1748. The judges all ruled it proper to hang the child because, ". . . the example of this boy's punishment may be a means of deterring other children from the like offenses."[1] And just as certainly, the judges reasoned, no one would risk his neck for five shillings. They were wrong. In fact, picking pockets, itself punishable by death, thrived at public hangings "when everybody was looking up." Stealing increased to a point where bankers from 214 English towns petitioned Parliament for milder punishment that could be enforced. By 1819 there were more than twelve thousand similar petitions.

But when Sir Samuel Romilly introduced a bill in 1810 to abolish the death penalty for stealing five shillings from a shop, not a single judge would support him. He was told such a law might even lead to abolition for stealing from a dwelling house and then no man "could trust himself for an hour without the most alarming apprehensions that, on his return, ever vestage of his property will be swept away by the hardened robber."

Gradually public opinion did away with the greatest number of capital crimes in England. The dire predictions did not come to pass. In fact, such crimes decreased after partial abolition.

After a four-year investigation by a Royal Commission, Parliament passed the Homicide Bill of 1957, eliminating three-fourths of the remaining crimes subject to execution. Eight years later Great Britain abolished capital punishment for a trial period of 5 years. In October, 1965, the House of Commons approved a bill introduced by abolitionists almost 20 years before; 155 years after Sir Romilly failed in his effort to stop the hanging of thieves. The new law allows the judge passing sentence for a crime formerly punishable by death to set the number of years to be served before the prisoner can be considered for parole. Before abolition, a murderer who escaped the gallows or received a life sentence served an average of eight to ten years before parole.

Britain's legislators, having studied the evidence of the last two centuries, in 1969 have decided that the death penalty is not a deterrent to serious crime, but an affront to humanity. In December, 1969, the abolition of capital punishment was made permanent.

THE TREND IN CAPITAL PUNISHMENT

The world trend is toward abolition of the death penalty. Over the past century more and more legislative bodies have abolished it. Those countries which still retain the death penalty use it less frequently. A United Nations study reports that "in general, the modern tendency is more and more to drop the mandatory character of the death penalty."[2] Another study, for the Council of Europe, noted an "undoubted decline in capital punishment" in European countries.[3]

The 1968 up-dating by the UN of its capital punishment report[4] lists 16 countries whose laws do not provide the death penalty for any offense. However, since most executions are for the crime of murder, a more accurate index to the prevalence of the death penalty is the number of countries which do not invoke death for any form of murder. The UN report lists 26 such countries. (See back cover.)

Countries may keep the death penalty on their statute books but not use it. This is de facto abolition, as contrasted to removal by law (de jure abolition). Belgium, Liechtenstein, Luxembourg and the Vatican State are abolitionist de facto.

The UN also reports a general trend toward limiting the categories of offenses for which the death penalty is exacted. The trend is to apply it less often for crimes, such as murder, to which it has traditionally applied. However, there is a slight contrary tendency to invoke it for economic and political crimes.

For some time the legislative direction has been toward making capital punishment a discretionary rather than a mandatory penalty. In many countries the death sentence is mandatory only for very specific crimes, or in special courts, such as military courts. Where capital punishment is mandatory, it is primarily for murder and crimes against the security of the state.

The trend away from capital punishment is disrupted in time of war. Abolitionist countries may restore the death sentence, as did Italy, which was abolitionist until 1928, when the death penalty was brought back for crimes against "national security." By 1930, capital punishment was again applied for felonies as well. Germany had the death penalty before the Nazis came to power and made a death-house of Europe. In wartime, even the abolitionist countries reintroduced the death penalty on a limited scale. Belguim, the Netherlands, and Norway executed traitors, persons guilty of war crimes, and collaborators with the enemy. After the war, the death penalty was abolished in both Italy and West Germany, and other abolition countries returned to their pre-war status. France and Spain still exact the death penalty. The Soviet Union once reserved death for "political crimes"; now the penalty applies to economic crimes as well as murder, spying and sabotage. Economic crimes include money speculation, large-scale embezzlement of state property, and counterfeiting.

In the United States the trend is also away from the use of capital punishment. Although death may still be imposed by 40 states, the District of Columbia and the federal government, in actual practice there is a steady decline in executions. In 1935 there were 199 executions, 82 in 1950, 7 in 1965, and none since two persons were executed in 1967.[5] Under the constitutional challenges which have been raised against the death penalty since 1968, all pending executions have been stayed. There are close to 500

Footnotes at end of article.

persons on death rows in the United States awaiting the outcome of court challenges.

Ten states have abolished the death penalty for all crimes—Alaska, Hawaii, Iowa, Maine, Michigan, Minnesota, New Mexico, Oregon, West Virginia and Wisconsin. Another four states retain the death penalty only for such crimes as treason, killing a policeman, or killing of a prison guard by a life-term prisoner—New York, North Dakota, Rhode Island and Vermont. Montana has not had an execution since the early forties.

The first state to abolish capital punishment was Michigan in 1847. The most recent is New Mexico in 1969. Ten states have abolished the death penalty, then re-established it. Delaware, the most recent to change its law, abolished the death penalty in 1958, then reinstated it in 1961, after the slaying of an 89-year-old woman by a young Negro man. Oregon, abolitionist from 1915 to 1920, revived capital punishment until 1964, when voters repealed the death penalty.

Restoration of capital punishment in these ten states, as in Delaware, has usually followed a particularly brutal crime, or an increase in the crime rate. The death penalty was again made law despite the fact that its existence or absence does not affect the number of annual murders. Five of the states which restored the death penalty did so under the impact of the crime wave at the end of World War I, which affected death penalty and abolition states alike. Lawmakers bowed to the demands for righteous vengeance and reinstated the death penalty. Thorsten Sellin, the University of Pennsylvania sociologist has made a thorough study of the homicide rates of states which have experimented with abolition then revived the death penalty. He concluded that abolition had no visible effect on those states' homicide rates.[6]

For the first time in history, the United States Department of Justice now stands opposed to the death penalty. "Modern penology with its correctional and rehabilitation skills affords far greater benefits to society than the death penalty which is inconsistent with its goals." [7]

Discussing the trend away from the death penalty, the *New York Hearld Tribune* said, editorially:

"These states (with abolition) have not found that the lack of a supreme penalty has affected their crime rate; careful comparisons of states, region by region, shows that capital punishment does not have the deterrent effect which is alleged as its principal social excuse. The number of executions, even in states which retain the death penalty, is declining more rapidly than the homicide rate which indicates a public revulsion which has not yet found expression in statutes.

"Over the centuries, society has moved away from the crueler forms of inflicting legal death; it has limited the number of capital crimes; banned public executions; tended to be less ready to carry existing laws to extremes. Evidently, capital punishment itself is becoming outdated . . . as the public conscience becomes more and more aware of the possibilities for fatal error, of the capriciousness, of the relative ineffectuality of the death penalty, its end is inevitable and should be hastened."

OUT OF FEAR FOR OUR LIVES

The most persuasive argument for capital punishment is that the threat of death keeps people from committing murder and other capital crimes. The argument goes something like this:

(a) People do not commit crimes because they fear punishment,

(b) Therefore, since people fear death more than anything else, the death penalty will better prevent capital crimes than any other form of punishment.

Though not supported by evidence, this argument is advanced as fact whenever the issue comes before a legislative body. The real question is whether the individual who commits a capital crime *considers* the death penalty *before he acts—whether the fear of death is sufficient to prevent murder.* We know this much—that the threat of death failed to stop 13,650 Americans who committed the crime of murder in 1968. Nor did it have any effect on those who also took their *own* lives—64 of the 461 Californians who killed in 1957 committed suicide afterward. Nor did it prevent passion murders—21% of those Californians *executed* between 1943 and 1963 who in a rage had killed their wives, mistresses, or girl friends. Prisoners trying to escape have killed guards in the very shadow of the gallows or gas chamber. There are even instances of murder and attempted murder by off-duty law enforcement officers, thoroughly acquainted with the (theoretical) penalty for killing. The penalty is even less a threat to the mentally ill, but psychiatric evaluations made at California's San Quentin prison over a 15-year period reveal that a *majority* of those executed were emotionally unstable, psychoneurotic, or psychopathic.

One of the most striking bits of evidence before the Royal Commission of 1866 was from the Bristol prison chaplain who pointed out that of 167 persons awaiting execution in that prison, 164 had previously witnessed at least one execution! What would the Medical Association say of the value of polio vaccine if it were found that of 167 polio cases, 164 had been treated with that vaccine?

Nearly thirty-two percent of those executed in California (1943–1963), killed in the course of a robbery. If a thief is surprised he often, rather than risk capture, (probable penalty five years) "chooses" to shoot it out, and is caught, gun in hand. Does he weigh the penalty for armed robbery against that for murder the instant before he pulls the trigger? No; for this act, like other crimes of violence, is usually committed in a blind rage or under great mental stress which shuts out any thoughts of penalty.

Thousands have *not* been deterred by the threat of the death penalty. It is not possible to prove that a single potential murderer *was ever deterred.* Ask yourself; is fear of the death penalty the primary reason that you do not kill a neighbor with whom you may be in violent disagreement? Social scientists and psychiatrists, ministers and criminologists know that this is not the case; that love, desire for approval and acceptance, favorable personal relationships, environment and other cultural factors all play greater roles than fear in controlling or giving direction to anti-social impulses. The "fear of death" theory omits another large factor—the inability of most people to comprehend their own destruction. Even men on death row cannot believe "this will happen to me."

But the opponents of abolition will still insist, what about the hardened criminal, the premeditated murderer? If he is a rarity, the lives he takes are no less precious. Can we be sure the death penalty does not deter him?

This we know; the man who kills has *not* been deterred by the threat of capital punishment. The claim that the penalty prevents murder, or that execution is a just punishment for murder is a belief, not a fact. That abstract rarity, the person whose hand may be stayed from killing because of the death penalty is a phantom, unknown and undetected. Neither do statistical studies, by themselves, finally decide the case for, or against, the death penalty.

What all careful evaluation of homicide rates before and after abolition *do* reveal is that in the long run changes in the *homicide rates are unrelated to the death penalty.* If capital punishment prevent murder, the murder rate should increase when the death penalty is removed. In case after case of countries and states with and without the penalty no such correlation can be shown. This is a fact corroborated by extensive study.

The Royal Commission on Capital Punishment sat for four years heard innumerable witnesses, and sifted hundreds of documents. They visited Norway, Sweden, Belgium, Holland and the United States to hear further evidence in those countries. In 1953, the Commission reported that "whether the death penalty is used or not, both death penalty and abolition states show homicide rates which suggest that these rates are conditioned by *other* factors than the death penalty"—another way of saying there is no deterrent effect.

Further, "the general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate or that its re-introduction has led to a fall." [8]

Following the Royal Commission's findings, Parliament passed a bill in 1957 which reduced the number of crimes punishable by death. It also introduced the concept for "diminished responsibility" into law, whereby a man accused of a capital crime could be found guilty of a non-capital crime, thus saving him from death, upon presentation of psychiatric proof of substantial mental disorder.

Finally, in 1965, also on the basis of the Royal Commission study, Parliament abolished capital punishment. It did so despite the fact that 79% of Britains either opposed abolition or were uncertain. Overwhelming proof and careful evaluation outweighed emotional arguments in the minds of British legislators. (Sideny Silverman, the bill's author, said, "We don't, in matters of life and death, think it is right to decide what is just or unjust by a spot, unconsidered reaction taken on the street corner or in a club or pub.")

The conclusions of the Royal Commission were reconfirmed by Marc Ancel's United Nations study. While reporting that many governments reserve judgment on whether the death penalty is or is not a deterent, he concluded that all the information available appears to confirm that such a removal (of the death penalty) has, in fact, never been followed by a notable rise in the incidence of crime no longer punishable with death."

These conclusions are borne out in small-scale studies. Philadelphia had *more* known murders 60 days *following* five highly publicized executions than in the 60 days before.[9] Either the state killings stimulated the crime of murder, or other unknown factors were responsible. The only certain fact is that the "lesson" did not take. Murder increased.

Suppose, in this instance, there had been no death penalty and no executions. What would have happened in these 60 days? More murders, or less? There of course can be no verifiable answer, only speculation and opinion.

Another study of the effect of executions—this time on a state-wide level—points to the possibility that, though the homicide rate may drop after an execution, it is canceled out by abnormal rise just prior to the execution date.

An analysis of homicide rates in California from 1946 to 1955 on the week before and after executions showed that while a peak in murder normally occurred on Saturday-Sunday, it occurred on Thursday-Friday during execution weeks. (Until recently, executions were on Friday at 10 a.m., in California.) To the author of the study, William F. Graves, M.D., this fact suggested a "brutalizing effect" of the death penalty. The death penalty was found to have no overall deterrent effect.[10]

Any deterrent value in punishment depends upon swiftness and certainty. Yet capital punishment is the most uncertain punishment on the statute books. In 1963, there were 21 persons executed in the United States. In the same year, there were 8,404 cases of murder and non-negligent manslaughter.

Footnotes at end of article.

These are odds of better than 400 to 1 against a murderer paying the death penalty. In California, in 1963, the uncertainty of the law was even more striking:[11]

Willful homicides reported by police	656
Convictions for murder	208
Sentenced to death	24
Executed	1

COMPARISON OF OTHER STATES

If the death penalty is a deterrent to murder, then fewer murders should be committed in those states that retain the penalty than in those that have abolished it, other factors being approximately equal. This last qualification is important, for we cannot honestly compare Rhode Island with, say, Georgia. One has the death penalty, the other does not, but there are many other economic and social differences that are more significant. Rather, we must select states for comparison that are as alike as possible socially and economically, with about the same type of population distribution, one with the death penalty, and the other without.

The following states most nearly meet these qualifications:

MURDER AND NONNEGLIGENT MANSLAUGHTER[1]

[Rate per 100,000 population]

	1964	1965	1966	1967	1968
Rhode Island (abolished)	1.2	2.1	1.4	2.2	2.4
Connecticut (death penalty)	1.8	1.6	2.0	2.4	2.5
Wisconsin (abolished)	1.5	1.5	1.9	1.9	2.2
Indiana (death penalty)	3.0	3.5	4.0	3.7	4.7
Michigan (abolished)	3.3	4.4	4.7	6.2	7.3
Illinois (death penalty)	5.5	5.2	6.9	7.3	8.1
Oregon (abolished)	1.8	3.4	2.7	3.1	3.2
Washington (death penalty)	2.4	2.2	2.5	3.1	3.6

[1] Uniform Crime Reports, FBI 1969.

Rhode Island, an abolition state since 1852, has a homicide rate very similar to, though slightly and consistently lower than Connecticut, where the penalty has been retained. The murder rate in Michigan, where the penalty was abolished in 1847, parallels that of Indiana and Illinois, while Wisconsin, an abolition state for practically a hundred years, has a rate significantly below Michigan, again indicating that the murder rate is not affected by the presence or absence of the death penalty.

The murder rate seems to be affected more by social and economic conditions. Michigan and Wisconsin are both abolition states, yet Michigan is more industrial and has the higher murder rate, which seems to support the observation of Richard A. McGee, former head of the California Youth and Adult Corrections Agency: "One must conclude that there are many factors other than the presence or absence of the death penalty which result in a higher or lower incidence of murder."

Some of the highest murder rates in the United States are to be found in the feud counties of Kentucky. The generally high rates in our southern states reflect cultural conditions in those areas. A little noticed fact is that in the south not only is the homicide rate high among Negroes, but for whites it is far higher than among white people in other parts of the country—all this despite the fact that executions in our southern states have historically been far more frequent than in other regions.

Dr. Karl Schuessler summarizes: "Statistical findings and case studies converge to disprove the claim that the death penalty has any special deterrent value. The belief in the death penalty as a deterrent is repudiated by statistical studies, since they consistently demonstrate the differences in homicide rates are in no way correlated with differences in the use of the death penalty. Case studies consistently reveal that the murderer seldom considers the possible consequences of his action, and if he does, he evidently is not deterred by the death penalty. The fact that men continue to argue in favor of the death penalty on deterrence grounds may only demonstrate man's ability to confuse tradition with proof, and his related ability to justify his established way of behaving."[12]

THE DEATH PENALTY AND POLICE SAFETY

Law enforcement people are often the strongest supporters of the penalty. One readily sympathizes with their motivation, but does the death penalty protect police officers? Careful and extensive studies say "no."

A 1950 study of over 266 cities of over 10,000 population in 17 states (six abolition, eleven death penalty) revealed that "on the whole, abolition states . . . seem to have fewer police killings, but the differences are small."[13]

The claim that the death penalty protects police officers is also disproved by a study of police homicides in Chicago from 1920–54. Executions for Cook County take place in Chicago. If the death penalty is a deterrent, when the execution rates rise the homicide rates should fall. But between 1920 and 1954 the two rose and fell together. Here again, the homicide rate was unaffected by the death penalty.

The Chicago study also shows that most of the police killings resulted from interruption of robbery. Since robbery murders usually occur as a result of panic, they do not appear to be deterred by the death penalty. This suggests that the police homicide rate is affected primarily by the general crime rate, not by the presence or absence of the death penalty. The Chicago figures bear this out. The police homicide rate was highest between 1925 and 1936, a period when the general crime rate in this country was particularly high.

The British Royal Commission, referring to the fears of English police officers, reported: "We received no evidence that the abolition of capital punishment in other countries had in fact, led to the consequences apprehended by our witnesses in this country."

"After several killings of policemen, Austrian police claimed that the presence of the death penalty in the law offered such a threat to certain types of offenders that they would go to the extreme in attempting to avoid capture, and that if the death penalty were removed, there would be less danger for the police."[14] The penalty was removed.

Cases where armed robbers used toy guns have been cited as evidence of fear of the death penalty. This is difficult to prove—or to disprove because the interviews with criminals are always after the fact. It may even happen in isolated instances. But toy guns are also carried by hold-up men in *abolition* states! According to the former Director of the Michigan State Police, Dr. LeMoyne Snyder:

"The argument that criminals frequently use toy guns in the commission of armed robberies because they fear the death penalty is without merit in my opinion. Many long-time criminals have told me they have never heard of such a thing.

"The reason that toy guns are used is because they are cheap; they can be bought in any ten-cent store and usually accomplish their purpose as well as a regular weapon. In states such as Michigan which abolished capital punishment decades ago, the armed robbery with a toy gun is common.[15]

IN THE NAME OF JUSTICE

James V. Bennett, former Director of the Federal Bureau of Prisons, argues that the death penalty should be retained for certain crimes. Nevertheless, he writes: "Today, it is chiefly the indigent, the friendless, the Negro, and the mentally ill who are doomed to death. Or the young."[16]

The late Warden Lewis E. Lawes of Sing Sing Prison recalled:

"In the twelve years of my wardenship I have escorted 150 men and one woman to the death chamber and the electric chair. In ages they ranged from seventeen to sixty-three. They came from all kinds of homes and environments. In one respect they were all alike. All were poor, and most of them friendless.

"The defendant of wealth and position never goes to the electric chair or to the gallows. Juries do not intentionally favor the rich, the law is theoretically impartial, but the defendant with ample means is able to have his case presented with every favorable aspect, while the poor defendant often has a lawyer assigned by the court.

"Thus it is seldom that it happens that a person who is able to have eminent defense attorneys is convicted of murder in the first degree, and very rare indeed that such a person is executed. A large number of those who are executed were too poor to hire a lawyer, counsel being appointed by the State."

Warden Lawes' statement as to the discriminatory aspect of capital punishment is borne out by the facts. The trend can be briefly summarized: the death penalty in this country is predominantly and disproportionately imposed upon Negroes, the poor and the less educated, and upon men.

Statistics from the California Department of Corrections reveal much about those executed in a twenty-year period up to 1963.[17]

Ethnic Group: Of those executed, 65.8% were white, 22.8% Negro, 8.2% Mexican descent, 3.2% other groups. (Note: The Negro averaged 3% of the California population 1940–1960.)

Occupation: 50% were classified as unskilled workers.

Education: 47% had not attained the 9th grade level. 10.7% were illiterates.

Prior Commitment: 29% had no record of prior commitment for a criminal offense. 42% had a record of prior commitment to prison. 29% were first committed to a juvenile institution, jail, or prison between 15 and 19 years of age.

Home Life: 60.4% were from homes broken by death, divorce, separation, etc., prior to age 18.

Juvenile Record: Nearly 52% had a record of juvenile delinquency.

To these findings should be added the following fact from Robert M. Carter's study of executions in California, 1938–54: In general, the psychiatric evaluations made at San Quentin indicated that the majority of the men executed were emotionally unstable, psychoneurotic, or psychopathic.

As Sara Ehrmann writes, there is some basis in fact for belief that "a rich man never gets the chair."

"It is difficult to find cases where persons of means or social position have been executed. Defendants indicted for capital offenses who are able to employ expert legal counsel throughout their trials are almost certain to avoid death penalties. In the famous Finch-Tregoff case in California, there were three trials, two hung juries, and finally verdicts of guilty but *without* the death penalty. It is estimated that the cost of these trials was over $1 million. But in the trials of some defendants without funds, juries have deliberated for as little as nineteen minutes, or an hour more or less, and then returned verdicts of guilty and death."[18]

Legislators who have conducted impartial investigations have been aware of the discriminatory aspects of the penalty for many years. As far back as the sixty-ninth Congress, a House Committee on the District of Columbia reported favorably to out-law the death penalty in Washington, D.C., but the bill did not become law. The committee said:

"As it is now applied, the death penalty is nothing but an arbitrary discrimination against an occasional victim. It cannot even

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be said that it is reserved as a weapon of retributive justice for the most atrocious criminals. For it is not necessarily the most guilty who suffer it. Almost any criminal with wealth or influence can escape it, but the poor and friendless convict, without means or power to fight his case from court to court or to exert pressure upon the pardoning executive, is the one singled out as a sacrifice to what is little more than a tradition."

Recent Congressional proposals for abolition or a moratorium on the death penalty for federal crimes have failed to reach the floor of either house for a vote.

The late August Vollmer, former Chief of Police of Berkeley and nationally known criminologist, contended that, "Until capital punishment is abolished, there is little hope of even-handed justice in murder trials." [19]

A classic case illustrating Vollmer's point is that of Alger Simmons (People vs. Simmons, August 1946). In the course of a holdup of a service station operator by Simmons and his partner Webb, a repairman was shot and killed in a struggle for Webb's gun.

Webb entered a plea of guilty and was given a life sentence. At Simmon's trial, Webb testified "that he was the one who had the gun . . . and that he himself had fired the fatal shot." The station operator testified that Simmons was with him in the back room during the entire time, including the time the shot was fired. The Supreme Court concluded that there was a "strong showing made . . . that it was Webb and not the defendant (Simmons) who was in the front office at the time of the shooting."

But the jury found Simmons guilty of first degree murder. He was sentenced to death and executed in the San Quentin gas chamber.

DOLLAR VALUES AND HUMAN VALUES

At the close of 1968, a total of 497 prisoners were awaiting execution by civil authorities in the U.S. The median elapsed time on death row for the group was 33 months. A Negro prisoner had been awaiting execution for 13 years, 8 months and 28 days in Illinois. Nearly one-third of the 497 were distributed among three states: California 85, Florida 59, and Louisiana 36. During 1968, 16 prisoners had their sentences commuted to life imprisonment.

Capital punishment has been justified as an economical and legal means to rid society of criminals. A man can be killed neatly for less than two hundred dollars, the argument runs, whereas his maintenance in prison costs the taxpayers several hundred dollars more a year.

It is a specious claim; to effect any sizeable saving would necessitate executing not only death row inmates, but other unwanted members of society such as the hopelessly insane and mentally retarded.

Although a prisoner may not be self-supporting, he usually contributes something to his upkeep. Were we willing, the prisoner could contribute, not only toward his own support, but toward that of the dependents of the victim of his crime.

This question reaches beyond the issue of capital punishment. Our prison system does not keep just the men on Death Row in enforced idleness; it condemns men by the thousands to wasting years of their lives with little to do. Though we boast of academic and vocational training in prisons, and of correctional industries, in the best of our state systems these are inadequate. If we had work opportunities for all the men, those condemned to life for murder could well produce much more than the cost of keeping them.

Second, states retaining the death penalty are harassed by lengthy and costly trials and repeated appeals especially by men of means or exceptional intelligence. The less fortunate, but no less guilty, are often executed with comparative haste. Where there is no death penalty, there are fewer prolonged cases and a greater chance for even-handed justice.

It cost the State of California well over half a million dollars and 12 years to send Caryl Chessman to his death in the San Quentin gas chamber. (Had Chessman been on trial ten years later, it is possible he would not have been sentenced to death, but to life in prison under the kidnapping section of the California penal code, revised some years after his original conviction.)

Abolition could lead to substantial savings on the country level of government and in Superior and Supreme Court costs, by reducing the length of trials. In Michigan, a comparable abolition state, murder trials seldom last more than two or three days. Some California trials last two or three weeks. In addition, California laws require an automatic appeal to the State Supreme Court in every death penalty case. This is time-consuming and expensive, though necessary to the minimum requirement of justice.

Richard A. McGee draws an inescapable conclusion: "The actual costs of execution, the cost of operating the super-maximum security condemned unit, the years spent by some inmates in condemned status, and a pro-rata share of top level prison official's time spent in administering the unit add up to a cost substantially greater than the cost to retain them in prison for the rest of their lives . . . When the other costs of the death penalty cases are added—the longer trials, the sanity proceedings, the automatic and other appeals, the time of the Governor and his staff—then there seems no question but that economy is on the side of abolition." [20]

THE CHANCES FOR ERROR

"That is the man who killed my husband."

There was no doubt as the widow of Charles Drake identified James Foster as the slayer of her husband in June 1956. Mrs. Drake was an eyewitness. Neither was there doubt in the minds of the jury who sentenced Foster to death by electric chair in the Jefferson, Georgia jailhouse.

Appeals delayed the execution and Foster sat on death row for 29 months. In July, 1958, a former policeman confessed in detail the planned robbery which resulted in the death of Charles Drake. Foster, "positively identified as the murderer" was released.

John Rexinger of San Francisco, "practically has the pellets (in the gas chamber) dropping." So said a police officer working on this 1957 case. Everything pointed to Rexinger as a torture-rapist; he was an ex-convict; he could not account for his where-abouts at the time of the crime. Finally, he was *twice* identified by the victim. Several days later the actual criminal confessed. He was a full eight inches shorter than Rexinger.

"I pleaded guilty only because my lawyer told me to. I told her I was innocent." John Fry, a hard-drinking man with a long police record was convicted of manslaughter when he pleaded guilty to the strangling of his common-law wife.

After seven months in San Quentin, Fry was pardoned by Governor Brown after another man's confession was verified.

Charles Bernstein was convicted of murder in the District of Columbia and sentenced to death. Minutes before his scheduled execution the sentence was commuted. Two years later, police proved he was innocent and he was released and later pardoned by the President.

A forced confession figures in the recent campaign against the death penalty in New York which resulted in almost complete abolition. Police wrung a confession to the slaying of two girls from 19-year-old George Whitmore. But another man was later charged with the crime, and a statement issued by the district attorney's office completely absolved Whitmore.

Investigators in the Los Angeles Public Defenders office estimate they have saved the lives of 84 defendants charged with murder. The Police and the District Attorney were sure of their guilt. Some of them had even confessed. Many had been positively identified by witnesses. But eyewitness reports are notoriously fallible. A Los Angeles Police Department survey of identifications of suspects in a line-up once indicated that 28 percent—more than one out of four—are later proved false! [21]

Until recently, there were several studies of men and women convicted of crimes who were later proved innocent, but no information on how many persons have been executed for murders they did not commit. Edwin Borchard cited cases of 65 innocent convictions; the late Judge Jerome Frank of the Second Circuit Court of Appeals documented 36 such cases. Now Hugo Adam Bedau has discovered 74 men wrongfully convicted of criminal homicide. Eight of these men were executed. Twenty-four others received a death sentence but were not executed. Of these Bedau writes, "Whether any of the eight cases really deserve to be classified as wrongful executions remains in some doubt. No doubt, however, attaches to the fact that nearly two dozen men have been sentenced to death for crimes they demonstrably did not commit." In nearly every one of the 74 cases, "the appellate court had sustained the conviction and usually unanimously." [22]

At the beginning of 1967, there were 415 prisoners under sentence of death in the U.S. Of these, 68 men finally had their cases disposed of *other than by execution:* 13 were commuted, 50 had reversals of judgment, sentences vacated or grants for new trials. Three men were transferred to mental hospitals and two died (one suicide and one natural death).

The degree to which the condemned man is subject to a capricious fate is summed up by Bedau: 'The whole pattern of treatment of capital convictions by the higher courts seems devoid of rhyme or reason. Thus, a man proven guilty is saved from execution by the striking ingenuity of his counsel on appeal to the Supreme Court. But another man goes to his death purely because his attorney neglected to raise a point of procedure at the trial, thereby barring the higher courts from touching the issue. One man is literally taken from the electric chair, after his counsel had the good luck to find a Supreme Court Justice who would issue a temporary stay of execution; upon re-hearing, the conviction was reversed. But another man is executed because the notice of stay of execution arrived seconds too late to halt the flow of lethal gas into the execution chamber." [23]

California has an automatic appeal to the State Supreme Court in all death penalty cases. Of 180 sentences of death (1942–57) there were 25 reversals on appeal. On retrial of these cases, six were dismissed or acquitted, and only three resentenced to death. This is strong evidence of the high rate of error in trial courts. Another eleven persons had their death sentences commuted to life imprisonment. Each of these eleven persons would have been executed after full judicial consideration except for excutive clemency. What of the others, perhaps no more guilty, who were not so fortunate?

Those opposed to abolition have said that the innocent are seldom executed. By that measure, if we consider the number executed in relation to the total capital crimes committed, we seldom execute *anyone*. But the supporter of the penalty never claims its infrequent use to be one of its merits. To do so would be to advance one of the strongest arguments against it.

The question is not numerical nor utilitarian, but ethical. Whether it be one innocent man executed or one hundred, the system is not defensible. And until the death penalty is erased, the possibility of error is constant. To argue otherwise is to suppor

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the notion that errors do not occur in sentencing for non-capital crimes, or in life terms for capital offenders, which clearly is not the case.

Seventy years ago, the state of Maine hanged an innocent man. As former Gov. Edmund Muskie wrote, "This unfortunate accident was the main reason for doing away with capital punishment in this state. . . ." [24]

In the year 1852, the state of Rhode Island abolished the death penalty when it was discovered that an innocent man was put to death for a murder he did not commit. Today, the F.B.I. Uniform Crime Report reveals that Rhode Island, with a 1.4 rate per 100,000 population has the fourth lowest murder rate in the nation. But Rhode Island would probably have a low murder rate with or without the death penalty.

MYTH OF THE LEGALLY SANE

Leandress Riley, Negro, defended by a Public Defender, convicted of robbery and first degree murder, executed February 20, 1953; family background: confused and unstable, St. Louis slum . . . left school at fourteen.

Legally sane when executed but reports by San Quentin psychiatrists point to medical insanity. June 26, 1950 report: ". . . at present he is so depressed and so agitated, despite electric shock treatment, that we are all agreed he is too insane to be executed. We recommend early transfer to Mendocino State Hospital." But Leandress Riley was executed two and one-half years later.

San Quentin records repeat this story again and again: execution of a legally "sane," but medically insane person. ". . . We are of the opinion that he has fundamentally a psychoneurotic personality, considerable cerebral deterioration . . . chronic alcoholic, and definitely a suicide risk."

". . . We are all in agreement that although he is medically insane, he knows fairly well the crime he committed . . . [so] he is considered to be legally sane at this time." [25]

On March 28, 1961, California's Governor Brown commuted to life the death sentence of Edwin Walker. Walker was convicted of killing a police officer. At his sanity trial he was found sane despite a strain of mental illness traced through five generations of his family which made fifteen of his relatives either mentally defective or psychotic. But, on the day of his scheduled execution, he was found to be insane and sent to a mental hospital. Years later, he was again declared sane and a new death warrant was signed. It was then that Governor Brown commuted his sentence, writing: "In my term as Governor, I have never before stayed the execution of one convicted of slaying a peace officer. And were it not for the overwhelming evidence of mental illness and the fuller light cast upon his behavior over these many years, I would be loathe to intervene now. But I cannot . . . find it possible to believe that California, after investing twelve years, thousands of dollars, and scientific resources in restoring this broken mind, has done so only that it may now be thrust into the cell for execution." (Governor's Commutation Order, p. 3.)

A recent study shows that of the 25 men whose sentences have been commuted in California between 1950 and 1965, 12 were on the basis of psychiatric evidence.[26] But why has it been necessary for a Governor to save the mentally ill from death? Why could not this have been possible in the courts?

For hundreds of years our criminal law has divided offenders into "sane" and "insane." Insane defendants are judged "not guilty" and today are committed to mental institutions. Legally "sane" defendants, on conviction, are sentenced to prison or death regardless of their respective mental conditions. For over a century, our criminal law has clung to the test of sanity laid down in the M'Naghten's case of 1843, vis:—did the accused, at the time of the crime, know that his act was wrong and contrary to law?

Psychiatry, on the other hand, has long since discarded such concepts of responsibility. Hence, from the medical standpoint, mentally diseased persons are executed, though the law may hold them sane through the haphazard application of the outdated "M'Naghten test."

This test was formulated without benefit of over a century of psychiatric knowledge accumulated since 1843. As Bernard L. Diamond, noted authority of psychiatry and the law, has observed: "Under a strict definition, the only persons who are so mentally ill that they do not know this [the difference between right and wrong] are a few far-deteriorated, schizophrenic toxic and delirious, or senile patients" incapable of aggressive impulses.[27]

The psychiatrist knows that knowledge of right and wrong alone is not an adequate test of a man's responsibility before the law. The M'Naghten test does not allow for the many factors other than reason which control human conduct. It assumes that all men are equal in their ability to conform to the law if they know what is right and wrong. Modern psychiatry shows that men are mentally and emotionally unequal the mentally ill do not have the same chance to lead law abiding lives as the mentally well.

By California Law (Penal Codes Sec. 1367) it is possible to be legally sane and medically judged mentally ill at the same time. A man may be judged legally sane at his trial, but then become legally insane by the time of his execution. If this happens, the execution is postponed until he is well, or, as in the case of Edwin Walker, his sentence may be commuted. Robert M. Carter's study of men executed in California between 1938 and 1953 shows that some condemned men cross the bridge between medical and legal sanity several times. In such cases how can we be sure a man was capable of conforming his conduct to the law at the time he committed a crime? If there is doubt, is it not far more humane to spare his life?

In the case of People vs. Wolff (August, 1964), California moved in the direction of a concept of diminished responsibility before the law based on evidence of mental illness. The Supreme Court determined that evidence of mental illness affects an offender's ability to reflect upon the seriousness of his criminal act. The Court held that Wolff should have been convicted of second rather than first degree murder.

But despite liberal court rulings, as long as the death penalty is on the books, the poor/or mentally ill, are at the mercy of a most capricious chance. It takes time and money to prove mental illness, or legal insanity.

IS THE DEATH PENALTY CONSTITUTIONAL?

Since 1965 a concerted effort has been mounted to challenge the death penalty in the courts as violating the Constitution of the United States. This litigation has been carried out largely through the efforts of the NAACP Legal Defense Fund and the American Civil Liberties Union, working in close cooperation with private attorneys throughout the country.

As a result, there were no executions in the United States between June, 1967 and January 1, 1970, when this was written. It is unlikely that any executions will take place until the United States Supreme Court has decided a number of cases now pending before it.

Early in the 1960's, the Supreme Court of the United States declined to review a case in which a constitutional challenge was made to the death penalty for rape. However, three justices dissented in a decision written by Mr. Justice Goldberg in which he raised a number of questions concerning the death penalty for rape.[28]

This case encouraged the Legal Defense Fund to embark on a systematic attempt to have the death penalty for rape declared unconstitutional on the grounds that it was applied discriminatorily against black defendants who had raped white women. (Significantly, the death penalty exists for rape only in Southern and border states, the District of Columbia and Nevada in the United States.)

Early in 1967 developments in Florida and California compelled the extension of this systematic approach to the death penalty in general. In both states the governors had been opposed to the death penalty. There had not been any executions over a number of years. As a result, Florida had more than 50 men on its death row and California more than 60. In 1967, however, new governors came into power who favored capital punishment.

Faced with the possibility of a mass slaughter, actions were brought in federal court in both states jointly by the Legal Defense Fund and the ACLU on behalf of all persons on death row. In both instances, the federal judges issued stays of all executions until final determinations of the constitutional issues raised. The federal court in California eventually vacated its stay but a similar stay was granted by the California Supreme Court. This remained in effect until November, 1968, when the court rejected the various constitutional arguments.

In the meantime, a number of the issues were raised in cases in the Supreme Court of the United States. In two cases the Supreme Court held unconstitutional certain practices involved in the administration of the death penalty. At the present time there is before the Court another case, *Maxwell* v. *Bishop*, which could have a profound effect on the administration of the death penalty in every state. Pending that decision, stays of execution have been obtained in many individual cases.

The constitutional challenges made in these cases can be divided into two broad categories. The first is a challenge to the death penalty on its face, and the second consists of a number of challenges to the ways in which it is administered.

The first urges that the death penalty violates constitutional prohibitions against cruel and unusual punishment; that is, the death penalty, regardless of the way it is carried out by the state, is in conflict with basic concepts of how a civilized society should act. Although the Supreme Court of the United States had in 1969 an opportunity to hold that the death penalty for robbery constituted cruel and unusual punishment; the Court avoided deciding the issue by reversing the conviction on other grounds.

The other challenges deal with the manner in which courts and juries determine whether or not the death penalty is to be given in any particular case. To understand these issues a brief description of the working of a court in a death case may be helpful.

In every state, if the defendant chooses to be tried by a jury, the jury itself decides whether or not he should receive the death penalty. In some states the jury must affirmatively vote for death; in others, the statutes provide that death will be the penalty unless the jury votes otherwise. In most states there is only a single trial in which the jury decides both whether the defendant is guilty and whether he will receive life or death. In certain states, however, California for example, the trial is split into two parts. In the first the jury decides only guilt and in the second, decides the penalty.

In virtually every state the jury is instructed that it is entirely up to its own conscience wheher or not a particular defendant will receive the death penalty; that is, it is not instructed as to any standards which, by law, govern its determination. Indeed, in many states, the jury is specifically instructed that there are no standards, but that the penalty is entirely up to the jury's own discretion.

Until a 1968 decision of the United States Supreme Court which will be discussed be-

Footnotes at end of article.

low, virtually every state either required or allowed persons who were opposed to the death penalty to be excluded from the jury in a capital case. Opposition could be as mild as a general dislike for the death penalty.

The issues arising from this system are briefly these, First, the lack of standards to guide the jury in determining life or death is a violation of the Fourteenth Amendment's prohibition against depriving a person of life without due process of law. That is, the jury is allowed to act solely at its own discretion or, in effect, on the basis of whim or caprice. This is not permissible where the momentous decision of life or death is involved.

In November, 1968, the California Supreme Court rejected this argument by a vote of 4-to-3 decision. The Supreme Court of the United States, however, has agreed to hear the issue in the case of *Maxwell* v. *Bishop*, mentioned above. This case will be argued probably early in 1970.

The problem of the standardless jury is worse where there is only a single trial, since the defendant faces an impossible choice. He must testify on his own behalf in order to inform the jury of mitigating circumstances. If he does so, however, he leaves himself open to cross-examination as to whether or not he committed the crime. If he chooses not to testify in order to preserve his right not to give testimony against himself, the jury will decide whether he should live or die on incomplete or biased information. The single trial issue is also before the Court in *Maxwell*.

The next constitutional challenge combines the cruel and unusual punishment argument with the lack of standards argument. It argues that for a jury to act without standards, and hence arbitrarily and capriciously, is by its nature cruel and unusual punishment. That is, because the jury acts whimsically, it imposes punishment without regard to the circumstances of the crime or the character of the defendant and thus in any particular case it is arbitrary and cruel.

The next argument stems from the exclusion of persons opposed to the death penalty. In 1968 the Supreme Court, in the case of *Witherspoon* v. *Illinois*,[29] held that it violated the Constitution to exclude scrupled jurors from the penalty phase of the capital trial. The Court held that a jury must adequately represent a cross-section of the community when its function is to reflect the overall conscience of the community.

The Supreme Court did not hold that persons who would never vote for the death penalty regardless of the circumstances of the case could not be excluded. It left that issue open to be decided at some later time.

Following Witherspoon many death sentences imposed by improperly constituted juries were overturned by state and federal courts. In California over 30 death sentences were set aside and the cases returned to court for a new penalty trial within a year of the Witherspoon decision.

Finally, the Supreme Court handed down some significant decisions in cases involving the death penalty under specific federal statutes. The leading case, *United States* v. *Jackson*,[30] involved the federal kidnapping statute. That statute provided that the death penalty could be given only by a jury. If the defendant pled guilty or if he was tried by a judge without a jury he could not be executed.

The Supreme Court held that this necessarily imposed a burden on the exercise of the constitutional right to plead not guilty and to be tried by a jury. Faced with the possibility of the death penalty, a defendant would inevitably be coerced into avoiding the possibility by giving up his fundamental constitutional rights. As a result of *Jackson*, challenges to similar death penalty statutes in various states have been made.

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The litigation described above has resulted in a two and a half year moratorium on the use of the death penalty in the United States. How long this moratorium will remain in effect will depend to a great extent on the outcome of *Maxwell* v. *Bishop*. In any case, it is certain that the attempt to eliminate the death penalty through legal action will continue to be vigorously pursued.

WHAT WE MUST DO

In 1748, solemn English judges ruled it proper to hang a boy of ten as an example to other children. We restrict such punishment to adults, but the arguments in support of the death penalty have not changed one whit in 200 years.

What plaintiff would want to be compensated for the loss of an eye by being permitted to pluck out one of the defendant's eyes. We no longer take "an eye for an eye, or a tooth for a tooth." Yet we continue the barbarous practice of taking a life for a life.

But what is the alternative? How is society to be protected against the murderer? The answer is epitomized in two words, *rehabilitation* and *prevention*.

MURDERERS CAN BE PAROLED

The alternative to punishment by death most commonly advanced by abolitionists is life imprisonment with no possibility of parole. It is frequently offered to meet the charge that one-time murderers will be paroled only to kill again. Both this fear and the life-without-parole alternative are mistaken. *Some* few murders may need to be permanently isolated without parole. But to abolish death as a punishment and then indiscriminately condemn *all* convicted men to prison with no chance for a new life, makes no sense at all. For the many who could succeed on parole, life in prison is a living death.

What happens to first-degree murder defendants who are convicted and imprisoned but not executed? Dr. A. LaMont Smith, University of California criminologist now with the Arizona Department of Corrections, cites a fifteen year period during which only *one* of 920 paroled murderers was returned to prison with the death penalty.

"On Januray 1, 1945, there were 398 men *on parole* in California who had committed murder. In the following period 1945 to 1958, an additional 522 were placed under lifetime parole supervision for a total of 920. In this fifteen year period only *one man* was returned to prison with the death penalty or one-tenth of one percent of the total. An analysis of the remaining 919 reveals that 24% died, 8.2% were pardoned and 55.4% were still on parole, or a total of 87.6%. The balance of 12.3% were returned to prison as violators.

"An analysis of the 1959 *prison intake* for homicide in California reveals that only one-fifth (41/197) had prior prison records. There were 36% without a jail or reformatory record—first offenders. Less than half, 44%, had been in such institutions. In fact, the report, *California Prisoners 1958–1959*, states that homicide is one of the 'two offense groups with the highest proportion of men with *no* prior commitment history at time of admission to prison' . . .

"Ex-prison felons, therefore, are the least responsible for homicides. Life-imprisonment without possibility of parole to prevent homicides is not warranted by the known facts." [31]

Of 117 murderers paroled in New Jersey over a ten-year period, all under life sentence and some originally condemned to death, none had subsequently been charged with another murder. Only ten have violated parole in any way. They had served an average of 19 years in prison before being paroled.

Only the best risks among imprisoned first-degree murderers are selected for parole. For such men and women we now have a clear alternative to the death penalty; life imprisonment *with* possibility for parole. Murderers are clearly the best parole risks of any class of offenders.

Hugo Adam Bedau has collected parole statistics from eight states covering different periods of time ranging from 1900 to 1961. The longest period is 1900–1958 (Mass.), and the shortest period 1950–59 (New York):

	Paroled murderers	2d imprisonment for murder
California (1945–54)	342	1
Connecticut (1947–60)	60	0
Maryland (1936–61)	37	0
Massachusetts (1900–58)	10	0
Michigan (1938–59)	164	0
Ohio (1945–60)	169	0
New York (1950–59)	357	1
Rhode Island (1915–58)	19	0

Out of some 1,158 murderers paroled, two committed another murder, 9 committed a crime of personal violence short of murder, or a felony.

It is easy to overlook the much larger number of murderers who are either not apprehended or not convicted and are at large among the population. As Zechariah Chafee of the Harvard Law School wrote:

"It is not the occasional pardon to a murderer that endangers society but rather the fact that indictments of first degree so often lead to acquittal. Undoubtedly ten murderers are free on our streets due to lack of apprehension and conviction to everyone who is pardoned after careful consideration." [32]

SOCIETY AT FAULT TOO

Men in society are responsible for their acts, but the man society executes for a crime is society's own child. He has been reared and nurtured by it, and is considered by what that society has done or failed to do for him, sometimes by what it has done to him. He is evidence of the tragic fact that home and school, church and synagogue, social agency and institution have partially failed in their purpose.

Experience so far indicates that through psychiatry, psychotherapy and religious resources, most men whom we condemn to death cells, or to slow death for life behind bars, can be returned safely to life in society.

When there is a public philosophy which values rehabilitation and crime prevention more than revenue or punishment, other ideas will emerge, and proven experiments thrive and expand.

The death penalty is not consistent with that philosophy; it can no longer be accepted as right punishment. We now understand that it does not prevent crime. Let us abandon the death penalty, and quickly.

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WORLD TREND TOWARD ABOLITION OF CAPITAL PUNISHMENT

Abolitionist by Law (De Jure)

Argentina.
Australia (Queensland & New South Wales *).
Austria.
Brazil.*†
Colombia.
Costa Rica.
Denmark.*
Dominican Republic.
Ecuador.
Federal Republic of Germany.
Finland.
Great Britain.
Greenland.
Iceland.
Indonesia.*
Israel.*
Italy.
Mexico (24 of 29 states and the federal territory).
Netherlands * (1870).
Netherlands Antilles.*
New Zealand.*
Nicaragua.*
Norway.*
Portugal * (1867).
San Marino (1848).
Sweden.*
Switzerland.*
United States: Alaska, Hawaii, Iowa, Maine, Michigan (1847), Minnesota, New Mexico, New York,* North Dakota,* Oregon, Rhode Island * (1852), Vermont,* West Virginia, and Wisconsin (1853).
Uruguay.
Venezuela (1863).

*Abolitionist by Custom ** (De Facto)*

Belgium (1867).
Liechtenstein.
Luxembourg.
Vatican City State.
U.S. Navy (1849).

Source: "Capital Punishment," United Nations, New York, 1968.

Note: Only those countries which replied to the UN questionnaire are listed. Dates given only for jurisdictions which have been abolitionist 100 years or more.

* No death penalty for murder. Death penalty retained only for certain exceptional crimes, such as treason, piracy, killing of policeman.

† Restored death penalty 1969 for acts of subversion and terrorism (New York Times, Sept. 10, 1969.)

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FOOTNOTES

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[7] San Francisco Chronicle, July 24, 1965.

[8] Report, Royal Commission on Capital Punishment, 1949–1953, page 23.

[9] Bedau, Hugo Adam (ed) The Death Penalty in America: An Anthology, (Aldine Publishing Company, Chicago, 1964), pp. 315–22.

[10] Bedau, op. cit. p. 322–332.

[11] Crime in California, Bureau of Criminal Statistics, California Dept. of Justice, 1963.

[12] Deterrent Influence of the Death Penalty, Karl F. Schuessler, The Annals of the American Academy of Political and Social Science, November, 1952.

[13] Dr. Thorsten Sellin, The Death Penalty and Police Safety.

[14] Testimony by Dr. Thorsten Sellin before the Royal Commission on Capital Punishment, 1951.

[15] Telephone conversation with Dr. Snyder, November 22, 1965.

[16] Beunett, James V. "A Cool Look at the Crime Crisis", Harpers, April, 1964, pp. 123–27.

[17] In general, these statistics agree with a study of all the men executed in California since 1893 (500 total) by Robert M. Carter and A. Lamont Smith in Crime and Delinquency, Vol. 15, No. 1, Jan. 1969. "The Death Penalty in California—A Statistical & Composite Portrait."

[18] Sara R. Ehrmann, "For Whom the Chair Waits", Federal Probation, March, 1962, p. 17.

[19] August Vollmer, The Case Against Capital Punishment in California, pamphlet, 1931.

[20] Richard A. McGee, op. cit.

[21] Reported by Keither Monroe in "California's Dedicated Detective," Harpers, June 1957.

[22] Hugo Adam Bedou, op. cit. p. 437.

[23] Bedou, op. cit. pp. 410–11.

[24] Letter, dated March 20, 1958, from Edmund S. Muskie, Governor of Maine.

[25] Robert M. Carter, Capital Punishment in California, 1938–53. Thesis University of California School of Criminology.

[26] Lloyd Braithwaite, "Executive Clemency in California: A Case Study Interpretation of Criminal Responsibility," Issues in Criminology, Vol. I, No. 1, 1965.

[27] Bernard L. Diamond, "Preparing Psychiatric Testimony," California Criminal Law Practice I (University of California, 1964).

[28] Rudolph v. Alabama, 375 U.S. 889 (1963).

[29] 391 U.S. 510 (1968).

[30] 390 U.S. 570 (1968).

[31] Statement, A. LaMont Smith to the California Assembly Committee on Criminal Procedure, April 10, 1961.

[32] Abolish the Death Penalty, Massachusetts Council for the Abolition of the Death Penalty, 1928, p. 8.

ABORTICIDE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HOGAN. Mr. Speaker, I would like to bring to the attention of my colleagues a poem written by Ms. Kay Magehheimer. Ms. Magehheimer, who is listed in the British International Who's Who in Poetry, was unable to take part in the demonstration for abortion on January 22.

I wish to insert Ms. Magehheimer's poem, "Aborticide," in the RECORD at this point.

ABORTICIDE

(By Kay Magehheimer)

Not all murderers
Are Cain-marked,
Stalking their brothers
By night;

Not all recognized
As demons
To be exorcised
By Light.

Some there are, by the
Sun of day,
Who defiantly
Slay, prod

The offspring of Man—
Lacking form
But still CHILD, by plan
Of God . . .

Who think this crime slight
And not sin;
But custom, made right
By law—

Not God's. Man's! Proclaimed
And published:
Humanity shamed
And flawed . . .

This life, most agree,
Is no dream
But reality.
Is all

We have to confront
God's judgment
When His Exeunt!
Clears th' stage.

How curse this crime? Curse
The ill-gained
Gold from such commerce?
What wage—

Sensed with their last gasps—
Must they pay?
Cain, fearful now, grasps
The hand

Of one who—somehow
Escaping
The kill—was allowed
To stand.

IN DEFENSE OF CONGRESS

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HANRAHAN. Mr. Speaker, I submit the following two articles concerning our executive and legislative branches of government for the RECORD.

The article follows:

IN DEFENSE OF CONGRESS

(By Clayton Fritchey)

A RECORD OF SELF-IMPROVEMENT

Vice President Gerald Ford thinks "it is tragic and tremendously bad for America when only 20 per cent to 30 per cent of its citizens—if the polls are anywhere nearly correct—have a good word to say for their elected officials in Congress." It would be even more tragic if it were true, which is doubtful.

The Vice President was referring to the latest Harris poll which shows only 30 per cent public approval of President Nixon, but even less approval—21 per cent—for Congress. The Harris poll is one of the most reliable, but it is far more difficult to test opinion about an entity composed of 535 parts (like Congress) than to measure reaction to an individual like the President.

Americans have always griped about Congress. It's been a popular national pastime since the republic was founded. The real test, however, is what happens on election day when the voters have the opportunity of throwing out the rascals they don't approve of. And this test shows the people invariably and overwhelmingly reelecting the incumbents.

In the House, 96 per cent of incumbents were re-elected in 1972 and 1970. In 1968, the figure was 98 per cent. This hardly suggests deep dissatisfaction. The Harris poll also contradicts itself. It now says 72 per cent of the people disapprove of congressional handling of the Watergate case, but previous Harris polls showed very high approval of the Senate investigating committee. Other polls showed the same.

In any case, regardless of what people tell the pollsters, Congress has steadily done better in recent years, especially in the last decade. It has, and perhaps always will have, serious shortcomings, but those whose job it is to observe Congress on a daily basis can testify that there has been a consistent improvement in both intelligence and performance.

The old guard still wields great power, but every year it is being forced to give ground. A reinvigorated Congress is making headway in reforming itself, in reining in a willful Chief Executive and in protecting the courts from presidential debasement. So all three branches of the government are benefiting from the changes on Capitol Hill.

This year a record number of senators and representatives are quitting. At last count, 38 House members had announced they would not seek re-election. Nearly all the retirees are highranking veterans. In the Senate, six are stepping down, four of whom range in age from 73 to 81.

The congressional record would be still better were it not for the rash of Nixon vetoes, which killed legislation in behalf of raising the minimum wage, expanding health services, rehabilitating the blind and crippled, reforming campaign spending, funding poverty and child-care programs and helping rural water-sewage projects, to name only a few.

Meanwhile, to its credit, Congress forced through a much expanded Social Security program; it stopped the administration's impoundment of funds appropriated for crucial social and environmental purposes, and, on the foreign front, it ended the bombing of Cambodia, leashed the warmaking powers of the President and repealed that blank check for war, the Tonkin Gulf Resolution.

Above all, though, Congress has set about reforming itself, a more difficult task than reforming the other branches of government. The House, for instance, has ended the secrecy of committee hearings, curtailed the old seniority system and set up a new Steering and Policy Committee. Moreover, both the Senate and House are working much harder than they used to.

Back in the Fifties, Congress met only one day out of three, but the present 93d Congress is just about the best on attendance and voting. The average member was present for 82 per cent of all votes in 1972 and last year this rose to 89 per cent, an all-time record. There's still plenty of room for further improvement, but Congress deserves better than that 21 per cent approval in the Harris poll. In the light of Watergate, it's painful to imagine what the United States would have done without Congress to fall back on.

WEARY OF SPECULATION

President Nixon's offer of cooperation with the House Judiciary Committee removes some of the largest obstacles to getting the Watergate affair settled one way or another. And the events of the last week show the necessity for some kind of resolution.

When the indictments of the alleged cover-up conspirators were returned, it looked as if the grand jury had concluded the President was involved. It sent a sealed report to the judge, and charged H. R. Haldeman with lying in saying that the President said the payment of hush-money would be wrong. Since the President had also publicly given something like Mr. Haldeman's version, this seemed to suggest the possibility of a clearly provable presidential falsehood, which would bring down the whole tottering White House defense.

Today, though, the President's reply seems a strong one. The words "it is wrong" do appear on the tape of the March 21 conversation, he says, but the immediate context is not hush-money but grants of Executive clemency. The President says that in his mind this also included the hush-money. And this is in fact precisely what the President previously said in publicly supporting Mr. Haldeman's version of the conversation.

Also, a prosecution attorney remarked in court that the grand jury's report "isn't an accusatory document." Judge Sirica has suggested that the Judiciary Committee postpone its impeachment inquiry until after the trials of those indicted last week; this strikes us as a curious suggestion if the judge believes the grand jury's material is fodder for a successful impeachment.

So within a day those of us who have tried to suspend judgment on the President's involvement have been buffeted one way and another. And we are sure the last word still has to be spoken. Obviously the President is nervous that others may interpret the tape of the March 21 conversation in a less favorable light, as the grand jury did.

Our main reaction is utter weariness at this eternal speculation. Here we have a case in which, for the first time in this Republic's 200 years, a President may be removed from office by the impeachment process. The case obviously will be decided by public opinion. Yet the public is left to guess what this statement by that party or that statement by this party might suggest about what the actual evidence may show when it is finally revealed.

Now that the President has offered a compromise on the issue of Executive privilege, the chief argument standing in the way of public release of the evidence held by the grand jury and now offered to the House committee is that it might prejudice the trials of the indicted defendants. Surely this is the most hypothetical argument ever to be offered in a courtroom, which is saying a lot.

We are talking about the trials not of someone who would otherwise escape public notice, but of Mr. Haldeman and Mr. Ehrlichman and so on. Their case has been rehashed every night on every television news show for the last year. It is sad but true to say that speculation has already convicted them a hundred times over. We do not know how to deal with this problem, but we do not see what is to be gained by suppressing actual evidence when continued speculation cannot be stopped. And we certainly do see a compelling public interest in public release of evidence bearing on the President's involvement.

Since both the President and Judge Sirica are sticking to this argument, the best hope for public release of the March 21 tape and other key evidence probably lies with the Judiciary Committee. The President has offered it all the evidence given the special prosecutor's office, and we hope the committee will not delay public release of this information by bickering over prerogatives. The committee was wise to defer action on subpoenas, until it has seen the evidence already offered.

At this point the crying need is not to settle for once and for all the issue of Executive privilege, or the problems of pretrial publicity. The need is to bring the whole Watergate trauma to some kind of a resolution, and the way to *do that is* to get out the tapes and other key evidence and let the public start making its judgments on the basis of real information.

JUST WHAT IS FREE ENTERPRISE?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. CARTER. Mr. Speaker, as our Nation approaches its 200th anniversary, it is important that we take a close look at the valuable role that our free enterprise system has played in the history of the United States. I submit that we should never lose sight of this meaningful aspect of our tradition. Further, we should always make every effort to strengthen our free enterprise system, for it will result in continued progress in the years to come.

The following item provides an interesting view on this matter which has an impact on every citizen of this country:

JUST WHAT IS FREE ENTERPRISE?

It has nothing to do with politics nor wealth nor class. It is a way of living in which you as an individual are important. Little things make up this way of living, but think what you would lose if you ever surrendered it:

Free enterprise is the right to open a gas station or grocery store or buy a farm, if you want to be your own boss, or change your job if you don't like the man you work for. (Under communism you work where you're told, and you live and die bossed by hard-fisted bureaucrats who tell you every move you dare make.)

Free enterprise is the right to lock your door at night. (In communist countries the

dread secret police can break it down any time they like.)

Free enterprise is the right to argue. (In communist countries you humbly say "Yes" to whatever is told you.)

Free enterprise is the right to save money if you want, or blow it on a good time if that's what you prefer. (Under communism you'd never have the money to do either—back-breaking hours earn you only enough to keep alive.)

Free enterprise is looking on a policeman as someone to protect you, on a judge as a friend to help you. (In communist countries you had better be afraid of all police . . . and dread all judges and courts.)

Free enterprise is the right to raise your children as you think best. (Under communism the state decides what your child shall learn and do, where he or she shall go. Respect for parents, and family life, are held in contempt.)

Free enterprise is the right to speak freely about anything you wish. (In communist countries you can never know whether your best friend or your own child is an informer. You are told what opinions to have; you'd better not voice any others.)

Free enterprise has nothing to do with how much money you have or don't have, nor what your job is or is not. Free enterprise means the right to be yourself instead of some nameless number in a horde bossed by a few despots. Free enterprise is the sum of many little things—but how miserable you'd be if someone stole it from you!

NEED TO BAN THE HANDGUN—XXXI

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. BINGHAM. Mr. Speaker, the demand for effective and stringent gun control legislation is dramatically illustrated by the article reprinted below which appeared in the March 12 edition of the New York Daily News. That this brutal murder was by no means extraordinary is a depressing commentary on the level of violence this country is willing calmly to accept. What must be done to stop the senseless warfare that rages among people of the United States?

The article follows:

TIME TO GO HOME, BUSBOY MEETS BULLET OF DEATH

(By Frank Faso and Peter Coutros)

Having mopped his last table for the night, Andreas Antigua, a busboy in Tad's steak house at 228 W. 42d St., started to go down to the basement to change clothes before going home early yesterday.

A minute later, Antigua, a 29-year-old South American, lay face down at the foot of the steps, his life ebbing from a single bullet wound in the chest.

As reconstructed for police by Carlos Cllado, 37-year-old manager of the restaurant, he had locked the doors to the eatery at 1:20 a.m. barring any more new patrons while two latecomers finished their midnight snack.

Leaving the diners and Antigua to finish what they were doing, Cllado started to go below to join five other employees changing into their street clothes.

"All of a sudden, I felt a gun being poked at me," Cllado recalled," and this guy was telling me to get downstairs and not make any noise."

The gunman was described as a white man in his early 20s, 5-feet-6, black hair, brown eyes and wearing a gray suede Eisenhower jacket. His accomplice, also white, stood about 5-feet-9 and was wearing a three-quarter length black and white checkered coat.

"They made me open the safe, took about $1,000 in cash and then told all of us to lie down on the floor and not make any noise and no one would get hurt," said Cllado.

The two holdupmen turned and began to mount the steps.

"Then, there was this bang, this shot," Cllado continued. "At first, none of us moved. Then, we got up and ran out of the office toward the stairs. We saw Antigua lying there. He didn't say anything, but we could see the blood." He was pronounced dead at St. Clare's Hospital.

Antigua, a bachelor, lived in a room at 443 W. 37th St.

THE MOTIVES FOR IMPEACHMENT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. DELLUMS. Mr. Speaker, there has been a great deal of debate about the exact nature of an impeachable offense. On the one hand, we have people who say that only an indictable offense under ordinary criminal law will qualify. They give the reason that this makes it very definite matter based on the long Western tradition of criminal law. But they soon contradict themselves, because it turns out that only a "serious" or "Government-connected" offense will do—and this, of course, involves a political judgment. The truth is that the Criminal Code was devised for quite other purposes than for deciding when the most powerful man in the country had become dangerous to that country's way of governing itself. There is no escaping a political judgment.

Many people who reject this argument in theory would still be much more comfortable if they could pin Nixon down to some indictable offense, especially if it could be proved he lied about his role. This, they believe, would be the most substantial, the strongest, impeachment case possible. I disagree. I believe the strongest impeachment case would rely on the acts that have been most subversive of our constitutional system—that have caused most suffering and loss of human life—that did more to disgrace the United States in the eyes of the world—that involved out-and-out lies to dupe the American people into supporting illegal Presidential initiatives. And this case is found in Richard Nixon's actions concerning Cambodia—the sorriest chapter in the whole tragic story of our involvement in Southeast Asia.

I would like to call to the attention of my colleagues to two articles that bring out the disproportion between the "safe" impeachment articles and the actions we have seen committed in relation to Cambodia. The first article, by Peter Weiss, discusses this issue in the context of the trial of Warren Hastings in 1788, and the motives of Edmund Burke, a defender of the American colonies during our Revolution, who attacked him. The second article is by my friend Congressman DRINAN, who points out that the real task confronting us is not to get rid of Richard Nixon, but to vindicate the ideals and traditions of our constitutional system.

The articles follow:

IS THERE AN EDMUND BURKE IN THE HOUSE?

(By Peter Weiss)

"I impeach Warren Hastings of high crimes and misdemeanors. I impeach him in the name of the Commons' House of Parliament, whose trust he has betrayed.

"I impeach him in the name of the English nation, whose ancient honour he has sullied. I impeach him in the name of the people of India, whose rights he has trodden under foot, and whose country he has turned into a desert."—Edmund Burke, M.P., in the High Court of Parliament, Feb. 13, 1788.

In the current debate on the impeachment of Richard Nixon, almost every conceivable "high crime and misdemeanor" is being offered up as a ground for conviction except those which ruined the largest number of lives, caused the greatest affront to human decency and wreaked the most lasting havoc on the political institutions of this country, and the world community: the high crimes and misdemeanors committed by Nixon and his agents in, and in connection with, the war in Indochina.

With the exception of a few hardy survivors of the moral wing of the peace movement—Congressman Drinan *AR*, Nov. 12), the Peace Education Division of the American Friends Service Committee, Redress, the Lawyers Committee on American Policy Toward Viet Nam, etc.—the pro-impeachment forces seem to be agreed that Nixon's war-related crimes should constitute, at best, a minor strand in the web of impeachment.

William Dobrovir's 163-page impeachment brief, *The Offenses of Richard M. Nixon*, the most thorough study of the subject available to date, lists not a single offense related to the administration's conduct in Indochina. Public Citizen's impeachment pamphlet, "Richard Nixon: Decision for the People," contains one brief, passing reference to the President's usurpation of Congress' warmaking powers, as does the impeachment resolution of the American Civil Liberties Union. The pamphlet issued by Americans for Democratic Action, "The Case for Impeachment," does list six "Illegalities in Foreign Policy," but none based on war crimes. And in the halls of the recently reconvened Congress, talk of Viet Nam in relation to impeachment is tantamount to a confession of naivete bordering on the ridiculous.

What accounts for this reticence? Why is it that, at the precise moment when Nixon stands exposed in all his moral nakedness, many of those who, for the past few years, have accused him of crimes against humanity, are content to see the impeachment process come to fruition on so trivial a question as the tampering with a tape or the backdating of a deed?

The answer probably lies in a misguided sense of political tactics and, perhaps more importantly, in a reluctance to press against one person charges in which a large number of others are, or feel themselves to be, implicated.

As to the first, there seems to be a developing consensus that whatever charge will bring Nixon down is the one that should be pressed, if necessary at the expense of the others. This, of course, reduces the impeachment process to its lowest common denominator and deprives it of the character of "national inquest" assigned to it by Hamilton in the *Federalist Papers* (No. 65).

It may well be that more members of Congress can be made to agree on a finding of old-fashioned tax evasion than on a charge of raping the Constitution or violating the

laws of war. Indeed, such a result would be in the time-honored tradition of sending a hired gunman to Leavenworth for failing to declare the "income" he received for executing a contract.

But would it be worth it? Would it do justice to impeachment as "the chief institution for the preservation of government", as the House of Commons called it in 1679, or, as the ACLU defined it more recently, as "the means to declare that certain acts subvert the political principles on which our system of government itself is based"? And what would it say to a Henry Kissinger, who, according to a diplomat quoted by Flora Lewis of the *New York Times*, wanted "to bomb the daylights out of Hanoi" in December, 1972, but whose personal finances are probably in perfect order, or to a James Schlesinger, who reminds us almost daily that American bombers are standing by, ready to resume their attacks on North Viet Nam?

The second reason for keeping the war out of the impeachment debate reaches deeper and more complex levels of perception. It was no one in Congress, after all, who covered the traces of the uninvited visitors to Larry O'Brien's and Dr. Fielding's offices, or who authorized those visits, or, with knowledge of their impeding occurrence, failed to prevent them. But it was Congress that failed to say no to My Lai, to Bach Mai, to napalm, to Phoenix and Rolling Thunder, although, as it finally demonstrated in forcing a halt to the bombing of Cambodia last year, it had the power to do so. And it is Congress which, today, continues to vote the funds that keep Nguyen Van Thieu in power, and Thieu's opponents in prison, and the war going.

Thus, impeachment of Richard Nixon for war-related crimes—except those based on defiance or deception of Congress—would be an impeachment of Congress itself, and for that matter, of all of us, since all of us, with a very few exceptions, could have done more than we did against the war. No wonder, then, that these grounds for impeachment do not commend themselves to the House Judiciary Committee, or to the public.

Yet those Americans—and there are millions of them—whose opposition to the war was kindled, sooner or later, by a sense of humiliation at the brutalities being committed in their name, have a clear duty now to seize the opportunity of the impeachment debate to raise once more the issues around which their political and moral consciousness revoled for so many years, and to do it, perhaps, with some effect on the future.

There is an interesting parallel between the evolving consensus on Nixon's responsibility for the crimes of his subordinates and the principles of accountability and command responsibility which the peace movement sought to put forward during the war. Albert Jenner, counsel to the Republican minority on the Judiciary Committee, has said that Nixon may be impeachable for acts of his subordinates of which he had no direct knowledge. Is this not an application of the same principle which led so many veterans—and others—to feel that, if Lt. Calley was guilty, so were his commanders all the way up the line?

It may be useful, then, to consider whether there is a basis in law and precedent for holding Nixon accountable for his crimes in Indochina, as part of the impeachment process. It is common ground now, among students of impeachment, that, as Archibald Cox argues in a recent Op-Ed piece in the New York Times, impeachable offenses should be equated neither with the whim of Congress, nor with strict violations of criminal law, but with something larger and graver: what Cox calls "political offenses in the sense of governmental"; what Governor Johnston of South Carolina, in the course of the ratifying debates, called "great misdemeanors against the public"; what Hamilton called "injuries done immediately to the society itself." Do the unprovoked instigation of a foreign war, and the conduct of such a war in violation of fundamental principles of humanity, fall into this category?

There is at least one historical precedent which is instructive in this regard. Raoul Berger, everybody's authority on impeachment, points out that the Framers were fully aware of, and greatly influenced by, the long history of impeachment in Britain. In explaining the meaning of "high crimes and misdemeanors" in the impeachment clause, Berger recalls that impeachable offenses were originally proposed to be limited to treason and bribery. But George Mason of Virginia objected that "Treason as defined in the Constitution will not reach many great and dangerous offenses. Hastings is not guilty of treason." Mason moved to add "maladministration" and, following Madison's demurrer to the vagueness of this term, "high crimes and misdemeanors" was agreed upon.

Who was Hastings and what was he guilty of? Warren Hastings, the first Governor-General of India, was impeached by the House of Commons in 1787, the very year of the Federal Convention. He had recently retired from nearly 30 years of service in India, where, according the Columbia Encyclopedia, his administration had been "a distinct success, at least from the British imperialist viewpoint." He had greatly enlarged the area of the subcontinent under British control, had dismantled the system of dual government in favor of absolute British rule, and had done extremely well, in financial terms, by his employers, the East India Company.

He had also, during his service in the East, made the following contributions, among others, to Indian and British History:

For a consideration of 400,000 pounds, he arranged to lend British troops to a rich Indian prince for the purpose of conquering a neighboring tribe, the Rohillas. According to Macaulay, "the object of the Rohilla war was this, to deprive a large population, who had never done us the least harm, of a good government, and to place them, against their will, under an execrably bad one," by means of a military campaign which Hastings must have known would not "be conducted in conformity with the humane rules of civilized warfare."

Some years later, being again pressed for money by his employers, he deliberately provoked a quarrel with Chaith Singh, the Zamindar of Benares, resulting in the defeat of the latter's forces, his arrest and banishment, and an additional revenue of 200,000 pounds per year to the Company.

Shortly thereafter, he managed to relieve the Princesses (Begums) of Oude of their considerable treasures, in part by an order of confiscation based on a false charge of insurrection and in part by arranging to have two old eunuchs attached to the Begums' household tortured by some of their enemies, in order to extort what assets were left to their mistresses.

In retrospect, all of these episodes seem a normal part of imperial history and, indeed, so they seemed to Hastings' supporters in Britain, who were more numerous than his detractors. The Encyclopedia Britannica concludes in language which has a familiar ring to contemporary ears, that he became the scapegoat for the sins, "real and imaginary" of the East India Company and that even his least defensible acts were not dictated by dishonorable motives.

Yet he was impeached—not for treason, not for bribery (although there were some charges of fiscal improprieties), not for violation of any criminal statute applicable to him, but for the high crimes and misdemeanors characterizing his conduct in a country as far removed, culturally and geographically, from Britain as Viet Nam is from America. "The High Court of Parliament," says Macaulay, "was to sit, according to forms handed down from the days of the Plantagenets, on an Englishman accused of exercising tyranny over the lord of the holy city of Benares, and over the ladies of the princely house of Oude."

Hastings' accusers included the cream of British political and intellectual society; Edmund Burke, whose reputation as one of the great orators of all time is due in part to his opening speech at the impeachment proceedings. Charles Fox, who had been, and was again to be, Foreign Secretary, and Richard Sheridan, the playwright, whose speech on the despoliation of the Begums created such a sensation that he was offered a thousand pounds for the copyright.

Strangely—or perhaps not so strangely—the most serious charge by far, that based on the Rohilla war, was voted down by the House of Commons, 119 to 67. But on the next two charges, those based on the episodes in Benares and Oude, William Pitt, the Chancellor of the Exchequer, switched sides and impeachment was voted 119 to 79 and 175 to 68, respectively.

The trial in the House of Lords lasted seven years, from 1788 to 1795, and resulted in Hastings' acquittal.

There was, no doubt, a good deal of politics in the process, as there always is, but Edmund Burke's zeal was, at least according to Macaulay, prompted solely by his revulsion at the practices of the East Indian Company and its first Governor-General. "It is by this tribunal," he said, in opening the trial before the Lords, "that statesmen who abuse their power . . . are tried . . . not upon the niceties of a narrow jurisprudence, but upon the enlarged and solid principles of state morality." And he concluded, four sittings and several emotion-induced faintings in the galleries later:

"I impeach Warren Hastings of high crimes and misdemeanors, I impeach him in the name of the Commons' House of Parliament, whose trust he has betrayed. I impeach him in the name of the English nation, whose ancient honour he has sullied. I impeach him in the name of the people of India, whose rights he has trodden under foot, and whose country he has turned into a desert."

Why did Edmund Burke do it? Because, according to Macaulay, "oppression in Bengal was to him the same thing as oppression in the streets of London."

Is there a Burke in our House?

Beyond Impeachment: Doing the Right Thing for the Right Reason

(By Robert F. Drinan)

In the first eight days after the firing of Archibald Cox by President Nixon I received 2,359 letters urging the impeachment of the President with only 82 letters against impeachment. No one in Washington knows exactly why the events of the Saturday night massacre finally brought a tidal wave of opinion in favor of impeachment. There have been so many obscenities and illegalities in the "long train of abuses" prior to the departures of Cox-Richardson-Ruckelshaus.

My own mind keeps returning to a question which in my judgment is crucial: Why was there no outcry for impeachment when Nixon invaded neutral Cambodia, or when he savagely bombed Hanoi weeks after we had been told by Dr. Kissinger that "peace is at hand"?

On July 31, 1973 I introduced the very first resolution of impeachment in the 93rd Congress. I scrupulously avoided every scandal or act of lawlessness associated with Watergate. I went out of my way to indicate that impeachment is a non-criminal and non-penal proceeding. I stated that impeachment "should not be looked upon or compared with an indictment nor should the role of the

House of Representatives in considering the impeachment of a President be deemed to be that of a grand jury."

But despite all the new knowledge that is coming to the American people with regard to the precise nature of impeachment, the vast majority of Americans still cling to the notion that the President can be removed from office only if he commits some tangible crime. The atmosphere in Washington for weeks and weeks has been the expectation that the incredible series of events will somehow suddenly reveal Richard Nixon as a common criminal.

If events do develop along this line, the impeachment process, in which I am intimately involved as a member of the House Judiciary Committee, will be a good deal simpler. At the same time the country may well stand to lose a great deal because the first application of the process of impeachment in 100 years of American history will have been employed for the wrong reasons.

The relatively mysterious phrase in the Constitution which requires "high crimes and misdemeanors" for an impeachment actually has no roots in the ordinary criminal law of England.

English and American sources make it very clear that impeachment is a proceeding purely of a political nature. The classic work on jurisprudence of Justice Story said that impeachment "is not so much designed to punish an offender as to secure the state against gross official misdeameanors."

It is now becoming widely known that impeachment does not bring about double jeopardy, so that a person who is impeached, convicted and removed from office can later be punished for a crime by indictment and conviction.

The Framers of the American Constitution were men steeped in English history. While they feared that the executive branch of government might be transformed into a monarchy they nonetheless wanted a strong and independent executive branch of government. In order to maintain a system of checks against the executive the Framers of the Constitution provided for impeachment which, it could be argued, is a narrow exception to the separation of powers.

Impeachment is therefore not an arrangement by which the Congress can exercise a vote of no confidence. Impeachment on the other hand is not and should not be looked upon as the equivalent of an indictment for criminal offenses.

The Framers of the Constitution recognized the potential abuse of the power of impeachment. Nonetheless they chose to give this ultimate power to the House of Representatives. The Founding Fathers intended that impeachment should act as a curb on Presidential conduct which would be less than criminal but more than tolerable.

I often wonder whether I can justify my failure during 1971 and 1972 to file a resolution of impeachment against President Nixon. During those two years of the 92nd Congress some four or five members of the House actually filed impeachment resolutions. I apparently declined to join in these resolutions because the Congress by appropriating money for the continuation of the war in Southeast Asia had (it could be argued) ratified the perpetuation of that indefensible massacre. The repeal of the Tonkin Gulf Resolution in December, 1970 did not alter the unbelievable fact that Congress continued to fund a war the only legal justification for which had been expressly repealed by the Congress!

It was the continued lawlessness as revealed in the Watergate scandals that forced my mind to the conclusion that the same type of lawlessness in the conduct of the war should be a justification for impeachment even more compelling than whatever illegalities Mr. Nixon may have been involved in in connection with campaign "dirty tricks" or in the perversion of political process in America.

Now that thrust of events seems to point inexorably to resignation or impeachment I keep wondering whether or not the whole process of impeachment will be too narrowly viewed by the American people.

It is appalling to talk to members of Congress who will concede that if President Nixon has defied the order of the court and not surrendered the tapes they would vote for impeachment, but who can see no impeachable offense in the four and a half years during which Mr. Nixon has violated the rules of war as set forth in the Geneva Convention, trampled upon the rights of the people of America by impounding at least $12 billion of authorized and appropriated money and committed many other similar offenses against the laws of the United States and the moral law of all humanity.

As the work of the Judiciary Committee develops I think inevitably of the bill of particulars that will eventually be included in the statement of impeachable offenses which members of the Judiciary Committee will have concluded must be charged against President Nixon. This group of 38 lawyers will insist that every charge that is noted must have evidence and proof. Like all prosecuting attorneys they will want to have one or more clearly provable offenses rather than a list of offenses some of which may be difficult to prove in a court of law.

As a result the impeachment process may well be a series of events which removes the eyes of Americans from the long line of lawless acts which President Nixon and his Administration have committed. The people will not be able to connect President Nixon's involvement in the coverup over Watergate with the ghastly abuse of Presidential power in Indochina. As a result the impeachment process may be like a "cops and robbers" story in which the House and the Senate will substitute one provable crime for a long series of events that manifest the usurpation of power by the President and the despotic use of power by an entire administration.

Some persons are now so anxious to sweep away the powers of this lawless administration that they want the President to be impeached for any reason that will be sufficient to obtain a simple majority vote in the House and a two-thirds vote in the Senate. Such an offense could be, for example, a phone call made by John Ehrlichman from the White House to L. Patrick Gray, then director of the FBI. If these two individuals spoke on a phone that was tapped the person who arranged the tap, the President, clearly violated federal law since he arranged the electronic interception of a telephone conversation without the permission of the sender or the receiver of the message.

All well and good—but how much more instructive for the American people to come to some conclusion about impeachment because, for example, the President was not truthful with the citizens of America when he stated to them on April 30, 1970, that "for five years neither the United States nor South Viet Nam has moved against enemy sanctuaries—in Cambodia—because we did not wish to violate the territory of a neutral nation." The President stated that, knowing he personally had authorized at least 3,630 air strikes over Cambodia between March, 1969 and May, 1970! During that period of 14 months the President had expended $140 million unbeknownst to the Congress. Would it not really be better to impeach the President for having misled the American people in this way rather than for some technical violation of a law?

Impeachment in other words should be not a process by which we search for a criminal but a procedure by which a President suspected of betraying the basic moral ideas of the nation is given a forum in which he can vindicate himself.

Many commentators have suggested that the impeachment process would be a purification for the American spirit. As events are developing in Washington, however, this promised purification may never come about. The impeachment process will be more narrow than even the indictment procedure before the 23 members of a grand jury.

Those who contemplate impeachment suggest that the nation would acquire a certain purification by this process from the anguish of grief and guilt which they feel concerning the war in Viet Nam. President Nixon of course continually boasts that the way in which he terminated that war was one of the great triumphs of his administration. No one seems up to the challenge to point out that the pattern of lawlessness in which Mr. Nixon engaged to pulverize North Viet Nam and solidify the dictatorship of President Thieu is in all probability infinitely more lawless and impeachable than any crimes or scandals that may be revealed in the hearings.

To suggest that the bill of particulars against the President should be broad rather than narrow is not to suggest vengeance but rather to indicate that the impeachment process, being non-criminal by nature, should permit the Congress and the country to go about the removal of the President in a way which will clarify the objectives of the nation and make known to ourselves and to the entire world that we will no longer follow a chief executive who makes war without a mandate, bombs and destroys the lives of thousands of Asians without any justifiable reason and deceives the American people by political and electoral trickery.

The post-Watergate period is merging into the post-impeachment period. That era "beyond impeachment" could be a magnificent opportunity prior to the bicentennial of the nation on July 4, 1976. Let us hope that the first impeachment of a President in this century will reveal to all of us the sins of the past but also the potential glory of the future.

AMENDMENT TO H.R. 69

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. TREEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following amendment intended to be offered by me to H.R. 69:

AMENDMENT TO H.R. 69, AS REPORTED, TO BE OFFERED BY MR. TREEN

On Page 131, immediately after line 15, insert the following new section:

AMENDMENT TO TITLE X OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 906. Title X of the Act, as redesignated by section 201(a) of this Act, is amended by adding at the end thereof the following new section:

"CHILDREN'S RIGHT TO INSTRUCTION"

"SEC. 1010. The chief administrative official of any local educational agency receiving any Federal financial assistance under this Act shall enforce, notwithstanding any provision of existing Federal law, through injunction any State statute or local ordinance prohibiting, limiting or conditioning work stoppages and/or slowdowns by public employees, including instructional personnel, of such agency.

"(1) Any parent or guardian of any student affected by any such work stoppage or slowdown may seek a peremptory writ of mandamus in any United States District Court to compel compliance with this Section by the appropriate officials on the show-

ing of financial assistance having been received under this Act.

"(2) Any parent or guardian of any student affected by any such work stoppage or slowdown shall have the right to recover damages on behalf of such child, notwithstanding any provision of existing Federal law, for any such work stoppage or slowdown in violation or in contempt of a Court order, which damages shall not exceed ten dollars ($10.00) per day per child and for which damages any and all persons participating in such work stoppage or slowdown shall be jointly and severally liable.

"(A) After the issuance of an injunction, or other Order, to halt a work stoppage or slowdown, continued absence from the classroom by any person participating, or having participated, in said work stoppage or slowdown shall create a rebuttable presumption of contempt."

ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HOGAN. Mr. Speaker, the issue of abortion is not only of great concern to a great many Americans, but it concerns men and women all over the world.

On November 20, 1973, more than 10,000 residents of England, Scotland, and Wales flooded the halls of Parliament in an effort to educate British politicians who have been misled by distortions of the mass media.

An article appeared in the January issue of the National Right to Life News reporting of the success of this rally. The article is written by Mr. Dexter Duggan, a member of the National Right to Life public relations and media committee and executive director of the Arizona Right to Life Committee.

I wish to insert the article in the RECORD at this point:

MASSIVE ENGLISH LOBBY BRINGS 10,000 TO TALK TO MEMBERS OF PARLIAMENT

(By Dexter Duggan)

(EDITOR'S NOTE: Mr. Duggan, a member of the NRLC public relations and media committee, arranged a trip to Europe at the time of the mass lobby and wrote this first-hand report after his return. He also visited with pro-life people in France and brought back reports from several countries of Western Europe.)

LONDON.—The Society for the Protection of Unborn Children, created on the brink of defeat and despair in 1967, proved itself as England's most vigorous, most valid citizens' action group in late November, when more than 10,000 SPUC members and sympathizers converged on Parliament for a massive lobbying effort.

All day long and into the evening of November 20, residents of England, Scotland, and Wales arrived to meet with their Members of Parliament, exchange views, and educate some politicians who had been misled by certain acrobatics of the mass media.

One young, bearded Anglican MP, John Selwyn Gummer, a vice-chairman of the ruling Conservative Party and opponent of capital punishment, admiringly described the gathering as the largest lobby ever in Britain on a moral issue. He was not refuted.

Leo Abse, a Labor Party MP known throughout Britain for his successful sponsorship of liberal laws on divorce, contraception, and homosexuality, repeatedly warned that the permissive Abortion Act is coarsening British society and must be drastically tightened up.

The following day, the SPUC office reported a number of reports from parliamentary sources that MPs were deeply impressed by the numbers of pro-life lobbyists, their well-informed presentations, and their manners. MPs said they had believed from media accounts that SPUC members were a narrow group of fanatics.

CHANGE "INEVITABLE"

Other parliamentarians said change in Britain's permissive Abortion Act of 1967 is inevitable because Parliament never would have voted for abortion on demand or abortion as a method of contraception or population control, which is what it has become. Abortion supporters realize they are in trouble, and hope to hold amendment of the act to a minimum. Yet they are far from confident of the easy success they enjoyed in pushing through their reckless measure seven years ago.

As a pro-abortion writer warned recently in a weekly British magazine of political and social opinion, the SPUC has "burning enthusiasm and abounding energy," and even "Machiavellian skill"!

Apparently he was seeking an explanation in his own mind for the public appeal and progress of a group sneered at by fashionable commentators, often lacking in funding, and run by a tiny unsalaried staff. Human decency never occurred to him as the reason.

Also in November it became known that Michael Grylls, a Conservative Party MP, would introduce a measure in February to tighten up the Abortion Act, which in 1972 was responsible for 157,000 legal abortions, only six of which were to save the woman's life, according to information given by doctors on legal abortion forms. With wide media cooperation, the act might already have been amended. With the actual grudging coverage, more innocent blood will flow for a while, but the tide is turning against the dangerous law, and even a partial victory for SPUC—and life—this year will begin to sound doom for the Doom Machine.

ILLEGAL ABORTIONS PERSIST

Even one of the abortionists' favorite claims, that permissive abortion laws make abortions safe by bringing them in from the back street and illegality, was exploded when Metropolitan Detective Chief Inspector Brenda Reeve, writing in the Police College magazine last summer on enforcement difficulties with the Abortion Act, said there are as many illegal aborations as legal ones—a finding the pro-abortionists still seem unaware of, but which illustrates that permissive abortion laws merely encourage permissive attitudes toward more abortion.

On November 20, Lobby Day, the SPUC people came from throughout the island nation by plane, train, bus, and car. Working people had to give up a day's pay, or more, while taking time off from their jobs in order to meet MPs with Parliament in session. Some Scotland residents sat up on buses Monday night to reach London, spent Tuesday lobbying and listening to speeches at Methodist Central Hall, the meeting and registration point for the delegations, and then returned home Tuesday night, on the road again. For at least one group, it was a 50-hour round trip.

While a series of speeches by various pro-life politicians continued for more than six hours in a packed Central Hall to a constantly changing audience, other pro-life people moved along in the line outside Parliament, awaiting scheduled meetings with their elected representatives.

ABORTION OR SOCIAL JUSTICE

At a press conference a day earlier, the SPUC released a 12-page manifesto, "Abortion or Social Justice?" which declared, "Unborn children are not to be blamed for poverty, poor housing, or harsh attitudes towards unsupported mothers. They are the innocent victims of an uncivilized society. Abortion kills. Reform the abortion law." An introductory article reminded readers that in 1967 the newly-founded SPUC had predicted all the disastrous consequences which have come about, but at that time the statements were dismissed as alarmist, emotional, and unfounded.

SPUC's pioneers had predicted private clinics, often owned and/or run by the very doctors getting rich from doing abortions, would make enormous profits and provide abortion for any reason at all; that the number of abortions would skyrocket and that National Health Service medical personnel would be pressured to help abort or else risk their jobs; that abortion would be pressed upon "irresponsible mothers" needing help, not abortion; that attitudes toward unwed mothers would harden because "she didn't have to have a baby;" and even that abortion would lead to threats to the lives of other weak members of society.

MP Jill Knight recalled for listeners in Central Hall that when in 1967 she sought to introduce an amendment to the Abortion Act to forbid experimentation on the aborted fetus, she lost out because, she was told, nothing like this could ever happen, and she was trying to add emotionalism to the issue. Since then, experimentation on both living and killed fetuses has come to Britain.

Yet she said it is not time to gloat or be smug about being proved right, but rather all the more reason to fight to save other innocent lives.

MPS CHANGE ATTITUDES

A telling example of changed attitudes was provided by Labor Party MP George Thomas, a Methodist, who frankly admitted to the Central Hall audience that he voted for the Abortion Act in 1967 in the belief this would show necessary sympathy to unfortunate women in serious circumstances.

But now, saying he was "delighted that there is such a mighty demonstration on such a vital issue" to restore the importance of people, Thomas declared:

"I am one who out of compassion voted for the measure, but I have enough experience of life to know when a thing's gone wrong, and I am appalled . . . even those who supported the measure realized it is not what Parliament intended . . . abortion on demand is an invitation to moral decrepitude." He said this ruined the country's moral credentials and dragged it through the muck.

Across the street from Central Hall, a small group of pro-abortionists, which fluctuated between approximately 30 and 100 people, left in bad spirits when busload after busload of pro-lifers continued to arrive. With them went two small vans that briefly drove around the area, one which carried a banner proclaiming abortion as "our human right!" and the other which was incredibly labeled "Men Against Masculinity"—and for abortion "solidarity."

HUMANIST SPEAKS

Meanwhile in Central Hall, MP Abse, the liberal Welsh Jewish humanist, lamented that permissive abortion had perverted British values in only a few short years. He relentlessly attacked the "social clause" of the act as the "anti-social clause" that seeks to solve problems by destroying the defenseless and making "psychopathic doctors" rich.

(The current law not only approves abortion for a pregnant woman's physical or mental health, but also for the physical or mental health of other children already born in the family. Needless to say, the abortion mills could not care less whether there are in fact any other children. As Detective Chief Inspector Brenda Reeve wrote in her Police College magazine article, the records of abor-

tions are hardly reliable, especially so "if the doctor terminating the pregnancy is also the owner or director of the place in which he is operating, and the staff are his employes and are not independent witnesses and the records kept would be his property or under his control.")

Mr. Abse (who resigned from the British Humanist Association because of its support of permissive abortion) declared:

"We are aware that there is some belief that oddly, curiously, ending life is some progressive act . . . We know we must be able to respond, again and again, sensitively to the women who are the prey of the abortionists. We here today are expressing our concern for the born child, and for social justice, as well as for the unborn. He added, "No woman, because of the lack of a house, no woman, because of a lack of finances, must become the victim of the abortionists."

Gordon Oakes, Labor Party spokesman on Environment and Local Government, warned the audience that the rate of congenital malformation for infants has been increasing since the Abortion Act went into effect, from 16.8 per thousand births in 1968 to 18.2 in 1971, the latest year for available figures from the Health Ministry. In addition, the infant mortality rate has remained at a steady level—while infant mortality is decreasing in other countries, said Oakes, charging, "I doubt the Ministry of Health would ignore these figures if they related to anything else."

BLUNTS HUMAN SENSIBILITIES

Warning that abortion blunts human sensibilities and makes other destruction of life such as infanticide and euthanasia easier to accept, Oakes said, "The day when we consider that we can sweep the problems of human life away by destroying it, is the time when the gas chambers open in this country, as they did in Europe."

John Selwyn Gummer, the young vice-chairman of the Conservative Party, joked that abortionists are surprised because he opposes them even though he has a beard, but then he made some serious comments on the pro-abortion mentality in the news media, warning his audience that "every kind of unpleasantness" will be used against pro-life forces and asking for continued letters of support for pro-life efforts.

"Those of us on the younger end of the age scale have got to warn the country" that an attitude has been created whereby young people fail to use contraceptives and then say, "Well, I don't know, if worse comes to worse, we can always have an abortion," he charged.

He warned that just as abortion is advocated for convenience, so too do the media's pro-abortionists favor conveniently ignoring or distorting strong pro-life sentiment.

As one of several shocking confirmations of his charge, the following morning the London Times, the "Bible" of the English "establishment," carried no news story about the unprecedented lobby, but did run an item in its "Diary" column which, after failing to tell the relative sizes of the pro-life and pro-abortion gatherings the day before, blandly stated: "Both sides had come by coach and plane from all over the country." The item also recounted that "approximately one-third of the people on either side were men," without considering it necessary to indicate that one-third of one side meant about 3,333 pro-life males, whereas one-third of the other side meant about 33 pro-abortion males.

("We're winning," enthused an SPUC supporter after seeing the newspaper. "We would certainly have been on the front page if we'd failed.")

Despite this hostility, Gummer declared, the "biggest ever" lobby means "now not even the most extreme pro-abortion supporter in Parliament can ignore that things will be changed."

A STRUGGLE FOR INTEGRITY

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. ROSTENKOWSKI. Mr. Speaker, the last 10 years have seen the closing of many of the Nation's leading private secondary schools. While certainly, rising costs and a declining school age population are two of the clearest explanations for this occurrence, they are certainly not the only ones.

Today's young people seem more inclined not to chose the difficult road to their future. Long hours at preparatory schools or military schools apparently do not fit in with the trend of today's young society. And, while there is certainly much to be said for the philosophy of "free expression" in education, there is also much to be said for the sense of discipline and responsibility that was effectively promoted at these schools.

In light of the recent closings, it is encouraging for me to observe at least one school that has managed to go against the trend. St. John's Military Academy in Delafield, Wis., considered and rejected all the easy ways to make their program attractive. It chose instead to reenforce the traditional elements of education that the school had so long stood for.

Under the guidance of a strong new Headmaster, Bill West, it has managed to reverse a negative enrollment trend. It has done this not by loosening its standard, not by compromising its basic principles, but rather by reasserting them. And, although the long-range future of the school is still unclear, the positive approach of Bill West has made that future so much brighter.

As a graduate of St. John's Military Academy, I am proud to see that the school is determined to maintain its traditional format. The self-discipline learned at that early age has stood me well in the years that have passed since that time. It is a quality of enduring value in any profession—a quality often lost sight of in our modern laissez faire approach to secondary education.

Since the plight of St. John's is the story of so many of America's private schools, I insert in the RECORD, a recent article that appeared in the Tulsa Tribune which accurately captures the spirit of the dedicated little school and the determined man that heads it. I am sure my colleagues will find it of considerable interest.

The article folows:

A STRUGGLE FOR INTEGRITY

(By Jenkin Lloyd Jones)

I have been reading a peculiar and heart-warming document—an annual report of a shrunken, once-prestigious boys military school in a northern state.

It does not follow the pattern of most such reports, booming with optimism, row-dedow and puffery. It is a thoughtful and restrained account of a struggle, and issue still in doubt. The writer, who is the headmaster, is a West Pointer who was brought into a decaying situation four years ago.

As America moves into the last quarter of the Twentieth Century all prep-school military academies are in trouble. "Militarism" is a 10-letter dirty word.

Parents, generally, permit kids to pick these schools and not many kids go for spit, polish and reveille. Even the non-military preps are having trouble enough competing with the easy standards of most high schools and the free life around the drive-ins.

When our hero arrived at the old campus he found that the discipline was both overly-severe and overly-lax. Theoretically, the increasingly-turbulent cadet corps was being handed more demerits than it could possibly walk off around the guard path. Practically, there was little punishment for misbehavior. Drugs were becoming a problem.

Academically, the once-proud standards had softened. Students were allowed to go down a cafeteria line of courses and they selected the easiest. Many, having belly-flopped through youth before the tv set, could hardly read at all.

The new headmaster had several options. He could de-emphasize the bothersome military training, and produce something that could parade a little for the parents Saturday morning. He could make his institution co-ed and thus supply in a measure the social amenities of high school. He could further water down the academic standards and operate a holding pen for the lazy and directionless.

He chose none of these. The coddling teachers were fired. Fifteen major demerits got you thrown out—period. A tough remedial reading program was set up. Stiff courses were included in the requirements for graduation. Old students who had grown sloppy under a system that had turned plebes into their servants bent once more to make their beds and polish shoes. The right of older boys to haze, the old come-back come-on, was knocked off.

The result was awful. At the beginning of the school year of 1970 the enrollment was 343. In 1971 it was 270. In 1972 it was 220. The school sold off unneeded real estate. It pledged other assets for a $900,000 line of bank credit. The enrollment report for last fall was awaited with apprehension.

But the decline had stopped. There was a net gain—of exactly five. More cheerfully, alumni and parents were beginning to show some interest in what the headmaster was trying to do. Inquiries have been increasing. Tougher admission standards naturally haven't helped the new enrollment figures, but they've halved the drop-out rate. The "head" views the future with cautious optimism.

Maybe he's right. Maybe not. It is not really terribly important whether the little school survives, for redistributing 225 boys is no big thing in this huge land.

But he wrote something in his report that struck me, and here it is:

"America is faced with increased international competition from without and a deterioration of its educational systems from within. To maintain such a collision course would be disastrous, but to deviate from such a course requires discipline.

"It is time the 'do your own thing' attitude be overcome. It is time for educators to take their work seriously and do away with 'open campuses', a cop-out. It is time that judges supported school administrators who seek to maintain order in our schools, that 'discipline' and 'punishment' cease being synonymous in our society.

"We must benefit from history and have impressed upon us the repeated cycle of nations—hard work and discipline mean success; success means affluence and leisure time; affluence and leisure means lack of discipline, and lack of discipline means failure."

The ancient Greeks, who liked fancy words, spoke of the "macrocosm", meaning the big world, and the "microcosm", meaning the little world—or Man, himself. Out of the macrocosm Man is shaped, and as he changes so does the world in which he lives change, too. He succeeds and his world smiles. He rots and his world becomes a terrible place.

In the outcome of the struggle of the little military school to keep afloat in a cockleshell of standards on a vast sea of permissiveness one might be able to make some guesses about the future of America.

NEED FOR THE 200-MILE FISHING LIMIT—PART 2

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HOWARD. Mr. Speaker, I am today inserting into the CONGRESSIONAL RECORD, the last two of a series of articles on the problems facing American fishermen off the east coast of our country, because of overfishing by foreign fleets.

The authors of this series, Bruce Bailey and James McQueeny, have done an excellent job of researching these problems, and I feel their presentation effectively describes current conditions. Most assuredly they have pointed out the need for full congressional discussion on this subject—before we find that there is no discussion necessary because the overfishing which is presently going on has destroyed the entire fish population.

I believe this is a subject which requires the attention of all Members of Congress—not just those representing coastal districts. Whether our constituency includes fishermen or not, our constituency does use the products of their labor as a relatively inexpensive, high-quality protein source. It is the responsibility of this body, I feel, to protect that source for all Americans.

I have introduced legislation to deal with this problem. This bill, while immediately extending our fishing limits to 197 miles outside the territorial sea, would also allow for consideration and adaption of any decisions arising from the Law of the Sea Conference. It has been my view that none of us would want to prevent other countries from obtaining a supply of fish, particularly fish which are not available off their own coastlines. We must, however, take care to insure that all fishing is done with great consideration for the continuing supply of such fish for the future. In the waters off the coast of New Jersey, this has simply not been the case. The foreign fishing fleets have been literally scraping the bottom of the ocean, leaving no fish at all and no means for the fish to regenerate and procreate for the coming seasons.

It is my hope that those who have had the opportunity to read the Star-Ledger series will contact their representatives and will urge their friends to do so, to demonstrate the great interest in this subject.

I also heartily commend this excellent series to my colleagues.

The articles follow:

ROUGH SEAS: MASSIVE FOREIGN FLEETS PUSHING OUT JERSEY FISHERS

(By James McQueeny and Bruce Bailey)

The future holds little promise for the commercial fishermen in New Jersey who have witnessed the exploitation of rich fishing grounds in the Atlantic Ocean by the foreign trawlers.

Direct competition with the subsidized foreign fishing armadas is economically impossible, leaving it to the United States government to establish new conservation regulations that will effectively halt the further depletition of East Coast fish stock to permit a resurgence of all species.

New Jersey fishermen view with alarm the ocean-going factory "cities" that are established within sight of the coast to receive nearly one million metric tons of fish each year from fleets of modern fishing trawlers flying the flags of 18 nations.

The vast majority of the intruders are Russian and Polish and they operate 24-hours-a-day with only the mildest of restrictions placed on them by the United States government.

The local fishermen protest that when they complain to the U.S. Department of State they are told: "It has taken years to build up working relations with the Communist bloc countries and there is fish enough for all."

However, within the federal government, itself, there is strong dissent. The Department of Commerce has warned the edible fish stock off the East Coast has declined 65 per cent during the last 10 years.

With quarter-mile stern nets dragging the rich fishing banks off the East Coast from top to bottom and taking everything that swims, the foreign fleets have pushed the New Jersey and New England fishermen to the wall.

Since the founding of the 13 original colonies, American fishermen have worked independently of each other and have fished the seas with restraint—taking only what the market could bear.

Ten years ago when the first of the crop failures were felt in Communist bloc nations, the American fishermen were quite unprepared for the onslaught on their fishing grounds by foreign trawlers which have multiplied by 1,000 per cent during the decade.

American trawlers—better known as draggers—are older, smaller and not nearly as equipped with sophisticated electronic fishing gear as are the foreign fleets.

As a result the American fishermen have been overwhelmed by the foreign flotillas which operate the year round, 24 hours a day during their sweeps from Cape Cod to Cape Hatteras.

The foreign fishermen are paid well by their governments and when they have filled their assigned quotas they return to their homelands and are replaced by fresh crews.

The American fishermen, on the other hand, usually operates at sea from two to 10 days and is assisted by a small crew, mainly family members. He has no "mother" factory ship to return to with a cargo and must head for port to sell on a market that is never stable. Then, he must refuel and return to the fishing banks where his foreign competitors have been fishing around-the-clock while he was gone.

The populous Bogan family of Brielle represents three generations of New Jersey fishermen who have been among the leaders in a losing battle to chase the foreign trawlers further off the coast.

The Bogans, who operate a fleet of commercial vessels, have witnessed the steady depletion of all fish stock in recent years—and the almost total extinction of the herring and mackerel off the New Jersey coast.

Capt. John Bogan, a graduate of the University of Notre Dame and a fisherman all his life, said commercial fishermen in New Jersey "are on the point of being wiped out financially—both by a fluctuating market at home and the pressure put on them at sea by the foreign fleets."

"The average fisherman today has $25,000 tied up in a dragger that is really too small for head-to-head competition with the foreign trawlers and in the last 10 years he has had to work twice as hard just to break even," Bogan said.

Prior to the invasion of the foreign trawlers, fish were abundant, Bogan said, "and with the aid of a couple of men a skipper could make a fairly comfortable living for himself and his family."

"Then the Russians came with their huge ships and electronic tracking gear and the schools of fish grew smaller. The foreigners simply took over the fishing banks. It was as simple as that," he said.

As a result American fishermen were forced to spend as much as $20,000 for electronic "pulse" tracking equipment and to economize, crews were reduced to members of the family.

When New Jersey fishermen put to sea for a two or three-day period, they found the foreign trawlers and their factory ships waiting for them.

Dwarfed by the foreign vessels, the American draggers are forced to fish the outer rims of the fishing banks and stay clear of their rivals who trawl night and day.

"Once the foreign trawlers particularly the Russians, are at work, it would be foolhardy for anyone to attempt to squeeze into the areas where they are dragging," Bogan said.

Capt. David Bogan, a brother, said foreign ships have been guilty of chasing schools of fish inside the forbidden 12-mile limit "and staying until the last fish is in the net."

Bogan said the foreign ship captains monitor the radio messages of American skippers and if a report is made that a foreigner has gone inside the 12-mile limit to the U.S. Coast Guard, the intruder quickly turns and heads for the open sea.

Bogan said bad weather usually forces American ships to seek the safety of inshore coves, while the larger foreign ships either hug the "mother" factory ship "or, if the weather isn't too severe, they just keep right on fishing."

However, Bogan said one of the chief concerns for New Jersey fishermen is the market at home.

"The foreigners get paid a good salary, they have quotas to fill and don't give a damn about the market. Americans, though, are constantly worried about the market," he said.

Some days, the skippers of local draggers will get 40 cents per pound for their silver and red hake and the following week, the price might drop to three cents a pound. The average is 25 cents a pound, which local fishermen claim hardly pays their expenses.

The Bogans say the American fishermen are hurt by the size and age of their vessels.

Unprepared for the competition forced on them by the foreign traders, American fishermen did not have the financial ability to purchase new vessels and the electronic tracking gear at the same time. "If we could depend on a stable market for the fish," Capt. Francis Bogan said, "fishermen would be in a position to invest in the future. But the market and the competition the way it is, it is tough to find money to invest in fishing."

Capt. Paul Bogan, holder of a skipper's license for a year, represents the younger New Jersey fishermen who see little future in the industry.

"This has been my life since I was old enough to walk," he said, "but unless the government does something to restrict the operations of the foreign fleets and I can

see an improvement in the domestic market I am going to have to get out of the business."

The young Bogan, a Navy veteran of the Vietnam war, said he is presently taking courses in the operation of heavy duty construction equipment.

"This past year I put some time in on construction work," he said, "and I will probably have to tackle it fulltime. There would probably always be a job of some sort for me at Bogan's Basin but when there is not enough to go around, you have to get out."

Bogan estimated the foreign trawlers he has observed during the last two years outnumber the American vessels ten to one.

"With the schools of fish growing smaller and the work hours increasing, you can see what the future holds, especially when you are up against the present operations of the foreign fleets. You just can't cope," he said.

Bogan pointed out American fishermen have to catch 100 boxes of fish to market 50.

"The market just won't accept the smaller fish and they are getting smaller each year," he said. "But the foreign fleets throw nothing back. They take everything from top to bottom and keep them all."

His brother Francis said: "You never observe seagulls flying around the foreign fleets because those guys waste nothing. They use every single patricle of fish whether it be for the dinner table or the fertilizer grinders."

The Bogans are firm in their belief that the fishing industry from New England to Virginia will die out in the near future unless the government takes action now to curtail the presence of foreign trawlers in the Atlantic Ocean.

"I don't know what the final answer will be," John Bogan said, "but the way things are now. American fishing is going to continue its slide into oblivion."

"Then the politicians in Washington will probably show alarm," he added.

FOREIGN FLEETS: TIME DRAINING AWAY FOR REVERSAL OF OVERFISHING

(By James McQueeny and Bruce Bailey)

This year may be the last chance for offshore foreign fisherman to show they can abide voluntarily by their own truce terms with nature and wind down their onslaught against the sea's vanishing fish stock.

The degree of their compliance with the first overall fish quotas, set on nearly all popular commercial species, may determine how much impetus is lent to a movement by domestic fishermen to extend the present 12-mile contiguous limit to 200 miles.

The quotas, which took effect last month, were created by the 15-nation International Commission for the Northwest Atlantic Fisheries (ICNAF).

Although created 25 years ago to monitor and protect the region's fishlife, the international agency has only recently undertaken intensive conservation measures to compensate for the massive fish harvests by foreign flotillas that began some 10 years ago.

Also, the fishing countries are acting on the very edge of nature's own deadline, with action required immediately for species to recover from drastic overfishing and replenish its exhausted stocks, according to U.S. government standards.

Flounder, mackerel, herring, haddock, cod and hake, have fallen to dangerously low levels, with the overall fish volume or "biomass" from Cape Hatteras, N.C., to Nova Scotia, dropping 65 per cent since the early 1960s when the foreign fleets started operations off the East Coast.

Haddock has been so overfished that a complete ban on its retrieval has been initiated this year by ICNAF.

Yet, even with the ICNAF quotas and haddock ban, as well as separate bi-lateral agreements between the United States, Soviet Russia, and East Bloc countries, which bar fishing in certain spawning areas for brief periods, it may take from five to 10 years for the affected species to reproduce themselves to former levels, the officials said.

The ICNAF quotas this year are based on 924,000 metric tons of total allowable catch by all nations, compared to an estimated 1.1 million tons last year when limits were set for certain species. The bonanza harvesting year was 1972 when 1.2 millions tons were caught.

This year, the largest quota, 342,500 metric tons, was awarded to the Soviet Union, followed by the United States, 195,000; Poland, 152,000, and East Germany, 97,600. Among other countries allotted quotas were Bugaria, Canada, West Germany, Italy, Japan, Romania and Spain.

ICNAF representatives negotiate the quotas based on each country's size and population, own available fishing grounds, and domestic market needs.

The 1975 quota has been set at 850,000 metric tons. It is anticipated that once fish stocks are replenished, the annual allowable yield will near one million tons.

However, the lack of enforcement powers by ICNAF has led one Massachusetts official, in a recent speech before the New England Governor's Conference, to doubt whether the agency will be able to police its members—because it has been unable to do so in the past.

Arthur W. Brownell, department of national resources commissioner, said: "ICNAF has been ineffective, an anachronism of less complicated times before pulse fishing and the advent of modern fishing fleets."

He said the organization "has been incapable of acting in time to prevent the decline of a species. It only reacts after the tragedy has occurred. The international machinery is so time-consuming that it cannot hope to keep pace with the technological capabilities of the foreign fishing nations involved."

ICNAF has received the backing of two officials of the National Marine Fisheries Service who feel the agency will be able to control overfishing.

Russell T. Norris, regional director, said the heightened levels of foreign fishing off the East Coast reflects "a reckless and irresponsible attitude toward the conservation on the part of the foreign nations.

He added, "With the establishment of a system for national allocation of the catch quota, the commission would seem to have a better chance to succeed.

"At least ICNAF is the best available tool with which we have to work with at the present time," he said.

Dr. Bradford Brown, in charge of fishery management and biology investigations, said of ICNAF:

"It's at least a conceptual scheme of management that is in actual practice nowhere else in the world—and that is at least a step toward the conservation of fish."

And if the ocean entente fails?

East Coast fishermen may lobby for the legal protection of U.S. law to the edge of the continental shelf (95 miles) or beyond—up to 200 miles, as in the cases of Ecuador, Chile and Peru.

At present, beyond the 12-mile limit, the United States claims the rights to oil, mineral, and most shellfish on the continental shelf, but no free-swimming creatures above it.

State Department officials have indicated they are not in favor of extending the present limit since reciprocal actions by other countries could pinch off militarily-strategic sea passages elsewhere—the Strait of Gibraltar, for instance.

The question is expected to be taken up next May when the UN International Law of the Sea Conference meets in Caracas, Venezuela, with legal guidelines on the issue expected.

Sen. Clifford P. Case (R-N.J.) an adviser to the conference, said the United States is currently involved in negotiations through the United Nations, to establish a body of international law to govern actions at sea beyond the limits of national jurisdiction.

Case said Secretary of State Henry Kissinger, in recent hearings before the Foreign Relations Committee, has indicated the Administration has "a new dimension of concern about exploitation of the Continental Shelf and other areas beyond the 12-mile limit. . . ."

The senator said Kissinger also recognizes the "international consequences of plans for deepwater oil terminals, offshore oil drilling and seabed mining."

Case said the U.S. position in UN discussions to establish a body of international law to govern actions at sea beyond 12 miles is that coastal nations should share jurisdiction from that limit to the edge of the continental shelf with an international body—such as the UN.

Beyond the 200-mile limit, the international organization would have exclusive jurisdiction, he said.

Presently, under the U.S. Fisherman's Act, U.S. trawlers seized by countries which have extended their 12-mile limit are released when the U.S. government pays the fine, which may be over $100,000 for each ship.

Under the act, the fishermen pay insurance premiums to the federal government which, in turn, deducts fine payments from foreign aid outlays to that country.

A state department spokesman, however, agreed, that despite the reciprocal slashes in aid payments, the countries, notably Peru and Ecuador, have been able to preserve their fishing stocks.

The overall picture for the offshore Atlantic fisheries offered by a National Marine Fisheries Service enforcement agent is bleak

"The outlook for our fishery is a dismal one," claimed Charles L. Philbrook. "I won't even try to forecast what will happen in the mid-Atlantic Fishery this winter or in the Georges Bank area next summer."

"Such things as the availability of fish, world food supplies, and many other factors will determine how much effort each country will expend to obtain fish," he said.

A spokesmen for the U.S. Department of Commerce's National Oceanic and Atmospheric Administration offered this outlook:

"Man's fishing activity is the pervasive and only controllable factor affecting abundance, and will seemingly persist as such for the foreseeable future.

"Moreover, man's use of the marine environment for waste disposal, mining, and oil extraction may be significant.

"The present harvest of fish seems to be beyond the total potential sustainable production . . . a significant increase in the invertebrate (squid, shellfish) catch is possible."

"Therein lies the greatest test potential for an expanding fishery," he said.

To one domestic fisherman, the continuance of foreign fleets' mass fish hauls represents a grim upset in the balance of nature.

John Bogan, whose family operates a fleet of fishing vessels from Brielle on the Jersey Shore, claims "the politicians in Washington turn a deaf ear to the argument that the foreign fishing fleets are tipping the balance of nature."

"When the fish are all gone, then the politicians will realize we're in trouble," he said angrily. "Unless action is taken now, there's no question the foreign fleets will wipe the fish out off the New Jersey coast."

PROHIBIT GRANTING OF AMNESTY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HOGAN. Mr. Speaker, the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Judiciary Committee, began 2 days of hearings today on the question of granting amnesty to those who deserted or evaded the draft during the Vietnam war.

I have introduced House Concurrent Resolution 144, which would prohibit the granting of amnesty to those individuals who chose to leave the country rather than face up to their responsibility and defend their country in time of emergency.

I submitted my testimony before that distinguished subcommittee today and I wish to have those remarks inserted in the RECORD at this point:

STATEMENT OF THE HONORABLE LAWRENCE J. HOGAN

My name is Lawrence J. Hogan and I represent the fifth Congressional district in the State of Maryland.

I wish to commend the chairman of this distinguished Subcommittee, Chairman Robert W. Kastenmeier, for calling these hearings to deliberate on the most emotional issue left in the wake of the Vietnam war; what to do about American draft dodgers and deserters.

The end of the war has prompted advocates of amnesty to again call for the free return of those who avoided their military obligation to the United States.

There are those who argue that these young men should be granted unconditional amnesty. Others argue that they should be allowed to return, but only if they commit themselves to a period of public service.

I am here today to express that no pardon, reprieve, or amnesty be enacted by the Congress or exercised by the President with respect to persons who are in violation of the Military Selective Service Act because of their refusal to register for the draft and/or their refusal to be inducted. This should hold true as well for those members of the Armed Forces who fled to a foreign country to avoid further military service in violation of the Uniform Code of Military Justice.

Certainly the right to choose is an intrinsic part of our American heritage. However, those who have chosen to leave their country rather than serve may have been within their rights to make that decision, but now they must live with the consequences.

Whatever their reasons, they are draft dodgers and deserters who refused to answer their country's call. While they were sitting safely in Canada or Sweden, over a million men were risking their lives in Vietnam and over 55,000 men were dying on the battlefield—for their country.

None of these men who left the country to avoid their military obligation will be marked by the scars of battle for the rest of their lives. None of their wives is a war widow.

What those who have fled the country now seek is not amnesty or forgiveness. They seek vindication, approval by the United States Government, that they were right and the U.S. wrong. To grant what these few thousand deserters demand would be to dishonor those millions who served their country with honor.

Exoneration of draft dodgers and deserters would set a precedent that might convince young men, in future emergencies, that they risk little or nothing in ducking their country's call to service. The impact would be dramatic and adverse upon the men in the service who either volunteered or answered the call of duty. Furthermore, our country would be divided, not united by such a policy.

Amnesty would also condone law breaking. The individual does not have the right to choose the laws he will obey and the laws he will disobey.

According to the Gallup Poll findings, Americans are moving toward a harder line of forgiveness for those draft evaders and deserters. In June, 1972, sixty percent of those questioned were opposed to unconditional amnesty. A following poll taken in February of 1973, showed 67 percent opposed. Only 29 percent favored unconditional amnesty.

It would be unwise to grant amnesty because it could establish a precedent inviting other young men to "cop out" in the future. It would be unjust because the returning men would in no way have offered equivalent service or sacrifice.

It would also be grossly inequitable, when returning Vietnam veterans are having such difficulty finding jobs, to allow those who shirked their duty to compete in the job market with men who performed their duty.

If draft dodgers wish to return to enjoy the freedoms and benefits of the country which they were unwilling to serve, then they should return as they left, expecting prosecution. The maximum federal penalty for desertion and draft evasion being five years in prison.

Mr. Chairman, as a sponsor of one of the bills before your Subcommittee, H. Con. Res. 144, I am deeply concerned that the Congress act according to the principle of law and insist that anyone who has evaded the draft or deserted, pay his full price for breaking the law. The price is a criminal penalty for disobeying the laws of the United States.

I appreciate having the opportunity to come before this distinguished Subcommittee today and I urge you to give due consideration to those principles and values I have espoused and which are intrinsic to our system of government.

AMENDMENT TO H.R. 69

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. BURTON. Mr. Speaker, in accordance with H.R. 963 providing for the consideration of H.R. 69, I hereby give notice of my intention to offer the following amendment to H.R. 69:

AMENDMENT TO H.R. 69, AS REPORTED OFFERED BY MR. BURTON

Page 28, line 15, strike out "1" and insert in lieu thereof "2".

Page 29, beginning with line 1, strike out everything after the period down through the period in line 8, and insert in lieu thereof the following:

The Commissioner shall allot (A) 50 per centum of the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for grants under this part, and (B) the remaining 50 per centum of such amount so appropriated to the Secretary of the Interior (i) to make payments pursuant to subsection (d)(1), and (ii) to make payments pursuant to subsection (d)(2).

SURVEY ON OSHA

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. ARCHER. Mr. Speaker, the American businessman has greatly suffered from the overambitious regulations and excessive zeal of the Occupational Safety and Health Administration. Many of the regulations adopted and the actions taken cannot be justified as *promoting* safety and health. Rather, these measures have created great difficulties for the operations of many businesses, large and small. The National Federation of Independent Business, Inc. surveyed businesses and the activities of OSHA and printed the results in a recent newsletter. It was an informative survey and reveals the need for Congress to take action to curb the abuses of OSHA. The survey follows:

OSHA STEPS UP HARASSMENT

The first month of the 1974 continuous field survey of the National Federation of Independent Business indicates stepped-up activity by Labor Department agents.

The data shows that among the independent business respondents in January, 7.7 per cent were inspected under the Labor Department regulations written from the Occupational Safety and Health Act, called OSHA, and of the number inspected, 42 per cent were found in violation.

Fines assessed, and costs of complying ran from less than $1,000 to more than $5,000.

For reasons that apparently have never been made clear, when Rep. William Steiger (R-Wis.) and Sen. Harrison Williams, Jr. (D-N.J.) co-authored the law it was made mandatory that Labor Department agents issue citations for violations, regardless of whether or not the business owner understood the complex regulations, and by law the agents are prohibited from giving any advice.

If an inspection is requested, and violations are found, a citation must be issued. This has resulted in some businesses taking complete photos of their operations and going to the Labor Department for an opinion. This sidesteps the mandatory steps required when the agents steps onto the premises.

Probably no legislation ever enacted has resulted in so much concern among independent business people, or has created so many charges of "gestapo" tactics.

A Montana business owner reports to the NFIB, "We were cited, but not fined, for having an extra fire extinguisher in our parts department that was not hung up. We couldn't hang it because there was already an extinguisher on the hanger. We were inspected Aug. 28, 1973. But the time we were fined on September 24, 1973, most of the non-compliance items had been corrected, but of course we were given no chance to get into compliance. We are of the opinion that $100 is a standard fine to cover the travel expenses of the inspector."

An electrical service firm owner in Oregon charges, "I believe OSHA's requirements and directives, many ridiculous, are disrupting our economic system, causing many small concerns to close their doors."

A California laundromat owner says. "This OSHA scares the pants off me. I wish they would let each of us know what is expected of us in advance so we could correct whatever we have in violations instead of living with the threat of this legalized Mafia gang going around doing their thing."

An Idaho house mover comments, "The OSHA law is the worst thing that has ever hit the small businessman. It should be completely repealed if possible. Under the Con-

stitution, the American people are supposed to be the masters and the governing body the servants. OSHA has reversed this basic principle and those who have pushed it down our throats have overstepped and abused the powers that we the people have entrusted to them."

Even the supposedly protected workers are complaining that OSHA regulations are making their jobs unsafe as reported by a Colorado tool and die factory owner, "I am strongly against any more federal control over anything. It inevitably results in mismanagement, inequities, higher costs, loss of independence for individuals and power-hungry appointees.

"OSHA is a prime example. My shop was required to install so-called safety devices that in reality increase the chance of injury. My employes were upset to the extent that they protested by letter and phone calls to the OSHA office in Denver. Four months have elapsed and no representative from OSHA has called to evaluate their concern. My recommendation is that if the federal government can't supply the proper personnel to administer the policies of any given law, then they should keep the devil out of it."

A Kansas auto dealer charges, "Regard OSHA—As a small businessman I feel this is a gestapo agency and that they will force many small firms out of business. In discussing this agency with other businessmen, they advise not to seek information from them in regard to whether or not you are in compliance. Their regulations are almost impossible to interpret, their requirements unreasonable. I have been in business over 40 years and have not had any occupational accidents. Feel all small business places should be exempt with 25 or fewer employes."

A New Jersey fabric processor says, "I would recommend a review of OSHA requirements in certain areas that affect existing conditions that are too expensive to modify or correct. Also, government help on obtaining various supplies that are in short supply without justification, such as yarn, twine, corrugated boxes, etc."

And from New Mexico the owner of a printing plant claims, "I feel that one of the issues of most concern to me is the inflexibility of OSHA. I feel that changes should be made to help employers with five or fewer employes. At this point in my business if I were forced to comply with all OSHA standards it could conceivably put me out of business, if my reading and understanding of the Act is correct."

The owner of a small southern California manufacturing firm says, "I am terrified of OSHA. Because of the lack of qualified advisers in my area, and the subjective nature of many requirements, I feel very insecure. I wish OSHA had a program for the very small employers (under 25 employes) to have OSHA inspect (even for a nominal fee) and then allow 30 days grace to correct violations before fines can be levied. Amongst employers I know, a great preoccupation with OSHA occurs, and not in a productive sense. Understanding and compliance in many areas is difficult to achieve."

The Congress has before it many proposed amendments to OSHA, many of them eliminating the power to levy fines without due process of law, but so far no action has been taken.

H.R. 11500—BANANAS ON PIKE'S PEAK

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HOSMER. Mr. Speaker, H.R. 11500 is not a bill to require good reclamation of mined land, but to harass and exterminate surface coal mining altogether. And, this crazy mixed up bill is full of contradictions.

Example: The bill says land must be restored after mining to a condition to support uses prior to mining, or higher or better uses. It also dictates that a diverse and permanent self generating vegetative cover be established over the mined land.

But, suppose the land had been used to produce wheat, corn or other grains, like a lot of coal land in the Midwest? I defy anybody to tell me how any farmer could go back to farming these crops on the land. They are harvested every year, and replanted the next season. They are not permanent vegetative cover, they are crops.

H.R. 11500 would condemn a lot of good farmland needed to grow food to perpetual use as scenery.

That is about as crazy as trying to grow bananas on Pike's Peak.

AMERICAN FOLKLIFE PRESERVATION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. CONYERS. Mr. Speaker, inasmuch as the House Administration's Subcommittee on Library and Memorials may soon be holding hearings on the "American Folklife Preservation Act," I would like to call to the attention of my colleagues a letter which I received from Mr. William H. Wiggins, a lecturer at Indiana University's Department of Afro-American Studies. I think you will find that this letter effectively details not only the tenuous links most black Americans now have to their cultural heritage but the ways in which this legislation could strengthen and develop these links before they are lost completely:

INDIANA UNIVERSTY, DEPARTMENT OF AFRO-AMERICAN STUDIES,
Bloomington, Ind., January 10, 1974.

Congressman JOHN CONYERS, JR.,
Rayburn Office Building
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I want you to know how deeply I appreciate your active support of H.R. 9919 "American Folklife Preservation Act."

The passage of this bill will have an enormously positive effect upon the fledgling academic discipline of Afro-American Studies and the growing cultural pride of all Afro-Americans, because central to all research and appreciation of Afro-American culture is Black America's deeply rich and diverse oral tradition. For example, the growing edge of today's angry poetic chants of Don L. Lee and Imamu Baraka spring from the tap root of slavery's oral tradition of protest; today's soul hits spring from the cultural reservoir of the haunting levee moans heard and transcribed by W. C. Handy at the dawn of this century; last Sunday's gospel songs are cultural echoes of slavery's spirituals; and the intricate patterns of jazz improvizations rest upon the music our ancestors made in New Orleans' Congo Square.

The primacy of the oral tradition in Afro-American scholarship has been clearly demonstrated recently. Three outstanding studies can be cited. Folklorist Gladys-Marie Fry and journalist Alex Haley have successfully used the earlier field research technique of John B. Cade and tapped the rich but seldom used source of Afro-American oral history. Professor Fry has studied the Ku Klux Klan from the heither to unexplored vantage point of their Black victims. Mr. Haley has spent the past several years successfully tracing his family lineage back to Africa. In both instances, the primary sources of information were those memorats, legends and anecdotes passed on from generation to generation. And historian John W. Blassingame has reconstructed the slave community using autobiographies of ex-slaves.

My current research project is also based upon the oral tradition of Afro-Americans. Thanks to a generous Rockefeller Foundation Grant I have been able to travel extensively and interview hundreds of Afro-Americans on the subject of Emancipation Day celebrations. By going to the folk, I have been able to: (1) uncover the births of more than fifteen such celebrations between the dates January 1, 1808 and February 1, 1940, (2) determine the geographical spread of the various celebrations and (3) note three basic celebration types, namely secular, sacred and sacred/secular. This research would not have been possible without willing informants, who shared their knowledge with me, and pointed me to new leads, sometimes taking the time to smooth the way for me with either a letter or word of introduction. Their help was just as valuable as that of a reference librarian. The passage of H.R. 9919 will make similar research possible in the future.

The passage of this bill will financially aid the many departments and institutes of Afro-American culture. Like other educational institutions, these centers of research are feeling the current financial crunch. The timing of this present funding drought is ironic in that it comes at the precise moment when many of these centers have reached academic maturity and are in the process of developing meaningful research projects. These enclosures from Indiana University's Afro-American Studies Department, Afro-American Research Center and Black Music Center will give you some idea of what I mean. They represent many other centers which could benefit from H.R. 9919.

This will be money well invested. Firstly, it will allow valuable oral data to be collected which otherwise would be lost. This precious Black history and culture must be mined from the minds of aging Blacks before their irreplaceable knowledge of the Black experience is buried with them. Secondly, this bill will bring many young Black scholars into the discipline. And, thirdly, there will be great returns gained in interracial relations. The films, tapes, records, monographs, articles, workshops and concerts which will result from this national investment will help correct the distorted image that many Americans have of the Afro-American and his role in American history and culture. The soon-to-be-mined knowledge of the diversity and fecundity of Afro-American culture will dramatically improve our public education. Roger D. Abrahams has boldly pointed the way in which folklore data can be used to heighten cultural awareness and appreciation among Black and white Americans. For one thing, the quality and quantity of cultural information found in textbooks will be improved. As a parent of two children, one grade school and the other junior high school, I have noted the appearance of more black figures and stories in their school books. But all too often this change is achieved by simply switching a black character for a white one, with little or no effort made to utilize the didactic possibilities of authentic Afro-American culture. For example, on one occasion I used a basket from the Sea Islands of South Carolina to demonstrate

to a second grade class its West African traits of construction and form. And at an inner city school in Louisville, Kentucky I brought order, and later serious questions, from an assembly of over one hundred and fifty sixth graders by reading the toast, "Stackolee." In both instances, interest, self pride and learning took place. This bill will provide more such material for the textbook writers and school teachers.

More importantly this bill will promote a broader appreciation of the folk artist and craftsman. Firstly, it will allow them the rare opportunity to perform before heterogeneous groups. These performances will make their audience aware of the viability and sophistication of Afro-American folk culture. Americans of all etbnic backgrounds will be less culturally deprived after hearing a bluesman sing and talk about his art or watch a quilt maker fashion a pattern, or a basketmaker weave a basket. Secondly, their honorariums will go a long way toward balancing out the sheet of past injustices. And thirdly, that governmental and academic recognitions of the folk artist will further dignify these beautiful folk art forms.

Finally, H. R. 9919 will allow academicians of Afro-American culture the necessary options of collecting and analyzing Black culture. This latter activity has been greatly neglected in past research. For example, many scholars have followed Robert Park and assumed that Afro-American culture is devoid any African influence. This bill will encourage such recent research in the African retention tradition of Melville J. Herskovits as Daniel Crowley's search for African analogs in Afro-American folktales, Mary A. Twining's comparative study of basket making in Senegal and the Sea Islands of South Carolina, and John Vlach's structural study of the "shot-gun" house in Black communities of America, Haiti, and Nigeria. Many past collectors have also been culturally blind to the cultural nuances of the narratives and songs that they collected. Some have been unable to detect and analyze the hostility and protest which is present in Afro-American folklore. This quaint school, which stems from the paternalism of Joel Chandler Harris, et. al, will be thwarted by such needed and imaginative research as Gerald Davis' film analysis of the blues tradition and Paulette Cross' incisive study of contemporary Black jokelore. This caliber of Afro-American folklore research is long overdue. And in the passage of this American Folklife Preservation Act I see an excellent chance to right these wrongs.

Sincerely yours,

WILLIAM H. WIGGINS, Jr.,
Lecturer.

AMENDMENT TO H.R. 69

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. BURTON. Mr. Speaker, in accordance with House Resolution 963 providing for the consideration of H.R. 69, I hereby give notice of my intention to offer the following amendment to H.R. 69:

AMENDMENT TO H.R. 69, AS REPORTED
OFFERED BY MR. BURTON

Page 28, line 15, strike out "1" and insert in lieu thereof "2".

Page 29, beginning with line 1, strike out everything after the period down through the period in line 8, and insert in lieu thereof the following:

The Commissioner shall allot (A) no less than 50 per centum of the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for grants under this part, and (B) the remaining per centum of such amount so appropriated to the Secretary of the Interior in the amount necessary (i) to make payments pursuant to subsection (d)(1), and (ii) to make payments pursuant to subsection (d)(2).

THE EDUCATION OF A TEACHER—"CAN READ—BUT WON'T"

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HANRAHAN. Mr. Speaker, education of our young people is of prime concern to all of us here in the Congress. The Washington Post ran an interesting article concerning education last Sunday, which I think my colleagues may enjoy. I submit that article for the RECORD.

The article follows:

THE EDUCATION OF A TEACHER—"CAN READ—BUT WON'T"

(By Caroline Potamkin)

The writer taught high school in Philadelphia and elementary school in the Washington suburbs until her retirement in 1972. This is the second of several articles drawn from her teaching experiences.

The fifth grader read through the prescribed text fluently. I wondered why his teacher had referred him to me as a reading problem. Perhaps he was one of those glib word-callers who have an innate phonetic sense but, as one child put it, "don't pay any attention" to what they read.

However, further investigation convinced me that this child knew very well what he was reading about. He had no comprehension problem in this so-called fifth-grade book (whatever it is that publishers mean by these grade level designations). I tried him in a book labeled sixth grade, with the same results.

According to any of the test criteria used by schools, this boy was reading "above grade level"—a quaint phrase which I link, in my mind, with that even quainter phrase, "overachiever". At any rate, he had no discernible reading problem; yet he wasn't getting along academically, and his teacher had indicated a reading problem.

"Do you enjoy reading?"

"Well, no—not really."

"Are there some books you like better than others?"

"Sports stories, I guess."

"Have you read, any sports stories lately?"

"No—not lately."

"What kinds of things do you like to do with your spare time?"

"I don't know—watch television sometimes."

I reported to the teacher that this child had no reading problem—that he had, in fact, superior reading skills. He was not performing because he didn't want to. He was uninterested, unmotivated, passive and uninvolved. He was going to grow up to be a nonreader and another alienated personality. There are lots of him, more and more, coming out of our elementary and secondary schools and, yes, colleges.

MIRROR OF SOCIETY

This is a kind of reading diagnosis that doesn't show up in the test scores. This boy would come out very well in the Iowa Test of Basic Skills. He would be one of those who helped to raise the statistical average of his school system.

Since he is far from unique, we can safely assume that, to the thousands of children who fall below the accepted levels of reading achievement we can add thousands more who score well and are, and will continue to be, non-readers. They can, but they don't want to.

The dimensions of our reading problem—insofar as reading is considered to be a good in our society—are greater than anything indicated by national test scores. They go beyond the inner-city children or the child anywhere with academic problems. They reach into the ranks of our mentally well endowed. Some of our brightest children don't like to read.

School children are not an isolated group. They mirror the society in which they live, and this is increasingly a society of non-readers. The very educators who are so concerned with reading scores are largely (research studies show) non-readers themselves. This applies to the majority of the American public.

The 1972 World Almanac reports that: "A survey of U.S. reading habits disclosed that 26 per cent of all adults interviewed had read a complete book in the preceding month, according to a Gallup poll reported Feb. 5," which means that 74 per cent have not.

Yet this same public is almost hysterically anxious for its children to read.

Why? To participate in the cultural heritage bequeathed to us by the world's great thinkers and writers? To grow in insight and understanding? To become aware of the rich possibilities inherent in language?

Not at all. People want their children to read so that they can get better jobs and earn more money.

Every generation must see to it that its young can grow up and take their place in society. No one can quarrel with this as a basic responsibility. But if this is the whole story, then reading becomes a tool—a means to an end—about as exciting as learning the multiplication tables.

HOW IT'S TAUGHT

Not only is reading coming across to children as a tool, but it is far from the source of pleasure it had been for many people before the advent of the media age. With the downgrading of print, and the upgrading of direct sensory impression, visual and auditory, reading is no longer the only—or even primary—means of reaching out beyond the restricted circle of most lives.

Another factor in the "can—but won't" reading syndrome may be the way in which so much of reading has been taught—in boring detail, by conscientious teachers doing their best with Dick and Jane. So the children—most of them—learn to read, but don't like it.

There *are* schools, and individual classrooms, where reading has been made an enjoyable experience, geared to the child and his interests and level of maturity. In these classrooms children are not made aware of failure. Those who pick up phonetic decoding instinctively are not forced into formal phonics lessons. Those who need formal phonics are exposed to them without pressure.

It may take some children a little longer to learn to read; they may not be reading independently by the end of first grade. But when they do start they may—just possibly—like reading well enough to continue doing it on their own, as a voluntary, freely chosen activity.

Save for this type of unpressured, individualized classroom, reading is almost always overtaught. Parents want their children to learn to read in the first grade. That's what first grade is supposed to be for.

First-grade teachers want their children to learn to read by at least the end of the school year or they feel they haven't been doing their job. Instead of setting the stage for what should be the natural next step in the child's development, we push.

Teachers and parents feel that when children learn how to read, the desired outcome has been reached. Most children do learn to read—but I invite you to visit almost any classroom of fourth, fifth, or sixth-grade children, representing a normally wide range of ability and interests, during a free activity period. How many will you see who have chosen a book? Maybe two or three out of 30. This is the only kind of reading test that has any validity.

COURSES PROLIFERATE

Courses in reading proliferate. More and more textbooks on teaching reading are being written. More and more teachers are studying methods of teaching reading, under ever more stringent certification requirements. More and more reading specialists with M.A. and Ph.D. degrees in reading are being turned out by the graduate schools.

There are reading teachers, reading specialists, reading diagnosticians, reading supervisors, reading workshops, in addition to the daily classroom instruction in reading. Truly, there has been a tremendous mobilization of effort and money for the purposes of teaching children to read and of raising reading test scores.

Headlines are made by these reading scores. Parent lobbies base their activities on them. School systems, and their personnel, rise or fall by them. So far, these scores have not indicated any breakthrough in eliminating reading failures to any significant extent, despite the outpouring of work and treasure.

What is more, the very figures which purport to tell us how many children *can* read are delusory, because what they don't tell us is, how many ever *will*.

A BURNING FAITH, UNDERGROUND—LITHUANIAN CATHOLICS DEFY RUSS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. BELL. Mr. Speaker, on Sunday, March 10, 1974, the Los Angeles Times had an article portraying the plight of the Lithuanian Catholics. I would like to share this article with my colleagues:

A BURNING FAITH, UNDERGROUND—LITHUANIAN CATHOLICS DEFY RUSS

(By Murray Seeger)

VILNIUS, LITHUANIA.—According to the Lithuanians, they were the last pagan tribe in Eastern Europe to succumb to Christianity. But once converted, at the end of the 14th century, they embraced Roman Catholicism with a grip that has survived all the tides of ensuing history, including 33 years of official atheism under Soviet rule.

The impact of the faith is clearly seen in the restored streets of Old Vilnius where there is a collection of noble church structures remarkable for the relatively small size of the city (just under half a million).

Even more remarkable, devotion to the church by believers and a hardy band of priests is so strong that Lithuanian Catholic Nationalists represent what is probably the biggest underground movement challenging the authority of the ruling Communist Party and Soviet government.

A year after secret police agents (KGB) scoured apartments in Moscow, Leningrad, Kiev and other major cities attempting to stamp out the production and distribution of an underground civil rights newspaper, The Chronicle of Current Events, a parallel campaign was being conducted in Lithuania.

The target was The Chronicle of the Lithuanian Catholic Church, which was still functioning in late 1973, a year after the national Chronicle had disappeared.

In addition to keeping track of arrests, searches, and unfair treatment of believers, Lithuanian Catholics have also produced the biggest and most frequent signed petitions and street protests in modern Soviet history.

One man and his son, claiming to be Lithuanian freedom fighters, pulled off one of the few successful hijackings of a Soviet airliner in 1970. A total of 17,000 believers managed to get a petition to the United Nations two years ago charging their civil rights were being violated.

That same year three men burned themselves to death, and a fourth attempted the same feat in the name of religious and national freedom.

Those agitation efforts were so strong that the KGB last year ordered every office, farm, store and institution in the republic to submit samples of their typewriters' printing in an effort to track down the organizers of the petition drives and secret scribes of the carbon-copied Chronicle.

Lithuania, like Latvia and Estonia, was absorbed into the Soviet Union in 1940. As part of the agreement between Stalin and Hitler in 1939, the Soviet Union was given a free hand in the Baltic states. Some of what is now Lithuania was taken from Poland by Stalin while the rest had been independent since World War I.

Of the three Baltic republics, Lithuania has proved the most difficult for the Russians to dominate for several reasons.

Unlike Latvia and Estonia, which were independent for only 22 years between the world wars, Lithuania was once a major empire with territory extending from the Baltic to the Black Sea, covering much of Byelorussia and the Ukraine.

The Lithuanians are also a bigger group with a higher birthrate than their neighbors and between 1959 and the present were able to increase their ethnic composition to more than 80% of the population while the other Baltic states were diminishing. Like their neighbors, the Lithuanians have maintained their own language.

The other major factor in the Lithuanians' inherent strength to resist ethnic and cultural subjugation is their church. While their neighbors to the north were dominated by Sweden and Germany and converted to Lutheranism, the Lithuanians clung to the more resistant Catholicism even when dominated by the official Orthodox faith of the old Russian Empire.

Soviet authorities recognize the volatility of the Lithuanian atmosphere by keeping the entire republic closed to foreigners except Vilnius, the capital.

Overseas Lithuanians who come back to visit relatives are limited to four-day visits which become shorter since they must arrive first in Moscow and then travel to Vilnius.

On a sunny, late winter day in Vilnius, there were no signs of tension. A steady stream of women entered the small door and climbed the old stairs to the tiny chapel of St. Theresa with its beautiful gold icon from the 17th century.

Workers were busy all along Gorky St., the longest in the city, with repairs and restoration work on the dozens of old buildings that have been officially designated as historic landmarks.

Although Vilnius is behind both Riga, the Latvian capital, and Tallinn, capital of Estonia, in the effort to restore their historic centers, the work is being done carefully and well. New souvenir shops, better than in most Soviet cities, have been opened, and an atmospheric cave restaurant named Lokys (The Bear) has been opened.

"We are keeping the menus very simple and short," the manager said. "This was a restaurant in the 16th century, and we want it to be as authentic as possible."

Workmen have also removed some of the modifications made in the historic buildings of Vilnius University, oldest in the Soviet Union, which was started by Jesuit priests in 1579.

In the center of the city, the old cathedral has been closed since 1956 and used as a picture gallery. The cathedral still used for religious worship now is St. Peter and Paul, a short distance away, a yellow 17th-century structure with an ornate, rococo white interior. Continuous religious music is played from tapes.

One local resident said there are now 12 of 30 Catholic churches functioning in Vilnius (and five of the 10 Orthodox.)

While Lithuanians are the largest single group in Vilnius (43%), the Catholic population is larger because of the minority of Catholic Poles—18% in the city. Twenty per cent of the population is Russian and the remainder divided among other nationalities, including Byelorussians, Jews and Ukrainians.

In their frequent petitions to both local Lithuanian Communist authorities and Moscow, the religious groups ask for the same sort of official toleration of their practices that the Polish Communist regime extends to its believers.

The campaign for religious freedom also promotes Lithuanian nationalism and attacks the effects of official atheism on the republic's culture.

In a "Letter to a Teacher" published in the last issue of the Chronicle to reach Western correspondents, a parent charged "instead of providing (my child) with objective scientific information, you are defiling my child's views."

"You brand my own views as religious superstitions and my education as a compulsion, while you consider as free and normal the atheism you are imposing . . .

"We are both children of the same Lithuanian nation, linked not only by ties of blood, language and cultural heritage, but also by our common concern about the nation's future. In this work there should be no destruction of what we have already accomplished. On the contrary, we must both cooperate, help each other, work together as unitedly as possible."

Two years ago, May 14, 1972, Roman Kalanta, a young night school student, son of a college lecturer and member of the Young Communist League, stood in a Kaunas park under a banner "Freedom for Lithuania" and set himself on fire while three friends stood guard. He died a few hours later.

After police secretly buried his body, a crowd of mourners moved to the death scene and became unruly. A policeman was killed in two days of rioting which was ended by the intercession of the special internal security troops known as "veyveys."

May 29 in Varena, a technician named Stonis who was prevented from raising the national flag the previous day, burned himself to death in the town square.

A worker named Andriuskevicus performed the same act in Kaunas on June 4, and June 10 police stopped a fourth attempt at self-immolation in Kapsukas by another worker named Zalickauskas.

The newest Lithuanian Chronicle reports no new such incidents but a continuous series of trials of priests for giving youngsters religious instructions and parents for signing petitions. Student believers are often expelled from the university.

Nine students last year were arrested and three—all Young Communists—were expelled

from the university after they were caught putting flowers at a roadside monument to a 15th-century national hero, Vytautus the Great.

Late in 1973, the Moscow watchdog over the Lithuanian party committee, V. I. Kharazov, a Russian, attacked "malicious anti-Soviet clerical elements."

As with the other Baltic states, thousands of Lithuanians were exiled to Siberia and Central Asia after the Stalinist takeover in 1940. One million Lithuanians disappeared between 1940 and 1959. And from 1944 to 1953, when there was strong opposition to the return of Soviet power, an estimated 300,000 were killed or exiled. Only 35,000 returned from exile after Stalin's death.

There are Lithuanian nationalists in eastern exile and labor camps now, too. A Chronicle earlier last year reported that a group of students and young professionals had been accused by the KGB of contacting deportees and prisoners and also with meeting with nationalist groups in Georgia and Armenia, two other republics where anti-Soviet and anti-Russian feelings run high.

DID CONSUMER ADVOCATES TALK THE PRICE OF FOOD UP?

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HOGAN. Mr. Speaker, on February 7, I attended the Maryland Agricultural Week dinner in Baltimore. One of the speakers at the dinner was our colleague from Missouri, Congressman JERRY LITTON.

Congressman LITTON, a staunch advocate of the "law of supply and demand," addressed himself to the recent increases in the price of food. Our colleague's speech was not only very interesting, informative, and humorous, but it abounded with commonsense. As I listened to him, I wished that all of our colleagues could hear his remarks. To partially remedy this situation I am inserting in the RECORD, some similar remarks he made which appeared in the issue of Family Weekly, February 17. I commend this to the attention of all Members:

DID CONSUMER ADVOCATES TALK THE PRICE OF FOOD UP?

(The following article was written by U.S. Congressman JERRY LITTON of Missouri for the February 17, 1974, issue of Family Weekly magazine which has a circulation of 9 million and is read by almost one out of every 10 adults in America.)

America, with over half of its citizens never living in times other than those of food surpluses, suddenly found itself in 1973 unable to cope with or understand food shortages which face the majority of the people of the world every day. Strangely enough, it was those who expressed the greatest concern for rising food prices in America who were the most responsible for both the food shortages and the even greater food price increases that followed.

Every year for the past 15 years until 1973, American consumers have spent a smaller percentage of their after-tax income for food than the previous year. Even with the food price increases in 1973, the average American consumers still spent a smaller percentage of their after-tax income for food than they did in 1970 or any year before 1970.

Food prices increased in 1972 although the percentage of average after-tax income going for food went down from 1971. Food prices went up because of increased demand for food both in America and throughout the world and not because of any conspiracy on the part of American farmers.

During this period food supply didn't increase as fast as food demand and thus the reason for food price increases. In their zeal to help the consumer many consumer advocates, including Members of Congress and eventually the President of the United States, turned to food price freezes as a means of solving the food crisis.

Trying to solve a problem of food shortages with a food price freeze is like trying to solve a teachers' shortage with a ceiling on teachers' salaries. Instead of easing the shortage, it creates additional shortages. You solve problems of shortages with programs which encourage production . . . not those which discourage production.

Unfortunately, many politicians in both the Congress and the Administration took the easy way out and yielded to pressure from would-be consumer advocates by supporting those programs which appeared to help the consumer when in fact they did just the opposite. Those in Congress who pointed out the fallacy of the food price freeze were labeled as being unsympathetic to the consumer when in fact they were the ones being honest with the consumer.

In February of 1973 food prices, responding to increased food demand, were on their way up. Farmers anticipating better pork, poultry, beef and grain prices were increasing their breeding herds, buying better machinery and preparing to produce record volumes of food.

Then came the boycotts and threatened freezes or price rollbacks in April. While the boycotts and demands for freezes or rollbacks were well intended, they accomplished only one thing. Farmers who in February were increasing their breeding herds in anticipation of better prices started decreasing them in April.

The louder the cries from consumers and consumer leaders for boycotts and food price freezes, the more farmers reduced their breeding herd numbers. Farmers weren't reducing their herd numbers or drowning baby chickens to hurt the consumer. Like everyone else, they are in business to make a profit, and I might add their income is substantially below that of non-farmers. Breeding herds were being reduced and chickens drowned only to lessen losses they anticipated they would take if the boycotts or freezes took place.

In June of 1970 President Nixon said, "I will not take this Nation down the road of wage and price controls, however politically expedient that may seem. . . ." On March 15, 1973 President Nixon said he opposed food price controls because they could lead to shortages and blackmarketing. A few days later Secretary of Agriculture Butz inferred that anyone who favored a food price freeze would be a damn fool. A few days after that, March 29, 1973, President Nixon announced a food price freeze. In all fairness to my Republican friends, I must admit many Democratic Members of Congress favored price rollbacks which would have been even worse.

The freeze meant farmers not only couldn't look forward to increased prices for their products, but were caught in a squeeze between ceiling prices and increasing costs of production. Instead of being encouraged to increase their production, they were discouraged. Tens of thousands of farmers across the country took this occasion to cull their herds of all but their very best breeding animals. Many farmers decided it was time to quit completely.

The high-quality dairy cows going to market and the fact that such an unusually high percentage of the sows going to the market were pregnant indicated that these were animals that farmers, before the boycotts and freezes, clearly had planned to keep to produce more milk and pork.

Pork and poultry prices were first to go up because of the sows that went to market and the eggs that weren't hatched. Pork and poultry shortages (caused by the freeze supposedly to help the consumer) caused prices for these food items to skyrocket when the freeze was lifted. Had the freeze not been lifted, severe shortages would have resulted. High pork and poultry prices caused by the freeze caused consumers to shift to beef which helped create a similar situation in beef.

Put yourself in the shoes of the farmer for just a minute. Imagine you own a farm. Farm debt has increased 400 percent since 1960 so chances are you own it with the bank. Imagine you have room on your farm to keep between 10 and 100 sows this winter. First you hear that corn prices are going up and since that will raise your feeding costs, you lean toward keeping 10 sows. Then you hear hog numbers are down, meaning better pork prices, so you decide to keep 100 sows. Then you hear of consumer boycotts being planned for meat and consumer advocates crying for food price freezes or price rollbacks. This causes you to decide to keep 10 sows.

The 90 sows you didn't keep (because of boycott and food price freeze threats) could have produced 10 pigs each (twice a year). The 900 pigs you didn't produce because of the 90 sows you didn't keep represent 180,000 pounds (200 pounds per market hog) of pork the consumer will never see. Multiply this by the thousands of hog farmers around the country who were frightened by the boycotts and food price freezes and you see why pork production went down. Consumers bidding against each other for a limited amount of pork simply bid up the price of pork.

Consumers in effect talked the farmers into raising less food (by their support of boycotts and cries for food price freezes) and then, by bidding against each other for reduced food supplies, bid the price of food up. If consumers (especially those who claimed to be consumer-leaders) had had a better understanding of what encourages farmers to produce more or less food, there would have been no food crisis in America this year. By now food production would have started responding to higher food prices and food supplies would have been more in line with demand instead of being short.

The food price freezes hurt everyone. It hurt the consumer by raising her food costs. It hurt the producer by denying him profits from higher production and in many cases by forcing him to take losses. It hurt the economy by reducing the production of goods we needed to help offset our balance of trade deficit.

What brought on the food price increases in the first place that triggered the boycotts and food price freezes? A series of economic factors in 1972 over which farmers had no control are to blame. Starting in September of 1972, we increased social security and medicare by 10 billion dollars annually and in an annual national budget of 250 billion, this is a big increase. Much of this increase was spent by retired people on food. Last year the food stamp program was increased 17 percent. All of this went for food. Russia and China changed their food policy, their trade policy with the U.S., and experienced a bad crop year . . . all last year. We too had unfavorable weather. The standard of living went up around the world. We devalued the dollar twice in 14 months, making American-produced food a much better bargain abroad, and foreign buyers bought more. We also experienced a period of high inflation. All of these factors combined last year to increase food prices in America.

One of the big reasons consumers are suspicious of food price increases is because these prices go up so suddenly, unlike the gradual price increase of most other products and services. This too can be easily explained. It is because the demand for food is inelastic.

The elasticity of demand is based on the essential nature of the product (food is very essential) and the price as it relates to the role performed by the product. The more essential the product and the lower the price in relation to the importance of the role of the product, the more inelastic we find the demand. This means the demand for food is very inelastic.

In cases where products have an elastic consumer demand, decreases in supply of the product result in corresponding increases in price which are offset by a corresponding decrease in demand (because of the higher price), thus both averting shortages and resulting in gradual increases or decreases in price.

However, in the case of food, increases in price are not offset by corresponding decreases in purchases because people must eat. With less food to go around and people trying to buy as much as always, this quickly bids the price up. And since increases in price are not offset by corresponding decreases in purchases, we have food shortages. Because of the inelastic demand for food (unlike the demand for many products), a one percent decrease in supply results in a 3 to 4 percent increase in price. The desire to stabilize food supply so as to avert radical price changes to the consumer and to give foreign buyers confidence in our market, the U.S. government has often been more involved in farming than either consumer or producer would like.

It has always surprised me that those groups who are the most critical of government farm programs and anything that comes close to a subsidy to the farmer are those on fixed incomes or those in the lower income range. Since the lower the income, the higher the percentage of it that goes for food, it would appear these people (and those in Congress who represent them) would be supporting those programs which lower food costs. One study showed that families with annual incomes of $15,000 and over spend about 12 percent of their after-tax incomes for food while families with incomes below $3,000 may spend more than 50 percent of their after-tax incomes on their food needs; however, they can get food assistance.

It is true inflation has driven skyhigh prices consumers pay for most things they need. Since food is both a family necessity and one that is purchased regularly, consumers noticed it here more than elsewhere. Irritating to farmers, however, during the meat boycotts in April was the fact that beef prices to the farmer were no higher than 20 years ago . . . how many other things were that cheap?

Farmers are proud of their production efficiency. Inflation is a situation whereby we have a shortage of goods and services in relation to dollars. It can be overcome by less government spending or more productivity. Farmers have increased their productivity per man-hour more than twice as much as the non-farmer in the past twenty years which means that if non-farmers had increased productivity as much as farmers, inflation would not be a problem in America today. Can't you now see why farmers are upset at being called the cause of our rising inflation?

The truth is that food prices have not increased nearly as much as the price of other goods or wages in the past 20 years. If food prices had gone up as much as wages in the past 20 years, round steak that sold in April, 1973 during the boycotts at $1.75 per pound would have sold at $2.67, eggs would have increased from 68 cents a dozen to $1.61 and a 59 cents-a-pound frying chicken would have sold at $1.46. The retail price of food from 1952 to 1972 went up 38 percent while wages went up 140 percent.

Less than 16 percent of the average after-tax income is spent on food in the U. S. In England it is 25 percent, in Japan it is 35 percent, in Russia it is 58 percent and in Asia it is 80 percent. With 50 to 80 percent of your income going for food, that doesn't leave much left over for other things. With less than 16 percent going for food in the U.S., that leaves much left over for those things Americans are known to have and enjoy. Therefore, the low percentage of income that goes for food in the U.S. (low food prices?) is one of the reasons Americans can afford TV sets, better homes, a second car, and many of those things Americans have that those abroad don't enjoy.

Once given a 7 percent return on his assets, the farmer received 74 cents and 81 cents an hour for his labor in 1971 and 1972. He could have gotten this by simply selling out and drawing interest. It is true the farmer breathes fresh air and lives in the wide open spaces, but his costs are going up too and he can't be expected to continue at these wages.

Have the consumer advocates and the short-sighted politicians vying for consumer votes learned a lesson? I fear they have not. Some of the same people are now asking the government to shut off exports of grain and other farm products.

Again imagine you are a farmer. Grain prices have gone up sharply in the past few months. Because of this you are considering making long-range investments in machinery and land improvements. Now you hear talk that the government is considering stopping exports of American grains. What do you do? Chances are you won't make the big investments. Once again when American farmers should have been encouraged to produce more, they were discouraged. Once again the consumer will have been used.

The shell game will stop only when the consumer learns what encourages farmers to produce more or less food and they stop supporting those who are misleading consumers for their attention and votes.

The years 1971 and 1972 were the first since 1893 that this great productive America has bought more goods than it sold. Were it not for farm commodities, our deficit in trade in manufactured goods would have reached ten billion dollars. How can it be said food is too high in America if it is the one thing we produce cheaply enough to sell on the world market at a surplus? What else do we have to sell to stabilize the American dollar, balance our trade deficit, and make it possible for us to import energy-producing products to keep the country running?

If we stop the sale of American grain and other farm products to countries which have a lower standard of living than ours, we not only again discourage farm production as we did with the food price freeze, but we are also admitting that the less privileged people of the world are willing to pay more to our farmers for the food they produce than we are in America.

RESERVE OFFICERS ASSOCIATION STATEMENT ON NATIONAL SECURITY

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. MONTGOMERY. Mr. Speaker, the Reserve Officers Association of the United States, with more than 80,000 members and now in its 52d year, has just completed its annual midwinter conference. During this significant event, which brought together our citizen-soldiers from all parts of America, a ringing call for peace through strength and preparedness was sounded. Because of the importance of this meeting, I commend to my colleagues the ROA position paper entitled "A Statement of Principles for National Security":

ROA POSITION PAPER: A STATEMENT OF PRINCIPLES FOR NATIONAL SECURITY

PREAMBLE

Perhaps the most precious of the privileges of our Association is the opportunity to express its convictions freely, without fear or favor, wholly independent of channels or officialdom, working for the common good, of Americans and mankind, and for the climate in our national community which will insure our national safety and perpetual survival.

It is in the exercise of this independence that we seek at this conference to articulate our convictions about the needs of national security.

We deem it our duty—not only because of our devotion to peace and freedom—but also because under the Law of our Land it is our charter to work for the strength of our nation, so that our military strength may be adequate, so the law says, to keep our nation in the security bought by the heroes of yesterday.

In working for national security, we must not wince nor cower before the challenge of questioning the highest given policy; we must never turn away from any difficulty; we must not accept any doctrine without a rigid scrutiny, letting no fallacy or incoherence or confusion of thought pass by unperceived.

The singular prosperity and the growing strength of America from two centuries' age must be attributed to the continued commitment to individual liberty of the dedicated men and women in this land.

But the rule of law in this world is no more secure today than to Washington at Valley Forge. The threat we face is that of an unprecedented tyranny. We live in a world which has existed but one year in ten without war for us as a nation.

Our homework has taught us one lesson of history: that peace in the world never has been built upon any foundation except strength.

We know we speak for our members—and we believe our plea for strength represents the deep-seated, fervent hope of the vast citizenry of this great country. We assert our right and our duty to urge and plead for "a military policy that will provide adequate national security for the United States of America." We commit ourselves under this oft-stated, continuing phrase of our charter: "to work for the execution thereof."

I. ROA AGAIN SOUNDS CALL FOR PEACE AND SAFETY IN PREPAREDNESS

If any characteristic of the Reserve Officers Association of the United States is more important than its group dedication to national security, it is our freedom from any outside influence in seeking this objective. ROA/US has no master, no elite oligarchy, no special interest, no "sacred cow." Its convictions and mandates must measure up to the highest sense of commitment to the national welfare and safety.

ROA's objective is based upon public law, enacted by the Congress and signed into law by a President of the United States who was a founder. The Association has carried on in patriotic honor, since 1922, an unremitting campaign for national preparedness as an inescapable and indispensable means of keep-

ing secure the blessings of liberty for all of this nation's citizens.

The Association is aware of a world of envious and potentially rapacious rivals to whom suspicions of weakness and indifference to dangers on our part may again, as time and again in the past, draw us into bloody and unnecessarily costly wars. Unfortunately, these wars have been necessary to maintain a world climate favorable to continuance of America's unprecedentedly free and representative government, inimical to tyranny and fully responsive to all the people. ROA, resting its case upon the clear lessons of history, believes as fervently as ever that the path to peace and security lies through sacrificial preparedness, through a sense of commitment on the part of all the people, to an eagerness of men and women in all walks of life to serve their nation when it becomes necessary.

Time and again, ROA has marched up the hill to urge the Congress and the Executive Branch to create and carry forward such a program of national commitment. The latest such program was inspired in 1964 and carried forward for three years, culminating in the Reserve Vitalization Act.

The Congress and the President decreed together that the traditional American policy of maintaining a full-time military force, with an ever on-going leadership in development and production of weapons systems, would be effective only if it had full support of the citizenry. This was to be embodied in a highly trained, skillfully led and fully equipped Reserve Force of sufficient strength in all services to provide a broad line of defense. If carried through, this defense posture could have an historic stabilizing effect on world peace, could create a climate in this country of wholesome patriotic commitment and insure world peace for generations to come. In its broadest aspects it is a startling challenge, but the alternative is a continuing erosion of respect for the flag, the Constitution, our very system of government. We seek, therefore, to spell out once again the program, in large measure already the law, to urge action again where timidity in officialdom has faltered and to appeal to the highest sense of dedication of men and women who must sacrifice, if necessary, ambitions for personal advancement—to simply apply common sense for the common good.

II. TOTAL FORCE POLICY REQUIRES "ACTION," NOT MERE "LIP SERVICE"

The Total Force Concept of a small regular military reinforced by adequate Reserves is a doctrine fundamental to our national heritage. Through the years it has been referred to as "one Army," and applies in the same spirit and application to our Navy, Coast Guard, Marine Corps and Air Force.

Secretary of Defense Melvin Laird restated the ageless term, the "Total Force Concept." Secretary of Defense Schlesinger added emphasis and strength to it by his statement on 23 August 1973 when he said that it is no longer a concept but in fact a Total Force Policy. He challenged, "It must be clearly understood that implicit in the Total Force Policy, as emphasized by Presidential and National Security Council documents, the Congress and Secretary of Defense policy, is the fact that the Guard and Reserve Forces will be used as the initial and primary augmentation of the Active Forces. . . . It is now the Total Force Policy which integrates the Active, Guard and Reserve Forces into a homogenous whole."

Despite these pronouncements, the Total Force Policy remains today a hollow expression or at best a slogan robbed of its intended meaning.

With a shrinking Active Force and no draft, the Reserves are the only resource available to quickly expand our military forces in a national emergency. Therefore, we can no longer tolerate meaningless slogans. The obligation and reliance upon the nation's military Reserve Forces are increased to an historically unprecedented degree while at the same time the strength of the Reserve Forces is being reduced.

Inaction to equalize recruiting and retention incentives which languishes in the Office of the Secretary of Defense and in the Congress has further weakened the Reserve Forces both in numbers and morale.

We must act decisively to strengthen our Reserve Forces, to see to it that they are organized, equipped and trained to a state of readiness that will permit prompt deployment in the event of mobilization. A true partnership must be engendered among all Active and Reserve Forces.

It is a fact that the Reserves are better equipped today than at any time in recent history, largely because of equipment made available by shrinkage of the Active Forces. But this hardware prosperity must be matched by all the other elements needed to create the same caliber of fighting forces which have been America's bastion of strength at the peak of each past war!

The Total Force Concept is a national tradition. The Total Force Policy does not yet exist.

With this sound concept and good equipment, we need add only incentives and a watchdog attitude of no-nonsense by the Congress, the Secretary of Defense, the Service Chiefs and the leadership of each of us to make the Total Force again a working reality. Strength demands a legacy of action—not lip service!

III. RESERVE VITALIZATION ACT: THE RESERVE BILL OF RIGHTS MUST BE REINFORCED

The Reserve Bill of Rights and Vitalization Act (Public Law 90–168) grew out of the Congress' experience in the so-called merger fight in order to provide stability and organization in the management of the Reserves. The Congress decided that it would meet specifically its constitutional duty to determine strengths of the Reserves.

The purpose of the legislation is "to provide for . . . changes in the organizational and administrative structure of the Reserve Components . . . to enable [them] to more effectively meet their mobilization role . . .," as stated in the Senate's report.

This law, then, was the means by which the Reserves could become an integral part of the Total Force and by which Congress would exercise its constitutional authority.

Unfortunately, we see evidence of subversion of this intent in many areas. It is almost incredible but true that across the board premature reductions are being enforced in the Reserves, even before the required Congressional mandates are enacted.

The Reserves have been read out of force and logistic planning in most instances. While equipping of some Reserve segments has shown improvement, there remain shortages of weapons systems that should be overcome.

It is becoming more evident that the Reserve voice is being muted at the Secretarial level, both in the Office of the Secretary of Defense and at the Military Service level.

The conference report on Public Law 90–168 stated, "The Congress, as well as the American people, is well aware of the lack of combat readiness in our Reserve components. A significant factor to this condition is the historic failure of the Department of Defense and the individual Service departments adequately to support these components in terms of personnel, training and equipment."

Needed: An Assistant Secretary of Defense for Reserves

What is needed—and was provided for in the original bill—is an Assistant Secretary of Defense for Reserves.

There must then be appointed to that position of strength a person of eminent reputation, stature and influence empowered with authority to make policy and to provide direction to bring the Reserve Forces into a position of full partnership with the Active Forces.

A deputy in the Manpower office simply cannot make the Reserve influence felt in force planning, procurement, installations and logistics. He cannot get the "direct access to the Secretary" that Public Law 90–168 contemplated.

At the Service Secretarial level, a Deputy for Reserves, with broad Reserve background and with an adequate, experienced staff, is needed in each Service to provide the proper advice and support to the Secretary and Assistant Secretary (Manpower and Reserve) on Reserve matters.

Only when such action is taken can The Reserve Vitalization Act be properly implemented and the Reserve become an effective full-fledged partner in the Total Force.

IV. COST-READINESS AND EFFECTIVENESS

The administration has consistently characterized the Active Forces provided for under the budget as "a base line force," the minimum force considered necessary to carry out National Security objectives. In achieving this force, far greater responsibility has been assigned to the Reserve Components. Our traditional military equation, oft-stated by ROA, is that major reductions in our Active Forces shall be offset by strengthening our Reserve Forces. This is the very "guts" of the Total Force Policy. Our leaders have historically accepted this doctrine as indispensable to maintenance of an adequate military posture in peacetime at a price Americans will pay. The citizen-soldier offers more defense per dollar—20 percent of the cost of his active duty partner.

With the "tight dollars" in our overall national defense budget and the rising costs for personnel and hardware, we should be planning to increase our Reserve Forces to compensate for the reduction to our Active Forces, thereby providing the maximum defense for the minimum money.

To quote from the Secretary of Defense on the Defense Budget for Fiscal Year 1975:

"The Fiscal Year 1975 budget in constant dollars is smaller than the FY 64 budget of a decade ago. Similarly, the FY 75 budget outlays continue for the second year to claim less than six percent of the Gross National Product . . . the lowest allocation of resources to Defense since FY 50 . . . and continue the declining trend of Defense spending as a percent of the total Federal Budget, at 27.2 percent for FY 75."

This is a substantial reduction compared to 42 percent in FY 64.

Cost factors are always important, but they cannot be permitted to denigrate our defenses.

We believe that our national strategic planning should be reviewed to make sure that the degree of readiness assigned to our Reserves is matched with fiscal funding to realistically enable them to meet their mission.

If we wish to continue to pursue world peace by negotiation and not war, and at the same time protect our interests and meet our world commitments, we must continue to show the will and ability to maintain our national defense. With five Reservists for the cost of one Active, there can be no question that a strong Reserve is our best defense for the dollar.

V. PROPERLY BALANCED INCENTIVES ARE A PRIMARY FACTOR IN DEVELOPING A READY, COST-EFFECTIVE RESERVE

In 1963, ROA, foreseeing the need of incentives for continued participation of experienced personnel in the Reserve programs, urged a reenlistment bonus which had proved so successful in the Active Forces. The "Ready Reserve Participation Incentive Pay Plan" was embodied in a bill introduced by Representative F. Edward Hebert, and year

after year, it picked up support. We believe that the Reserves are entitled to every reasonable support and that the Incentive Package—in all six of its parts—is essential. It would keep trained Reservists in the units and save substantial moneys now required for training.

There are various and many manifestations throughout our society of a changing climate which is deterrent to a national spirit of military preparedness.

Despite social and political turbulence now prevalent in the land, we believe that the young men and women of this nation and this generation are willing to face their duty to preserve our freedoms, when properly challenged.

Yet, we do know that today there is a sufficient reluctance to serve in the military, to indicate clearly that positive and prompt action must be taken to improve the national attitude—to replace what surely must be a false image with the true image of American patriotism.

This is a responsibility of leadership throughout every echelon of our government and of every citizen-leader throughout our society. It is an honorable duty an obligation which should be faced in the spirit of national unity for national safety.

There is an imperative need to return to this profound philosophy. Without a love of country, without patriotism, without pride in accomplishment, without the will to win and without respect for the nation's defenders who risk their lives for its security, any system—whether it depends upon volunteers or upon draftees or upon professionals or upon amateurs—is in dire jeopardy.

The American system is one based on incentives: economic, social, political—and the military defense is no exception—especially when in direct competition for the young men and women of our nation. In the draft year 1963, it was our conviction and in the all-volunteer environment of 1974, our resolution that new incentives to bring young people can and will have beneficial results and insure the manpower required for a secure national defense.

VI. AN ENLIGHTENED PUBLIC OPINION WILL SUPPORT A STRONG DEFENSE POSTURE, A TOTAL FORCE AND A RESERVE OF STATURE

Our military posture cannot be any stronger than the determination of the people to defend themselves and preserve their freedom. This "collective will," as it has been described, must in turn be made manifest to the American Congress before desire can be translated into working reality.

The responsibility thus resting upon the shoulders of the individual citizen is an awesome one, while the reminding of such an obligation is the duty of every military man, especially the citizen-soldier. The Reserve Officers Association started with this challenge. After World War I, General of the Armies John J. Pershing, while encouraging a group of such patriotic citizens to form an association which was to become ROA, counselled them of the obligation to promote a public awareness of the dangers inherent in an aggressive world.

He reminded them of an eternal truth: that the ideals of a free society cannot be attained through weakness, that all deliberations and negotiations with other nations must be carried forth from a position of strength. The United States, in addition to protecting her own freedom has yet greater commitments, actual or implied. Secretary of Defense James R. Schlesinger recently put it this way in testimony before the Senate on the 1975 defense budget: "... now we constitute democracy's first line of defense. There is no longer any large and friendly shield of defenses behind which we can take two or more years to mobilize our forces. It is our own ready defenses that constitute so much of the deterrent shield....

"We are not the policemen of the world, but we are the backbone of free world collective security."

And concerning the Reserve Component's role, Mr. Schlesinger posited:

"We must improve the organization and readiness of the Reserve and National Guard so that they can assume their increasingly important role in our total security posture."

Détente is not a fait accompli. In reality, this nation has taken only the first step toward a true détente. And this by definition does not imply long-term solutions of anything, but rather a relaxing of existing tensions.

Only by maintaining a substantial and credible military force can potential adversaries be persuaded to take the further necessary steps toward true world peace. And it is the duty of the men on "the firing line"—you and me—to make the public understand the meaning and necessity of the defense budget. The Total Force can be fully supported given an enlightened public opinion.

VII. CONGRESS IN RESPONSE TO PUBLIC OPINION WILL PROVIDE THE LEGISLATION NEEDED TO ACHIEVE STRONG DEFENSE

Congress is charged in the Constitution to provide for the common defense. As representative of and responsible to the people, Congress can and should be influenced from the "grass roots."

Congress this very day is considering further cuts in the defense budget because the "loudest" voices are demanding it. This in spite of the fact that the relative cost of defense is less than a decade ago. The Fiscal Year 1975 defense budget represents less than six percent of the GNP and only 27 percent of the Federal Budget. Computed in constant dollars, the FY 75 budget for defense is $8 billion less than in 1964, the last pre-Vietnam budget.

Too many inroads on the budget will weaken all segments of the Total Force. The enormity of the catastrophic consequences to our nation is staggering if Congress is led to erroneously believe that the will of the people is to weaken our defenses.

Our national commitments through treaties and alliances have not diminished—the dangers to our nation still are immense. Our Commander-in-Chief just three years ago summed it all up in these words:

"It needs to be understood with total clarity . . . that defense programs are not infinitely adjustable . . . there is an absolute point below which our security forces must not be allowed to go. That is the level of sufficiency. Above or at that level, our defense forces protect national security adequately. Below that level is one vast undifferentiated area of no security at all. For it serves no useful purpose in conflicts between nations to have been almost strong enough."

To do all that is required, we must have the active support of the Congress and the American people. Congress can and *must* respond to a demand for a strong defense. But our voice, the call of their constituents, must be one armed first with facts and common sense—that it be not only the loudest but also the clearest.

ROA rejects role of United States as second-class power

The United States of America has risen in less than two centuries from colonial status to be recognized as the most powerful nation in the world.

Our nation has had thrust upon it—and cannot evade— the responsibilities which accompany its role as the repository and guardian of the greatest concept of freedom in the history of man.

Fifty-two years ago, the great leader of the American Expeditionary Force of more than two million men in France and Germany, General John J. Pershing, told ROA's first National Convention:

"The influence of this organization should be very great in arousing our people to the necessity for reasonable appropriations for these purposes. It would be false economy to save a few dollars by neglecting common sense preparation in peace times and then to spend billions to make up the deficiency when war comes. Just as far as the people become interested in this matter, just that far will Congress stand ready to make the necessary appropriations."

Just this month, our fellow ROA member, the current Chairman of the Joint Chiefs of Staff Admiral Thomas Moorer, told the Congress:

"No task assigned senior U.S. military leaders is more important than the duty of keeping the Congress and the American people fully informed on military matters. In the final analysis, our military posture and our national security can be no stronger than the determination of the American people to defend our nation and its freedoms. This collective will is both developed and represented, in large measure, by Congressional attitudes and decision. Your role in this process is vital."

These seven positions then must be our National Council's mandate from our members in furtherance of our goal of achieving a United States military posture second to none. With unity of purpose we in the Reserve Officers Association of the United States will all join together in seeking fulfillment of these our goals.

Adopted by the National Council, 22 February 1974.

TAKING THE BAR EXAM TO COURT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. RANGEL. Mr. Speaker, although the number of black law students has increased markedly in the last 5 years, the number of black lawyers entering the legal profession has not been as great as the number of graduates because of the problem which has puzzled and angered many blacks who have successfully met the rigors of a law school education and feel themselves prepared to go out into the community and to begin to practice.

The failure of blacks to pass the bar examinations of the various States and the numbers which they have been able to graduate from law school perhaps can only be explained by pointing to a discriminatory bias in State bar examinations.

Although bias has been denied, one needs only to remember that bias has always been denied in so-called neutral testing procedures which in the last decade have oftentimes been found to be a primary bar to the entrance of blacks and other minorities into the professions and skilled trades.

I believe the time has now come for us to take a close look at the possible discriminatory effects of State bar examinations. This is being done by public interest law firms that are taking these bar examinations to court for the type of scrutiny under the civil rights laws which has served as bars for admission to blacks into law enforcement agencies, construction unions, and the professions.

To inform my colleagues on the present movement to test the validity of

State bar examinations, I place in the RECORD an article which appeared in the recent edition of Judicature magazine, "Taking the Bar Exam to Court."

The article follows:

TAKING THE BAR EXAM TO COURT

(By Wayne Green)

Jack LaSonde, a 1972 Duke Law School graduate, was suspicious when he failed the Georgia bar exam in July 1972.

But the 29-year-old black became downright distrustful a few days later. That's when he learned that, although some 300 whites had passed, none of the 40 or so other blacks who had taken the exam had received passing grades. Now LaSonde and 12 other blacks who failed in 1972 (LaSonde passed the exam in 1973) are suing the Georgia Board of Bar Examiners, alleging that the exam and the method of giving it are unconstitutionally designed to exclude blacks from practicing law in Georgia.

Georgia's examining board isn't the only one under fire. Ohio's bar exam system is facing similar charges of racial bias, prompted by sharp disparities in the failure rate of blacks (an alleged 57 to 73 percent) and whites (alleged to between 12 and 25 percent) in recent years. And just this month, Wayne State law graduate Thomas H. Oehmke, who is white, sued Michigan's board of bar examiners, saying its bar exam is prejudiced because it doesn't cover certain subjects (such as landlord-tenant relations) relevant to black communities. The Michigan exam covers "the type of law a white, middle-class male is likely to go into," asserts Oehmke, who's suing on behalf of 771 people who took the August 1973 test.

In all, blacks and Chicanos have filed race bias suits against bar exam groups in at least 10 states since 1972, seeking changes in exam subjects and procedures, admission of plaintiffs to practice, and in some states—including Michigan, Illinois, and Arizona—damages. And while state bar groups sharply dispute the charges, the suits are forcing a showdown over a long-simmering question: Why do whites generally fare so much better than minorities on bar exams?

The issue has been "building up a long time," says William H. Hastie, Jr., research director of Public Advocates, Inc., a public interest law firm in San Francisco that filed one of the first cases challenging the validity of a bar exam. "I have no doubt it will reach the Supreme Court," he adds.

At least three factors led to the current rash of litigation. For one, there's been a substantial increase in the number of minority law students in recent years, due partly to stepped-up recruiting efforts by the legal profession. Thus, the comparatively poor bar exam performance of minority students is being dramatized.

Second, recent decisions by the Supreme Court and lower federal courts have required increased justification for job-competency tests that seem to discriminate. And finally, the American Civil Liberties Union and the NAACP Legal Defense and Educational Fund, Inc. have added their voices to the many pending suits.

So far, the minority students have not done too well in court. They lost one case on the merits in South Carolina and another through summary judgment in Alabama. In both cases, the U.S. district judges rejected allegations that race discrimination should be presumed from disparities in the passing rates of blacks and whites. Both cases are being appealed. In addition, several other cases—in Virginia and California, for instance—were dismissed without prejudice or jurisdictional grounds.

Still, the litigation is apparently having some impact. For example, the California Bar Association, spurred at least partly by Public Advocates' lawsuit there, has launched a study to determine whether its bar exam is inherently discriminatory. And a consortium of legal and educational groups is conducting a second study, aimed at determining the relationship between undergraduate grades, Law School Admission Test scores, law school grades, and bar examination scores.

Moreover, some states are considering changes in their bar exam approach, ranging from simple subject matter revisions to new grading procedures designed to reduce even the appearance of discrimination.

Even though South Carolina's state bar won the first round of its lawsuits, for example, the state supreme court is pondering major revisions in its testing procedure—such as requiring the state to draft model exam answers with which students could compare their own efforts, and perhaps providing some sort of appeal for graduates who fail the exam.

Pennsylvania, now the "most progressive state" in addressing bar exam problems according to Public Advocates's Bill Hastie, overhauled its exam system in 1972, following a 1971 Philadelphia bar committee report that found "strong presumption" of discrimination against blacks (see *Juris Doctor*, February 1971).

Less tangible effects of the current litigation include increased concern, even among those who disagree with the race bias accusations, about the fate of efforts to recruit minorities into the legal profession. "It's enough that people believe there's discrimination," says Millard H. Ruud, executive director of the American Association of Law Schools. "If young black and Chicano students come to feel they won't be dealt with in an evenhanded way, they may be discouraged from going to law school."

There's little question about the scarcity of minority lawyers, according to statistics compiled by Public Advocates and the Legal Defense Fund. In California, where there is one white lawyer for every 450 white citizens, the proportions are obviously skewed: one black lawyer per 3,000 blacks, and one Chicano lawyer per 16,000 Chicanos. Alabama has 28 black lawyers out of a total of 3,410. Ohio has 235 out of 16,000 attorneys. In Delaware, where no suit has been filed, the last time a black passed the bar was in 1957, and there are only three black attorneys practicing in the whole state. These disparities are the basis for the current lawsuits; the pronounced differences in bar exam performances got them rolling.

"I believe the suits, in part at least, reflect a sense of frustration that there's not a larger outpouring of blacks into the legal profession," says Clyde O. Bowles, Jr., a Chicago lawyer who is coordinating the flow of litigation information for the National Conference of Bar Examiners.

According to Bowles's information, the lawsuits are attacking state bar examining boards on three basic grounds. One is based on a 1971 Supreme Court decision essentially holding that if a testing procedure has discriminatory effects, then it is unconstitutional unless it can be shown that the test accurately predicts job competency.

Thus the law graduates argued in the Alabama case that the bar exam provides "no demonstrable relationship between successful performance on the examinations and successful performance of the myriad functions in the practice of law." The U.S. district judges handling the South Carolina and Alabama cases both rejected that argument, saying they could find a "rational connection" between the exams and the ability to practice law.

Second, many of the lawsuits allege that the entire examination process lacks due process protections. These arguments are made in states that don't allow students who have failed the exam to review their papers and don't provide them with the right to appeal a failing grade. The suits also cite rules in some states limiting the number of times that the exam can be taken. The Alabama court rejected the due process argument, but U.S. District Judge Sol Blatt, Jr. of Charleston, South Carolina said that the issue should be taken first to the South Carolina Supreme Court, which has the authority to establish post-exam review procedures.

Finally, many of the suits argue that blacks are failing in disproportionate numbers, and that the system allows bar examiners to discriminate if they choose. Photographs of each person taking the exam, as well as other identifying information, are required in some states. This, coupled with the negligible percentage of blacks who pass the exams, the suits allege, should at least require the state to assume the burden of explaining and justifying the disparity.

There is considerable debate outside the courtroom over the significance of the disparities. Some lawyers and educators say the statistics don't account for the fact that many minority students come from educationally inadequate backgrounds or that some of them—because of the legal profession's recruiting efforts—are admitted to law schools under lowered standards. What happens then, goes the argument, is that these students often end up in the bottom quarter of their class.

"When one makes any examination of bar exam success," asserts Professor Ruud, "he can see there's a substantial difference in students who graduate in the top quarter and those who graduate in the bottom quarter."

Others, like Hastie, dispute that conclusion, saying there are "no comprehensive statistics to support it." The statistics show, he argues, that blacks do better on multiple choice sections of some exams than on written portions. In his view, that's "the most damning indictment of all" because it suggests that blacks lack not the educational tools but rather some "artificial fluency in written exams."

Even so, at least part of Professor Ruud's argument seemed to apply in South Carolina, where four black law graduates alleged that 90 percent of the whites were given passing grades, compared with only 15 percent of the blacks. Judge Blatt found it compelling that a significant percentage of those blacks attended Howard University Law School where, he claimed, "academic standards for admission are admittedly less stringent than the standards of virtually all other accredited law schools." Howard Dean Herbert O. Reid disputes that contention. The bar exam performance of Howard's graduates, Reid says, has been "above the national average more than below it."

Judge Blatt said the "uncontradicted evidence" shows that graduates of Howard, a predominantly black law school in Washington, D.C., don't do as well on a nationwide basis as other law school graduates taking the bar exam. So, while he lauded Howard's efforts to educate black lawyers, the judge said illegal discrimination wasn't proved simply because a state's bar admission standards worked a "disproportionate hardship" on some black law students.

Whatever the answer, most legal experts think that the courts' feelings about the bar exam controversy will be more clearly indicated in cases filed by black graduates of more widely known law schools. The Georgia case could be a key one. The 13 plaintiffs there include LaSonde from Duke plus law graduates of Columbia, Harvard, Georgia, and Indiana.

IRISH OF CLEVELAND TO HONOR FIVE ON ST. PATRICK'S DAY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. JAMES V. STANTON. Mr. Speaker, the Irish of Cleveland will on St. Patrick's Day this year honor five of its number for their contribution to our community. I am particularly pleased to note that Mrs. James J. Sweeney, whose sons and daughters have achieved a notable record of public service in Cleveland, is being honored as Irish Mother of the Year. Mrs. Kevin Loftus has been chosen Queen of the West Side Irish Club, and Sean F. Fox is Member of the Year. James J. Bambrick will be honored as Hibernian Man of the Year, and Mrs. Michael Prendergast will hold the title of Hibernian Woman of the Year.

To these fine citizens I extend my warmest congratulations, and in their honor I am inserting into the RECORD statements which outline their many achievements. I also want to announce that Johnny McNea, who gained a wide following through his musical radio program of the 1930's and 1940's, and has been active in civic affairs since then, will be the grand marshal of the St. Patrick's Day Parade.

The statements follow:

MRS. JAMES J. SWEENEY NAMED IRISH MOTHER OF THE YEAR

Mrs. James J. Sweeney will be honored as Irish Mother of the Year in the 1974 Saint Patrick's Day Parade, it was announced today by executive director Augustine Boland of the parade-sponsoring United Irish Societies of Greater Cleveland. She is to be singled out as "a woman whose life has reflected credit upon the Irish nationality, and whose example has been a source of inspiration to the community," and as such, she will symbolize all Irish mothers everywhere.

Mrs. Sweeney, 81, was born Anna Joyce in Curraun, Achill, County Mayo, Ireland. She attended the National School there, and in 1912 she came to the U.S. and settled in Cleveland. In 1919, she became the bride of James J. Sweeney, who four years earlier had come here from Polranny, Achill Sound, also in County Mayo.

The five Sweeney children are: James P., a Cleveland police detective; Michael A., an attorney, former state representative and now executive assistant to Congressman James V. Stanton; Mary C., a Cuyahoga County probation officer; Mrs. Margaret Kleinpell, a housewife; and Hon. Francis E. Sweeney, Cuyahoga County common pleas judge. There are 13 grandchildren.

Mrs. Sweeney is a member of the Second Ward Democratic Club and of the Cuyahoga County Democratic Executive Committee. She and her husband, a retired Cleveland policeman, reside at 5320 Delora Avenue. They are members of Corpus Christi Church.

WEST SIDE IRISH-AMERICAN CLUB NAMES QUEEN, MEMBER OF YEAR

Sean F. Fox has been named member of the year, and Mrs. Kevin Loftus has been chosen 1974 queen, by the West Side Irish-American Club. They will be honored at the club's annual St. Patrick's Eve dance on Saturday, March 16, at 9 p.m. in the U.A.W. Hall, 5615 Stump Road, Parma. The event has been sold out for weeks.

Fox, 40, is a native of Cong, County Mayo, Ireland. He came to Cleveland in 1954 and has been active in the club continuously since that time. He currently is a trustee of the organization and a co-chairman of the committee developing the club's new 27-acre property in Olmsted Township. He is a landscape and cement contractor.

He and his wife of 13 years, the former Agnes McGrath, are parents of: Ann, 11, Kathleen, 10, Maura, 9, Eileen, 8, Eddie, 7, and John, 2. They reside at 3403 West 135th Street and are members of St. Vincent De Paul Parish where he also is a member of the Holy Name Society.

Mrs. Loftus, 31, was born Ann Chambers in Newport, also in County Mayo, Ireland. She moved to Cleveland in 1959 and joined the West Side club that same year. From 1960 to 1963 she marched in the women's drill team, and she has since been active on various club committees. She also is a member of the Cleveland Gaelic Society and the Gaelic Football Club auxiliary.

She and her husband of 11 years, a trucker, live at 3957 West 160th Street and are members of Our Lady of Angels Parish. They have five children: Theresa, 10, Brian, 8, John, 6, James, 5, and Christopher, 1.

HIBERNIANS TO HONOR MAN, WOMAN OF YEAR AT 107TH ANNUAL BANQUET

James J. Bambrick will be honored as Hibernian Man of the Year, and Mrs. Michael Prendergast as Hibnerian Woman of the Year, when the Ancient Order of Hibernians and its Ladies Auxiliary hold their 107th Annual St. Patrick's Day Banquet on Sunday, March 17, at 5:30 p.m., in the Cleveland Plaza.

Bambrick, 56, is a labor relations representative for The Standard Oil Co. with a lengthy and varied background in education and industry. He has served here in his present capacity since 1958. A native of New York City, he holds a B.S. and an M.B.A. from New York University, and a B.S. degree and U.S. Naval Reserve commission from the U.S. Merchant Marine Academy. In World War II, he served as third mate on troop transports in the European, African and Asian theaters. He has numerous professional, religious, education and civic affiliations and has written over 200 articles and 14 books.

He was president of the Hempstead, N.Y. Division of the AOH from 1954 to 1958, and was chairman of the Irish history committee of the Cleveland AOH Division #1 from 1959 to 1962. In 1972–73, he was county AOH vice president.

He and his wife of 25 years, the former Margaret Donlan of Long Island, live at 2704 Berkshire Road in Cleveland Heights and are members of St. Ann's Church. They have three daughters, two sons and one grandchild.

Mrs. Prendergast was born in Cleveland and educated at Notre Dame Academy. Her mother was the late Mary K. Duffy, who before her death in 1962 was a prime mover of the Irish Cultural Garden League and the Commodore Barry Day observances here.

Mrs. Prendergast is past Division #10 president and past county historian of the LAACH. She also is a member of the National Council of Catholic Women and of Christ the King Parish and its Altar and Rosary Society.

She and her husband, a native of Ballinrobe, County Mayo, Ireland and now a retired carpenter, recently celebrated their 50th wedding anniversary. They have seven children, 25 grandchildren, and one great-grandchild. The Prendergast home is at 862 Caledonia Road, Cleveland Heights.

The featured speaker at the March 17 banquet will be newly elected Cleveland Municipal Court Judge Ann A. McManamon. Master of ceremonies will be William E. Mahoney, Jr., AOH vice president. Chairman is Kevin Reynolds, 10223 Joan Avenue, Cleveland.

PATROLMAN TIMOTHY HURLEY, A TRIBUTE PAID

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. BIAGGI. Mr. Speaker, this morning a funeral was held in New York City. It was an especially tragic event not only for the family and loved ones of the deceased man, Timothy Hurley, but for this Nation as well, for with the death of Timothy Hurley we have been deprived of still another policeman, the victim of a senseless murder committed while serving in the line of duty.

The events leading to the untimely and brutal death of New York City Patrolman Hurley were sickeningly similar to the events which have led to the murders of so many other policemen in recent years. Early in the morning of March 9 Hurley and his partner William Cutter were responding to a holdup call at a bar in Queens, N.Y. As the two policemen arrived they were met by a number of fleeing patrons, one of whom informed the two officers that the individual responsible for the robbery was still inside. The two policemen responded immediately, and began to head for the inside of the bar. As they did the supposed informer began to shoot and pumped three bullets into Hurley. One of these bullets penetrated his heart, and he died shortly afterward on the operating table.

The death of Patrolman Hurley signifies the loss of more than another distinguished policeman. His passing represents the loss of a loving husband and father. Hurley who died at the tragically young age of 32 is survived by his wife Alice and a young son Joseph age 9.

Timothy Hurley's years with the New York City Police Department were short in length but distinguished in service. He had a desire for excellence in his work, and the fact that in his 6 year career, he was able to be awarded two commendations and seven citations for excellence in police work indicates that this desire was translated into concrete accomplishments.

The death of a policeman rocks the very foundation of this Nation. We are a nation committed to the preservation of law and the maintenance of order. We are a citizenry with a respect for the law, and a fear of lawbreakers. Yet far too often our respect for the law is not extended to the men and women who are dedicated to enforcing the law. In many States and localities policemen are treated as second-class citizens. The police in our cities and localities deserve and should receive the repect of the Americans they so ably protect.

Yet respect is far from the only thing the policemen of America need. We as a Nation must take steps to insure the protection of our law enforcement officials

from the depraved and lunatic members of our society who, oblivious to the concept of law and order, only know the language of violence.

We in the Congress must take the initiative. We need and have legislation to provide the police of this Nation with protection. The most important legislation we could enact would be the restoration of the death penalty for certain crimes, especially the killing of law enforcement personnel. We must have an effective deterrent to prevent the police killer from committing these heinous acts. By clearly defining the terms of how to administer the death penalty, we will avoid the capriciousness which characterized the previous use of capital punishment in this Nation.

Since the Supreme Court ruled the death penalty unconstitutional in 1972, almost half of the States in the Union have enacted laws restoring the death penalty. Many of these States include police killing as one of the crimes worthy of death. I urge my colleagues in the House and Senate to take prompt and responsible action on legislation which will restore this vitally needed crime deterrent.

We must not abandon the widows and survivors of law enforcement officials who are killed in the line of duty. Many of these women and children after living their lives in constant apprehension and anxiety about the safety of their husbands and fathers have had their worst fears realized. They are then forced to face the world empty, and alone, and oftentimes without any substantial financial means. We must put an end to this national tragedy. I was pleased at the actions of the House Judiciary Committee in passing and reporting out legislation which would provide a $50,000 death benefit for the widows and survivors of law enforcement personnel killed in the line of hazardous duty. I urge the House leadership to schedule this bill for floor action in the near future so that widows such as Mrs. Alice Hurley are not forced to spend their lives in poverty and despair.

Mr. Speaker, let the death of Patrolman Hurley serve as a catalyst for strong congressional action to protect our police. Far too many of them have been killed already. We cannot afford to wait for another to die before we respond. I am confident that my call for action is shared by millions of law-abiding Americans who recognize the importance of police in our society. I know they also join with me in mourning the death of Patrolman Hurley and extending sincere condolences to his widow and child.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. ESCH. Mr. Speaker, yesterday, I informed the Members of the House that I intend to offer an amendment to H.R. 69, the Elementary and Secondary Education Act, to strictly limit the use of school busing. The following is the amendment which I propose to offer on behalf of Mr. O'HARA, Mr. WILLIAM FORD, Mr. HUBER, and myself:

AMENDMENTS TO H.R. 69, AS REPORTED OFFERED BY MR. ESCH

Page 58, after line 18, insert a new Title II (and number the succeeding Titles and Sections accordingly):

TITLE II—EQUAL EDUCATIONAL OPPORTUNITIES

SEC. 201. This title may be cited as the "Equal Educational Opportunities Act of 1974".

PART A—POLICY AND PURPOSE

SEC. 202. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, sex, or national origin; and

(2) the neighborhood is the appropriate basis for determining public school assignments.

(b) In order to carry out this policy, it is the purpose of this Act to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

SEC. 203. (a) The Congress finds that—

(1) the maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, sex, or national origin denies to those students the equal protection of the laws guaranteed by the fourteenth amendment;

(2) for the purpose of abolishing dual school systems and eliminating the vestiges thereof, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students;

(3) the implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amounts of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(4) transportation of students which creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity, is excessive;

(5) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades; and

(6) the guidelines provided by the courts for fashioning remedies to dismantle dual control school systems have been, as the Supreme Court of the United States has said, "incomplete and imperfect," and have not established a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems.

PART B—UNLAWFUL PRACTICES

DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY PROHIBITED

SEC. 204. No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by—

(a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with part D of this title, to remove the vestiges of a dual school system;

(c) the assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his or her place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(d) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff, except to fulfill the purposes of subsection (f) below;

(e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or

(f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

BALANCE NOT REQUIRED

SEC. 205. The failure of an educational agency to attain a balance, on the basis of race, color, sex, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

ASSIGNMENT ON NEIGHBORHOOD BASIS NOT A DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY

SEC. 206. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity or of equal protection of the laws unless such assignment is for the purpose of segregating students on the basis of race, color, sex, national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

PART C—ENFORCEMENT

CIVIL ACTIONS

SEC. 207. An individual denied an equal educational opportunity, as defined by this title, may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States (hereinafter in this title referred to as the "Attorney General"), for or in name of the United States, may also institute such a civil action on behalf of such an individual.

SEC. 208. When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, such school population changes so occurring shall not, per se, constitute a cause for civil action for a new plan of desegregation or for modification of the court approved plan.

JURISDICTION OF DISTRICT COURTS

SEC. 209. The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 207.

INTERVENTION BY ATTORNEY GENERAL

SEC. 210. Whenever a civil action is instituted under section 207 by an individual, the Attorney General may intervene in such action upon timely application.

SUITS BY THE ATTORNEY GENERAL

SEC. 211. The Attorney General shall not institute a civil action under section 207 before he—

(a) gives to the appropriate educational agency notice of the condition or conditions which, in his judgment, constitute a violation of Part B of this title; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

ATTORNEYS' FEES

SEC. 212. In any civil action instituted under this Act, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

PART D—REMEDIES

FORMULATING REMEDIES; APPLICABILITY

SEC. 213. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws.

SEC. 214. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or of the first combination thereof which would remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without requiring transportation beyond that described in section 215;

(e) the construction of new schools or the closing of inferior schools;

(f) the construction or establishment of magnet schools; or

(g) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 215 and 216 of this title.

TRANSPORTATION OF STUDENTS

SEC. 215. (a) No court, department, or agency of the United States shall, pursuant to section 214, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

(b) No court, department, or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

(c) When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, no educational agency because of such shifts shall be required by any court, department, or agency of the United States to formulate, or implement any new desegregation plan, or modify or implement any modification of the court approved desegregation plan, which would require transportation of students to compensate wholly or in part for such shifts in school population so occurring.

DISTRICT LINES

SEC. 216. In the formulation of remedies under section 213 or 214 of this title, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, sex, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 217. Nothing in this title prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

REOPENING PROCEEDINGS

SEC. 218. On the application of an educational agency, court orders, or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this title and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this title. The Attorney General shall assist such educational agency in such reopening proceedings and modifications.

LIMITATION ON ORDERS

SEC. 219. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, be terminated if the court finds the defendant educational agency is not effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto. No additional order requiring such educational agency to transport students for such purpose shall be entered unless such agency is found to be effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto.

SEC. 220. Any court order requiring the desegregation of a school system shall be terminated, if the court finds the schools of the defendant educational agency are a unitary school system, one within which no person is to be effectively excluded from any school because of race, color, or national origin, and this shall be so, whether or not such school system was in the past segregated de jure or de facto. No additional order shall be entered against such agency for such purpose unless the schools of such agency are no longer a unitary school system.

PART E—DEFINITIONS

SEC. 221. For the purpose of this title—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801(k) of the Elementary and Secondary Education Act of 1965.

(b) The term "local educational agency" means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965.

(c) The term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency on the basis of race, color, sex, or national origin or within a school on the basis of race, color, or national origin.

(d) The term "desegregation" means desegregation as defined by section 401(b) of the Civil Rights Act of 1964.

(e) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

PART F—MISCELLANEOUS PROVISIONS

SEC. 222. Section 709(a)(3) of the Emergency School Aid Act is hereby repealed.

SEPARABILITY OF PROVISIONS

SEC. 223. If any provision of this title or of any amendment made by this title, or the application of any such provision to any person or circumstance, is held invalid, the remainder of the provisions of this title and of the amendments made by this title and the application of such provision to other persons or circumstances shall not be affected thereby.

DISARRAY AT THE FEDERAL ENERGY OFFICE

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HANRAHAN. Mr. Speaker, I think my colleagues may find interesting Mr. Jack Anderson's column concerning the Federal Energy Office, an office that is, of course, the center of almost everyone's attention these days. I would like to submit that article for the RECORD at this point:

[From the Washington Post, Mar. 10, 1974]

DISARRAY AT THE FEDERAL ENERGY OFFICE

(By Jack Anderson)

The consumers must shout to be heard inside the Federal Energy Office. For the oil barons, a whisper usually will do.

Yet favoritism isn't the only cause of high oil prices and long gas lines. The critics shouldn't underestimate the ability of the bureaucrats to foul up.

The FEO happens to be populated with bureaucrats recruited from the ranks of government. Its middle management has been plagued by rapid turnovers and small-scale blunders.

Their boss, William Simon, and his deputy, John Sawhill, are almost always tied up in policy meetings, press conferences and congressional hearings. This often has left FEO employees to function without direction.

The examples are legion. In an effort to straighten out the allocation mess, Simon ordered that gas be transferred from some states to others. The aide assigned to inform the governors simply forgot to tell the losing executives.

In a style reminiscent of the undercover White House "plumbers," two young computer experts from FEO recently infiltrated a secret Army computer facility in the dead of night to work on gasoline allocation figures. The foray was unauthorized and constituted a serious security breach.

The computer commandos sweettalked their way past building guards, spent the night pushing buttons and spinning tapes, and then departed with armloads of computer printouts and programs. The outraged general in charge of the computer command has ordered a formal investigation, although he decided not to press charges.

The day-to-day problems at the energy bureaucracy are less spectacular but more exasperating. Young college graduates are assigned to write job descriptions and place high-level executives. High school graduates with no training or experience are processing federal appointees. Phones are installed and no one assigned to answer them. And letters, if they cannot be answered with a handy form, are just piled on an ever-growing stack.

Many of the key energy employees, accustomed to the bureaucratic style, resent Simon's shoot-from-the-hip approach and favor a more cautious approach. Simon has shown no shyness in taking on such heavyweights as President Nixon and the Shah of Iran when they intrude upon his policies.

Simon loyalists defend his blunt, shake-'em-up style as necessary. But his approach has created some serious problems.

For example, a hasty decision helped choke off the importation of much needed crude oil. Simon ruled that if the eight major oil companies operated their refineries at more than 76 per cent capacity, they had to sell their additional crude to independent refiners, who have no assured crude sources.

The majors claimed they could not do this without losing money, so they cut back their imports. The ruling also made no distinction between West Coast imported crude and East Coast products, further complicating the picture.

Many areas were unnecessarily short of gas last month because of the ill-conceived allocation plan. FEO regional offices also failed to gather vital data from the oil companies and, therefore, allocations were often haphazard.

Simon's arbitrary decision to make 1972 the base allocation period compounded the problem, since population growth and traffic patterns have changed in two years.

Simon also embarrassed both superiors and subordinates at last month's Washington Energy Conference. He ordered the Treasury's energy office to come up with a background paper for the United States to present to the foreign ministers documenting long-range U.S. energy policy. Drafted on a tight deadline, the study was a poor and sometimes inaccurate hash that many of the foreign diplomats scoffed at.

Civil Service regulations apparently have been violated in the rush to staff the FEO. Although required advertisements are run for high-level personnel, often someone already has been secretly picked for the position. Some middle-level people have been bringing in friends and colleagues from their old agencies in an effort to tighten their hold on the new FEO turf.

The offenders often are disgruntled with Simon, who refuses to do things in the bureaucratic way. This attitude, with people lining up either with the bureaucratic faction, has helped to cripple the struggling agency.

These internal problems are hidden from the public by a smooth, over-staffed public relations operation. Just about 10 per cent of Simon's work force are involved in public relations. Their job, charge critics, is to polish his image.

Supporters insist the large public relations staff is necessary to inform the public about the oil crisis. Meanwhile, more than 200 of the 2,000 total employment are engaged in making Simon and his policies look good.

In fairness to Simon, he has had to create an agency overnight to deal with energy problems which the government had largely ignored for 20 years. He had to jolt the bureaucracy to get it moving.

Now he is caught between disgruntled bureaucrats and angry consumers. The pressures are intensifying from all sides; the President pushes him in one direction, Congress in the other. And the oilmen are constantly at his ear, whispering their warnings and pleadings.

Most of his staff have given him loyal service and have put in long hours. Increasingly, however, dissension is growing and the FEO is breaking apart. Now Simon must turn from the external problems to deal with the internal threat, which could paralyze future U.S. energy policy.

Footnote: Congressional critics have charged that Simon has been too sympathetic to oilmen and too hard on the consumers. As a former Treasury official, he is also close to the big banks whose directors sit on the boards of the major oil companies.

These bankers have been reluctant to finance the construction of independent refineries, which would compete with the refineries owned by the big oil companies. Meanwhile the world is awash in oil, but there aren't enough refineries to process it into gasoline.

AN IMAGE FOR THE OIL INDUSTRY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. FRASER. Mr. Speaker, in 1973 after tax profits of the 21 dominant oil companies rose by 58 percent over 1972. It is not surprising that many Americans have become alarmed at these record earnings at a time of oil shortages, rising prices, and increasing unemployment.

The oil companies are understandably trying to improve their image, and they are doing it in the Madison Avenue tradition—by massive advertising. Full-page advertisements in defense of company prices and profits have appeared in papers throughout the country. "Texaco's profits last year were not excessive," reads an advertisement in the New York Times of February 8, 1974. "The current price of old domestic crude is too low," states a Gulf advertisement in the Wall Street Journal of February 20, 1974.

Gulf, in its advertisement admonishes us to "find facts—not fault." Let us take a look at the facts.

In the past year crude oil prices have almost doubled and gasoline prices have risen roughly 30 percent. The cost of heating homes with oil has risen more than $200 a year for the average household in the Northeast. For propane-heated homes, the increased cost has been much greater.

In the same period, Gulf's full-year earnings were up 79 percent; its fourth-quarter profits up 153 percent. Texaco's 1973 profits rose 45.4 percent, and in the last quarter of that year increased 70 percent over the corresponding quarter a year earlier. While the companies can argue that the 1973 percentage increase was due more to the poor earnings of the previous year than to excessive profits, they cannot explain away the sharp rise in the last quarter.

Anticipated profits at current crude oil price levels are even greater. Walter Heller and George Perry have estimated—in the National City Bank of Minneapolis Newsletter of January 8, 1974—that the industry's cash flow would increase by $16 billion in 1974.

Gulf tells us in its February 20 advertisement that it is investing $1.5 billion "in energy development alone." At the same time, it is seriously considering using some of its profits to acquire Ringling Brothers-Barnum & Bailey Combined Shows, Inc.

Many people have reacted with hostility to the companies' advertisements and profits. One such response was that of Tom Wicker in the New York Times of February 19, 1974. It is reprinted below. Mr. Wicker points out that the oil companies are profiting from their own failure to plan for the future.

Distasteful though the advertisements may be, the companies have a right under the first amendment to present their point of view. Image-advertisements are not trying to sell anything and, therefore, should not be subject to the FTC's advertisement-substantiation regulations.

At the same time I would recommend that if the companies really want to improve their image and avoid increased Government regulation, they should respond with actions rather than with words.

Federal Energy Administrator Simon recently spoke of the companies' need to act responsibly. He said:

> What is called for now is the greatest statesmanlike attitude on the part of the oil industry that any industry has ever had.

He remarked of the advertising that "you don't change people's attitudes with that type of approach" and suggested that the major oil companies bring gasoline from Europe, where it is plentiful, to ease the shortage here. Since European gasoline is more expensive than American, he indicated that the companies could absorb part of the price difference themselves. In the long run absorbing part of the cost of European gasoline would be cheaper than advertising.

A statesmanlike attitude requires that the oil industry use its profits for exploration, research, and development in the energy field rather than on advertising and on circuses. It also means providing reliable data to the Government and protecting the environment.

Mr. Wicker's article follows:

GRIM THOUGHTS FROM THE "GAS" LINE

(By Tom Wicker)

From Page One of The New York Times for Feb. 13: "The Gulf Oil Corporation yesterday announced operating results for 1973. The report indicated a 153 per cent gain in fourth-quarter earnings . . . a fourth-quarter profit of $230 million, compared with $91 million in the 1972 quarter."

From an advertisement by the Gulf Oil

Corporation on Page 19 of the same issue of The Times: "There is no digit on earth less pertinent to the solution of the energy crisis than 'the pointing finger.' If there is blame, there is certainly enough to go around . . . after all, a helping hand is a far more productive tool than any number of pointing fingers. To find energy, find facts—not fault."

Baloney. "If there is blame," and there certainly is, it lies only marginally on the hapless driver of the great American gas-guzzler or the housewife-consumer of electricity, both victims of relentless advertising, and neither of whom failed to build sufficient refinery capacity when it obviously was needed, or managed a 153 per cent gain in quarterly profits in one year, or lobbied for oil import quotas to "protect" the American market from 1959 to 1973, or gets a depletion allowance to help explore for gas.

And if, as the Gulf ad urges, we are to reach a sensible national energy policy (naturally, Gulf tells us, with the "expertise of private industry, aided and abetted by government" and "free market pricing and fair profit"), the fact is that quite a bit of fault will have to be found with the present chaotic situation, events leading to it, and those responsible for them.

To begin with, and whatever the effect on newspaper and television profits, I, for one, point the finger of fault at pious, self-serving, devious, mealy-mouthed, self-exculpating, holier-than-thou, positively sickening oil company advertisements in which these international behemoths depict themselves as poverty-stricken paragons of virtue embattled against a greedy and ignorant world.

Did you realize, before some of these 'ads suggested it, that ocean exploration for oil deposits in fact protects the fish of the sea? No profit in that. And did you understand that after some unnamed villain causes a horrid oil spill somewhere, your public-spirited local oil company bankrupts itself buying bales of hay to soak up all that nasty oil on the beach?

But this is a relatively insignificant if satisfying point of fault. There are at least four other areas in which the finger—like Dr. Strangelove's arm—can hardly be stopped from rising:

Oil company profits: Gulf, in this regard, is a relative piker. Exxon recently announced the largest annual profit ever earned by any industrial company—$2.4 billion after taxes. The others of the so-called "Seven Sisters" are doing just fine, too. No one, we are advised in those ads, should begrudge these windfalls, since in preceding years oil company profitability was down. But it still has to be asked: Isn't there an undeserved reward here for the companies' lack of foresight and unwillingness to take the kind of risks they are forever extrolling? And what is to be done with those new-found profits? How much really is being ploughed into removing the causes of the oil shortage?

The environment: In its Feb. 13 ad, Gulf called for development of a strong national energy policy, "without either destroying the environment or babying it to death." Aside from the question of where the environment of this sad planet ever was babied to death rather than being destroyed by predator industries and developers, the fact is that the oil shortage so far has resulted in authorization of the Alaska pipeline, and the companies' improved ability to circumvent environmentalist restrictions on off-shore drilling and processing of oil shale.

Regulation: Gasoline fuels the most dominant mode of transportation in the United States; 87 per cent of the population went to work by automobile in 1970, as against only 80 per cent in 1963. Yet, trains, planes, buses, and the power companies, are regulated as public utilities, while the oil producers are not. They are so unregulated that the Government does not know for sure how much oil is produced, on hand, in reserve, imported, or refined into what products. Shouldn't a new energy policy include stronger regulations in the interests of the consumers?

The current shortage: Does Gulf or anyone else seriously propose that no finger of blame should be pointed at anyone for the present situation in which vitally needed gasoline is so unevenly available around the nation, at such steep prices, under a system that no one seems to be administering effectively, and in which differences from state to state, in both availability and the regulation of sales, harass retailers and consumers alike and mock the very idea of equity?

So, come to think of it, maybe there is enough blame to go around. The oil companies, their political lackeys, the Nixon Administration, its predecessors, the various state governors and agencies—take your pick the next time you wait on line two hours for a $3 purchase of 53-cent gas. You can hardy go wrong, especially if you start from the top.

RUSTLING CASE HAS A FRENCH CONNECTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HOGAN. Mr. Speaker, on February 4, I introduced legislation which would tighten export regulation on the shipment of horses.

I had heard reports where buyers from France and Italy are purchasing stolen horses at U.S. ports and shipping them to Europe where they are getting high prices for hides and horsemeat. In fact, the export of American horsemeat for human consumption abroad has tripled during the last 12 months with further increases predicted by east and west coast port authorities.

What my bill would do is require that proof of ownership be shown before any horse can be shipped out of this country. This would discourage the stealing of horses for exportation and would protect horses and their owners from such victimization in the future.

An article appeared in the Prince Georges County Sentinel on February 27, which illustrates an example of what is currently happening in our country with regard to horse rustling and the exporting of these horses overseas.

I insert this article in the RECORD at this point:

RUSTLING CASE HAS A FRENCH CONNECTION

(By Jennifer Frosh)

The Old West practice of horse rustling has moved East.

One case that hit Prince Georges County last fall involved international intrigue and suspense rivaling the "French Connection."

The adventure began on a horse farm in Laurel in mid-October when Audrey Melbourne, a lawyer and race horse breeder, discovered that two of her valuable thoroughbred mares had been stolen.

Mrs. Melbourne and County Det. William Seminuk had reason to suspect that the thieves were more than just itinerant cowpokes.

The resulting action landed Mrs. Melbourne in a French port, surrounded by French authorities, as she carried out the dramatic conclusion to the case.

Shortly after the theft, Mrs. Melbourne received a tip from an unlikely informer—an Amish blacksmith whom Mrs. Melbourne had run into at a horse auction in Pennsylvania.

She had traveled to the auction in the hopes of recovering her stolen mares, one of whom she said was worth $10,000 and in foal to a stallion whose sire was "Northern Dancer," a well-known race horse of the past.

The blacksmith cooly told her she had come to the wrong place. She should be at the Richmond Port instead.

It was there, he said, that stolen horses and cattle from the Maryland and Virginia area are sold to French and Italian buyers, loaded on boats, and exported to slaughter houses in Europe.

Mrs. Melbourne and the detective found out later that livestock shipments, including registered ponies and thoroughbred racers, leave the port several times a month. The meat, akin to round steak here, is used for human consumption and the hides for expensive shoes and clothes.

Seminuk said Prince Georges County alone has had about 10 cases of stolen horses in the past year, and the practice is common all along the East Coast. The "Richmond Port connection" is apparently profitable for European buyers, who pay between 25 to 40 cents a pound for an average 900-pound horse.

No proof of ownership is required to ship livestock out of the United States, according to Don Thompson of the U.S. Customs Office. U.S. authorities only require certificates of health for the livestock.

In November, Mrs. Melbourne learned from a Department of Agriculture examiner that a mare fitting her animal's description was on board a ship that had left Richmond Oct. 27 for Brest, France.

The boat she learned, was Dutch-owned, rented by a French buyer and manned with French sailors. It carried a load of 153 cattle and 182 horses, some of which were tatooed thoroughbreds.

The scene changed to Brest. Mrs. Melbourne had no intention of missing the boat twice.

Meanwhile, Seminuk advised the U.S. Embassy in France and the French police that Mrs. Melbourne wished to search for her horse when the ship docked and they more than complied.

When the boat arrived, an army of police officers circled the dock, cordoned off the area, and took horses off in groups for Mrs. Melbourne's inspection.

"I looked at each one to no avail. But then I noticed that one horse which fit the mare's description was missing. The sailors said the horse had died at sea and was thrown overboard."

Meanwhile, Rep. Larry Hogan (R-Md.), a horse-owner himself, has introduced a bill in Congress that would require proof of ownership before any horse could be shipped out of the United States.

Hogan said his action was prompted by Mrs. Melbourne's experience.

OUR EXTRAORDINARY FOUNDING FATHERS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. MINISH. Mr. Speaker, in this calamitous era, with problems of gravest import besetting us at home and abroad, it is salutory that we reflect upon the beginnings of our noble American experiment. As we plan for observance of the Nation's 200th birthday, 1976, let us draw

inspiration and strength from our extraordinary Founding Fathers who committed their lives, fortunes, and sacred honor to the goal of human liberty and national independence. Their Declaration, now on file at our National Archives in Washington, has yellowed and faded with time, but it remains the most powerful force in the world. The recently exiled Russian author, Alexander Solzhenitsyn, has given fresh affirmation to the enduring idea that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." As Thomas Jefferson said:

The disease of liberty is catching.

Mr. Jefferson and the other great men of the formative period of our history composed the most remarkable group devoted to government at any time since the golden age of Greece. They bequeathed to us conscience and courage and a passionate attachment to human liberty. They believed that "the God who gave us life, gave us liberty at the same time," and they acted upon that belief.

Of the 56 signers of the Declaration, 5, I am proud to say, were from New Jersey: Abraham Clark, John Hart, Francis Hopkinson, Richard Stockton, and John Witherspoon. Mr. Hart died before independence was won, but the other four had distinguished public careers. It is noteworthy that the Stockton homestead in Princeton serves as the Governor's Mansion; surely, his influence must pervade those hallowed halls.

A great new edifice is not built overnight. It was 11 years from the Declaration of Independence to the writing of the Constitution.

Six signers of the Declaration attended the Constitutional Convention: George Read, Roger Sherman, George Clymer, Ben Franklin, James Wilson and Robert Morris. Their enduring commitment to the public good is reflected in the fact that two of the signers, John Adams and Thomas Jefferson were to become our second and third Presidents. John Adams, Thomas Jefferson and Elbridge Gerry, were our first, second, and fifth Vice Presidents, and others served on the Supreme Court, in the Congress, as Cabinet members, and as Governors. Mr. John Witherspoon of New Jersey, was the president of the College of New Jersey, now Princeton University.

We who bear the proud title of citizens of the United States must, as have previous generations, prove our worthiness as heirs of a nation conceived in revolution and nurtured in liberty—"a spark never to be extinguished." It is up to us to determine whether that spark of national independence and individual freedom will continue to burn brightly or will in fact grow dim and die. I personally am confident that this generation of Americans, too, will put flesh on the noble words of the Declaration and will cherish and advance the values of our civilization. The struggle which began in Philadelphia in 1776 is a continuing one that demands the strength and energies of all of us to achieve a fuller life for our own people and a world of law and liberty for all.

MY RESPONSIBILITY AS A CITIZEN

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. MYERS. Mr. Speaker, I was honored this week to have an opportunity to visit with the winner of the Indiana Voice of Democracy Contest sponsored by the Veterans of foreign Wars of the United States.

I have known Claire Jerry since she was a baby. Her parents, Dr. and Mrs. Robert H. Jerry of Terre Haute, Ind., and I have been close personal friends for years. To see what a bright young American she has grown into was yet another reassuring sign that this Nation can be proud of its younger generation and confident we are leaving this great country in good hands.

Now a junior in South Vigo High School, Claire is one of some 500,000 high school students who participated in the 37th annual contest. This outstanding program focuses the attention of youth on the obligations of citizenship and calls for a personal evaluation of the responsibility in preserving democracy as a way of life in our Republic.

At this point in the RECORD I would like to share with my colleagues Claire Jerry's winning speech entitled, "My Responsibility as a Citizen":

MY RESPONSIBILITY AS A CITIZEN

America is a wonderful country. But she didn't get that way by having people sit around and let the other guy do it. America became wonderful through people just like you and me exercising their freedoms and fulfilling their responsibilities as individual citizens. As a young American these responsibilities are now being extended to me and those of my generation. As I reach to do my part, I find myself face to face with my responsibility as a citizen.

There are innumerable responsibilities that I must face, but three figure as most important to me. First, I must understand and exercise the freedoms given me by the Constitution and the Bill of Rights. Second, I must participate in what the National Council of Social Studies calls an "unfinished experiment in self-government," and third, I must cherish democracy. Just giving each responsibility a nice little title does not indicate the full bearing of them on my life. Each must be broken down and examined individually for complete understanding.

First, I must understand and execute my given freedoms. I must understand through study and examination why the Constitution gives me the privilege of voting, why the Bill of Rights gives me the privileges of peaceful assembly, free worship, free speech, and free press. But just understanding is not enough. I must exercise these privileges intelligently. I must be an informed citizen. When going to the polls, I must be informed on the issues and the candidates. I must be informed as to why I am assembling and the goals of the assembly. I need to know what my religion stands for and what the results of my speaking or writing might be. Then I can exercise my freedoms properly and fulfill my first responsibility as a citizen.

Second, I must help further the "unfinished experiment in self-government." Our nation was founded as a government by the people, and our experiment should never be totally finished. Each generation should further and better the experiment. I can help partially through leadership—if not my own leadership, then by aiding and cooperating with those delegated to lead me. I should also be determined to do my own part and not lean on others to do it for me. Responsibility begins with each individual. I must help combat the internal pressures on our self-government—the pressures of prejudice, hatred, and internal war. Finally, I can aid the experiment by being an idealistic realist. My idealism should be centered on achieving a better reality. When I accomplish all of these through civic participation, I am meeting my second responsibility as a citizen.

The final responsibility as a citizen which seems foremost to me is cherishing the democracy upon which our nation is built. My concern must be for the welfare of all citizens. When the decisions of the majority conflict with my own well-being, I must yield graciously. Yet in bowing to the majority, I must retain my individuality. This is a government of the people—approximately two hundred ten million. We need individuals with their own ideas and suggestions to improve our democracy for the power is in the people. And when the day comes when I can no longer say, "I am a young American," I must turn to the new generations and extend these same citizenship responsibilities to them. By giving them a better democracy, I have completed my third responsibility as a citizen.

If I am able to say that I understand my freedoms and that I intelligently vote, worship, assemble, and speak; if I can say I am furthering our "unfinished experiment in self-government" by leadership and determination, by overcoming my personal prejudices and hatreds; if I do cherish democracy by cherishing others and by preparing for new generations, then I can also say, "I am a responsible citizen."

My responsibilities are no different from yours, and my responsibility as a citizen is to be worthy of that title.

ILLEGAL HELP TO CAMBODIANS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Ms. ABZUG. Mr. Speaker, I want to know by what authority a major in the U.S. Army is advising the Cambodian Government forces in the midst of a battle? The Congress has specifically prohibited the use of American military advisers there, yet Wednesday's Washington Post carried a firsthand report of the activities of a Major Ondecker, which I insert in the RECORD.

Are we to assume that only one individual is violating the law? or must we assume that if one violation exists there may be many others? Whether it is 1 or 100, it is still too many.

Last October the General Accounting Office charged that a 73-man military team in Cambodia was actually functioning as an advisory group in apparent violation of a 1971 congressional ban on sending either combat troops or U.S. military advisers to Cambodia—and that the State and Defense departments were trying to cover it up. What other cover-up is going on now?

As we prepare to consider the President's new defense budget, it might be well to remind ourselves of some history. I insert also a Washington Post article of October 17, 1973, concerning the GAO report:

[From the Washington Post, Mar. 13, 1974]

AMERICAN ADVISERS IN COMBAT

(By Elizabeth Becker)

KAMPOT, CAMBODIA.—During the dark hours of dawn the Cambodian insurgents were lobbing mortars around the government's command post at Kampot. Inside, U.S. Maj. Lawrence W. Ondecker was showing the Cambodian officers how to mount a counterattack.

"I want you to respond very quickly he said. If even one mortar falls in your zone, you must answer back with fire immediately."

While the American major was pouring over maps, with the Cambodian staff officers, the Cambodian general officially in command of the post was writing in his diary, alone in an adjoining bunker.

The U.S. embassy in Phnom Pehn has repeatedly denied reports that Americans are serving as military advisers in the field. Congress has passed a law that prohibits the U.S. mission here from direct involvement in the conduct of the war.

But the situation in this coastal town about 80 miles south of Phnom Penh is critical, and Maj. Ondecker was flown down Sunday. "He was loaned to us from the 3d infantry Brigade," Lt. Col. Choey Yeun said. "He is attached to the 3d and normally works in the field with them, but he is needed here. I am surprised that you did not know him."

In the past month rebel troops have moved within one to four miles of Kampot, capturing the city's main water supply and the country's only cement factory. They regularly shell the town with 75-mm. recoilless rifles and 81-mm. mortars.

Although government intelligence officers warned of an impending offensive as early as January, the Kampot garrison made no defense preparations. Over the past week the Cambodian high command sent reinforcements—and they sent Maj. Ondecker.

"Protect this area immediately," Maj. Ondecker said while the 31 rounds were falling in and around the city Monday morning. "Good, perfect," he said as a Cambodian officer pointed on the map after accepting the American's proposal.

The day before rebel gunners shot down one of the two helicopter gunships stationed here, and the second one was recalled to Phnom Penh. Maj. Ondecker arranged with the U.S. embassy on the morning of the attack that additional gunships would be sent to Kampot to support the infantry.

A member of the U.S. military attache's staff in Phnom Penh, Ondecker, is in Kampot officially to gather information. Chuck Bernard, known as Monsieur Jacques, is the other U.S. representative in town. He has approximately the same official duties as Ondecker except that his area is civilian matters.

"Monsieur Jacques works with me," said Ker Sophay, director of political warfare. "He writes propaganda tracts with me. We have published and distributed 6,000 pamphlets in the three weeks he has been here."

While junior Cambodian officers say Americans advise in the field around Phnom Penh, it has never been confirmed. In Kampot, however, it is difficult to hide. Ondecker was in and out of the command post, openly recommending military maneuvers. Sometimes he prefaced his proposals with "I suggest and the general also suggests that you immediately fire in this direction."

The Cambodians were obviously pleased with the Americans help. "Maj. Ondecker was very good with the 3d Brigade: he will be good with us," said Col. Choey Yeun.

Changes were made quickly after Ondecker's arrival. Another infantry brigade was called in to bolster the 2,000-man government garrison, and the top command was replaced within 24 hours. The city's defense perimeter was stabilized for the first time throughout the siege.

Villagers are still leaving the town—the population has dropped from 50,000 to less than 20,000 in a month. Though all private shops are closed, and mortars still land within the city, the city's small open-air market reopened Sunday with some fruit and fish offered for sale.

[From the Washington Post, Oct. 17, 1973]

ROLE OF U.S. TEAM IN CAMBODIA RAPPED

A 73-man U.S. millitary team in Cambodia is actually functioning as an advisory group in apparent violation of a 1971 congressional ban, the General Accounting Office charged yesterday.

The GAO, in a 92-page report on U.S. operations in Cambodia, also said there has been a considerable number of questionable financial transactions by both U.S. and Cambodian officials in the three years since American aid to the Phnom Penh government resumed.

It charged, too, that State and Defense department officials and U.S. military officers including Adm. John S. McCain Jr., the former Pacific commander, tried to hinder its investigation and blocked access to some vital information.

The report cited congressional bans on sending either combat troops or U.S. military advisers ot Cambodia, and said that while Secretary of State William P. Rogers and Secretary of Defense Melvin R. Laird claimed in 1971 the government was abiding by the rules, in fact it was not doing so.

"As the Cambodia staff increased it assumed additional duties and became more involved with the Cambodian military. Except for not assigning advisers to specific field units, MEDT operated much the same as a military assistance advisory group," the report said. MEDT stands for military equipment delivery team.

The GAO said the team, which is supposed to oversee the arrival and allocation of supplies, helps the Cambodians draw up military plans, operate their headquarters, run the supply system and perform other military functions.

In addition, it said, the Defense Department sent in at least 61 special teams on temporary assignments in Cambodia that were "almost totally unrelated to equipment delivery."

The report made no mention of the role of U.S. military men in running the bombing program in Cambodia halted on Aug. 15 by congressional action. It did report that the military spent over $600,000 to set up communications for it and then concealed the money.

Among other irregular transactions it listed were:

Concealment of costs for 300 GIs who trained Cambodian soldiers in Vietnam and for "excess" equipment turned over to Cambodia.

Continued existence of large numbers of phantom soldiers on Cambodian military payrolls.

Diversion of weapons by Gen. Lon Nol, brother of chief of state Lon Nol, from a legitimate military unit to his personal bodyguard.

Aid requests for funds far in excess of what it knew Cambodia could absorb.

AMENDMENTS TO NATIONAL HEALTH SERVICE CORPS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. ROGERS. Mr. Speaker, today, I, Chairman STAGGERS of the Committee on Interstate and Foreign Commerce, and 9 of the 10 members of the Subcommittee on Public Health and Environment, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT, introduced the National Health Service Corps Amendments of 1974. This legislation would revise and extend the provisions of section 329 of the Public Health Service Act, which establishes legislative authority for the National Health Service Corps.

The original legislation was enacted late in 1970 and has grown to be one of the most successful and popular legislative efforts in the last few years. It has succeeded in placing in medically underserved communities, both urban and rural, much needed physicians, dentists, nurses, and other health professionals who are now actively engaged in providing medical care to communities where it was previously unavailable or in short supply. This is a program which has enjoyed broad bipartisan support in past Congresses, and one which has the support of the members of this subcommittee.

I am attaching a brief description of the changes in the National Health Service Corps made by this legislation. The subcommittee plans to hold hearings on this bill within the next few weeks, and I hope we will have legislation ready for House consideration in the very near future.

The description follows:

CHANGES IN THE NHSC MADE BY THE "NATIONAL HEALTH SERVICE CORPS AMENDMENTS OF 1974"

1. Changes the definition of a "medically underserved area" to conform to the definition of a "medically underserved population" used in the HMO Act of 1973. Clarifies the present legislative intent that the Secretary is to publish a list of all of the underserved populations in the United States by requiring a report to Congress by September 1, 1974, on the criteria used in designating medically underserved populations, and the publication of such a list by January 1, 1975. Provides a new mechanism by which representatives of populations which are not designated by the Secretary as underserved may apply to him for such designation, and lists the indicators of the availability of health services which should be considered when reviewing such applications. Sec. 329(b)(1), (b)(2), and section 1(b).

2. Clarifies the existing requirements for applying for the assignment of NHSC personnel to make it clear that a community seeking such assignment must make application to the Secretary, and specifying that, in communities with several medical or dental societies, the approval of any one of these societies will be sufficient for the approval of an application. Section 329(c)(1)(A).

3. Adds a new requirement that the Secretary may approve applications for NHSC personnel for periods which do not exceed four years, and that, if a community desires assignment of NHSC personnel for more than four years, it must reapply to the Secretary at the end of the original four-year assistance period. Requires the Secretary in considering applications for continued assistance for a community to apply the criteria necessary for the original approval of an application and, in addition, to evaluate the community's continued need for NHSC personnel, the use of personnel assigned to date, the growth of the practice of the as-

signed personnel, the community's support for the assignment, the community's continued efforts to secure its own health manpower, and the quality of the management of the NHSC practice. Section 329(c)(2).

4. Adds a new requirement that the Secretary, in assigning Corps personnel to communities, make an effort to match the characteristics of the personnel (and their spouses) and the communities to which they may be assigned in such a way as to maximize the likelihood that the personnel will remain in the community after the completion of their assignment and leaving the NHSC. Further requires the Secretary to review the assignment of each Corps assignee and the situation in the community to which he is assigned for the purpose of determining the appropriateness of extending his assignment. Section 329(c)(4).

5. Makes new authority available to the Secretary to make grants, not in excess of $25,000, to medically underserved populations to be used for the purpose of establishing medical practices for NHSC personnel. This provision is written to repay to the Federal government the amounts of such grants using revenues generated by the practice. Section 329(d)(3) and (e)(1)(G).

6. Provides authority to the Secretary to sell to NHSC communities at fair market value any equipment in his ownership which has been used by NHSC assignees in providing health services. Sec. 329(d)(4).

7. Clarifies the financial arrangement that the Secretary and communities receiving NHSC personnel must enter into. Provides that a community must:

(1) charge patients seen for health services received.

(2) make reasonable efforts to collect the amounts of such charges, and

(3) pay to the United States the lesser of either:

(a) the amount collected under (2) or

(b) the pay and allowances of the NHSC personnel plus the amounts of any start-up grants provided to the community (suitably pro-rated over the period of NHSC assignment).

These provisions have the effect of assuring that NHSC communities will be responsible for payment to the Federal government of the reasonable costs incurred by it in the operation of the program, but, that in the event the practice generates additional revenues, these additional revenues may be retained by the community for its use in improving or expanding the practice, or recruiting its own health manpower. The ability of the community to retain some funds is intended to provide the community with a significant incentive for the efficient and effective collection of charges billed to patients. Sec. 329(e)(1).

8. Requires the Secretary, under regulations which he prescribes, to adjust the monthly pay of physicians and dentists serving in the NHSC so that their pay will be competitive with that of physicians and dentists in established practices with equivalent training. This provision constitutes, in effect, a pay bonus and is modeled after bonuses presently being considered for physicians and dentists serving in the Armed Forces. It will be limited to an amount, not to exceed $1,000 per month, which is intended to make service in the NHSC attractive on a financial basis for young physicians. Further, the pay bonus would be available in its full amount only during the first three years in which an individual served in the NHSC. Subsequently his salary would be held constant so that as the practice grows it will become financially wise for the NHSC personnel to leave the Corps and enter private practice in the community to which they are assigned. Sec. 329(f)(4).

9. Adds new requirements to the existing requirements for an annual report to the Congress that the report indicate the number of patients visits recorded in the previous year by the NHSC, the results of evaluations conducted by the NHSC, and the amounts charged, collected, and paid to the Federal government by NHSC communities. Sec. 329(g).

10. Renames the existing national advisory council as the National Advisory Council on the NHSC, requires membership on the Council from communities served and NHSC personnel assigned, and gives the Council the authority to review and approve program regulations. Sec. 329(h).

11. Provides the Secretary authority to seek appropriations for the NHSC a year in advance so that stable budget planning will be possible in order to facilitate long-range recruitment of physicians and dentists for the Corps. This is important because most physicians and dentists make their career plans as much as a year in advance and therefore the Corps must know as much as a year in advance how many physicians its appropriations bill will support. Sec. 329(i)(2).

12. Requires the Secretary of HEW to conduct or contract for studies of methods of assigning personnel in the NHSC with the purpose of identifying the characteristics of health manpower who are likely to remain in practice in medically underserved populations, the characteristics of areas which have been able to retain health manpower, the appropriate conditions for the assignment of independent nurse practitioners and physicians' assistants in medically underserved populations, and the effect of primary care residency training in such populations on the health care provided and the decisions of the residents respecting areas in which to locate their practice. Sec. 1(b)(2).

13. Amends the NHSC scholarship program to follow the provisions of the military health manpower scholarship program respecting monthly payments to participants and support by the Secretary for the costs born by institutions who increase their enrollment in order to accept participants in the scholarship program. Sec. 225(c)(1)(A) and (c)(2)

14. Provides that the payments under the scholarship program for individual living expenses may be adjusted by the Secretary in proportion to any inflation in living costs. Sec. 225(c)(1)(B).

15. Clarifies the legislative specification that individuals completing the scholarship program be available first for service in the NHSC or Indian Health Service, second, if no positions are available in the above, for service, in the Federal Health Programs Service, and third, if no positions are available in any of the above, for any service deemed appropriate by the Secretary. Sec. 225(d)(2).

16. Provides a penalty provision similar to the one contained in H.R. 7724, the Biomedical Research Training legislation, which would require individuals who fail to perform obligated service to pay back their scholarship and related Federal contributions to their education at twice their original value. This provision is responsive to the experience of existing, primarily state, loan and scholarship training programs which have been that without such penalty a substantial portion of the participants will repay the dollar value of their scholarship rather than perform the obligated service. Sec. 225(e)(1).

17. Authorizes appropriations for the NHSC as follows:

	Million
1975	$30
1976	35
1977	40
Total	105

Authorizes appropriations for the NHSC scholarship program as follows:

Fiscal year:	Million
1975	$20
1976	25
1977	30
Total	75

FIRST AMENDMENT EXTREMISM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. WYMAN. Mr. Speaker, I was appalled to read in an editorial in today's Washington Post the contention that our national commitment in political debate includes the right to defamation and that this right is constitutionally protected under the first amendment. The precise editorial statement was as follows:

The national commitment to robust, uninhibited political debate encompasses the liberty to criticize, to exaggerate, to vilify and even to defame.

Clearly the first amendment does not and cannot protect defamation no matter how heated, bitter, or vitriolic a political campaign may become. Individuals seeking public elective office must be protected against willful defamation or no person of decent reputation will be willing to become a candidate.

Surely this problem merits the attention of both the executive and legislative branches in the interest of fairness. Equally surely, a responsible response can be achieved within the context of the constitutional mandate, rationally interpreted.

In such a frame of reference, initiatives by the administration toward a workable solution should not be condemned on the basis that the Constitution protects willful libel and slander in political campaigns. It does no such thing.

The editorial follows:

FIDDLING WITH THE FIRST AMENDMENT

Under the guise of campaign reform, President Nixon has started something very mischievous. He has asked the Justice Department to develop legislation to give public officials and candidates greater recourse against libelous and slanderous attacks by their opponents and the press. The aim, Mr. Nixon said on Friday, is not "to restrict vigorous debate, but to enhance it," and to encourage "good and decent people" to run for office without fear of scurrilous attacks. But this new drive for truth in politics is likely to have quite different results. Intentionally or not, it may divert public attention from the real, substantial problems which discourage many citizens from involvement in politics. And it may also touch off, in a confused, bitter and unproductive way a new round of sniping at the press—though the primacy of the First Amendment was settled in this country, we had thought, about the time of the demise of the Sedition Act of 1798.

The present constitutional standard for libel actions involving public figures is quite clear. As the Supreme Court declared in *New York Times Co. v. Sullivan* in 1964, a public official must prove that an injurious

statement not only was false, but was uttered or published "with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not." The same standard applies to attacks leveled by public officials against each other or against private citizens. In other words, all who participate in government or the discussion of public affairs enjoy broad liberty to comment and criticize, however wrongly or intemperately, unless actual malice can be shown.

Mr. Nixon has styled the *Sullivan* decision as "virtually a license to lie." But the standard does not make all libel suits impossible; Sen. Barry Goldwater, for instance, won a $75,001 judgment in a suit against Fact magazine and publisher Ralph Ginzberg a few years ago. Mr. Nixon did not mention this. He did not indicate what specific rhetorical abuses had prompted his sudden concern. He did not provide any evidence of "good and decent people" driven out of politics because they could not stand the heat. Nor has the administration settled on a new approach to recommend instead.

Administration spokesmen do concede that attempts to enact a federal libel law—even something more modest than a new sedition act—may run into some constitutional problems. That is an understatement; the constitutional problems are so immense that any such effort appears futile from the start. The national commitment to robust, uninhibited political debate encompasses the liberty to criticize, to exaggerate, to vilify and even to defame. Or as the Supreme Court said in another case, "It is a prized American privilege to speak one's mind, although not always with perfect good taste, on all public institutions."

For Mr. Nixon to sport with this subject in terms of encouraging "good and decent people" to enter the profession of politics or government is as ludicrous as it is cynical, when you consider what has happened to most of the men who were initially closest to the pinnacle of power in the original Nixon government. Nobody should know better than the President by now that far and away the best way to begin to encourage "good and decent people" to go into government is to conduct a good and decent government.

IT IS FOLLY TO ABROGATE THE PANAMA CANAL TREATY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. HOGAN. Mr. Speaker, with the signing of the "Statement of Principles," guidelines have been set for the United States and Panama to begin negotiations for drafting a new treaty with respect to the Panama Canal Zone.

An article by columnist James J. Kilpatrick appeared in the Baltimore Sun on February 17 which I would like to insert in the RECORD at this point. The impact of a new treaty could have numerous ramifications and it is important that we formulate our objectives on this matter as early as possible.

The article follows:

IT'S FOLLY TO ABROGATE THE PANAMA CANAL TREATY

(By James J. Kilpatrick)

WASHINGTON.—Formal negotiations will get under way in the next few weeks or months between the United States and Panama, looking to the drafting of a new treaty that would put an end to U.S. possession and control of the Panama Canal. By the end of this year, a State Department spokesman has said, an agreement should be ready to present to the Senate.

But if the Nixon administration succeeds in marching this treaty to ratification, it will be over the dead body, metaphorically speaking, of Pennsylvania Representative Daniel J. Flood. The Democrat from Wilkes-Barre has been sounding Catonian warnings on this matter for the last 15 years. He has a couple of hundred allies in the House and a substantial number of senators who agree with his view: Abrogation of the treaty of 1903 would be folly.

In my own view, Mr. Flood and his cohort are precisely right. A dozen sound reasons can be advanced for leaving the treaty undisturbed. The only argument in favor of abrogation was put forward by Senator Edward M. Kennedy (D., Mass.) in a recent speech. The present treaty, he said, has embittered our relations with Panama and been an affront to every developing nation around the world. Mr. Kennedy describes the treaty of 1903 as "an embarrassing anachronism."

The senator embarrasses easily. Under the treaty of 1903, by which the United States acquired rights "in perpetuity" to the Canal Zone, our nation has poured billions of dollars into Panama. Since the canal was opened to traffic in 1914, it has been operated and maintained with scrupulous fidelity as an international waterway, freely available to the ships of the world. Doubtless a new treaty would have some advantage for Panama. What possible advantage would it have for us?

The eight principles that would under-lie a new treaty were set forward in the agreement signed in Panama February 7 by Henry A. Kissinger, the Secretary of State. These begin with outright abrogation of the 1903 treaty. The concept of perpetuity would be eliminated. At the end of some fixed period of years, all U.S. jurisdiction would be terminated, and Panama would assume total responsibility for operation of the canal. Meanwhile, Panama would participate in administration of the canal, and the U.S., now and hereafter, would continue to pay the expenses of maintenance and operation.

These are principles—for what? In Mr. Flood's view, they spell sellout and surrender. In return for its enormous investment, the United States gets nothing. In place of the canal's stable and orderly administration over these past 60 years, the United States wins the prospect of Communist domination.

To be sure, if the proposed new treaty were ratified, Panama no longer would be embarrassed. That is delightful, is it not? The people of Panama would be happy. Their leftist dictatorship would be pleased. The Soviet Union, now the first naval power in the world, would be ecstatic. But how in the name of common sense did these felicitous objectives come to be policies of the Nixon administration?

Great powers, if they would remain great powers, have to accept a measure of unpopularity. They cannot survive as everybody's chum. Senator Kennedy imagines that in today's world "nations relate to each other on a basis of equality." It is not so. Such equality may exist in the kindergartens of the United Nations, where everyone plays make-believe, but it is no part of the real world.

It seems highly unlikely that two-thirds of the Senate could be mustered to consent to a treaty of sellout. The House itself may have to be reckoned with; it shares with the Senate the power "to dispose of and make all needful rules and regualtions respecting the territory or other property belonging to the United States." It will be some time before the canal changes hands. Meanwhile, suppose we look to the canal's defenses and keep the old powder dry.

UNITED VETERANS COUNCIL OF LONG BEACH OPPOSES CLOSURE OF FORT MacARTHUR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 1974

Mr. ANDERSON of California. Mr. Speaker, the Department of Defense announced intent to close Fort MacArthur—the only Army installation in the eight-county southern California area—has completely ignored the needs of the people in the area, many of whom located in the San Pedro vicinity in order to utilize the facilities at this historic post.

And such a disregard for the needs of the people in the Los Angeles area—which 1 out of 12 servicemen call home—adversely affects not only the retired military personnel, the dependents of servicemen, and the local economy, but it also adversely affects the efforts to achieve a volunteer Army. Obviously, without the support of the community, the volunteer Army cannot attract the kind of personnel needed to maintain a defense posture second to none.

Mr. Speaker, one such community organization, the United Veterans Council of Long Beach, under the able leadership of its Commander Raymond Krinsky and its Adjutant John Doran, has taken a strong stand in opposition to the closure of Fort MacArthur. At this point, Mr. Speaker, I place their views in the RECORD:

UNITED VETERANS COUNCIL OF LONG BEACH,
Long Beach, Calif., February 6, 1974.

Hon. GLENN M. ANDERSON,
1132 House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ANDERSON: The United Veterans Council of Long Beach, California, would like to take this opportunity to thank you for your efforts in behalf of the retention of the Fort MacArthur Army Base at San Pedro, California.

In an emergency meeting of our Executive Council today, February 6, 1974, on the matter of the impending closure of Fort MacArthur Army Base, our delegates voted unanimously to support your position on this issue.

Our interest in this matter increased when a proportionate amount of our members, or members of their families, were found to be working at Fort MacArthur. In addition, many of the older military retirees living on fixed incomes who settled in this area many years ago with the expectation of utilizing the Post Exchange and Commissary which is a part of their retirement benefits, are deeply concerned.

With the closure of the Long Beach Naval Station slated for June 30, 1974, and the reduction of exchange facilities and overcrowded commissary, the burden on the military retiree in the San Pedro area and Long Beach area indicates a lack of planning or indifference by the Defense Department.

Our recommendation is as follows; if the proposed closure is for economy reasons, as we are led to believe, then why not move present Army Reserve and National Guard units in the Long Beach/Signal Hill areas to Fort MacArthur and any other governmental agencies in the surrounding areas? This would increase our security on government property and equipment at no additional cost at a time when these activities are vulnerable to revolutionary attacks. This could then

release this land for development and placement on tax rolls.

In the event that this closure proceeds as planned, we would hope you realize the need for recomputation of military pay for retirees.

We would appreciate your comments and hope for a prompt reply on this matter.

Sincerely,

RAYMOND KRINSKY,
Commander.

TRIBUTE TO THREE GREAT DEMOCRATIC LADIES: OUR COLLEAGUES, EDITH GREEN, MARTHA GRIFFITHS, AND JULIA BUTLER HANSEN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. EVINS of Tennessee. Mr. Speaker, three of the brightest stars of the House will be absent from the Congress next year—the gentlelady from Oregon (Mrs. GREEN), the gentlelady from Michigan (Mrs. GRIFFITHS), and the gentlelady from Washington (Mrs. HANSEN).

It is with great regret that I learned of the decisions of these great ladies to retire—they have all served faithfully and well and have reflected great credit on their districts, States, and the Nation. They have demonstrated great ability, great creativity and they have enriched the legislative history of our Nation.

Mrs. GREEN, as a member of the Committee on Education and Labor, rendered outstanding service in the field of education—much of the progressive education legislation on the books today bears her imprint and attests to her keen insight into the educational needs of the young people of America.

She is presently serving ably and effectively, as a member of the Committee on Appropriations. Her service in the Congress began with the 84th Congress in 1954. Mrs. GREEN has been most effective throughout her service in the U.S. Congress—she is able, articulate, and skilled in the arts of legislation.

The many awards and honors which Mrs. GREEN has received defy description—she has received 29 doctorate degrees and many, many awards for outstanding and distinguished service in the public interest.

Mrs. GRIFFITHS has served with great distinction as a member of the important Committee on Ways and Means, and has assisted in the preparation of important legislation with reference to tax reform and social security matters.

Perhaps, however, her greatest accomplishment has been as author of the equal rights for women amendment, which was passed by the Congress and has been ratified by a number of States. As a matter of fact, Mrs. GRIFFITHS has been a champion and advocate of women's rights during her outstanding career in the Congress, and is highly respected and esteemed for her knowledgeable and cogent presentations and advocacy of this great cause.

Mrs. HANSEN is genial, cooperative, and helpful—a true lady in every sense of the word—and also a gifted and talented leader and legislator whose great abilities have contributed much to the legislative enrichment of the Congress.

As chairman of the Subcommittee on Interior Appropriations of the Committee on Appropriations, Mrs. HANSEN has provided vital leadership at a crucial time in our history when the demands for preservation of the environment must be balanced against the need for developing and providing vital and essential services for our expanding population.

Mrs. HANSEN has demonstrated great ability and effectiveness in her concern for the environment, for progress, for our national parks and forests, fisheries, energy resources, reclamation, hydroelectric power, and the needs of the Indian people.

I am sure that my Democratic colleagues will recall that it was Mrs. HANSEN who introduced proposals in 1972 for improvement of the efficiency of the House—proposals which were adopted and which have accomplished much toward broadening the base of participation by all Members.

These three great ladies—all talented and outstanding in their fields—have contributed much in legislative substance to the Nation's history during their years of public service in which they have served their districts, States, and Nation ably and faithfully.

Apart from their achievements and accomplishments, we shall miss the sparkle of their warm and friendly personalities—they are bright, engaging, Democratic ladies whom I count among my good friends. Their absence from the Congress next year will leave a void which will be difficult, indeed, to fill.

I am sure that all will wish these great ladies the very best of good luck, good health, and much happiness in their retirement, which they so richly deserve.

DEEP GRATITUDE TO MRS. HANSEN, U.S. REPRESENTATIVE

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 1974

Mrs. BURKE of California. Mr. Speaker, JULIA BUTLER HANSEN's contributions to her country and to the American people cannot adequately be summarized by my few remarks; they have affected too many people, and covered too many great causes. But I wish to join my colleagues in expressing my very deep gratitude for having had the privilege of working with her this past year.

In her 37-year-long career of public service, Mrs. HANSEN has devoted tremendous energy and spirit to dealing with the concerns and problems of all Americans. As the Representative from the Third District of Washington for 14 of those years, she has translated her special concern for the environment, mass transportation, public lands and the native American Indian people into solid legislative action. Her contribution to the U.S. Congress as chairwoman of the Committee on Organization, Study, and Review of the Democratic Caucus, will long be remembered and valued.

Having been born to a mother in public office, and having herself given birth to a child while a member of the Washington State Legislature, Mrs. HANSEN understands the special rigors which effect women in public life, and has shared that understanding widely. Her leadership and character have inspired women throughout the United States who have set their sights on public office.

Those of us who have known JULIA BUTLER HANSEN as a private individual as well as a public servant have been forever impressed by her compassionate understanding of people as well as of complex issues. In her absence we can only hope that her good humor has been contagious, and that her courage and dedication have infected others. I can speak for my colleagues in affirming that she will be dearly missed, and wish her the best of good fortune and happiness in her retirement.

COMBATING CANCER

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. GINN. Mr. Speaker, while every Member of the House is aware of the efforts of my delegation colleague toward combating cancer, I wish to call to the attention of the House the recognition that Congressman JACK BRINKLEY has received from the State of Georgia for his work. During the 1974 session of the general assembly, the following resolution was read and adopted by the Georgia House of Representatives. I would like to take this opportunity to share it with my colleagues as further recognition of the importance of Congressman BRINKLEY's legislation:

A RESOLUTION COMMENDING CONGRESSMAN JACK T. BRINKLEY OF THE THIRD DISTRICT, FOR HIS WORK IN THE FIGHT AGAINST CANCER; AND FOR OTHER PURPOSES

Whereas, Congressman Jack T. Brinkley of the Third District has introduced "The National Cancer Research Act of 1973" in the United States Congress; and

Whereas, this bill provides a massive research campaign to find a cure for cancer within a five-year period; and

Whereas, this legislation might lead the way to the cure of cancer, either through the development of a chemical which would effectively kill cancer cells or a vaccine which would actually prevent cancer; and

Whereas, he has been an outstanding Congressman, representing the Third District of Georgia in an exceptional manner, and is presently serving his fourth term in the United States House of Representatives; and

Whereas, it is only fitting and proper that Congressman Jack T. Brinkley be commended for his work in the fight against cancer and that the members of Congress and the Georgia Delegation, in particular, give serious consideration to this proposed legislation.

Now, therefore, be it resolved by the House of Representatives that this body does hereby commend Congressman Jack T. Brinkley for his work in the fight against cancer and urge the members of Congress and the Georgia

Delegation, in particular, to give serious consideration to the "National Cancer Research Act of 1973."

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to Congressman Jack T. Brinkley and to the other members of the Georgia Congressional Delegation.

GOVERNOR BRISCOE ADDRESSES TEXAS AGRICULTURAL EXPERIMENT STATION'S STAFF CONFERENCE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. TEAGUE. Mr. Speaker, recently I had the privilege of listening to Gov. Dolph Briscoe of the great State of Texas address the Texas A. & M. Staff Conference of the Texas Agricultural Experiment Station.

At that meeting the Governor outlined the tremendous potential of Texas agriculture. I am sure Members of Congress and the general public would be interested in his remarks.

The remarks follow:

REMARKS OF GOV. DOLPH BRISCOE

Thank you for a kind and generous introduction.

I know of no other place where I feel more at home than I do with you. For a great number of years I have worked closely with you and I know personally the great contribution the men and women of the Texas Agricultural Experiment Station have made to the progress of Texas. Working with your partners—the Texas Agricultural Extension Service—the many lasting benefits of research have been carried to the people of this State, and as a result of these efforts, all Texans have enjoyed a more abundant life.

President Williams, I would like to thank you, Dean H. O. Kunkel, Directors Miller and Hutchison and the many dedicated members of this university staff both here and in the field for our favorable position in agriculture. Of course, many of you hold joint teaching appointments and I exprss appreciation also to those dedicated teachers who are training the young men and women who will lead agriculture and home economics in the future.

Dr. Williams, in my opinion the land grant university concept of teaching, research and extension is one of America's great achievements. I hope that the high priorities given to agriculture and rural life in the past will be accelerated in the future. You are assured of my continued support for your efforts.

You are aware that one of the goals of my administration is to make Texas Number One in Agriculture, not only in volume of sales but in profits to the farmers and ranchers of this State. If we achieve this goal then we all must accelerate our efforts. I believe no one could be engaged in a more exciting career than in today's dynamic agriculture.

Agriculture is really the great hope of our country. Not only does it feed and clothe our people but agriculture has become the one tool with which we can compete most efficiently in foreign markets.

Dean Kunkel, in his annual report message, said "an agronomist can no longer be concerned only with producing the seed, but he has to be part of the team concerned with the disposal of the straw." Yes, the agronomist has to be a team member. You are developing a team approach and I congratulate you on the strides you are making. The fourteen designated research and extension centers, one of which is located in my home town of Uvalde, provide truly effective multidisciplinary task forces, dedicating their efforts toward solution to the problems of the areas in which they are located. The conduct of research by the station is organized into projects which outline objectives. This provides for necessary coordination to insure that the most important priority problems are being investigated and prevents costly and unnecessary duplication. The Research and Extension Centers and dynamic area development programs such as B.E.T., B.I.G., P.E.P., South Plains, El Paso, Rolling Plains and the new one just recently organized at Uvalde can continue to make Texas agriculture a leading economic and social base for a more prosperous Texas. After all, the principal measure of research success is the impact that research has had on the economy and well being of the people of the State.

No one would deny that Texas agriculture and its associated supplying, processing and distributing industries have been transformed dramatically in recent years. And agricultural research has been the basis for every change—the new varieties of cotton, rice, vegetables and grain sorghums, the modern fertilization practices, the new equipment and processes, the new management and cultural practices, the new livestock rations and feeding systems. As only one measure of value of agricultural research in Texas, cash farm income increased almost 50 percent between 1962 and 1972. This increase was more than $1.1 billion.

Projects in rural economic development, cooperatives, financial institutions serving agriculture, foundation seed programs, insect and disease programs, poultry diagnostic services, water, livestock and crop programs and hundreds of other projects make the future exciting indeed.

We must see to it that the rural areas of Texas do not dry up and that they do not die; but that they offer to each Texan the opportunity to make that decision as to where he or she wants to live, to where they want to make a decent living, to where they want to have educational opportunities for their children. Rural Texas must provide medical services for families, library opportunities, and a way of life that is attractive to our citizens.

This we can do and I think nothing less will do.

We must work toward the attraction of job opportunities and economic development—the attraction of existing industry to rural areas—the orderly development and protection of our natural resources—the improvement of government services and facilities—more emphasis on vocational career-oriented education—a partnership between the business community, the agricultural community and our educational system. We must be sure that we are training the young people of today for the career opportunities and the job opportunities, that will exist in the world in which they will live.

Our aim then must be to increase jobs, to increase economic activity.

Certainly agriculture alone, in the rural areas of this state, cannot do it. But today because of very fortunate circumstances that exist throughout this world. I believe that we are in a position to achieve within a very few years what I think to be a most important goal for all of Texas and that is to make Texas number one in agricultural production and profit in the United States.

With your help—the help and the leadership of those assembled in this room—we can make known to those engaged in agriculture throughout the state the potential for additional productivity that exists in practically every field of agricultural endeavor in Texas today.

Your distinctive service, and the support of the other state agencies working towards this goal, certainly makes our goal of becoming number one in agriculture an obtainable objective.

I am convinced that as we look to the future, Texas agriculture will become more important in many, many ways; one of which will be the worldwide demand for agricultural products.

In terms of world trade, agriculture is a major contributor to America's balance of payments and Texas plays a major role in this worldwide market. Our State is the leader in the export of beef breeding cattle, cotton and rice. In fact, during fiscal 1973, Texas' agriculture exports totaled $835 million—or about 21 percent of the State's total farm cash receipts.

Foreign trade is important to the Texas agricultural economy, and it will have an even greater impact—and greater potential—in the future.

America has at last faced the realization that the days of importing low cost petroleum from the Arab nations is past. If we are to continue importing oil to meet our energy demands of the future, the cost will likely continue its upward spiral.

To offset these growing deficits we must be in the position to export those products which the United States can produce more efficiently and more economically than any other country in the world.

These products, of course, are the crops and livestock of our farmers and ranchers.

I think this gives us a great outlook, a great potential, of making Texas number one in agriculture in the United States.

I congratulate each of you on your profession and achievements. It was men and women of research and education who looked into test tubes and under the microscopes and built American agriculture into a success story unsurpassed anywhere else in the world.

We do not know what new worlds, what new frontiers of science, what new techniques, are as yet undiscovered. Some forecasts of developments before the year 2000 are: reliable weather forecasts and regional weather control, translation of languages by computers, production of primitive artificial life, blanket immunization against infectious disease, and the economic production of synthetic protein foods.

Expected in the succeeding quarter century—when children born this year will be only in their fifties are: direct links between the brain and the computer, chemicals to stimulate the growth of new organs and limbs, drugs to increase the life span, and other drugs to increase intelligence, education by direct recording on the brain, and production of a fifth of the world's food from ocean farming.

The future will be exciting. I am confident that the men and women of the Texas Agricultural Experiment Station will, as ever, be in the forefront in service to their fellow man.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1974

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. BRADEMAS. Mr. Speaker, when the House considers amendments to H.R. 69, the Elementary and Secondary Edu-

cation Amendments of 1974, I plan to offer the following amendment:

Page 34, line 13, insert after "year" the following: "(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the second calendar year preceding such month of January)."

CONGRESS' REPUTATION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Washington Star-News, Mar. 9, 1974]

CONGRESS' REPUTATION

About the only thing that gives Republicans any satisfaction these days—and this is very small succor at best—is that Congress rates lower than President Nixon in some poll showings. "I can assure you the President will never be as low as 21 percent in the polls," GOP National Chairman George Bush told a cheering crowd at the Louisiana Republican Convention the other day.

Whether Bush is walking on thin ice there, we have no idea, but his theme is familiar wherever Republicans gather. Yes, the President's popularity is mighty low, "yet the respect and feeling that people have for the Congress is even lower." The 21 percent referred to is what one recent survey shows for Congress (though others are more generous), while Mr. Nixon hovers about five points higher. Aside from the obvious fact that a large number of Republicans serve in Congress along with the Democratic majority, and presumably contribute to the rating, there are reasons why no one of any partisan stripe should take cheer from such comparisons. It is a chilling commentary on the times that central institutions of government vie on the basis of which is least unpopular, all having been kicked into the cellar of public esteem.

Congress perhaps is the more pitiable, since by nature, it is so unwieldly, so incapable of swift and decisive action on matters of high controversy. What the public doesn't realize is that 535 representatives of widely varying constituencies and interests simply cannot, except very rarely, move as one—cannot, in fact, run the country. As the great American arguing forum, Congress seldom can present a unified image, and hence cannot achieve the popularity of a single national leader at his best. So, in its milling diffusion, it always has been an all-purpose punching bag for the public when things go wrong, ridiculed for incompetence by Mark Twain, Mencken and scores of other popular pundits. Never, though, has its low rating matched the current slump. This is due, no doubt, to the poisonous Watergate ambience and assorted federal failures of recent years, but perhaps mainly to the increased visibility afforded by television.

Congress has, after all, been worse in times past than it is today. In much of what is considered the old Golden Age, it was more servile to a few greedy interests, and not long ago it was full of demagogic spewings, racial and otherwise. But Theodore G. Bilbo, and the fixers of yesteryear, did not come into our living rooms in living color, or the faith might have flagged long ago. Now the public is more knowledgeable, and Congress—despite its shortcomings of inaction and profligacy—is more circumspect.

But it must become more so, quite obviously, while continuing to reform its ancient mechanisms for more efficiency and public accountability. We doubt that Senator Muskie's idea of televising its sessions holds the potential for much more than public boredom on a massive scale, and maybe added disillusionment. The real need is for action to demonstrate responsibility—such as setting up a budgetary system through which Congress would plan and control its spending. This elementary reform, by itself, would do much to enhance Congress' image.

THE FLEMMING SISTERS—TWO OF THE BEST

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HUNT. Mr. Speaker, recently I had the privilege of helping the Blenheim Elementary School, located in my district, celebrate its 50th anniversary. I want to say Mr. Speaker, that I have never been in a school that was so clean and orderly, and where the students conducted themselves so mannerly.

It is an old school, Mr. Speaker, run on the same principles that we hold so dear—dedication to purpose and love of job and students.

Two people who have contributed to the fine record of this institution are the Flemming sisters who have given dedicated service to the Blenheim school for 45 years. As a tribute to them and to the school, I submit the following article from the March 7, edition of the Woodbury Daily Times:

TWINS IN GLOUCESTER TEACH FOR 45 YEARS

(By Ann Wilson)

GLOUCESTER TOWNSHIP.—Rachel Flemming stepped into the Blenheim School office, leaned against the filing cabinet and asked: "Have you met my other half yet? Come on, I'll introduce her to you."

A walk across the school lobby into the kindergarten room found Rachel's "other half" behind a desk sorting some papers.

It became doubly apparent why the term "other half" was used , . . Catharine is Rachel's identical twin sister.

"We've never been separated except for one year when I taught in Almonesson," said Catharine.

That separation was by teaching districts only. The other 47 years of Catharine's career were spent in various schools throughout Gloucester Township. She has been teaching reading at the Blenheim School on Taranto Road the past four years.

Rachel, kindergarten teacher and principal of the school, has been there the entire 48 years.

The sisters, who will be 67 in April, have been living in the same house where they were born at 1022 Grant Ave., West Collingswood.

Why has Rachel spent all her career at the Blenheim School? "I love the people. I'm teaching my third generation now."

But things have changed in those years. When she first started at the Blenheim School, Rachel said, it was heated by pot bellied stoves.

"There was a big one right in that corner," she said, pointing to the other side of the classroom.

A water pump and outhouses were also near the school, she added.

Rachel and Catharine have dressed alike all their lives. Even the jewelry they wear matches. "Thats the way we were raised," Catharine explained.

Neither woman ever married. "Our mother said if we found someone as good as our father she would give us up," said Catharine. "It would have to be someone awfully close to separate us.

"We leave together and come home together," she said, Catharine was the only one who learned how to drive a car because "we always thought we would be together." Educational trends have come a long way since the Flemming sisters started their careers, but Catharine said they have been keeping up on everything by "studying the books."

When they first started teaching, Rachel and Catharine went to Glassboro Normal School (now Glassboro State College) for a permanent teachers certificate and diploma.

It was a two-year course then, Catharine explained, and they returned to GSC for two more years, receiving their degrees in 1955.

Both educators have each taken only one day of sick leave out of all their years of service. Catharine has 224 days of sick leave accumulated and Rachel has 223.

"We only hope and pray we never have to take them," said Rachel. "We're not looking for sick leave . . . we want to be with the children."

A DOCTOR PROVES A POINT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. GAYDOS. Mr. Speaker, Dr. Frank R. Bondi, one of our country's outstanding surgeons, has been honored by the Greater McKeesport, Pa., Jaycees as the McKeesport community's "Man of the Year."

The honor is richly deserved. Dr. Bondi's professional and nonprofessional activities are many and distinguished. He is chairman of the department of surgery at McKeesport Hospital, a regional institution. He also is a past president of the American Cancer Society and remains very active in the affairs of this great national organization.

To me, as a member of the Education and Labor Committee of this Congress, Dr. Bondi's work in the field of student help has special interest. He was a founder, and has served as chairman from the beginning more than a decade ago, of the Elizabeth Forward student aid fund which serves worthy high school graduates who are in need of loans to further their educations.

The fund has been created under Dr. Bondi's guidance through contributions of residents and businesses of Elizabeth Township, Elizabeth Borough, and Forward Township, the three components of the Elizabeth Forward School District of western Pennsylvania. Dr. Bondi lives in Elizabeth Township. Help of local foundations has been obtained.

Over the years, the fund has grown steadily through annual solicitations and

now has assets of around $60,000, most of which are loans outstanding to young people in college or technical schools. These loans are granted interest free until 2 years after the borrower's educational program is completed; the 6 percent is charged until the loan is paid off.

The fund has been one of the most successful of this kind in the country. Loans are paid back on regular schedule, thus creating a revolving fund which is helping more and more students every year. It is the pride of Dr. Bondi and his fund associates that every worthy applicant has received some measure of assistance.

In this age in which we have become accustomed to turning to government to solve our problems, Dr. Bondi and his efforts in the Elizabeth Forward district are inspiring. The success of the aid fund shows that the spirit of local and private response to our social problems is far from dead and that, under good leadership, still can work wonders. Almost a hundred young people so far have been aided by Dr. Bondi's organization.

In honoring Dr. Bondi as "Man of the Year", the Jaycees have paid tribute in part, I believe, to the proposition that government, though bearing heavy responsibilities in education and other endeavors in this Nation, need not, and should not, carry the entire load. There still is a role to be played locally, as Dr. Bondi and the fellow fund members are demonstrating with their student aid programs.

AMERICAN INDUSTRY IS FORGETTING THE GREATEST CONSUMER MARKET IN THE WORLD—THE UNITED STATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. RARICK. Mr. Speaker, yesterday's announcement that Motorola, Inc., has been purchased by Matsushita of Japan, should serve as a reminder to American market-seeking industrialists that the world's greatest market is still the American people right here in the United States.

Political manipulations such as devaluation of the dollar, world trade programs, and the pending move to adopt the metric system of weights and measures are all promoted as necessary for American industry to compete on the world market. Yet, the rest of the world is well aware that, in spite of our domestic problems, Americans are still the No. 1 consumers and the target market of foreign industrialists.

In fact, we have encouraged so much foreign capital to come into the United States, that the Federal Reserve Board now wants Congress to adopt nondiscriminatory, "equality of treatment" legislation so that all foreign banks in the United States would be subject to Federal Reserve requirements and FDIC insurance on deposits. They would also have access to the Fed's discount window.

While American industrialists are busy touring the world to make a fast buck, the foreign interests are capturing the American consumer market.

Several related newsclippings follow:

[From the Washington Star-News, Mar. 13, 1974]

JAPANESE FIRM TO BUY MOTOROLA TV BUSINESS

NEW YORK.—Motorola, Inc., and Matsushita Electric Industrial Co., Ltd., of Japan said they agreed in principle for the purchase for an undisclosed amount of cash of Motorola's home television receiver business by Matsushita.

Subject to final approval of the contract terms by the boards of the respective companies and to consideration and approval by pertinent Japanese governmental agencies, the parties contemplate closing the transaction in late April.

The transaction, originally proposed by Motorola, includes the purchase of Motorola's television production facilities at Franklin Park, Pontiac and Quincy, Ill., the leased assembly plant in Markham, Ontario, and related inventories in the United States and Canada.

Motorola will continue to operate the Quincy plant for two years before ownership passes.

Matsushita is contemplating continuing the Motorola operations through a separate company and to market its products under the "Quasar" brand. No change is contemplated in the present Motorola distribution system.

The new company, to be named Quasar Electronics Corp., will also fulfill Motorola's consumer product warranty obligations and will have replacement parts available for an extended period of time.

It is anticipated that all the personnel involved, including management, will be employed at their present job levels, with the same seniority, salary levels and fringe benefits.

U.S. PURCHASING POWER CALLED WORLD'S BEST

NEW YORK.—In spite of the high rate of domestic inflation, American salaries still have the highest purchasing power in the world, the Union Bank of Switzerland reports in a booklet entitled "Prices and Earnings Around the World."

A New Yorker must work 79 hours to pay rent in a modern four-room apartment. In Paris, a French worker would have to toil 351 hours to pay for a similar apartment.

In only one respect is the real cost of living in terms of wages earned higher in the United States than elsewhere, the Swiss bank said—restaurant prices. A meal that costs $10.20 in New York might cost as little as $1.16 in Bombay, but a teacher in Bombay earns only $684 a year.

But foods to take home are still cheaper in the United States than in most countries. The bank cited the $2 a pound price of butter in Switzerland, famous for its dairy herds and $7 a pound for beef in Tokyo as examples. But prices per se can be misleading.

Nevertheless, after studying more than 6,500 price-wage comparisons in 37 cities of the world, the Swiss bank concluded that Americans still get the best buys over-all.

FED UNIT DRAFTS FOREIGN BANK CURBS

A committee of the Federal Reserve Board has drafted proposed legislation which would place new restrictions on the operations of foreign banks within the United States.

The aim of the legislation, according to the panel's tentative outline, would be to provide for "equality of treatment" of foreign and domestic banks and to bring the foreign banks under the "purview" of the Fed "in order to promote the efficiency of monetary policy."

The draft proposals are tentative and unofficial at this point, a Fed spokesman said.

He stressed that the board hasn't taken any final action or sent any legislation to Congress.

All foreign banks would be limited in operations to a single state, as are domestic banks. Foreign banks could operate nonbanking subsidiaries in the same way as domestic bank holding companies, but ownership of securities affiliates would be precluded."

The Comptroller of the Currency would be empowered to charter national banks by foreigners without any requirement that the directors be U.S. citizens. The draft states that this alternative to state chartering "would make possible the operations of foreign banks in states presently closed to them under state statues."

All foreign banks would be required to become members of the Federal Reserve System and would thus be subject to the same reserve requirements as domestic banks and would have access to the Fed's discount window.

Foreign banks would be required to obtain Federal Deposit Insurance Corporation insurance on deposits.

Foreign banks would be permitted to operate so-called Edge Act corporations or subsidiaries to conduct international loan and deposit business in the same way as domestic banks.

The proposed ban on multistate operations and certain activities such as brokerage and underwriting would apply to all offices and operations of foreign banks established after the date of introduction of the bill into Congress.

The committee suggested that existing multistate banking operations could be brought into conformity with the law "within a specified period of time" or the law could apply only to future expansion of foreign bank operations.

The full Federal Reserve Board is considering these tentative proposals and is expected to make a final decision within a matter of weeks.

OUR JUSTICE TODAY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. CARTER. Mr. Speaker, I believe that the following item provides interesting insight into one aspect of justice in our Nation today:

SOFT JUDGES MAKE HARDENED CRIMINALS

Much too much sympathy is wasted in this country on criminals; and there is far, far too little concern for the victims they murder, rob, rape, beat and burn. Almost every day you read about some vicious human, freed on a ridiculous technicality, or turned loose after serving only a fraction of his sentence. And then the awful sequel—another victim of the same criminal who should not have been free to murder and burn and rob again.

For too many years the trend in this nation has been to permissiveness without punishment—too much ease and too little responsibility.

This country still belongs to those people who worked to build it, not to the shiftless who contribute nothing yet demand they be taken care of. It is high time the men and women who do the work and pay the taxes

and carry the responsibility said a loud "no" to those who are destroying the decency and dignity and future of America.

SALUTE TO THE COMMUNITY SERVICE OF THE LADIES AUXILIARY OF THE TORRANCE, CALIF., FIRE DEPARTMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. ANDERSON of California. Mr. Speaker, I am sure that most of us recognize that the strength of a city lies in the hearts of its citizens. Torrance, Calif., is such a great city because of civic-minded groups like the ladies auxiliary of the Torrance Fire Department.

These benevolent women have generously given their time and talents to contribute to the benefit of less fortunate citizens.

The idea for the organization originated 22 years ago with Mrs. Maxine Flagg when she attended the 1952 California State Firemen's Association Convention with her delegate husband, Ray. She participated in State-level auxiliary meetings and became enthused about starting an auxiliary in Torrance. When she returned home from the convention she discussed the idea with the then chief, J. J. Benner, who gave his approval to establish the auxiliary.

Throughout the years this fine organization has done much to make Torrance such a great place to live. Among the departmental projects which this auxiliary has established are:

The burned-out family fund to help victims of home or apartment fires in their moment of crisis and despair;

The establishment of a mobile canteen to take food, coffee, and dry clothing to large fires which burn for extended periods;

The widow's fund to give financial assistance to the widow of a fireman, either active or retired, upon his death;

Service as hostesses for fire department functions.

In the area of community involvement, the ladies auxiliary has established a needy family fund which provides food, clothing, birthday, and Christmas gifts to three needy Torrance families. In addition, necessities are provided throughout the year. And, in conjunction with the firefighters local, the auxiliary has maintained a refreshment booth at the annual City of Torrance Bicycle Rodeo. Proceeds are used to purchase savings bonds that are then awarded to the runner-up winners of the rodeo.

Mr. Speaker, on March 22, the ladies auxiliary will hold their second annual spaghetti dinner at the Torrance Recreation Center. This event is open to the public and its proceeds will be donated to the burn care unit at Torrance Memorial Hospital for the purchase of needed equipment.

Torrance Memorial Hospital presently has the only unit of its kind in the South Bay and Southwest Los Angeles area. The first annual dinner, held last year, raised over a thousand dollars with which an Apollo heat shield was purchased for the benefit of improved care for burn patients.

I am confident that with the excellent leadership of Pam Goins, president; Margaret Spaan, first vice president; Gwen Meyers, second vice president; Cheryl Wiener, secretary; and Barbara Smith, treasurer, these women will continue to live up to their philosophy of upholding the Constitution of the United States, fostering and perpetuating a spirit of sisterhood and fraternal friendship among the families of the Torrance Fire Department, and assisting and upholding the integrity of the department.

PAUL THAYER—LTV DYNAMIC LEADER

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. COLLINS of Texas. Mr. Speaker, in Dallas, we have been fortunate in having great leadership. One of the most outstanding business leaders in the Nation is Paul Thayer, who is president of Ling-Temco-Vought. Last year he was named as one of the 10 outstanding corporate leaders in America.

Frank Langston just wrote an interesting article in the Dallas Times Herald about Paul Thayer. Here is a concise summary of a great man's insight:

THAYER, AN ADVOCATE OF LESS CONTROL

(By Frank Langston)

The man who took a company on the verge of bankruptcy and in three and a half years has made it a going and profitable concern is apprehensive of the changes he sees surrounding him.

Paul Thayer, LTV board chairman and chief executive officer, isn't worried about changes in his own firm, most of which have been carefully calculated for streamlining and improvement. He is concerned, however, about the economic and political changes throughout the country.

"In recent years the biggest change we have faced in America is the increasing role of government in the affairs of individuals and corporations," he said as he talked about government, industry, technology and community efforts from his office in LTV Tower.

Many persons are inclined to associate LTV with the aerospace industry. Actually, it is only one of the multi-industry firm's activities.

The other two major subsidiaries are Wilson & Co., Inc. (foods) and Jones & Laughlin Steel Corp.

Thayer believes regulatory controls are a big factor, and a big problem, in both the food and steel industries.

"It is the very nature of bureaucracy to perpetuate itself," he pointed out. "Most bureaucrats feel that size—in terms of people and budget—is analogous with power.

"The typical bureaucratic approach is to overkill a problem. This throttles the rest of the economy to function in an efficient manner."

Thayer has moved through the ranks of corporate business and finance to his present position. Before succeeding James J. Ling as Ling-Tempco-Vought's chief executive officer in July 1970, he served as president and chief executive officer of LTV Aerospace Corp., guiding it through one of its most troubled periods in history to its present profitable status.

His aviation career, spanning 30 years, includes a stint as a World War II Navy fighter pilot; a production test pilot and later *chief* experimental test pilot for Chance Vought Aircraft;

The merger between Chance Vought and Ling-Tempco Electronics Inc. set in motion his elevation to president of Chance Vought and a director of the parent company. In 1964 he became executive vice president of LTV and in the following year he was made president of LTV Aerospace Corp.

Thayer blames the current fiscal dilemma on the government's attempt to control inflation some time ago "but refused to take the lid off and built up many conflicting pressures which have to be released." Ignoring the law of supply and demand has caused many imbalances and shortages, Thayer commented, increasing lead times by many months and directly preventing growth.

The fuel and steel problem has a negative impact hard to measure.

J&L is up to its capacity in the production of steel for petroleum and will ship between 500,000 to 600,000 tons of oil country goods this year, he said. There is no way to increase its capacity without capital.

"We were on the verge of bankruptcy in 1970," he said. "Since then we have received tremendous support from the people of Dallas, assisting where they could, even if they weren't stockholders," he said. "Without their help it would have been a lot tougher."

11500 BANANAS ON PIKE'S PEAK

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HOSMER. Mr. Speaker, do you want to dig a little coal to help this energy-short Nation? Well, H.R. 11500 might let you dig a little of it, darn little, but by the time you get a license to dig it, you may be too old and out of the mood to do so.

In the guise of regulating strip mining, rabid environmentalists have turned H.R. 11500 into an administrative nightmare aimed to drive surface mining from the face of the Earth. And, if you think that is good, you will love freezing in the dark.

Under H.R. 11500 a surface coal mine operator can find himself involved in public hearings on at least five different occasions—when he seeks a mining permit, or a renewal, or amendment, or an exception from a return to original contour, or a release of reclaimed land from band.

Of course, all these hearings can occur even if he does everything strictly right and legal and every one of them can result in endless appeals to the courts under provision inviting harassing citizen suits by environmental diletantes.

All this makes as much sense as trying to grow bananas on Pike's Peak.

Let us pass sensible laws to dig coal and regulate the way it is done so the environment is respected. H.R. 11500 is a full employment bill for lawyers. It is antienergy.

VOTER REGISTRATION ACT

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. TAYLOR of North Carolina. Mr. Speaker, I desire to express concern and strong opposition in regard to a proposed Voter Registration Act which has been approved by the Senate and by the House Administration Committee. The announced purpose of this legislation is to increase voter registration by allowing registration by mail, using a postcard to be delivered to every household in the United States by the Postal Service, at least once every 2 years.

The bill provides for registration by mail for Federal elections only; however, the States are encouraged to adopt the Federal system. If a voter's State did not adopt postcard registration for all elections, he would have to comply with two registration procedures—one for Federal elections and another for State and local elections—which would produce administrative chaos.

North Carolina, like most other States, has accomplished unprecedented sophistications in the electoral process. We now have full-time registration available in all elections on a daily basis through every year. The postcard type of registration will wreck the permanent loose-leaf system now in effect in every county in my home State of North Carolina. At present, when a voter moves from one precinct in a county to another precinct, the voter informs the County Board of Elections and all records in the county office are corrected. This is also true if the voter moves from one county in the State to another county. When he registers in the new county, he is required to fill out a cancellation of registration form which is sent to his previous county board of elections and his name is removed from that system. Without being able to personally question a registrant, it will be almost impossible to get and give all information needed to insure the voter's right to one vote. Each county board of elections receives copies of all death certificates of those of voting age and each month names of those who have died are removed from the list of eligible voters and records are kept as current as possible.

I would like to quote from a letter written to me by Mrs. Lenoir Swicegood, executive secretary of Buncombe County Board of Elections, Asheville, N.C. Mrs. Swicegood has devoted most of her professional life to upgrading the election process and endeavoring to build public confidence in the efficiency and honesty of the system.

Mrs. Swicegood states:

Rather than being of assistance to voters, I am convinced from experience that it will only add to their confusion and will result in their having to contact election boards about such things as how to fill out the card, did the board receive the card, where will they go to vote, and other questions too numerous to mention. The proposed changes would eliminate the safeguards that have been so painstakingly fought for to protect voters from fraud. In an effort to make voting convenient for a few, they are endangering the rights of the many.

The combination of nonnotarized postcard registration and absentee ballots appears to be tailored for fraudulent elections. Cards could be filled out with fictitious names and addresses. Pranksters could obtain hundreds of postcards and raise havoc with the registration system.

The proposal would take the time-honored responsibility of voter registration from the States and give it to the Federal Government, thereby establishing another Federal bureaucracy for the taxpayers to finance. It would give the Bureau of Census, already known for unbelievable miscalculations in its main area of responsibility, and the Postal Service, now a daily problem for all business and service establishments using its facilities, the authority for dealing with what can be described as the last true freedom in this country.

Mr. Alex K. Brock, director of elections, State of North Carolina, in a letter to me stated:

We urge you to assist us in putting into proper perspective the real cancer in our election process. The true weakness is apathy, the failure of persons who are registered to exercise their right to vote. We submit that simply registering more people by lottery tactics does nothing to improve the problem. Only after we have attained a continuing turnout of 80-90% of our registered voters should we attempt to go out and pull people out of the woodwork to simply fill up space on the registration books. In North Carolina our priority project is to increase voter participation first, then design programs to flush out other prospective voters.

Since the mechanics of elections must be left in the hands of those who are trained in election laws and who are responsible to the public for seeing that elections are conducted properly, it is my hope that the Postcard Voter Registration Act will never be placed on the House Calendar for consideration and that if it is placed on the Calendar that it will be thoroughly defeated.

OFFERS AMENDMENT TO AID STATES FINANCIALLY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. REID. Mr. Speaker, in accordance with the requirements of House Resolution 963, the rule providing for consideration of H.R. 69, the Elementary and Secondary Education Amendments of 1974, I am today announcing my intention to offer an amendment, the text of which I am inserting in the RECORD.

My amendment to title I is a simple one, but one which will do much to aid those States, such as New York and New Jersey, which will lose millions of dollars under the newly proposed title I formula in H.R. 69. My amendment provides for 100-percent hold-harmless for local educational agencies, so that no LEA in the United States may receive less funds under title I in fiscal year 1975 than it did in the previous fiscal year.

In order to determine the costs of this amendment, we have requested the Congressional Reference Service in the Library of Congress to run a printout. However, preliminary estimates from several sources set the cost at a figure between $50 and $60 million for next year.

The text of the amendment follows:

On page 48, line 10, strike out "85" and insert in lieu thereof "100".

EXECUTIVE PRIVILEGE—REPORT NO. 1 FROM GEORGE WASHINGTON TO 1860

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HUNGATE. Mr. Speaker, what is the doctrine of Executive privilege?

Executive privilege refers to the right of the Executive to withhold information from others. It is most frequently thought of in the context of withholding information from the Congress. The privilege has been asserted directly by the President to prevent information in the form of documents from being disclosed or on behalf of individuals within the executive branch to prevent them from testifying or being questioned. The privilege has also been asserted by other members of the executive branch on behalf of themselves or subordinates.

Executive privilege has also been referred to as executive immunity or executive secrecy, although it is not entirely clear whether the users of these other expressions have in all cases intended the same meaning as executive privilege. The evidentiary privilege of the Executive to withhold documents in judicial proceedings involving private parties should not be confused with the doctrine of executive privilege. Nevertheless, the reasons underlying the rule of evidentiary privilege may be useful in establishing the scope of executive privilege since they raise analogous (albeit perhaps of different magnitude) problems and considerations for the courts in determining whether information in the control of the Executive should be revealed to the public. (From a memorandum prepared in 1971 for Senator Stevenson.)

U.S. PRESIDENTS 1789–1860

WASHINGTON—1792—ST. CLAIR EXPEDITION

A House committee, which had been appointed to investigate the failure of the St. Clair expedition, requested various documents from the Secretary of War. President Washington called a Cabinet meeting to discuss the request. The first meeting adjourned with no conclusion. A second meeting was held.

Thomas Jefferson took notes of these meetings. It has never been proven that his notes were made known to Congress or that Washington publicly asserted a plenary power to withhold information from Congress. At the second meeting Jefferson noted that the conferees were:

Of one mind 1. that the house was an inquest, therefore might institute inquiries. 2. that they might call for papers, generally. 3. that the Executive ought to communicate such papers as the public good would per-

mit and ought to refuse those the disclosure of which would injure the public. . .

This note has produced conjecture on both sides of the issue. The final result of the whole matter was that all of the St. Clair documents were turned over. The Secretaries of Treasury and War both also testified in person. James Madison voted for the investigation.

ALEXANDER HAMILTON—1792–93

During a period when rumors abounded that Alexander Hamilton would be investigated, Washington wrote in a letter:

With respect to the fiscal conduct of the Secretary of the Treasury I will say nothing; because an enquiry, more than probable, will be instituted next session of Congress into some of the allegations against him; . . . and because if I mistake not, he will seek, rather than shrink from, an investigation. . . No one . . . wishes more devoutly than I do that they may be probed to the bottom, be the result that it will . . .

The House, sitting as a Committee of the Whole, debated several resolutions that charged Hamilton with grave derelection of duty. After some debate, Hamilton was acquitted of wrongdoing. James Madison, who had been an advocate of the resolutions, said:

It was the duty of the Secretary, in complying with the orders of the House, to inform the House how the law had been executed . . . to explain his own conduct . . .

THE JAY TREATY—1796

During the storm of protest over the negotiations of the Jay Treaty by John Jay, Washington refused to turn over materials to the House concerning documents, correspondence, and the instructions issued to Jay. Hamilton and Jefferson had already resigned at this point. Vice President John Adams disagreed with the refusal—

I cannot deny the right of the House to ask for the papers. . . My ideas are very high of the rights and powers of the House of Representatives. . .

Washington had four reasons for his stand on the Jay issue:

First. The success of foreign negotiations depends on secrecy;

Second. The Constitution vested treatymaking power in the President and the Senate which confined it to a small number of Members;

Third. The only reason the House could legally ask for the papers was on a resolution of impeachment, which there was not; and

Four. All the involved papers had already been given to the Senate.

From this, it does not seem that Washington was trying to establish any kind of blanket executive privilege. This argument was rather a sound one, based on the constitutional process of treatymaking.

ACT OF 1789

Washington approved this act which directed the Secretary of the Treasury to furnish information required by the Congress:

(a) to make report, and give information to either branch of the legislature, in person or in writing (as he may be required), respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances, as he shall be directed to perform.

THOMAS JEFFERSON AND THE BURR INCIDENT

The Burr conspiracy brought a request from the House for documents and information:

Except such as he (Jefferson) may deem the public welfare to require not be disclosed . . .

Jefferson refused, claiming that in releasing names implicated both in rumor and conjecture:

Neither safety nor justice will permit the exposing names. . .

JAMES MONROE

In 1823, the House requested Monroe to furnish "* * * so far as he may deem compatible with the public interest any correspondence * * *" involving the suspension of a naval officer for misconduct. He refused, feeling that the required documents "* * * might tend to excite prejudices which might operate to both—accuser and accused * * *."

It should be noted that in both the Jefferson and Monroe examples, the House itself conferred exemptions of a sort. Thus, it is difficult to state that if direct requests for documents had been made, they too would have been refused.

ANDREW JACKSON

Jackson furnished information to Congress at times. At other times he refused to do so. In 1835, he rejected a Senate request for information in a public land fraud scheme. His reasoning was based on his feeling that the information supplied would be utilized in secret session and this would deprive a citizen involved in the case—Gideon Fitz, who already had been removed from office—of a public investigation where he could confront his accusers. Note the similarity between this reasoning and that of Jefferson and Monroe.

Jackson's logic is even more difficult to sustain when one considers a statement he made in 1834:

Cases may occur in the course of its legislative or executive proceedings in which it may be indispensable to the proper exercise of its powers that it should inquire or decide upon the conduct of the President or other public officers, and in every case its constitutional right to do so is cheerfully conceded. . . .

JOHN TYLER

Tyler refused the House certain reports on the funds perpetrated upon the Cherokee Indians. In doing so, he claimed no absolute right, but instead relied on the evidentiary privileges recognized in judicial proceedings instituted by private litigants. Using this he formed certain categories of information that he would not surrender. The House's responses were:

The communication of evidence to a jury is promulgation of it to the country, and the law so regards it, and it is so in fact. Hence the rule which excludes evidence the disclosure of which would be detrimental to the interests of the State. But this rule is applicable only to the judicial, and not to parliamentary tribunals; and the error of the President consists in not having observed the distinction . . . (For) parliamentary tribunals . . . may conduct their investigations in secret, without divulging any evidence which may be prejudicial to the state.

In the administration of justice between private individuals the courts will not permit that the public safety should be endangered by the production of evidence having such a tendency. But in parliamentary inquiries, where the object is generally to investigate abuses in the administration itself, and where such inquiry would be defeated if the chief of the administration or his subordinates were privileged to withhold the information or papers in their possession, no such rule prevails. The cases are entirely different. In the first, the public safety requires that particular evidence should be suppressed; in the second, the public safety requires that it should be disclosed.

JAMES K. POLK

Polk refused the House documents concerning his instructions to his Minister to Mexico. At the time ex-President John Quincy Adams was a Member of the House. He insisted "the House had the right to demand and receive all the papers" concerning the matter.

Polk, like Jackson, seems to be a man of contradiction. In a message to the House in 1846, he said:

If the House of Representatives, as the grand inquest of the nation, should at any time have reason to believe that there has been malversation in office by an improper use or application of public money by a public officer, and should think proper to institute an inquiry into the matter, all the archives and papers of the Executive Department, public or private, would be subject to the inspection and control of a committee of their body and every facility in the power of the Executive be afforded to enable them to prosecute the investigation.

JAMES BUCHANAN

In a message to the House in 1860 concerning a House resolution on public abuses he stated:

In such cases inquiries are highly proper in themselves and belong equally in the Senate and the House, as incident to their legislative duties and being necessary to enable them to discover and to provide the appropriate legislative remedies for any abuses which may be ascertained . . .

Buchanan did invoke the privilege anyway in a matter concerning alleged attempts to influence congressional Members through offers of money and patronage. He refused release of information, on the grounds that only an impeachment investigation would be a proper basis for release.

GROSS AMENDMENTS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. GROSS. Mr. Speaker, under the provisions of House Resolution 963, which makes in order the consideration of H.R. 69, and which limits amendments to title I to those printed in the CONGRESSIONAL RECORD at least 2 legislative days prior to consideration, I offer the following germane amendments:

Strike the necessary number of words;
Strike the requisite number of words;
Strike the next to the last word;

Strike the penultimate word;
Strike the last word;
Strike the enacting clause.

PROPOSED AMENDMENT TO H.R. 69

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. ROSE. Mr. Speaker, I rise to offer an amendment to delete the proposed nonpublic school bypass provisions which appear in ESEA title I section 132 of the committee bill.

The proposed bypass provision for ESEA title I and program consolidation operates in two ways. First, it authorizes the U.S. Commissioner of Education to make direct grants to nonpublic schools in case wherein State or local law prohibit the local school district from equitably providing for its nonpublic schools. Second, the Commissioner may readjust the division of funds between the local educational agency and the private schools of the district when he determines that the LEA has substantially failed to provide for the private school. In both instances, the Commissioner, in effect, is making a judgment as to what would be adequate services to fulfill what he deems to be the balance of student needs in both the public and private schools. We question whether the Commissioner should be making such judgments since they presume that he knows what the children in each community should be learning and how they should be taught. But that presumption is contrary to the American education tradition that the people not the Federal Government make the final decision as to educational goals, direction, and the means by which our children learn.

Furthermore, in some communities it may be the case that the expenditure of public funds, the use of public facilities, and the deployment of public personnel for nonpublic school purposes is so philosophically unacceptable that a majority of the community would rather do without Federal funds for public purposes than to see the kind of nonpublic school involvement now being suggested for education. The H.R. 69 bypass provision takes that decision away from the will of the people and places it in the hands of appointed officials in Washington, D.C.

Thirdly, the bypass provision raises a whole specter of constitutional questions which bear close examination before enactment. Apart from not wanting to pass laws which may not be able to cut constitutional muster, Members of Congress, especially those who support aid for nonpublic schools, should consider that the bypass provision violates the compromise reached with the public school community in 1965. Accordingly, a challenge by the public school community may very well result not only in rendering the proposed bypass provisions unconstitutional, but the existing bypass provisions as well—not to mention a challenge to the child benefit theory pursuant to which nonpublic schools now participate in title I services. In other words, by attempting to increase their share, the nonpublic schools may wind up with nothing.

The amendment follows:

AMENDMENT TO H.R. 69, AS REPORTED OFFERED BY MR. ROSE

Page 49, line 3, strike out "(a)".

Page 49, line 11, insert a quotation mark after the period.

Beginning with line 12 on page 49, strike out everything down through line 7 on page 50.

TRIBUTE TO LES ARENDS—A GREAT AMERICAN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. EVINS of Tennessee. Mr. Speaker, the announcement by our colleague and friend, the genial gentleman from Illinois, LES ARENDS, that he intends to retire from Congress at the conclusion of his present term in 1974 has been received with regret.

While regretting his decision, certainly I can understand that, after almost 40 years' service, LES wants to seek the more tranquil climes of retirement "along the cool sequester'd vale of life," as one poet expressed it.

Congressman ARENDS has done a fantastic job in Congress, and at this point only one Congressman—Representative WRIGHT PATMAN, the dean of the Congress—has rendered a longer period of service.

LES has been a Congressman's Congressman—he is is known as and called "one of the good guys"—a gentleman.

He also is a people's Congressman.

Many observers in the gallery have been heard to remark when LES comes on the floor that he truly looks like a Congressman with his distinguished bearing and flowing white hair—he has the aura of Congress about him.

LES ARENDS has served his district, State, and Nation with great ability and effectiveness and distinction. As the minority whip, certainly he has served his party—but without partisanship in his personal relations with his colleagues.

I consider LES ARENDS one of the truly great Members of the House. I have had occasion to work with LES and have always found him to be helpful and cooperative—while I served as chairman of the Speaker's Patronage and Personnel Committee, he served as chairman of the Minority Patronage and Personnel Committee—and we had a most cooperative relationship as we assisted in providing employment for many young men and women on the Hill.

As a member of the Committee on Armed Services, he has served effectively and well—he stands tall as a great American and for a strong national defense.

Congress will not be quite the same when LES ARENDS leaves these sacred precincts for the last time as a Member—something will be lost—but we wish him the very best of health, good luck, and continued success as he contemplates his richly deserved retirement from public service.

COLONEL LAWLER NAMED CHAPLAIN OF THE YEAR BY ROA

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HÉBERT. Mr. Speaker, Col. Edward R. Lawler, a Catholic priest and an Air Force chaplain, recently received the Chaplain of the Year award from the Reserve Officers Association.

Colonel Lawler is currently chief of the Chaplain Division, Directorate of Inspection, Air Force Inspection and Safety Center, Norton Air Force Base, Calif.

I was so impressed with his acceptance remarks upon receiving this award that I want to insert them in the RECORD so that all may have the benefit of his thoughts. His comments follow:

ACCEPTANCE REMARKS ON THE OCCASION OF RECEIVING THE RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES AWARD "CHAPLAIN OF THE YEAR 1974"

(By Chaplain Col. Edward R. Lawler)

I am accepting this award on behalf on all the Chaplains in the Armed Service—Army, Navy and Air Force—both reserves and, if you will pardon the expression, the regulars also.

I realize it isn't the same as receiving the Heisman Trophy for personal achievement, or being voted into the Baseball Hall of Fame, or a Most Valuable Player Award or an Oscar. I realize the award is given to me as the representative of all Chaplains and I accept it in that spirit.

Tonight, however, is one of those nights filled with serendipity—those happy events coming together unexpectedly at the same time. It is especially pleasing to be here in the presence of so many men and women who have served our country in various branches of the government. But it is even more pleasing to be honored on the same program with Congressman George Mahon of Texas. For when I was first assigned as a young clergyman from New York, was I sent to a church in New York? No, my first assignment was to a church in Lubbock, Texas in Congressman Mahon's district. Six years later when I was appointed a Chaplain in the Air Force, my first base of assignment was in Big Spring, Texas. I checked with Mr. Mahon's staff and they tell me in 1952, Big Spring was in Congressman Mahon's district. So you have been sort of a godfather to me, Sir. But perhaps that word has less than an acceptable meaning these days, so maybe it is better if I just say, "Howdy Podner!"

In addition to all these nice coincidences, my commission as an officer in the Air Force was granted by President Harry Truman, the founder of our Reserve Officers Association. Also, it is a very happy happening that I, as an Air Force Chaplain, am receiving this award tonight because this year marks the 25th anniversary of the establishment of the Air Force Chaplaincy.

Some may wonder what a clergyman is doing associated with those who make war. A clergyman is supposed to speak the words of the Lord. The Psalmist says, "Let me hear the words of the Lord: Are they not words of peace." (Psalm 85:08) Of course they are! But in speaking words of peace, we must

speak them in the midst of reality. Man is not really too expert at peace. Even the Bible mentions some sort of battle line between the angels. So peace is difficult to come by between creatures. President Truman once said:

"We must not fall victim to the . . . propaganda that peace can be obtained solely by wanting peace. This theory is advanced in the hope that it will deceive our people and that we will then permit our strength to dwindle because of the false belief that all is well in the world."

Facing the reality that all is not well in the world helps a clergyman to talk of peace with honesty and to recognize that man must be reminded often of the moral strengths that will enable him to work hard to obtain and retain peace.

A clergyman ministering to the members of the Armed Forces has many opportunities to remind military people of the sentiments of President Truman's ideas. (As you can tell, President Truman was one of my favorite people.) He said:

"The same moral principles that underlie our national life govern our relations with all other nations and peoples of the world. We have built our own nation not by trying to wipe out differences in religion or in tradition or in customs among us, not by attempting to conceal our political and economic conflicts, but instead by holding to a belief which rises above all differences and conflicts. That belief is that all men are equal before God. With this belief in our hearts, we can achieve unity without eliminating differences, we can advance the common welfare without harming the dissenting minority. Just as that belief has enabled us to build a great nation, so it can serve as the foundation of world peace."

And the Constitution of UNESCO says very well:

"Since wars begin in the minds of men it is in the minds of men that the defenses of peace must be constructed."

A clergyman serving in the military forces is able to speak to and reach the minds of men who wage wars and to remind them that their final goal is to bring peace. Adlai Stevenson once put it:

". . . let us dream of a world in which all states, great and small, work together for the peaceful flowering of the republic of man."

It is these ideas of world peace that a Chaplain is dedicated to. And he carries them to men and women who serve in the armed forces. That is why it is an honor for me to serve as a clergyman in the Armed Forces of the United States. Thank you.

AMENDMENT TO H.R. 69

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. MOAKLEY. Mr. Speaker, in accordance with House Resolution 963, the rule for H.R. 69, I am submitting to be printed in the RECORD an amendment to H.R. 69 which I plan to introduce.

This amendment would change the formula for the distribution of ESEA title I funds by counting 100 percent of AFDC children, rather than two-thirds of all AFDC children.

The text of the amendment follows:

AMENDMENT TO H.R. 69, AS REPORTED OFFERED BY MR. MOAKLEY

Page 32, line 19, strike out "two-thirds of".

THE AIRLINES MUTUAL AID PACT

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. WALDIE. Mr. Speaker, the Airlines Mutual Aid Pact—MAP—is an economic agreement among member airlines which goes into effect automatically when one of the member airlines is struck.

However, this agreement among the airlines has been slowly eroding the value of collective bargaining as an instrument for the resolution of labor disputes in the arlines industry. Since its inception 15 years ago, the MAP has contributed to the prolongment of strikes in the industry—from an average length when it started of 15 days to more than 100 days now.

After a strike is resorted to in normal labor-management relations, there is a financial incentive for both the employees and the employer to resolve their differences because neither is receiving substantive income during the strike. However, the MAP vitiates that incentive. A struck MAP member receives 50 percent of its normal operating costs, graduates downward to 35 percent after 4 weeks and remains at that level until the termination of the strike.

As a result, it is not uncommon now for a struck airline to show a profit. For example, in 1972 Northwest Airlines was struck for 95 days, but received enough money from MAP—$43.6 million—in order for it to chalk up a $17.25 million profit for that year.

On the other hand, airline payments into the pact are accounted for in the loss columns of the airlines. Thus we have the irony that payments from nonstruck airlines have helped to prevent them from showing a profit, while struck airlines have a profit. Additionally, these mutual aid payments serve as a tax writeoff for the airlines, which in fact means that the taxpayers are subsidizing the airlines industry in labor disputes.

Because of this, members of the pact have boasted about the profitability of strikes. The chairman of Trans World Airlines said that the longer the strike by its flight attendants in 1973, the better its profits would be for that year.

Strike benefits for airline workers cannot be compared to the benefits which accrue to the airlines during a strike: four unions pay no benefits, after 2 weeks the Machinists pay $40 a week, the Railway and Airline Clerks pay $15 a week after 2 weeks, and the Airline Pilots receive 18 percent of their pay.

Thus, it is manifestly apparent that the MAP constitutes an unfair advantage to management in labor disputes, and is destroying collective bargaining in the airline industry.

Accordingly, I am introducing the following bill to terminate the Airlines Mutual Aid Pact.

The bill follows:

H.R. 13529

A Bill to terminate the Airlines Mutual Aid Agreement

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 412 of the Federal Aviation Act of 1958 (49 U.S.C. 1382) is amended by adding the following new subsection:

"(c) The Airlines Mutual Aid Agreement approved by the Board in docket 9977 is adverse to the public interest and hereby terminated."

SEC. 2. The effective date of this Act is February 1, 1973.

OUR RETURN FROM SPACE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. BOB WILSON. Mr. Speaker, we hear much criticism of the space program as being too costly, yet it has proved to be one of man's greatest and most adventuresome experiments. We also have a general feeling that it has developed no particular lasting benefits except, as often quoted, the development of Teflon pans.

In Success magazine, the noted commentator, Paul Harvey, recently pointed out many interesting facts about the latest U.S. achievement in space, our Skylab.

I include it in the Appendix of the RECORD as a portion of my remarks:

OUR RETURN FROM SPACE

(By Paul Harvey)

The Senate has approved only three billion dollars for space.

That is the skimpiest expenditure for that purpose in more than ten years.

Yet our dividends from that investment—our "return from space"—if you will—is bigger than any big old Texas lie I could tell about it.

What a difference 272 miles makes.

If what's going on up there were going on in your local firehouse or schoolhouse or city hall you'd talk of nothing else.

But our interest cannot be sustained over spans of time or distance.

So blase have you and I become about Skylab that our attention is alerted only when a malfunction suggests danger and then only briefly. Yet perpetuation of a program which offers the best hope of keeping our home planet livable depends on interested voters and willing taxpayers.

How can men of science hope to bring home to you and me and the politicians the importance of intangible benefits; even tangible benefits.

On my desk is their latest effort. It is a scholarly treatise efficiently cataloguing the several thousand specific products and processes directly derived from NASA's efforts. Pages of geological data. Pages of medical innovations. Pages of practical, applied electronic and mechanical devices and metallurgical processes.

But scientists are schooled in how not to promote themselves.

And even those of us who are supposed to know how to condense and translate technical data for public consumption don't know where to start. It is that big!

I could take one or two or a few examples from this ream of "things" our space dollars bought but it seems such a pitifully inadequate summation for the defense.

Just under "safety" are identified insulations, fireproofings, alarm sensors, respirator systems, unbreakable glass which have cost you pennies and may already have saved your life.

In the kitchen you are using preservatives, "indestructible" ceramics, protective coat-

ings, bonding techniques, electronics applications—the most likely source of heat, power and light for your children's home is being tested to perfection in today's space vehicles.

In geology and ecology our new knowledge fills volumes.

In medicine the new know-how handed down from above is adding useful, pain-free years to life on earth.

But there appears no way to convince the electorate that getting to the Moon really is more important than getting to work—though many Americans already owe their lives and many others their jobs to techniques, materials and devices which have been showered on industry, agriculture and medicine by our now taken-for-granted spacemen.

GETTING IT TOGETHER IN THE GRAPHIC ARTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. STEIGER of Wisconsin. Mr. Speaker, the primary objective of the Occupational Safety and Health Act of 1970 is to assure safe and healthful working conditions for working men and women of our Nation.

Achievement of this worthy objective is best attained through sincere efforts on the part of both labor and management. One very fine example of labor/management cooperation in the field of safety and health is an evaluation of hazards associated with the printing industry being conducted by the National Institute for Occupational Safety and Health, Graphic Arts International Union, and the workers and management of George Banta, Inc., in Menasha, Wis.

This initial attempt on the part of labor, management, and Government to develop safety and health practices is highly commendable. I would like to share with my colleagues an article on this project published in the November 1973 Job Safety and Health magazine.

The article follows:

GETTING IT TOGETHER IN THE GRAPHIC ARTS

(By Phyllis Lehmann)

"This is probably the first time in the United States that labor and management have come together voluntarily to request what amounts to a complete industrial hygiene survey," says Marshall NaNier, regional director of the National Institute for Occupational Safety and Health (NIOSH) in Chicago.

He is describing a pioneer project launched recently in Menasha, Wisconsin, by the Graphic Arts International Union (GAIU); the George Banta Company, Inc., a printing firm; and NIOSH. By focusing attention on one large company, the participants hope to point up job hazards common throughout the graphic arts industry and develop guidelines that other employers can use in complying with safety and health standards.

During the project, three Banta plants, employing 1,400 people, are serving as laboratories for a thorough NIOSH investigation of how such hazards as noise, vapors, and dust might affect workers' health. As a first step, NIOSH industrial hygienists and engineers are conducting a hazard survey of the plants. The company will make every effort to abide by NIOSH's findings and to follow NIOSH's recommendations for correcting any dangerous conditions.

Later stages of the study will include voluntary health examinations of workers and a survey of company records to determine if there are disease patterns or long-term health effects that can be related to employment in the plants. As yet another step, the GAIU is offering union members and management representatives a training program in detecting and taking action on workplace hazards. The formal classes, which will be coordinated by Dr. George Hagglund, professor of labor education at the University of Wisconsin School for Workers, will be followed by on-the-job training of union shop stewards as safety and health stewards. As a result, workers will be able to identify unsafe or unhealthy conditions and work with management to find ways of correcting them.

The program originated in early 1973 when Sheldon Samuels, director of health, safety, and environmental affairs for the AFL–CIO's Industrial Union Department, and William Schroeder, vice president of the GAIU, were looking for ways labor and management could work together on safety and health. They saw the technical assistance available through NIOSH as a valuable tool. "A project such as this demonstrates and tests a facet of the Act that has not been exploited—the nonenforcement part," says Samuels. "Most people view the Act only as an enforcement mechanism, and unfortunately many of us don't have time to do much but concern ourselves with that aspect. But enforcement is simply a lever to get people involved in nonenforcement activity. I should point out that I don't see such activity as strictly 'voluntary,' because let's face it, without the power of the Act, most employers would be doing very little in the area of safety and health."

Selecting the right company to participate in the program was the first problem, and in terms of a receptive management attitude, Banta was a logical choice. "First of all, the company was critical of its own safety record," says Bill Schroeder, "and that indicated a sincere commitment to improving working conditions. It showed that management was concerned. Besides, Banta has a healthy approach to the Occupational Safety and Health Act. The management people don't look at the Act as a form of harassment. Instead they see it as a meaningful law and recognize that they have a legal and moral obligation to comply. In fact, they indicated that they want to devote their time to looking for ways to comply instead of ways to circumvent it."

But it was more than attitude that made the Banta Company a natural for the study. As Thomas Hicks, marketing manager and company spokesman for the project, explains, "The Menasha plants offer a pretty total industry picture in one location." The company prints such diverse items as textbooks, paperbacks, educational workbooks and tests, packaging materials, advertising flyers, and annual reports. Consequently, the Menasha operations include two major printing processes—offset and letterpress—plus such related functions as color processing, binding, and distribution. The company faces the safety and health problems common throughout the printing industry—noise, dust, vapors, and various dangers in the loading and stacking areas—although Hicks thinks Banta already has gone a long way toward protecting its workers from these hazards.

"Printing presses are noisy, and the workers standing beside them are exposed to high levels of noise," he says, "but our employees in those areas wear ear protection. In the paper shredding areas, dust is definitely a problem, but there our workers wear dust masks. In the stacking and loading areas, there is the potential danger of large items toppling over, but the forklift trucks now have cages on them as a matter of course." However, if there are problems that aren't being adequately taken care of, or standards that aren't being complied with, the company wants to know—and that's the idea behind the project.

A third reason for the choice of Banta as a "laboratory" concerns the community of Menasha rather than the company itself. "That area of Wisconsin, south of Green Bay, is a very stable area," says Schoeder. "Most of the people are born there, work there all their lives, and retire there, so it's easy to trace former employees of the company." Banta was founded in 1901 and has been in continuous operation ever since, so two and three generations of some families have worked in the plants—a situation tailor-made for studying the health patterns of workers over the years.

For NIOSH, the project presented "a unique opportunity to look at a large industry from the point of view of good work practices," says Marshall LaNier. "It's an ideal situation in which to conduct a hazard evaluation, because everyone is in favor of it. In fact, this is probably the first time such a survey has had the cooperation of all concerned."

After the program was formally launched last spring, a NIOSH team toured the plants to get an idea of what the problems were and which areas would require extensive industrial hygiene surveys. After getting the results of testing conducted during the walk-through, Dick Krambowski, senior industrial hygientist on the project, and two engineers from NIOSH's Cincinnati laboratories visited the plants to conduct more detailed testing for noise and airborne solvents.

Realizing that the noise worker's can't hear is potentially as harmful as that they can hear, the scientists deployed sophisticated devices in the vicinity of the presses to test for ultra-sonic noise—noise at so high a pitch it can't be heard. Because a wide variety of solvents is used to clean ink off rollers and plates and in general clearup in a printing plant, the NIOSH team also took readings on airborne vapors. One method was to strap a sampling pump to a worker's waist and drape a plastic tube over his shoulder to test for solvent vapors in his breathing zone.

"We haven't found any situations of imminent danger," says Kramkowski. "When we get the complete information on our samples, we'll present the company with our findings and our recommendations for correcting any hazards." If the results indicate that further surveys are needed, the NIOSH group will return to the plants for additional testing.

When the entire study is completed—hopefully by the end of this year—NIOSH will present its report on Banta to both the company and the Graphic Arts Union.

All concerned see the impact of the study extending well beyond Menasha. The GAIU expects to hold a press conference to publicize the results of the study, and to dispense the information in NIOSH's report to the rank and file through its nationwide training and retraining program. "We have facilities in 58 cities where we conduct craft and technical training for apprentices and journeymen," says Shcroeder, "and we plan to make this study well known to the men who come through those facilities. It will be an important way of informing workers about the hazards common in their line of work and about what they can do to help eliminate those hazards in their own plants."

The Banta Company plans to circulate the final report among its eight subsidiaries across the country and hopes the study eventually will benefit the industry as a whole. "The printing industry isn't like the auto industry, for example, which is quite concentrated," explains Thomas Hicks. "We're very diverse. Something like 80 percent of the printers in the country have fewer than 20 employees, so it's difficult to bring the information on safety and health

and workplace standards to bear in these plants. We're hoping that this project will help employers understand the standards and give them some practical guidelines on how to comply with them."

It is too early to know whether the project will fulfill predictions that it will ultimately help set standards for the entire graphic arts industry. But the fact that labor, management, and government could unite toward such a goal represents a giant step beyond mere enforcement of job safety and health.

VICE PRESIDENT SPEAKS ON DEFENSE OF OUR NATION

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HÉBERT. Mr. Speaker, the Vice President spoke at the 1974 Women's Forum on National Security held recently in Washington.

In my capacity as chairman of the Armed Services Committee, I viewed with interest his comments on our national defense. I would like to insert the Vice President's speech in the RECORD at this point, so everyone may have the benefit of his thoughts:

REMARKS BY VICE PRESIDENT GERALD R. FORD

Tonight I wish to express my profound appreciation to the Women's Forum on National Security for dedicating this beautiful dinner to the leadership of the Administration of President Richard M. Nixon.

I am honored to appear before you as spokesman for this Administration.

You are genuine advocates of peace. Our aspirations for peaceful relations with all other nations rest upon the sense of security and patriotism you help to generate through your many chapters and posts from the Atlantic coast to the shores of the Hawaii Islands. Your devotion to the preservation of freedom is in the finest tradition of the United States.

I wish to address myself tonight to the role of defense in the service of peace. Dr. Henry Kissinger, our Secretary of State, will go next month to Moscow to continue efforts that have already produced remarkable progress on the road to lasting peace. Dr. Kissinger is truly our Secretary of Peace. And our Secretary of Defense, Dr. Schlesinger, has strengthened Dr. Kissinger's hand by submitting a new defense budget that reinforces the credibility of American power.

Our Cabinet includes three professors. You might say the peace movement has taken over the Nixon Administration. Dr. Kissinger flies to the corners of the earth in pursuit of peace. Dr. Schlesinger guides a Defense establishment to assure peace. And Dr. Shultz, our Secretary of the Treasury, pays the bills.

The new defense budget is the first in over 10 years that does not provide for the support of American forces actively in combat. It is a budget designed to carry us through the delicate transition from long and arduous war to a period of enduring peace.

To have peace, we must be capable of defense to deter aggression. Unless the United States maintains its strength and resolve, there is little incentive for potential adversaries to keep the peace. That is why our first defense budget of the post-Vietnam era is so important.

We have extricated ourselves from the war in Vietnam. We achieved peace with honor and liberated our brave men who suffered so long as prisoners of war. We ended the draft and created an all-volunteer armed service. We reached understandings with the Soviet Union that would have been unthinkable years ago. We negotiated a new relationship with the People's Republic of China. And—by a masterpiece of diplomacy—we separated the armies of the Egyptians and Israelis, bringing the world back from the brink of catastrophe.

We are not the policeman of the world. But we continue to be the backbone of free world collective security. We are aware that the Soviet Union continues to pursue an extensive program to develop powerful new military weapons.

Even as we have reduced U.S. forces and defense spending—measured in dollars of constant purchasing power—Soviet forces and spending have increased. To prevent a serious imbalance, we must continue to modernize and improve the readiness of our combat forces.

President Nixon has created a climate of peace. Secretary Kissinger is a superb negotiator. The Soviet Union, by word and deed, has indicated a readiness to negotiate. Therefore, I sincerely hope that negotiations toward strategic arms limitations and mutual and balanced force reductions will be successful in preserving the present balance and in further reducing the threat of war.

It is essential to maintain adequate force levels and a technological lead while negotiations continue. If negotiations fail and the Soviet Union seeks military advantage, the United States must be prepared to increase its forces quickly and effectively.

Decisions made in 1974 will shape the ability of our forces to maintain their strength 5 to 10 years from now. This is because of the time required for development and deployment of major weapons systems.

We learned much from the tragic Middle East warfare last October. Specific material shortages were brought to light during the crisis. The new budget would eliminte those shortages. As a result of the events in October, we are increasing the readiness of ships, aircraft, and weapons, having adopted more realistic estimates.

A supplemental defense request reflects the most urgent deficiencies of our forces. We must increase our airlift capacity and buy certain weapons and equipment now in short supply.

Lessons of the Middle East war will be applied by giving high priority to programs such as modern antitank weapons, tanks, air defense of land forces and its opposite, defense suppression, improved munitions and more substantial stocks.

There are innovations to meet possible emergencies.

We are proposing, for instance, in the new budget to modify some commercial aircraft in order that they might have the required capacity to meet military cargo requirements. Because of our Middle East experience, we intend to improve our airlift capacity to deploy forces overseas in time of crisis.

Our force structure is much smaller than it has been since the Korean war. It is reduced by almost 40% from the 1968 Vietnam peak. If we are to have a credible peacetime deterrent force, we cannot allow our defense to shrink further. By strengthening airlift capacities and the strategic reserve, we will have fewer forces tied to a specific theater and greater flexibility in assignment during a crisis.

Admiral Moorer, the Chairman of the Joint Chiefs of Staff, reported to the Senate Armed Services Committee that Soviet modernization programs "could place the United States in a position of strategic inferiority in the foreseeable years ahead." The admiral pointed out that a major shift in the naval balance is taking place. The U.S. Navy's carrier and amphibious task forces still give us the edge in the global reach of our fleets. The Soviet Union, however, is building a powerful navy, including an aircraft carrier force that brings a new era in the projection of Russian seapower. The Soviet carriers are not yet comparable to U.S. carriers. But, with other new Soviet warships, they strengthen the ability of Soviet forces to operate worldwide.

Moscow is placing new emphasis on projecting military power from the sea as a national policy. Soviet naval forces are more frequently deployed in areas of serious international concern.

Detente is our goal. Its achievement requires that we be strong enough to negotiate with confidence. We must insure that our good will is not misconstrued as lack of will. An era of peace is within reach. To reach that objective, we have no alternative but to maintain a strong defense.

Your membership includes such groups as the Gold Star Mothers and the Gold Star Wives and the Ladies Auxiliary of the Military Order of the Purple Heart. You have experienced at first hand the sacrifices of war. We want to make sure that not a single additional mother or wife ever receives the tragic telegrams that you received.

I wanted to share with you my thinking on why we must not risk the peace that our President and our Secretary of State have done so much to promote. We will not betray your dedication to peace.

Tomorrow is the 165th anniversary of Abraham Lincoln's birthday. We strive to fulfill Abraham Lincoln's vision of binding up the Nation's wounds as we move forward—in the aftermath of Vietnam—to meet the challenges of our time.

In his Second Inaugural Address, Abraham Lincoln advocated "a just and lasting peace, among ourselves, and with all nations." Lincoln addressed himself to a nation then divided. Today—100 years later—we face different kinds of division and dissension. We search for new answers to new problems.

I want to tell you tonight of my confidence that we will solve the very serious problems of today—the issues of the energy shortage, inflation, unemployment, and even the transient readjustment crisis resulting in such upheavals as the interstate truck strike.

Our task is not easy. But I have faith in America. This is the same Nation that reunited after the Civil War to become the greatest and most inspiring republic the world has ever known. This is the same nation that—through its system of democracy and free enterprise—achieved technological and human growth which we generously shared with all mankind. This is the same Nation that transcended recessions and depressions to move forward to even higher levels of existence. And this is the same nation that recovered from the calamity of December 7, 1941, at Pearl Harbor to defeat powerful enemies.

Abraham Lincoln was forced to wage a war. His deeper instincts were those of conciliator, mediator, and moderator. Abraham Lincoln would be very proud of the work this Administration has done overseas to reconcile differences and promote peace.

I am proud to be part of an Administration that has opened the way for peace in the Middle East. It is my fervent hope that from such a peace will flow a spirit of greater cooperation not only between the Arabs and Israelis but among all peoples. We are now host to an international meeting here in Washington on the oil crisis.

To solve the energy crisis, we are concentrating all our energies—at home and in relations with other Nations—to conciliate, moderate, and mediate. We are proceeding, in the spirit of Abraham Lincoln, with malice toward none.

We have run short of gasoline. But we have not run short of our traditional American determination to overcome adversity. And we have not run short of American know-how. Or American initiative. Or American courage. Or American patriotism.

As we celebrate Abraham Lincoln's birthday, we seek the moral and spiritual idealism that inspired Lincoln. We seek to reconcile differences with all nations and among ourselves.

Our great challenge is not in seeking fights with anyone in the world. It is in avoiding conflict and in building peace and friendship with all people.

Our true task is to harness the natural resources and productive genius of humanity to assure better lives for all Americans and all mankind.

Just as we now take pride in the first peaceful Lincoln's birthday in many years, when no Americans are fighting abroad, so we dedicate ourselves to reconciling differences and achieving solutions within the United States.

I believe in the United States and in our capacities.

I draw fresh inspiration from this patriotic assembly.

Let us go forth from here with a new dedication to America which has been so richly blessed by the Supreme Creator.

I pray that God bless our efforts to promote peace and justice at home and abroad, and that He strengthen the bonds of friendship and fellowship among the inhabitants of all lands.

NORTHEAST REGIONAL RAIL REORGANIZATION AND THE CO-OP CITY COMMUTER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. BINGHAM. Mr. Speaker, on March 11 I was the leadoff witness at the ICC's New York City hearing on the Northeast Rail Reorganization Act of 1973. The purpose of that public hearing as well as others to be held throughout the region is to insure that the public would be served by the final system plan to be submitted to the Congress for approval. Unfortunately, the administration's initial recommendations are designed solely to insure that the remaining lines are profitable after reorganization—the public be damned.

The DOT report, as pertains to New York City, fails to address the dire transportation problems facing the metropolitan area. Since 1969 I have been involved in the effort to bring rail mass transportation services to the 60,000 residents of Co-op City, the largest cooperative housing development in the United States. Neither the Metropolitan Transportation Authority, nor Amtrak, is willing to take responsibility for providing this needed service, and the DOT report has offered no solution to the problem.

Commuter service can no longer be everyone's stepchild, yet the preliminary system plan treats it as such. My testimony, reprinted herewith, stressed these very points, and I commend the same to my colleagues and other readers of the RECORD for consideration.

TESTIMONY OF CONGRESSMAN JONATHAN BINGHAM, REGIONAL RAIL REORGANIZATION ACT PLANNING HEARING

Judge Jennings, I am Jonathan Bingham, a Representative in Congress from the State of New York. The 22nd Congressional District which I have the privilege of representing is deeply concerned with the future of the region's rail system. In addition to my remarks today, I would like to submit a more detailed statement for the record.

A new era for rail transportation is the aim of this protracted planning process—an era in which service will meet the total needs of the region served. For this reason, the Congress required that the bureaucracy go to the people in the affected communities, listen to their unique transportation requirements and mold the individual pleas for assistance into a viably cohesive rail network. I commend the Commission for accepting this responsibility and complying with the intent of the Congress, and especially Ms. Gladys Kessler for her diligence and hard work to make this particular hearing a success.

I am, however, concerned that the bureaucracy has inadvertently impaired the usefulness of public counsel by erecting barriers hindering those interested individuals who seek to assert their right to be heard as provided by this law. First, the time schedule established for this hearing has worked against the ordinary citizen who has had neither the time nor money to follow the issue closely, but has as vital a stake as the biggest industrialist to see that the area's future rail system is responsive to his needs. Second, the DOT's initial report has not been made readily available to the public. In order for public counsel to be useful in the future, needed material must be as easily available as the expert assistance of public counsel.

The Congress in the Rail Reorganization Act has declared it to be in the national interest to reestablish, revitalize and thereafter maintain, if necessary, a viable rail transportation system in the region after nearly 50 years of general decline. There is no doubt in my mind that the railroad's continued well-being is essential to the region's continued development. As a matter of simple economics, if the seven bankrupt railroads were allowed to cease operations, 2.7 million jobs would be eliminated, the country's Gross National Product would decline by nearly 2.7 percent, and the value of the region's goods and services would decrease in value by nearly 5 percent.

But, it is equally clear that the DOT's overemphasis of the "profit-ability" aspects of the final system plan ignores totally the social and environmental effects the "profitability" posture would cause. It is essential, in my view, that the total transportation picture of the densely populated northeast region be considered. The DOT report, as pertains to New York City, while not calling for abandonment of any track, entirely neglects to mention the dire transportation problems facing the metropolitan area. For example, were it not for this hearing the planning process would provide no opportunity for the plight of the 60,000 Co-op City residents who are without commuter service to downtown New York City to be considered.

The DOT report states that "three of the six purposes set out in the declaration of policy in the Act are directly relevant to this planning process."

This represents a cavalier and an incorrect attitude, for all six of the Act's purposes are important, and I might add, equally so. This is more than mere oversight, and confirms my feeling that the Administration is solely concerned with establishing a profitable freight service for big shippers—the public be damned.

The DOT report's conclusions and recommendations, on page 2, are devoid of environmental, social and rail passenger service considerations.

The Declaration of Policy in Section 101 (a)(5) of the Act provides that rail transportation offers economic and environmental advantages over other transportation forms with respect to land use, air pollution, noise levels, energy efficiency and conservation, resource allocation, safety and cost per ton-mile. To an urban resident these considerations are paramount—not the profit ratio of the carrier. Yet, the DOT report, as is evident from even the most cursory reading, stresses the need to eliminate competition, discard less profitable track, give billions in federal aid, and then turn a profitable rail system back to the rail companies. Unless considerations of *the total transportation needs of the region* are weighed heavily and brought to bear in fashioning the final system plan, I state now that I would have no choice but to oppose final Congressional approval of the plan, and seek greater government control of the rail industry to ensure that the system is responsive to the real needs of the Northeast.

There are three specific areas which I shall direct the remainder of my remarks to: environmental considerations, competition, and passenger needs of the area, which I believe have not received proper emphasis.

ENVIRONMENTAL AND COMPETITIVE FACTORS

The environmental aspects of the proposed restructuring of the railroads were treated in three short paragraphs on page 15 of the report. First, argued the DOT, "the movement of rail traffic can be made more efficient with the consequent reduction in resource consumption and pollution." That is true, but the argument is a mere truism because cessation of operations would similarly result in less pollution and resource consumption. The report's second environmental statement, if one can call it that, states that the restructured railroads improved intermodal competitive ability would be able to attract traffic back to the rails from the highways either as piggyback or freight car traffic.

It is going to take much more than that DOT statement to change so many years of bureaucratic preference for motor carrier freight services. The ICC has, as a matter of policy, fostered the development of the trucking industry at the expense of the nation's railroads. Trucks have been encouraged to compete and have successfully wrestled from the railroads the high profit traffic, leaving the railroads with high volume but low profit commodities.

This is one area where the ICC should be able to take the lead in as much as it has contributed to the present regulatory malaise. There is, indeed, no logic to employing a truck to haul non-perishable goods across the country when the railroad could do it with four times the energy efficiency.

Perhaps one of the most abhorrent policies adopted by the ICC over the years has been the conscious discrimination against the transportation of recycled commodities. Though this country now suffers from severe commodity shortages, such as in paper, the ICC in parts of the U.S., requires the railroads to charge, for example $312 to haul a carload of recyclable waste paper from point A to point B while competing pulpwood costs only $172 per carload. Virgin aluminum generates freight revenue of approximately $669 per carload while scrap aluminum, from discarded beer and soda cans, must withstand a burdensome rate of $1,374 per carload for a representative movement.

An amendment which I originally introduced to effect this change in the Energy Emergency Act of 1973, accomplishes the purpose in the Rail Bill. Section 603 mandates that the ICC shall, by expedited proceedings, adopt appropriate rules under the Interstate Commerce Act which will eliminate discrimination against the shipment

of recyclable material in rate structures and in other Commission practices where such discrimination exists. It is now imperatve that the ICC begin to implement section 603, so that by the time the final system plan has been approved and the Consolidated Rail Corporation comes into existence the last vestige of this counterproductive discrimination has been eliminated.

PASSENGER SERVICE

Out of the entire 85 page report (Vol 1) barely over two pages are devoted to passenger service. Even in the so-called passenger service section, the report indicates that passenger service shall be determined on the basis of the freight service system designed by the process provided for—almost as an afterthought.

As correctly pointed out, the Northeast Corridor requires a very special intercity and commuter passenger operation. This conclusion is consonant with the Secretary of Transportation's Recommendations for the Northeast Corridor, published in 1971. Section 202(b)(3) of the Act, as a logical follow-up to that report, requires the USRA "to prepare a study of rail passenger services in the region, in terms of scope and quality." As the DOT report says, this also means that the "necessary engineering studies and improvements" be initiated.

CO-OP CITY COMMUTER SERVICE

Perhaps the best way to dramatize the need for the total rail transportation planning, the absence of which is the major flaw in the DOT report, would be to retell the saga of the heretofore ill-fated efforts to implement a rail commuter service for the 60,000 residents of Co-op City in the Bronx and improved service for other areas of Connecticut, Westchester County and the Bronx.

As early as 1969, I had become convinced that mass transit facilities would be required for the Co-op City area. There are approximately 60,000 people living in Co-op City which can be seen from the map, *infra*, is one of the most distant Bronx locations from mid- and lower Manhattan. From Co-op City, travel to Manhattan requires at least one interchange from the bus to the train, and at worst, the use of the bus and two trains, sometimes taking as much as two hours. The West Side and the World Trade Center area of Manhattan are especially difficult to reach by existing rail and bus services.

In April of 1969 the North Bronx Transportation Project headed by Mr. Andrew Wolf proposed using the Hell Gate Route of the New Haven Railroad for a commuter service to be run between the Northeast Bronx and Pennsylvania Station. On April 15, 1971, Dr. Roman, the Chairman of the Metropolitan Transportation Authority (MTA) said that such a plan was not feasible because the capacity of the tunnel under the East River was not sufficient to bear any increased traffic.

On June 11, 1973, along with Congressman Ogden Reid of Westchester, and Mayor Alfred Del Bello of Yonkers, I filed a joint application under section 1 (18)–(20) of the Interstate Commerce Act proposing that the MTA be authorized to perform a commuter service that would begin in Stamford, Connecticut, and run along the existing New Haven main line to New Rochelle, New York (making stops as needed); the trains would then run along the existing New Haven Railroad's Harlem River Branch tracks (used by Amtrak trains) stopping at Pelham Manor. The trains would continue into Bronx County and would stop at Co-op City and at Parkchester. They would then cut through the Southeast Bronx, over the Hell Gate Bridge and through the Penn-Central tunnels under the East River to Penn Station. That application now bears Finance Docket No. 27415. Not only would such meet a vital need for a number of communities, but it would tend to relieve congestion on existing subway lines and at Grand Central.

The MTA, through Dr. Ronan, has admitted the need for service to Co-op City, the latest manifestation being Dr. Ronan's concurrence with the objectives of the Tristate Regional Planning Association report entitled "Regional Transit 1990's" which proposed a number of new projects such as the Co-op City subway. The problem remains—until 1990 when the Second Avenue Subway system is scheduled to be extended to Co-op City, how shall the commuter living in the Northeast Bronx get to work?

By a letter dated August 7, 1973, the ICC indicated that MTA, as the proposed carrier, would have to join in the application for it to be considered further. MTA, however, has so far declined to do this. The energy crisis notwithstanding, Dr. Ronan has insisted that the service we proposed was either not feasible, or would require extensive alteration of present facilities. One of his major arguments against the route was the absence of sufficient tunnel head time in the East River tubes.

On December 11, 1973, in a letter to Dr. Ronan, I asked that my own transportation advisors be given the opportunity to look at the various studies he had mentioned as the basis for his earlier assertions regarding the feasibility of our proposal. Because the MTA has not formally refused to act as the carrier for the service we have proposed, and because MTA was created by the New York State legislature to act as the regional transportation authority and is the logical entity to undertake such a service, we have not sought any other potential carrier.

It is remarkable that an agency charged with the responsibility for providing the public with vital transportation services should withhold from the public it serves information which may eventually lead to the creation of a transportation service to relieve the inconvenience of 60,000 people, contribute to our efforts to restore New York's air quality, and conserve precious gasoline reserves which are being unncessarily depleted because the private auto must continue to be used.

Off the record, MTA has asserted the commuter service we have proposed is interstate in nature because it would originate in Connecticut and therefore is subject to Amtrak jurisdiction. Amtrak, on the other hand, as recently as two weeks ago, informed me again that they are not interested in this service because it is essentially a commuter service.

RECOMMENDATION

The Co-op City commuter problem represents in microcosm the situation I foresee for the Consolidated Rail Corporation should the USRA and the ICC not recommend the changes I have noted in the DOT report. The Congresssional intent, as I have indicated in my testimony, stresses factors other than just profitability, factors to which the DOT report merely pays lip service. The elected representatives of the U.S. taxpayer did not enact this legislation as an entry card into the public treasury to finance continuing mis-management and irresponsibility or ensure that the creditors of the Northeast Railroads receive 100 cents on the dollar for their investment, but rather believed that federal financial assistance would preserve vital rail transportation, and thereby serve a real public need. The small shipper must be considered with the large, and in the consideration of the total transportation needs of the Northeast, there is the very real problem of moving people in and out of the working centers of the region. The movement of freight would be meaningless if the people working in New York generating the need for that freight cannot get to work. The movement of commodities can be no more important than the movement of people.

If the final rail plan submitted to the Congress for approval is to receive such approval, the problem of the commuter must be considered. We urge that, as contemplated by the Act, the railroads, Amtrak, and especially the MTA, should be required to produce the data necessary to make the judgment regarding the feasibility of running additional trains over the route we have proposed.

The DOT report provides that the USRA must devote special attention to the current and projected requirements of commuter and intercity passenger service. The final system plan must insure that appropriate priority status is given to passenger train movements particularly in the Northeast Corridor, including such necessary improvements as the proposed Co-op City Service. Ultimately, a decision will also have to be made as to which entity is to operate the service.

Commuter service can no longer be everyone's stepchild. The energy crisis has made us painfully aware that we must adopt improved mass transportation if the economy and the standard of living each of us has come to know is to be preserved and enhanced.

I am confident that, if the appropriate agencies discharge their statutory duties with vigor, a national transportation policy, responsive to all competing needs, will emerge, and that the commuter will not continue to be the unwanted stepchild.

COLLEGE CLOSING WOULD MAR EISENHOWER'S MEMORY

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. WALSH. Mr. Speaker, the 93d Congress is about to do a serious disservice to the memory of a great American—President Dwight Eisenhower. When Eisenhower College in Seneca Falls, N.Y., opened its doors in the late 1960's, it did so as a living memorial to one of this country's greatest patriots, generals, and Presidents.

Rather than a mere stone monument, here was a memorial that educated our young people and contributed to the future betterment of our Nation.

Now, despite President Eisenhower's personal endorsement of this school, it will close its doors in June unless $369,994 can be raised by April 9 to balance the budget.

The House Education and Labor Committee has pending before it H.R. 10027, a bill that would grant Eisenhower College $10 million from the Federal Treasury. That legislation has been pending since August 3, 1973.

I fail to see how Congress will be able to explain its inaction on this matter. It will be just another case of disregarding public sentiment and it seems to me that this is not the time in our Nation's history to be guilty of that.

To give you an indication of how sentiment is running on the Eisenhower College issue, let me share with you an editorial that appeared in the March 13, 1974, edition of the Syracuse Post-Standard:

It is grim news indeed that Eisenhower College, opened in 1968 as a national memorial to former U.S. President and general,

Dwight David Eisenhower, may be closed in June unless $369,994 can be raised by April 9 to balance the 1973–74 budget.

Like all private colleges and universities in New York State, the young, quality-educational, 729-student Eisenhower College has made heroic efforts this college year to make ends meet.

It opened the year with a projected operating deficit of $839,000. It cut operation costs and increased student fees by the amount of $118,498, and it has received gifts since July 1, 1973, totalling $337,008, for a current deficit of $383,494. Gifts pledged for payment before April 9 amount to $13,500 which would still leave a $369,994 projected deficit.

The trustees have appealed to the Congress for a $10 million grant to guarantee continuation of the college by eliminating short-term debts of $3,586,732 and saving current debt service costs of $512,875 annually. It was estimated that the balance of $6,413,268 would provide about $450,000 yearly income to balance the budget.

Favorable action in Albany on assistance to private colleges through larger student-aid grants would also help save the college.

It is inconceivable that federal and state governments, and the many friends of one of our greatest national heroes, would allow this living memorial to go out of existence on the $19 million campus at Seneca Falls.

NATIONAL SMALL BUSINESS PRIME CONTRACTOR OF THE YEAR

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. PIKE. Mr. Speaker, I am very pleased to be able to announce that the National Small Business Prime Contractor of the Year is a concern located in the First Congressional District of the State of New York, at Smithtown, Long Island, N.Y. While we have had area awards frequently in my own congressional district, this is the first time that the national award has gone to a company I have the honor to represent, and I am happy to pay tribute to them today:

NATIONAL SMALL BUSINESS PRIME CONTRACTOR OF THE YEAR

The Small Business Administration, whose duty is to aid, assist, and counsel small business firms, selects annually the outstanding small business firm in each of SBA's ten regional areas who are prime contractors to the military and civilian agencies of the Federal Government. Consideration for selection is based on the following criteria:

1. Stability of company.
a. Financial status.
b. Depth and efficiency of management.
2. Ability to bid competitively.
3. Ability to comprehend technical requirements.
4. Ability to comply with required delivery schedules.
5. Effectiveness in managing subcontractors to obtain timely delivery of supplies and material.
6. Effectiveness of quality control procedures.
7. Reliability of product or service.
8. Attitude towards and ability to cooperate with contracting officials.

The record of performance of each of the regional winners is forwarded to SBA's Central Office in Washington, D.C., where a board of judges is convened to select the National Small Business Prime Contractor of the Year. The judges are made up of the senior Small Business Advisors of the Department of the Army, Department of the Navy, Department of the Air Force, the Defense Supply Agency and the General Services Administration. These judges selected Comtech Laboratories, Inc., as winner of the 1973 National award.

Comtech Laboratories is a small firm, located in Smithtown, New York. It was formed in 1967, and is engaged in the design, development and production of military and commercial satellite communications ground stations. Its backlog of sales is approximately $8 million, about equally divided between Government and commercial customers. Government sales are principally with U. S. Army Satellite Communications Agency, Defense Communications Agency, National Aeronautics and Space Administration, and the Department of Commerce. Commercial customers include RCA Global Communications, ITT Space Communications, Western Union International, Communications Satellite Corporation (COMSAT), and numerous foreign communications agencies throughout the world.

Comtech Laboratories continues to be one of the most rapidly growing companies in the United States in the field of communications equipment and systems. Comtech has over the past four years grown at an average rate exceeding 100 percent per year and in the process has designed and developed the most comprehensive and technically advanced product line of receiving and transmitting equipment for defense and commercial satellite communications ground stations in the industry. During the past fiscal year plant space was increased from 20,000 to more than 100,000 square feet and the number of employees grew from less than 100 to more than 340.

In the period when many companies are faced with declining defense contracts and commercial business Comtech continues to grow, diversify its product line, expand its plant space and to provide increasing employment opportunities in the Long Island, New York, area, and I am most pleased it has received this well deserved recognition.

PRESIDENT NIXON HONORS TRADITION OF PRESIDENTIAL VISITS TO CAPITAL CITY OF TENNESSEE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished political columnist of the Tennessean in Nashville, Mr. Joe Hatcher, has written a most interesting and informative article concerning Presidential visits to Tennessee's capital city.

The article is timely and appropriate as President Nixon is visiting Nashville this weekend to join with others in celebrating the first performance of the Grand Ole Opry in its new quarters in fabulous Opryland U.S.A.

As Mr. Hatcher says in his column, Nashville and Tennessee have always given the Presidents of the United States warm and generous welcome regardless of party—and we welcome the President to Tennessee and wish for him a most enjoyable trip to Tennessee.

Because of the interest of my colleagues and the American people in the Presidents, I place in the RECORD herewith the article by Mr. Hatcher.

The article follows:

[From the Tennessean, Mar. 10, 1974]

"WELCOME MAT" FOR PRESIDENTS

(By Joe Hatcher)

So President Richard Nixon is coming to Nashville on March 16. Well, he won't be making history, to say the least. It has happened before.

Over the years, more than half the nation's Presidents have visited Nashville before, during or after serving in the White House.

Presidential visits to Nashville started with President James Monroe, the fifth President, in June of 1819. Since that time Nashville has welcomed and entertained warmly three of Tennessee's own sons who were Presidents. They were Andrew Jackson, James K. Polk and Andrew Johnson.

The others, in addition to Van Buren, were Rutherford B. Hayes, Teddy Roosevelt, William Howard Taft, Woodrow Wilson, Franklin D. Roosevelt, Harry S. Truman, John F. Kenndy and Lyndon B. Johnson—and now Richard M. Nixon for his third visit. It is, however, Nixon's first visit from the White House to Nashville.

POLITICAL VISITS

All presidential visits are political—some purely so. President Nixon's visit to dedicate the new Grand Ole Opry auditorium is a tribute to country music and to Music City, U.S.A., but at this time of Watergate it cannot be divorced from politics. Other political aspects are the energy crisis and the impeachment atmosphere.

But regardless of the politics of the man who held the office of President, Nashville has always tendered a warm and gracious welcome—if not to the man, perhaps—then to the office of the presidency.

One of the more unusual welcomes was that extended to Andrew Johnson after he had left the White House, after his impeachment by the House of Representatives, and after he had escaped conviction by the narrow margin of one vote. During the early years of the Civil War Johnson had not endeared himself to the people of the state when he served as the iron-fisted military governor during the Federal occupation.

LESS CEREMONIAL

All of Nashville's receptions in the early days were elaborate and some bordered on the spectacular. In modern times, however, Presidents fly in and out with somewhat less pomp and ceremony than in the old days, with often only political rallies in their honor.

President John F. Kennedy's visit to Vanderbilt University on May 18, 1963 was probably the last massive demonstration for a President in office. He spoke to a great audience in Vanderbilt Stadium, and touched a button exploding a charge that started work on the Cordell Hull dam at Carthage.

President Nixon was in Nashville for a speech on the public square back in 1960, the year he was defeated by John F. Kennedy for the presidency. In 1966 he returned to Nashville for an address at Vanderbilt, two years before his successful candidacy for President in 1968.

As a U.S. Senator, as Vice President, and as a candidate and later President, Lyndon B. Johnson was in Nashville so often he could refer to the city as a second home. He was the only President ever to throw out the first ball of the baseball season in Nashville, which he did for the Nashville Vols at old Sulphur Dell.

James Monroe, the first President to visit Nashville, came officially to visit Andrew Jackson and to show his support for Jack-

son's controversial handling of the "War With Spain" in Florida. Coming up from Georgia, he was met at the city's southern border by the Tennessee Volunteers, in coonskin caps and buckskin leggings.

MARCHING BAND

The Masonic marching band was on hand to escort the President to the home of Mayor Thomas Crutcher, where hundreds met him and shook his hand. He "reviewed the troops" at Nashville Female Academy, where 200 young ladies gave him a warm welcome. There was a reception at the Masonic Temple, followed by a big banquet at the Nashville Inn and another reception the next day at Jackson's home at the Hermitage.

As a parting sign of regard for President Monroe, General Jackson's carriage took him part of the way to Louisville as he traveled northward from Nashville.

President Martin Van Buren stayed longer in Nashville than any other presidential visitor, spending most of his time with General Jackson at the Hermitage. The old general had "handpicked" Van Buren as his successor in the White House.

Former President Andrew Johnson came to Nashville on April 7, 1869, just four years after the close of the Civil War. He was escorted by the Odd Fellows Brass Band to the St. Cloud Hotel, and spoke the next day to a great crowd on the public square.

FOUR GRAY HORSES

President Rutherford B. Hayes was in Nashville in 1877 on a mission of good will toward the former Confederate states. He was taken from the railroad station to the Maxwell House in a coach drawn by four gray horses. He spoke on the grounds of the State Capitol, and found time to lay the cornerstone for the new Federal Building at what is now Eighth and Broadway.

Teddy Roosevelt had been in Nashville several times before he came as President in October, 1907. His special train was met by a carriage drawn by four milk-white horses—presumably even more elegant than those that had drawn President Hayes. He spoke to a capacity crowd at the Ryman Auditorium—later to serve as the Grand Ole Opry House.

President Roosevelt was a luncheon guest at the Hermitage, where he was served from Andrew Jackson's own silver service, and was presented a spoon that had belonged to Jackson. His special train picked him up at the Hermitage Station.

President F. D. and Mrs. Roosevelt were likewise honored with a breakfast at the Hermitage in the 1930's after a great reception in Nashville. Roosevelt later returned to Nashville briefly for the funeral of House Speaker Joseph W. Byrns.

William Howard Taft was a frequent visitor in Nashville through the years, coming to the city as President on November 9, 1911. He spoke at the Ryman Auditorium and was banqueted at the new Hermitage Hotel.

COLLEGE REUNIONS

Woodrow Wilson came to Nashville in 1905 and again in 1907 to attend Princeton reunions, and to visit a brother who was a Nashville newspaperman. He came back in February of 1912, en route to the Democratic nomination and election to the presidency.

President Harry Truman was in Nashville in 1951 en route to dedicate the Arnold Engineering Center at Tullahoma. After leaving the White House he came back in 1955—ostensibly to visit the Ramp Festival at Cosby, Tennessee—but actually, perhaps, to measure Gov. Frank Clement as a Kefauver opponent in a race for the Democratic presidential nomination. He spent a night at the Governor's Mansion with Clement.

And now comes President Nixon.

CONGRESSMAN BADILLO EXPLORES THE FULL EMPLOYMENT "MYTH"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HARRINGTON. Mr. Speaker, earlier this month, several of our colleagues joined with people from the academic world and labor and civic leaders in a 2-day conference in New York City on the issue of full employment. The meeting at Columbia University was generated by a common concern over the seemingly endless unemployment crisis facing this Nation and the present administration's failure to take any effective initiatives to resolve it. The conferees also examined the history of this country's postwar employment policy, the factors which have contributed to the steady rise in unemployment and the elusive objective of achieving a full employment economy.

One of the two closing addresses was delivered by our colleague from New York, HERMAN BADILLO. In his remarks, Mr. BADILLO observed that the "objective of full employment—defined as providing some type of work for every person seeking a job," has never been a primary goal of any national administration. He further noted that the basic consideration of a full employment economy usually boils down to the classic struggle between the "haves" and the "have-nots" and that this country's minorities have borne much of the burden of the unemployment crisis. Charging that this Nation's majority has failed to take steps to fulfill the achievement of full employment and to aid the minority in securing jobs, Congressman BADILLO stated that he could offer little encouragement that any substantive attempts to create a full employment economy will be undertaken in the foreseeable future.

I commend Mr. BADILLO for his perceptive and forthright remarks and believe they warrant the careful consideration of every Member of Congress:

CLOSING ADDRESS OF CONGRESSMAN HERMAN BADILLO

Four decades ago Americans were encouraged by President Franklin D. Roosevelt's declaration that every American who was able and willing to work had the right to an opportunity for useful and rewarding paid employment. Tragically, the objective of a right to a paying job for every American envisioned in FDR's new economic bill of rights of 1944 not only has never been achieved but has been consistently avoided and remains a highly elusive goal. The 79th Congress, for example, considered legislation establishing a specific national commitment to full employment but the employment act of 1946 which was eventually enacted into law sought only an effort to achieve maximum employment. At no time has the objective of full employment—defined as providing some type of work for *every* person seeking a job—been a primary goal of any national administration of either political party.

Last October we saw the unemployment rate dip briefly to a three and a half year low of 4.5 per cent. However, this figure is now on the rise toward a predicted six per cent and even higher level. Especially hard hit are the nation's various minority groups as it is a known fact that official unemployment—not to mention underemployment—among blacks, Puerto Ricans, Chicanos and American Indians has averaged twice that reported for the rest of the Nation. In the teeming ghettoes of urban America officially-certified youth unemployment has reached the proportions of a massive depression. There is no question but that suitable paid employment just does not exist for numerous segments of American society who are willing and anxious to work—Vietnam-era veterans, women, senior citizens, those forced out of work or denied employment opportunities because of technological advances or the energy crisis, recipients of public assistance and certain others.

This seemingly endless unemployment crisis is seriously exacerbated by the fact that the private sector and the capitalist system simply cannot provide employment opportunities for all of those American citizens seeking work—not to mention those who are presently underemployed or who have become discouraged and rejected and are not actively seeking jobs. Up to this point we simply have refused to face this fact and the government continually looks to private business and industry to provide the jobs. The simple fact remains that not only are the jobs not available but the private sector is just not capable of providing these much needed work opportunities. Our economic system is just not geared to trying to fulfill the hopes created by the Employment Act of 1946 and the private sector is incapable of generating sufficient numbers of employment possibilities to even begin matching the number of unemployed, underemployed and unskilled. Further, I seriously doubt whether the private sector feels any sort of obligation to furnish jobs and training for those in need.

In light of this situation I continue to believe most strongly that in order to achieve a full employment economy the government—at the Federal, State, county and municipal levels—must furnish the jobs. Regretably, the present administration has demonstrated a singular lack of meaningful interest or leadership in this critical area. The woefully ineffective Nixon economic strategy has failed to provide any substantive solution to the problems of unemployment and underemployment. Also, by such ill-conceived moves as the veto of the Employment and Manpower Act of 1970 and, last year, the minimum wage bill, plus the deliberate scuttling of the Emergency Employment Act, Mr. Nixon and his clique have demonstrated nothing more than a callous disregard for the plight of not only the unemployed but also those who are earning less than a living wage even though they may be on the job for eight or more hours every day.

Therefore, in the absence of any moves by the executive branch in the direction of a lower rate of unemployment—much less full employment—the initiative must be taken by the Congress. For example I have authored a bill—the Guaranteed Employment Act—which provides that any person who is unable to find work in the private sector will be *guaranteed* a job in a municipal, county, State or Federal program, primarily in the public service area. My able colleague, Mr. Hawkins, has authored a measure, of which I am a co-sponsor, to provide employment for over 1 million persons in public service positions. There are a number of other similar measures—some of which have been precipitated by the so-called energy crisis—pending in the House and Senate. In some sectors there is a realization that full employment can serve as a viable and important tool in resolving the economic and unemployment crisis with which we have been saddled for the past five years.

Not only will more than four and a half million unemployed fellow citizens be given jobs but needed services could be furnished to our cities, counties and states. At one point some nine years ago it was estimated that 4.3 million *new* jobs could be filled in

public service if the Government were to just fulfill its obligations in protecting and developing the physical environment and in carrying forward essential social service programs. In addition, if the poor and unemployed are able to obtain gainful employment, they will then be able to secure their own housing, provide education for their children, care for their own health needs and not be forced to seek aid from public agencies.

In the final analysis, however, much of this discussion of a full employment economy degenerates into the classic struggle between the "Haves" and the "Have-Nots." There has been a great deal of talk about full employment since the end of the Second World War but no real action. The fact remains that the achievement of this goal—particularly as it would benefit the Spanish-speaking, Blacks, Indians and the other minorities—has not been actively pursued as the nation's majority may be adversely affected. In October 1972, for example, CEA Chairman Herbert Stein declared that the idea of a maximum unemployment rate of four per cent as a national goal had been abandoned. He later stated that it would be counterproductive to establish any specific unemployment target.

Also, an increasing number of economists and others are citing the findings of Professor A. W. Phillips of the London School of Economics who made the first attempt to quantify the wage-unemployment relationship and they claim that a full employment economy will result in inflation. They cite Phillips' findings—based on his study of unemploymet in England between 1861 and 1957—that unemployment rates below two and a half per cent would cause wages to rise faster than productivity and presumably would be accompanied by rising prices as proof positive that the American economy cannot afford zero unemployment, or even a decline below four per cent unemployment, because there will be a proportional rise in prices.

As an example, in December 1972 Duke Economics Professor Juanita Kreps wrote in the *New York Times* that full employment and wage-price stability are incompatible—a statement consistent with the Phillips curve which showed an inverse relation between wage changes and the percentage of the unemployed labor force—and declared that prices have risen much faster in low-unemployment periods than in high ones.

Related to this state of affairs is the fact that the capitalist economy must have built-in unemployment at a substantial level in order to keep the workers in a constant state of anxiety and to thereby prevent them from seeking higher wages, knowing that if they protest too hard or too long that their jobs can be taken by others presently unemployed. Unfortunately, organized labor has changed significantly from the era of the 30's and early 40's—the time during which it actively endorsed FDR's efforts to extend the right of every citizen willing and able to work, irrespective of age, race, sex or social background, to a beneficial and "remunerative job in the industries or shops or farms or mines of the Nation. . . ." Today union support for a full employment economy is almost nonexistent. A rather large percentage of the working force is now unionized and organized labor has secured many of the rights and benefits it fought to achieve earlier in this century. Now they are unwilling in most instances to continue the cause and to work to extend those benefits and the simple right to an honest, decent-paying job to the underprivileged and the minorities. One need only cite the dismal record of the building trades as they continue to bar or severely limit minority participation in their unions.

What much of the struggle to achieve full employment is about is basically the problems of the minorities of this Nation and this is really what we are up against. However, this is more than simply a struggle for minority rights as you will always have the majority against you. It seems obvious to me that the employed majority would prefer to accept high unemployment—regardless of its effects on minorities—as an irritant or minor annoyance over rising prices. The present administration, for example, appears to maintain this attitude—especially when you consider comments of persons such as Federal Reserve Chairman Arthur Burns who claim that any programs which directly encourage Federal employment will constitute "undue intrusion" into the economy.

I seriously suspect, therefore, that, although many politicians and some academicians may talk about and urge the creation of a full employment economy, the country's "establishment"—and the generally well-off, middle-class, suburbanite American—simply dismisses such sentiments as another liberal shibboleth which must not be taken seriously. The majority knows full well that those with the power and authority to fulfill the quest for full employment and aid the minority in locating jobs with which to meet even the minimal demands of life will not do so.

Thus, even though we may very well have the capacity and resources to find work for every person who wants a job and despite the prospect that a full employment economy can, in fact, be achieved, I must tell you in all candor that I cannot offer any encouragement that any substantive efforts will be undertaken in the foreseeable future. Like so many other goals and objectives which would benefit the poor, the disadvantaged, the unemployed and underemployed, the uneducated and untrained and the minorities, full employment just has no constituency in either the public or private sector. Although the objective of achieving full employment is no longer simply some nebulous philosophical goal but a clear economic necessity I am afraid that it will remain unaccomplished for some time. Full employment is a vital goal of a progressive social policy yet the lack of support for it by the present administration just relegates it to another empty phrase. This Nation has the needed potential to achieve full employment. The only remaining ingredient is a willingness to make the necessary effort and to fulfill a long-standing moral commitment.

SUPPORT FOR THE PRESIDENT

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. FULTON. Mr. Speaker, I would like to commend to the attention of my colleagues the names of a number of citizens of the Fifth District of Tennessee who have expressed their support for the President of the United States. As participants in the activities of the National Citizens' Committee for Fairness to the Presidency, they are exercising their right, indeed, their duty, to speak out, to voice their views on the issues of concern to all of us.

I therefore submit for the RECORD the following:

Maxie T. Bass.
_____ _____.
Clarence E. Wood.
Mr. and Mrs. R. H. Wood.
Mrs. J. B. Barrett.
J. B. Barrett.
Richard A. Barrett.
Mrs. Richard A. Barrett.
Mrs. Willie B. Cain.
William A. Barrett.
William Rodman Morris.
J. C. Franklin.
Arthur H. Johnson.
George Hayewood.
T. E. Stamps.

THE WISDOM OF THE CONSUMER PRODUCT SAFETY COMMISSION

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. LANDGREBE. Mr. Speaker, while many people have been applauding the Consumer Product Safety Commission in its opposition to political appointments, almost no one has made the effort to point out the implications of the position of the CPSC on this matter. Fortunately, the Wall Street Journal did so in a recent editorial on January 31, 1974. I include the editorial in the RECORD in its entirety for the information of my colleagues:

THE WISDOM OF THE CPSC

Wouldn't it be wonderful if the Consumer Product Safety Commission could be so insulated from politics—from the White House, Capitol Hill, business and industry and other pressure groups—that it would be able to study each issue that comes before it on its merits and divine the public interest through its own wisdom?

No.

Things are not noticeably more wonderful in those other countries of the world where there are no politics or pressure groups to interfere with the wisdom of bureaucratic tribunals. There's no reason to believe our bureaucrats are any wiser than theirs. But it has somehow gotten into the heads of the five newly appointed CPSC commissioners that they indeed are, and that they could do a whale of a job in serving the public interest, as they see it, if only they didn't have to take any political heat. They currently are playing the White House off against the Congress to bring this about.

At issue is the matter of five commission staff jobs. The new agency has eight top staff positions, and on its own can decide which of these should be "career" positions, and which "non-career." Those it chooses to be career slots must be opened to Civil Service competition. The non-career slots need not be, but the candidate picked by the commission must, by Executive Branch tradition, get "political clearance" from the White House. Which doesn't mean, in the present instant, they have to be Republican. In fact, most are not. Rather the President doesn't want to people his administration with folks who have a partisan philosophy of government diametrically opposed to his. Mr. Nixon in particular feels there are already plenty of people in career slots in the government who enjoy that luxury.

The safety commissioners, in deciding to make five of the eight key slots non-career, also decided they didn't want these to run the political clearance process. In other words, they want to be able to pick their own people for these jobs and retain the right to fire them at *their* will, but want the Chief Executive to have no influence at all in the selection process. The people they chose are now at work and collect their salaries, and for all anyone knows they are rabid Nixonians. But because the commissioners refused to submit their names to the White House, a confrontation has been brewing, the likely outcome being White House

orders to sever the five from the payroll. Naturally, a brouhaha in Congress and in the press will follow.

If recent history is any guide, Congress will come down on the side of the safety commissioners, who, being for safety and consumers, wear white hats. The Nixon administration, convulsed by Watergate, will sport the black. In the current Washington climate, almost any proposal to strip the Executive Branch of power will gain an immediate following.

But this confrontation would have come anyway. For at least the last three years Congress has been on an extraordinary kick, dealing out powers to the regulatory agencies at every chance. The excuse has always been that the White House had grown too powerful. In other words, after spending 40 years endowing the Executive with power and becoming alarmed at what it saw, Congress decided to correct the problem. Not by retrieving that power, for with power comes responsibility. But by giving it to the regulators. Without doubt, the White House struggle with the CPSC is part of this continuing process. If the CPSC wins, the White House fears it will only be a matter of time before the other regulatory agencies are cut loose from the administration that holds office.

As a result, the problem—as Senator Goldwater observed the other day—is not that the President has too much, but that both have been losing it to the bureaucracy. And the bureaucracy is not accountable at the polls. The only link it has to the political process are those tenuous strands that tie it to the one person who is elected by all the people and to those, in Congress, who annually review its budgets. The CPSC now desires to cut one of those strands.

And with the best of intentions. Like bureaucrats everywhere, they believe they could more easily steer the nation to the Promised Land if only they didn't have to worry about day-to-day politics. But as wise as they might be in the short run, they can never approach the collective wisdom of those who have to stand before the public at periodic intervals and seek renewal. By insulating themselves from politics they would insulate themselves from the vested interests, the moguls and the powerful lobbies, and the people too.

NOTICE OF HEARINGS ON H.R. 188, H.R. 9783, H.R. 12574, AND H.R. 12575

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. EDWARDS of California. Mr. Speaker, I wish to announce that the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary will continue its hearings on H.R. 188, H.R. 9783, H.R. 12574, and H.R. 12575, bills to protect the constitutional rights and privacy of individuals in the dissemination of criminal justice information.

The hearing will be held on Thursday, March 21, 1974, at 10 a.m. in room 2237 of the Rayburn House Office Building. Representatives from the Civil Service Commission and the Department of Defense will be presenting their views on the above-mentioned legislation.

Those wishing to testify or to submit statements for the record should address their request to the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C., 20515.

BEHIND THE OIL EIGHT BALL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. DERWINSKI. Mr. Speaker, a very pertinent, factual, and penetrating article by Alex R. Seith in the March 10 edition of the Suburbanite Economist, directs our attention to the energy problems that have affected the black African nations.

I should wish to add that even though Mr. Seith is well known in Washington for his leadership in the Democratic National Committee, he is also highly regarded for his regular columns on foreign affairs issues.

The article follows:

BEHIND THE OIL EIGHT BALL

(By Alex R. Seith)

Is black Africa being black-balled? That question is now echoing through Africa in the wake of the Mid-West oil crisis.

Last fall, most black African nations reluctantly disrupted a history of cordial relations with Israel in response to urging by the Arab oil nations to break diplomatic ties with the Jewish state.

Despite years of financial and managerial assistance given by Israel to Africans, gratitude for the past yielded to concern for the future. In a new twist on the old saw—"What have you done for me lately"—the African leaders were persuaded that their interests would be best served by cultivating Arab good will through official breaches with Israel.

Through subtle threats and promises from certain Arabs, the Africans were led to believe that their proclamations of affinity with the Arabs would gain them preferential treatment in any oil crunch.

Now second thoughts abound. As the "official" price of oil has soared from $3.50 per barrel in September to $7 in December and skyrocketed to $10 and $15 per barrel on the open market, Africans have been forced to ante up hundreds of millions of precious money they need for development at home. Long victimized by the tendency in international economics for the rich to get richer and the poor to get poorer, the Africans thought that this time it would be different. Different because their "brothers" in the Mid-East would be grateful for Africa's breach with Israel and reward Africans by supplying oil at prices lower than those paid by "rich" nations like Japan, America and the countries of Western Europe.

But Africans are woefully beginning to wonder if this hope was a wild dream. Often hard-pressed to find funds for desperately needed investments in schools, roads, factories and other essentials of development, they find their limited resources ravaged by astronomical oil prices and the consequent inflation in nearly everything else they have to buy abroad.

"Fraternite matin," a respected newspaper in the Ivory Coast, expressed the concerns of many Africans in a recent article titled "Treason or Calculation." For the first time, the article expressed in public a suspicion which has been growing privately among Africans in recent months.

"Have the Arab states deceived our countries and agreed among themselves that we are gullible" was how the paper posed the question. Noting that the African franc, used by 13 nations, has been effectively devalued nearly 20 per cent because of rising oil prices, "Fraternite Matin" also asked whether this was the result of calculated treason by the Arabs, an outright renege on a clearly understood promise to protect "friendly" Africans from the inevitable economic crunch caused by inflated oil costs.

The government-owned newspaper carried a disclaimer stating that "this was a personal view and not the position of the Ivory Coast government." But neither that government nor any other in Africa specifically repudiated the suspicions expressed.

Very likely, the purpose of the article was to test the water or, to change the metaphor, float a trial balloon. By putting this position in print without putting the government officially behind it, the leaders of the Ivory Coast may be sending the Arabs a message in typically diplomatic form. The message is to ask whether the Arabs intend to make good on their promise that Africans would not suffer from the oil boycott supposedly directed only against the West and Japan.

But time is running out. One African diplomat, who asked not to be named, said, "We are hoping that the Arabs will do something fast, before things get out of hand."

What could get out of hand is the agreement between the Organization of African Unity (OAU) and the Arabs that the OAU would benefit from a break with Israel by the imposition of an oil blockade against the white-minority and colonialist powers in Africa such as Rhodesia and Angola.

And an Arab delegation currently touring several African nations has promised $200 million in development aid to help offset the soaring prices of oil. But sources close to the African Development Bank are complaining that they have seen no signs that the promised money is on the way.

And even if the $200 million were immediately forthcoming it would not fully alleviate the injury of higher petroleum prices. The Sudanese Foreign Minister, Mansour Khaled, who is also chairman of the African group's oil committee, estimates that in 1974 Africans will pay $600 million more for oil than in 1973. This is three times the aid promised by the Arabs.

Meanwhile, as Africans step up the search for sources of oil on their own continent, they are also asking the searching question: Is the price of Arab-African unity too high?

HOPE CHAMBERLIN—JOURNALIST AND AUTHOR

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mrs. GRASSO. Mr. Speaker, it was with deep sadness that I learned of the death Monday of Hope Chamberlin, a dynamic and perceptive woman, noted freelance writer, photographer, and researcher, and author of the book entitled "A Minority of Members—Women in Congress."

Her delightful manner, her wit and great charm will be gravely missed by all those who knew her. Yet, her contributions to history and to journalism will live on in the books and articles she wrote. Certainly, "A Minority of Members," is a book that will forever serve as a valuable source of information and insight into what it is like to be a woman in Congress.

My sympathy to the family of Hope Chamberlin. They should be very proud of the accomplishments of this noble woman, who will always be remembered as a fine writer and a wonderful human being.

TEL-MED

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. PETTIS. Mr. Speaker, despite an annual U.S. expenditure of $70 billion for health care, all too frequently the average citizen does not have convenient access to medical and health care information. Tel-Med was created to alleviate part of this deficiency. I would like to invite the attention of my colleagues to this bold and innovative program.

Tel-Med provides a community with instant access, by telephone, to an excellent library of concise, accurate, physician-approved 5-minute tape recordings on many health care topics. To obtain information, the concerned person dials a toll-free number and asks to have a given tape played. The young man concerned about venereal disease, the mother concerned about rheumatic fever, the middle-aged person concerned about cancer and diabetes, the person who finds himself in immediate need of first aid information—each can obtain relevant health information easily, instantly, and at no cost to himself.

Tel-Med was first installed in my district in the San Bernardino-Riverside greater metropolitan areas, comprising nine separate municipalities and a combined population of 400,000 residents. This transitional area represents urban, suburban, and rural elements.

Response to Tel-Med has been overwhelming. The staggering sum of 380,000 telephone calls was received during the first 18 months of program operation. The numerous unsolicited comments of appreciation for the medical information provided give positive indication of widespread acceptance. There is a growing awareness of the medical society's role of sponsorship and of the significant contributions that physicians have made to bring this concept to fruition.

In particular:

There have been many requests for additional tapes. Based upon these requests, Tel-Med continuously updates the library to reflect consumer needs and interests accurately.

A number of individual callers have listened to multiple—10 or more—tapes in the library.

The aged have expressed particular appreciation for the service, because of their high interest in health matters, reduced mobility, and limited economic resources.

Translation of portions of the library into Spanish has caused considerable interest in heavily populated Mexican-American communities in southern California.

Ever-increasing numbers of children have responded, leading Tel-Med to consider a separate set of minihealth tapes geared to their comprehension.

Several high school teachers have assigned entire health classes to listen to the tapes on syphilis and gonorrhea.

Requests for brochures listing the available tapes have begun to pour in not only from individuals, but also from factories, department stores, health care service agencies, and welfare agencies.

One of the more encouraging aspects is that increasing numbers of callers have been introduced to the program upon the recommendation of friends or neighbors.

Evaluation by physicians of program concept and informational content has also been favorable. Numerous physicians are referring their patients to the program, particularly to the birth control series. An orthopedic group has referred a large number of patients to the tape on backaches. Doctors have requested brochures on the program to distribute to their patients. Every major hospital in the area has expressed encouragement and has requested tape listings to distribute to its patients.

Numerous inquiries have been received from health care service organizations expressing strong interest in the concept. The regional society of the American Dental Association has submitted 20 scripts on dental care and is preparing 5 more scripts for the library. Special interest groups, such as nutritional/dietary groups, optometric groups, emergency first-aid care committees, muscular dystrophy, diabetic, alcoholic and antismoking agencies, family planning groups, and others have requested permission to submit scripts relevant to their special areas of interest.

The importance of this project lies in the fact that organized medicine, in concert with public and private health care agencies, is willing to donate hundreds of thousands of dollars and knowledge, experience, and effort to create a truly comprehensive and meaningful library of tapes. Once the library is created, its duplication and distribution to any urban area in the Nation is simply and economically accomplished. In short, the anticipated product of this effort will provide a tangible product of high value to others on a nationwide basis.

At present, the Tel-Med program has been adopted by San Diego, Orange, Long Beach, Bakersfield, Santa Rosa, and West Oakland, all located within the State of California. Nationally, the program has expanded into Indianapolis, Ind.; Wichita, Kans.; and State College, Pa.

In addition, other cities appear close to reaching a decision about adopting the program. Among them are Seattle, Wash.; Portland, Oreg.; Kalamazoo, Mich.; Knoxville, Tenn.; Miami, Fla.; Richmond, Va.; Newark, N.J.; and Charleston, W. Va. The cities of Ventura, Santa Barbara, China Lake and Hemet, within the State of California, are nearing program adoption.

During 1973, Tel-Med delivered 100,000 5-minute health messages in the San Bernardino-Riverside-Fontana area. If equivalent response is experienced in just those communities currently implementing Tel-Med, 1 million additional health messages will be delivered in 1974. The sheer magnitude of this phenomenon is bound to have a beneficial impact upon the health and general well-being of the people in these communities.

This program benefits everyone in today's society—from the disadvantaged person facing a medical crisis to the wealthy parent whose child is involved in drug abuse. Not only has it uncovered a vast area of interests and concern for basic health information, but it appears to have demonstrated a channel of communication of extraordinarily effective, inexpensive and acceptable dimensions.

Tel-Med stands at the threshold of national awareness and acceptance.

AMENDMENT TO H.R. 69, ESEA

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. VEYSEY. Mr. Speaker, in accordance with the rule granted for H.R. 69, the Elementary and Secondary Education Act, I am taking this time to have published an amendment I intend to introduce next week.

This amendment would make it possible for us to find out which programs really improve education and which do not. Specifically, my amendment would require a statement, in advance, of the criteria by which the programs under title I would be judged. The Commissioner would be required to develop models for the evaluation of each program and make reports to the Congress on the findings of the evaluation studies.

The authority was granted in previous years to make the evaluation reports but, regrettably, it was never effectively carried out by the Office of Education. My amendment will go one step further and provide for congressional leadership in the development of those studies.

The Congress has often been asked to establish and continue broad social programs with very little, if any, basis for judging their effectiveness. We owe it to the taxpayers and to the people these education programs are designed to aid to be sure that ESEA is delivering what it promises.

We are all uncertain of the effects that title I has had. If I may quote our respected colleague from Oregon (Mrs. GREEN):

> As a long-time supporter of Federal financial aid for education, I have come to realize with much pain that many billions of Federal tax dollars have not brought the significant improvements we anticipated. There are even signs that we may be losing ground.

I believe my amendment is a step toward discovering what parts of title I are working and I earnestly seek my colleagues' support.

The amendment follows:

AMENDMENT TO H.R. 69, AS REPORTED DEFERRED BY MR. VEYSEY

Page 51, line 25, strike out "141" and insert in lieu thereof "142".

Page 58, after line 18, insert:

EVALUATION OF TITLE I PROGRAMS

SEC. 114. Title I of the Act is further amended by inserting before section 142 (as redesignated by section 110(h) of this Act) the following new section:

"PROGRAM EVALUATION

"SEC. 141. (a) The Commissioner shall provide for independent evaluations which describe and measure the impact of programs and projects assisted under this title. Such evaluations may be provided by contract or other arrangements, and all such evaluations shall be made by competent and independent persons, and shall include, whenever possible, opinion obtained from program or project participants about the strengths and weaknesses of such programs or projects.

"(b) The Commissioner shall develop and publish standards for evaluation of program or project effectiveness in achieving the objectives of this title.

"(c) The Commissioner shall, where appropriate, consult with State agencies in order to provide for jointly sponsored objective evaluation studies of programs and projects assisted under this title within a State.

"(d) The Commissioner shall provide to State educational agencies models for evaluations of all programs conducted under this title, for their use in carrying out their functions under section 133(a), which shall include uniform procedures and criteria to be utilized by local educational agencies, as well as by the State agency, in the evaluation of such programs.

"(e) The Commissioner shall provide such technical and other assistance as may be necessary to State educational agencies to enable them to assist local educational agencies in the development and application of a systematic evaluation of programs in accordance with the models developed by the Commissioner.

"(f) The models developed by the Commissioner shall specify objective criteria which shall be utilized in the evaluation of all programs and shall outline techniques (such as longitudinal studies of children involved in such programs) and methodology (such as the use of tests which yield comparable results) for producing data which are comparable on a Statewide and nationwide basis.

"(g) The Commissioner shall make a report to the respective Committees of the Congress having legislative jurisdiction over programs authorized by this title and the respective Committees on Appropriations concerning his progress in carrying out this section not later than January 31, 1975, and thereafter he shall report to such Committees not later than January 31 of each calendar year the results of the evaluations of programs and projects required under this section, which shall be comprehensive and detailed, as up-to-date as possible, and based to the maximum extent possible on objective measurements, together with any other related findings and evaluations, and his recommendations with respect to legislation.

"(h) The Commissioner shall also develop a system for the gathering and dissemination of results of evaluations and for the identification of exemplary programs and projects, or of particularly effective elements of programs and projects, and for the dissemination of information concerning such programs and projects or such elements thereof to State and local educational agencies responsible for the design and conduct of programs and projects under this title, and to the education profession and the general public.

"(i) The Commissioner is authorized, out of funds appropriated to carry out this title in any fiscal year, to expend such sums as may be necessary to carry out the provisions of this section, but not to exceed one-half of one percent of the amount authorized for such program."

JACK KEMP PRAISES GEORGE MEANY'S PLANS FOR A SOLZHENITSYN TOUR OF THE UNITED STATES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. KEMP. Mr. Speaker, AFL–CIO President George Meany, recently extended an invitation on behalf of the AFL–CIO to Nobel Prize-winning author, Alexandr Solzhenitsyn, to make a special lecture tour in the United States.

The AFL–CIO, whose recognition of international human rights has been a matter of record since the organization's inception, is once again furthering the cause of human freedom. The AFL–CIO invitation is one of the most visible manifestations of America's appreciation for Solzhenitsyn's ordeal and courage—laying bare the years of Soviet suppression of basic human rights.

On February 13, 1974, I urged the leadership of both the House and the Senate, majority and minority, to formally invite Solzhenitsyn to address a joint session of the Congress. Provided such a forum, Solzhenitsyn could serve the cause of freedom and justice with eloquence and distinction. Further, he could graphically demonstrate certain realities which should be part of the underlying premises of U.S. foreign policy—most importantly, as George Meany pointed out, the establishment and maintenance of fundamental human rights.

Solzhenitsyn reminded us in his Nobel Prize lecture:

There are no internal affairs left on this crowded earth. The salvation of mankind lies only in making everything the concern of all.

I am proud that George Meany and the AFL–CIO have taken the lead in trying to bring Solzhenitsyn to the United States. Every American should have the privilege of hearing the man who, perhaps more than any other contemporary writer, is furthering the cause of freedom.

Let us never be asked what we were doing that we deemed more important than striving for the cause of human freedom.

I include the text of Mr. Meany's letter to Solzhenitsyn:

LETTER

With all free men everywhere, the American trade union movement has followed with deep concern and admiration your courageous struggle for intellectual and human freedom against frightful odds.

We are profoundly aware that the forces which would smother your eloquent voice of dissent have been arrayed throughout history against the efforts of ordinary men and women to organize and maintain independent trade unions responsive to their own needs and not the dictates of the State. And, as we have witnessed your ordeal at the hands of these forces, we have been powerfully reminded of the words of your Nobel Prize lecture:

"There are no internal affairs left on this crowded earth. The salvation of mankind lies only in making everything the concern of all."

It was in this spirit that the American Federation of Labor, more than a quarter of a century ago, documented the existence of forced labor camps in the Soviet Union and published a map of the GULAG network, the subject of your latest work. It was, moreover, at the urging of the American labor movement that the United Nations Economic and Social Council established the Ad Hoc Committee on Forced Labor, whose reports verified the extent and horror of this appalling system of human degradation.

Because there are indeed no internal affairs left on this crowded earth, I want to extend to you, on behalf of the American trade union movement, a most cordial invitation to come to the United States as our guest.

We are prepared to organize a tour for you, so that you may have an opportunity to travel widely in our diverse country, and to arrange meetings and lectures for you, so that you may have an opportunity, to the extent of your wishes, to communicate freely with the American people.

I am confident that I express the heartfelt sentiments of our members, as well as of the American people generally, in saying that I hope you will find it possible to accept our invitation.

JOHN D. WEAVER HAS BEEN GOOD TO LOS ANGELES

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. REES. Mr. Speaker, I am privileged to have as my constituents John and Harriet Weaver. John Weaver is a very prominent author; his book "The Great Experiment" is, I believe, one of the finest in explaining the processes of the Federal Government.

John Weaver grew up in Washington, D.C., and his father served for more than 30 years as one of the official reporters of the debate in the House of Representatives. John became a journalist with the Kansas City Star and has since then branched out into various phases of writing. John and I served for many years as wine judges at the Los Angeles County Fair and he and his lovely wife have been active for some time in the civic affairs of Los Angeles.

I would like to insert for the RECORD an article by Sue Adelson, which appeared in the Van Nuys News and Green Sheet, honoring the Weavers:

JOHN D. WEAVER HAS BEEN GOOD TO LOS ANGELES

(By Sue Adelson)

Writer John D. Weaver and his wife Harriett greet you hospitably at the front door of their new home on the southern perimeter of Sherman Oaks.

A wide-screen, panoramic view of the San Fernando Valley greets the eye and one almost forgets the subject to be interviewed.

Spaciousness, tranquility and beauty create the perfect setting for the successful free-lance writer. Why shouldn't a writer be able to produce here? Why shouldn't he, unless, of course, he can't write.

But John D. Weaver can write, and he knows that it takes more than views and tranquility and a "collaborator" wife to achieve that status. It takes what he's got—ability, an insatiable curiosity, dedication to the task at hand, and, most of all, hard work.

None of this "bask in the beauty and

maybe a thought will come to me" attitude for the Weavers. They appreciate the beauty around them, but it's only a frame for the central object: well-researched and professional writing.

It's up at 4 a.m. if need be, and to the typewriter before sunrise frames the stately mountains that enclose the bowl of the Valley.

This is the "creative" period for John Weaver, the time when he can concentrate on the glossy articles he pens for "Travel and Leisure" magazine (he's West Coast editor); on the short stories he's written for almost every magazine published, Collier's, Liberty, Harper's, Holiday, Esquire, you name it.

Then, too, this is when he outlines and roughs in the prose for such works of fiction as "Wind Before the Rain" and "Another Such Victory," or non-fiction products like "As I Live and Breathe," "Warren: The Man, The Court, The Era," "The Brownsville Raid," "The Great Experiment" and even a juvenile book on "Tad Lincoln: Mischief-Maker in the White House."

They weren't all written in this modern-homey, white-walled, white-carpeted, glass-enclosed hilltop house, of course. But the procedure never varies, and John Weaver will tell all aspiring young writers today the secret of his success: hard work, tireless research and the guts to take the gaff.

The Weavers "crossed the plains from Kansas City, Mo., in 1940 in a covered Chevrolet to homestead in the Hollywood Hills," as the dedication to his wife Harriett reads in his latest published work, "El Pueblo Grande," a non-fiction book about Los Angeles.

They came here on a wing and a prayer. The "wing" was "The Harriett Weaver Fund" of $500 and the "prayer" was that they succeed as a free-lance writing team. Both had taken a six-month leave of absence as feature writers for The Kansas City Star and headed for warmer climates to find inspiration for their combined talents.

"Our agenda was spelled out to include a month each in five warm climates and a month to get home," John recalls. "Los Angeles was first on our list, then Mexico City. Do you know, we've never made it to Mexico City?"

They came here, rented an apartment in the Silver Lake District for just $46 a month, and set to work. They weren't an overnight success as a writing team, but they managed to keep the proverbial wolf away from the door long enough to survive past their six allotted months. John had two articles published in "Esquire" magazine and Harriett made a sale to "Coronet." Then John worked on his first novel, based on his boyhood years in the Virginia hills. Then came another novel, this one based on the "Bonus Army" march into Washington, D.C., in 1932, an event he witnessed.

They bought their first house on the proceeds from the sale of another book, "As I Live and Breathe," and further possessions were accumulated from the sales of scripts for the motion pictures, "Holiday Affair," starring Robert Mitchum and Janet Leigh, and "Dream Boat," with Clifton Webb and Ginger Rogers.

"I worked five years on the Star and I've been out of work ever since," John says, with a smile, knowing that being "out of a steady job" is the best thing that's ever happened to this 37-year-married writing team.

John's book, "As I Live and Breathe," was hailed by his friend Robert Nathan as "Not only one of the funniest books I've ever read, but also one of the fondest and most enchanting."

Then came "The Great Experiment," which Walter Cronkite says "has finally put the workings of our government into a perspective that has long been lacking."

The Warren era chronicle was termed "a piece of literature in its own right; graceful, perceptive, balanced in its judgments," by Emmet Lavery, writing in the American Bar Association Journal, and "The Brownsville Raid," published in 1970, combines the best features of a spine-tingling mystery with a historical monograph of lasting significance," according to Ray A. Billington, senior research associate, the Henry E. Huntington Library.

This piece of non-fiction, perhaps, has brought John the most personal fulfillment.

Few writers live to see their books right a wrong, but John Weaver has.

In "The Brownsville Raid," he crusaded to wipe out a shameful blot on American history, the only documented case of mass punishment in the Army's file, a massive denial of civil rights that had been buried in its dusty archives.

It involved 167 black soldiers dishonorably discharged without trial.

The first battalion of the Army's 25th Infantry (all black) was stationed in Brownsville, Tex., where, on Aug. 13, 1906, racial tensions were running high and a rowdy shoot-up followed, leaving one man dead and another wounded. Although there was no evidence of any involvement by the black soldiers, they were confronted with an ultimatum from then President Theodore Roosevelt to either hand over their guilty or all be summarily dismissed from the Army.

All 167 soldiers professed innocence and ignorance of the event. All were immediately dishonorably discharged without benefit of court martial.

About six years ago, when John's mother mentioned to him that his late father, in the line of duty as a court reporter, had traveled to Brownsville from his home in Washington, D.C., only to see the 167 black soldiers have their careers destroyed without benefit of court martial John was filled with indignant disbelief.

Some quick digging into the official records at the UCLA Research Library indicated that such a thing had indeed happened.

His "Brownsville Raid" is the result of his thorough research into this incident and leaves no doubt of the innocence of the black soldiers or of the guilt of the late president Theodore Roosevelt and of the military system.

Under fire from publicity surrounding the book, Secretary of the Army Robert F. Froehlke in Sept. of 1972 granted honorable discharges to the 167 soldiers involved in the incident, stipulating, however, that no compensation was due the wronged survivors.

Meanwhile, Rep. Augustus F. Hawkins (D-Cal.) had introduced a bill to provide $25,000 compensation to surviving veterans of the raid. Only one had been located, a Dorsie Willis of Minneapolis. After two years of opposition to the bill by the Nixon Administration, it was passed into a law just this last November.

And on the day of this interview, a grateful Dorsie was due to arrive in Los Angeles to celebrate his 88th birthday with his friends, the Weavers, and to visit with Mayor Thomas Bradley in City Hall, where his picture would be taken cutting a giant birthday cake.

"Dorsie has worked all these years shining shoes simply because he could never get a job due to his dishonorable discharge or the phony disgrace heaped on him by the Army," John says, "Now he's got $25,000 for himself and his wife and another dozen surviving widows will receive $10,000 each."

For this single act of justice, writer Weaver has earned the commendation of his fellow writers, as expressed in a recent communication from Clifton Fadiman. (John is presently working on a follow-up version of the Brownsville Incident reversal for Reader's Digest).

But it's his "El Pueblo Grande" book that's being hailed not only in Los Angeles but also all over the country for its refreshing, concise and humorous analysis of Los Angeles' past, present and predicted future. It comes complete with earlier-day photographs that will delight longtime residents and newcomers as well.

And this month, the Encyclopaedia Britannica is coming out with its first new edition since the 14th edition was published in 1929, one which will contain an exact 6760 words penned for the Los Angeles entry by, you guessed it, the prolific John D. Weaver.

John says practically all of his work is biographical and historical now. It not only sells better, but it's also his preference. He revels in the city's research libraries and archives and spends afternoon hours delightedly digging up facts and figures for editors who've learned to rely on the authenticity of his articles.

And what about Harriett? She works right along with her husband, helping condense voluminous notes, cataloguing file cards and reference material, and exchanging editorial opinions with him in the final drafting.

She's also right there building shelves to hold their ever-increasing supply of books (she went to a woodworking class in Beverly Hills to learn how), or refinishing family heirloom furniture, or repainting the walls of their new home, or reupholstering furniture.

"I like to work with my hands," she says, in modest explanation and drastic understatement of the redecorating miracles she's wrought around the house. She's also laid bricks for her patio, grown herbs for her kitchen and contrived a room divider to replace a shoji screen she didn't like.

Together the Weavers work to preserve "their hills," serve on the city's brush clearance committee and entertain their literary friends. John also is a vice president of Friends of the UCLA Library and a member of the Los Angeles Library Association.

His advice to aspiring young writers and those not so young?

Work at it, and work hard.

"It's not true that editors won't consider the works of new writers or that it's a 'closed shop' in the publishing world," John says.

"But editors want writers on whom they can depend."

John admits there may have been more markets in his earlier days, but he believes that good writers will always be accepted.

As for John, he can't help writing. His bylines show up everywhere. They can be seen in national magazines as well as in the local press. His Los Angeles Handbook is a "must" for those who want to know where to find what, and how to penetrate the maze of services offered by the megalopolies.

Los Angeles has indeed been good to John Weaver. But then John Weaver has been good to Los Angeles.

CASE FOR A FEDERAL OIL AND GAS CORPORATION—NO. 10

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HARRINGTON. Mr. Speaker, I rise in support of proposed legislation to establish a Federal Oil and Gas Corporation.

Critics of this legislation have often maintained that the Corporation would

not be an effective yardstick by which to compare and evaluate the performance of private corporations. This question as to whether the Corporation would, indeed, be a legitimate yardstick is critical.

Those opposed to the idea of a Federal corporation argue that a Government-owned enterprise would enjoy overwhelming advantages and special privileges. If it were true, for example, that a Government corporation would not have to pay State or local taxes, or their equivalent, this would constitute a potentially unique advantage, and distort the Corporation's yardstick effect. But the proposed legislation provides that—

Whenever the Corporation owns land, facilities, equipment, or other items, which would normally be subject to taxation by a State or political subdivision thereof, the Corporation shall pay an amount to such entity in lieu of such taxes on the same basis and in like amount as would be paid in the form of taxes by a private owner.

Naturally, the question of Federal taxes remains to be considered. Given that the major oil companies now pay little Federal taxes of their own, complaints of any special tax advantages the Corporation might enjoy sound a little silly. In the future, however, the situation may change, and in a separate insert, I will discuss the relative positions of the Corporation and private firms with regard to their Federal tax situations.

TRAILBLAZING A STAR-STUDDED PATH INTO THE UNIVERSE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. TEAGUE. Mr. Speaker, I have just read an article that appeared in the Taunton Daily Gazette, February 11, 1974, in Taunton, Mass. Barbara M. Greenwood's article coincided with the Skylab 3 splashdown. Her words about our space program, I believe, will be of interest to Members of Congress and the general public:

TRAILBLAZING A STAR-STUDDED PATH INTO THE UNIVERSE

(By Barbara M. Greenwood)

NOTE.—With the Skylab 3 astronauts scheduled to splash down in the Pacific Ocean today after a 12-week mission, we feel this space article by Mrs. Barbara M. Greenwood of Swansea is, indeed, timely.)

The actual cornerstone of this nation's program of space exploration began on May 25, 1961 when our late President, John F. Kennedy, uttered his command to the peoples of this land, "Now it is time to take longer strides—time for a great new American enterprise—time for this nation to take a clearly leading role in space achievement, which in many ways may hold the key to our future here on earth . . ." These words are more prophetic today than when they were spoken to us back in 1961!

Most of our urgent problems today are global in nature. If we are to maintain earth as a livable dwelling place for mankind, we must learn to view it as a whole. We must understand that our existence depends on a delicate balance of nature and that this balance includes, not only all of mankind, but of all living things. One of our astronauts, William Anders of Apollo VIII, in the midst of the first circumlunar voyage, talked about our home planet as a small blue-green ball, about the size of a Christmas tree ornament and Al Worden, command module pilot of Apollo XV, made a similar comment before a joint session of Congress when he commented on the "oneness of the earth" that we do not see from the ground for in the deepness of space there are no visible boundaries.

To obtain this knowledge of understanding about our own earth and the universe, of which we are an integral part, is the prime objective of the National Aeronautics and Space Administration (NASA) space programs. It requires a sustained effort to develop the science and technology and the space vehicles to reveal what man's limited senses and capabilities cannot perceive unaided. In this perspective, we can readily see that our vision has been broadened to envelop nothing less than the conservation of the whole of earth for all of mankind!

There is an intricate relationship and reaction between our planet, earth, and a pulsating solar system—particularly with our sun. Despite blaring headlines of "energy crisis" this fault has not happened overnight! The widespread concern it has understandably evoked can be compared to a family (or a group) living off their savings, stored in a bank, and being steadily depleted. This process cannot go on for very long unless some income is added to the savings. In the field of energy, the most abundant income is solar energy. From all surveys and reports, it has been stated that we are using our fossil fuels at a tremendous and ever-increasing rate which means that, in the not-too-distant future, these supplies of energy (so vital to our present growth of civilization) must be abated. We will have to learn to use our fossil fuels more discreetly and learn to use the source of these fuels—radiant energy—directly by converting it into the forms of energy needed.

As an example:—solar collectors could be placed in orbit and transfer the collected energy to the earth. Already, in past and present space missions, solar collectors were capable of delivering several hundred kilowatts of thermal energy which operated at very high efficiency, were extremely lightweight and had a lifespan of five to ten years in space! This is our beginning.

Our very existence on this planet stems from Technology which can be made available as a result of pioneering aerospace programs. Already we have orbiting scientific satellites plus our fantastic Skylab. In the foreseeable future we have the European Space Research Organization Spacelab and alongside, on this threshold to celestial destiny, is the space shuttle!

In a real sense, we are "hatchlings of the earth" or, you might say, we are intelligent beings who have gained partial independence of earth bonds. The time has come for us to convert our "earth" from an all-supplying "moth" to a greater environment of many facets. Mankind is a searching creature—one who grows on challenges and futuristic dreams—and it makes little difference whether these challenges and dreams are found on earth or beyond, for man's relation to all entities is dictated by two consuming passions—love and conquest!

Preservation, therefore, has a much deeper meaning in this time more than ever before; that is, not only must we preserve our world's environment but also our world's infinite expanse, and it is now that we should single out our overriding generic responsibility to future generations and lay the foundation for a world that is bigger than a single planet! There is no effective alternative but to plan for a world in which earth and space are indivisible and interconnected by safe, cost-effective routine transportation.

The development and use of our space shuttle is man's first essential step towards such a scissor-like cut of the umbilical cord. We will take this baby-step into a greater environment of many worlds! Consider this: with space capabilities that begin with the shuttle, we will be able to remove things from earth that really are foreign to our environment; for instance, machines . . . our earth's surface raises constant havoc what with our humidity, fog and corrosive salt air! Space—orbits now (and later trans-lunar regions)—are favorable sites for many industrial activities. We cannot continue to the extent needed to raise mankind's living standard significantly by the continual industrialization on earth. We must immediately think of the separation of production and consumption from earth wherever practical and the degree of practicality depends largely on economic space transportation.

We cannot back-off and regress; we must move out in space for our planet, in actuality, is not isolated in space! Dr. Krafft Ehriche, chief scientific advisor, (advanced programs) for Rockwell International Space Division, made this statement: "The message we are receiving by our technology is this—space is opening the gates and earth is not the only world but a part of a greater system of worlds that has now become accessible to us."

Together—earth and space—is man's future and represents the boundlessness of a greater environment for tomorrow. This decade—the seventies—should project the successful explorations of the sixties into practical applications and, if we do not turnabout (as the dissidents of our space program would have us do!), the decade of the eighties will see the fruition our visionary capabilities have put to extensive use!

Dr. James C. Fletcher, NASA administrator, made the following statement at a news conference." . . . The United States space program, without the shuttle, would quickly become a dead-end program and near-earth space a place of peril instead of promise."

As a democratic and dynamic society, our country must assure its citizens certain national goals: 1) maintenance of national security 2) improvements of economic vitality 3) an enhancement of the "quality of life" and 4) an attainment of technological expertise as well as a maintenance of this expertise.

My urgent petition to my countrymen-women is that each individual will unite and support an above subsistent budget for our space program because this segment of our nation's economy is the critical point in the maintenance of our national security and ties in with the growth of our nation simply by the creation of new job opportunities and the expansion of our technological base in the development of new products which produce, in turn, a favorable balance of trade.

Today, we seem to be a people who need a sense of meaning and purpose. Before us is a challenge to emancipate mankind, for life is completely void without a titillating future! At our fingertips, we have a new awareness in science, and we are between two spheres—this planet we call "earth" and the unfolding of new worlds. The scientific intelligentsia that has already gone into our "whole" space program (especial note regarding our Pioneer 10's culmination of using nuclear power!) is one of America's greatest reources. Do not—and I cannot stress this enough—be misled by the skeptics for this technological scientific lead is, without a doubt, our country's greatest asset! We must rededicate ourselves and, in so doing, the continuity of our "flight to the stars" remains intact.

WAYNE A. WILCOX

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. BRADEMAS. Mr. Speaker, among those who lost their lives in the recent crash of a Turkish airliner near Paris was a valued friend and an outstanding educator and public servant, Dr. Wayne Ayre Wilcox. His wife, Ouida Neill Wilcox, a daughter, Kailan, and a son, Clark, two of their four children, were also killed in the crash.

Mr. Speaker, Dr. Wilcox, a foreign service officer of the U.S. Information Agency, had been the Cultural Attaché at the American Embassy in London where I frequently had the privilege of seeing him. He had served with distinction in a variety of educational and governmental positions.

He had served as professor of government, chairman of the department of political science and research member of the Institute of War and Peace Studies and the Asian Institute at Columbia University.

Mr. Speaker, I extend to the families and friends of Dr. and Mrs. Wayne A. Wilcox my expression of deep sympathy.

I insert at this point in the RECORD excerpts from a report on the death of Dr. Wayne A. Wilcox from the Washington Post of March 7, 1974:

WAYNE A. WILCOX, U.S. ATTACHÉ IN LONDON

Dr. Wilcox, who was an authority on political science and the author of four books as well as numerous other publications, had been assigned to the embassy in London since joining USIA in 1971.

Earlier he had been a professor of government, chairman of the department of political science and research member of the Institute of War and Peace Studies and the Asian Institute at Columbia University.

Born in Pendleton, Ind., Dr. Wilcox was a graduate of Purdue University. He received a master's degree and doctorate in international relations and comparative government from Columbia.

As a fellow of the university, of the Rockefeller Foundation, the Ford Foundation and of the Council for Research in the Social Sciences, he did research work in Pakistan, India, Ceylon, Burma and Nepal. He also was in those areas as senior research analyst of the Rand Corp., and as a consultant for the State Department.

From his work came four books, "Pakistan: The Consolidation of a Nation," "India, Pakistan and the Rise of China," "Asia and the United States Policy" and "Asia and the International System."

He also was the author or co-author of scores of articles stemming from his research.

Later, Dr. Wilcox moved into the areas of Western Europe and Russia (as a guest of the Soviet Academy of Sciences). He was in Great Britain as a Guggenheim Fellow when he joined USIA.

He was a visiting lecturer at the Foreign Service Institute of the State Department in 1968–71.

Dr. Wilcox had interrupted his academic life to serve at sea as a gunnery officer with the Navy from 1954 to 1956.

He was a member of numerous organizations, including the American Political Science Association, the Association of Asian Studies, the International Institute for Strategic Studies, the Academy of Political Science and the American Association of University Professors.

He was a fellow of the Royal Society of Arts and the Royal Society of Literature and a trustee of the American School in London.

CONTROLS FORCED GASOLINE PINCH, ECONOMISTS BELIEVE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HUBER. Mr. Speaker, many of us are of the opinion that controls on the economy have failed and ought to be lifted entirely in order to free up the economy. Recently, an article supporting this contention, as regards the gasoline shortage, appeared in the Detroit News on March 8, 1974. This article quotes economists of both liberal and conservative persuasion to support the unproductive role of Government interference in the economy. I commend the article to the attention of my colleagues:

CONTROLS FORCED GASOLINE PINCH, ECONOMISTS BELIEVE

(By John E. Peterson)

WASHINGTON.—Could the Great American Gas Shortage have been avoided?

A growing number of prominent economists are saying that gas would have remained a plentiful commodity if the government had kept its hands off the marketplace.

Under such conditions, they argue, gas prices long ago would have leveled off at a price high enough to allow the United States to compete on even terms with other industrialized nations for the world's oil supply.

The "clearing price" for gasoline would have stabilized at anywhere between 45 and 80 cents a gallon, depending on which economist you believe. Once reached, the price would have been attractive enough to provide the country with plenty of gas, they say.

To back their contention, the economists usually point to two countries which did not attempt full control of gas prices—West Germany and Canada. Both of those countries are heavily dependent on imported crude oil for gasoline.

In West Germany, which imports more than 90 percent of its oil, the price reached about $1.20 a gallon, but that included 74 cents in excise taxes. U.S. gas taxes average about 12 cents, causing many economists to believe that American prices would have leveled off at about 62 cents less than West Germany's—or at about 60 cents a gallon.

Although West Germany at first imposed a Sunday driving ban (since lifted), its motorists never had to put up with long gas queues.

Another country with few gasoline lines is Canada, particularly in the eastern provinces where most of the gasoline is refined from imported crude oil.

In Canada, the market in the east cleared at about 60 cents an imperial gallon, which has the same measure as five U.S. quarts. Including difference in taxes, that would mean about 50 cents a gallon in this country.

Canada depends on imported oil for its eastern provinces but exports from the West at world prices. The excess profits from these exports are used to keep the prices from soaring in the east.

The economists who are arguing that a free market would have prevented the U.S. shortage cross a broad ideological spectrum. They range from conservative Milton Friedman of the University of Chicago to the more liberal Hendrik Houthakker of Harvard and George Perry of the Brookings Institution.

Friedman, writing in the March 4 issue of Newsweek, estimated that current U.S. gas prices are slightly higher now than they would have been with no controls.

"The way to end long lines at gas stations is to abolish the Federal Energy Office," he writes, "and end all controls on the prices and allocation of petroleum products.

"How can thinking people believe that a government that cannot deliver the mail can deliver gas better than Exxon, Mobil, Texaco, Gulf and the rest?"

Houthakker, studying the elasticity of gasoline prices, believes that gas would have cleared at about 75 cents a gallon—an estimate which puts him in the same ballpark with federal energy chief William E. Simon.

The Wall Street Journal recently suggested that the whole reason for the being of Simon's FEO was to maneuver the price of gas up to the clearing price as quickly as possible but in a manner not designed to offend Congress.

In other words, the FEO was merely a political expedient to appease Congress, and particularly those members seeking to make the oil industry scapegoat for all, or almost all, of the pressing fuel problems, it suggested.

Brookings' Perry recently put the leveling off price of gas at about 80 cents.

What is interesting to note is that all of those who have actually studied the situation have predicted the clearing price would fall far short of the $1 a gallon that many politicians were talking about earlier this year.

The Wall Street Journal said U.S. gas prices would not hit $1 a gallon until crude oil prices reached $29.14 a barrel. The Arab oil cartel's recent price of $10.35—which is now starting to be cut back—would have had to nearly triple, according to the Journal's math work.

The economists favoring the free market solution to the nation's oil problem are quick to point out that all of the industrialized nations that imposed controls have now "decontrolled"—mainly because of West Germany's successful example.

The price of crude oil, which once reached $19 a barrel during the early days of the Arab oil embargo, appears to be ready to level off at about $7 a barrel or slightly less.

Kuwait recently offered 50 million barrels of oil to West European countries at $10 a barrel and could sell only half of that amount. It was forced to sell the rest at prices averaging less than $9 a barrel.

Secretary of State Henry Kissinger is reported to have told President Nixon that, with the Middle East peace solidifying, the 15 Arab oil ministers probably will vote to end the embargo at their meeting in Libya Sunday.

PRESIDENT'S FOREIGN POLICY GOALS ANNOUNCED

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. BROOMFIELD. Mr. Speaker, the other night I had the pleaure of hearing the President address the Veterans of Foreign Wars annual congressional banquet. The address, which dealt with the future of the U.S. foreign policy, was one of the President's finest. I certainly endorse the goals he has set forth for our

country in foreign affairs, and I would like to bring to the attention of my fellow Members this excellent speech by the President on our future in this vital area:

EXCHANGE OF REMARKS BETWEEN THE PRESIDENT AND RAY R. SODEN, COMMANDER, VETERANS OF FOREIGN WARS

Mr. SODEN. The office of the President of the United States is awesome in its power and influence. The man that holds it has an immeasurable impact on the course of events in history. The power of this office parallels the strengths of the United States morally, economically and in every positive way.

The President of the United States is the only public official who is elected by all the American people. Wherever he goes, he carries with him the hopes and dreams of all Americans.

Richard M. Nixon has given the United States a lifetime of public service. From the moment he left the Navy at the end of World War II to this very instant, his life has been dedicated to America. He has served in the House and Senate. He was Vice President for eight years and is now well into his second term as President of the United States.

He is a life member of the Veterans of Foreign Wars. He was elected to his second term in 1972 with the largest mandate in history. He brought to a successful conclusion America's combat role in Vietnam, and we all painfully remember the hatred that war engendered.

He inherited and he ended it. Not only did he bring the men home, but he won freedom for our prisoners in North Vietnam. We all hope and pray that he will be just as successful in forcing North Vietnam to keep their word and let us know the fate of our men missing in action.

By skillful and firm negotiation he has given us all hope that the hatreds in the Middle East that have poisoned international relations for 50 years may at last be resolved.

While all of us in this room are fully committed to the proposition of America's security must be safeguarded at all costs, President Nixon has achieved a new direction in our relations with the Soviet Union and Communist China.

To use his phrase, "negotiation, not confrontation" is the order of the day. A generation of peace is his goal, and the whole world has breathed a sigh of relief. President Nixon has been one of the VFW's best friends. His position on world affairs generally has mirrored the view of this organization.

He is against the amnesty for draft dodgers and deserters. As you can see, so are we. He is for world peace above all, but not at any price. So are we.

Last year, in New Orleans, his Secretary of State, Henry Kissinger, told us that during the dark days of riotous dissent in his first Administration, President Nixon was heartened by the support this organization gave him. Those words gratified us all.

This organization has no political axes to grind. We support the office of the President of the United States because it represents us all. Once again, we are honored to welcome the President of the United States to our Congressional Banquet.

And, Mr. President, at this time I would like to have you join me at the podium, sir, for a brief presentation commemorating our Diamond Jubilee year, and I would like to present to you our gold medals commemorating our 75th anniversary.

Now, ladies and gentlemen, it gives me a great honor to present to you the President of the United States.

The PRESIDENT. Thank you very much.

Commander Soden, Congressman Mahon, all of the distinguished guests here at the two head tables and all of the distinguished guests in the audience:

I am very grateful to you, Commander, for being spoken of so eloquently and so generously and also grateful to receive this medalion which commemorates this organization's 75th anniversary, and I think that this is an occasion to perhaps pay a tribute to the VFW.

I have done it before, but I would like to do it especially because this is not only the Diamond Jubilee year for the VFW as an organization, but this is the Silver Anniversary of this annual dinner for the Members of the Congress, the House and the Senate.

As you have already noted, I am a lifetime member of the VFW. I have been a member for 27 years, so I know the organization well, and I believe I can safely say that I have addressed more dinners, conventions, State and national, of the VFW than perhaps any public figure in America today, and I am proud to have had that opportunity.

I know this organization in public life as Vice President for eight years and also as President for five years. I also have known it in private life, but there is one thing I particularly want to emphasize in terms of what this organiaztion means to anyone who serves in the highest office of this land.

It is very simply this: The VFW is an organization that when the hard decisions are made by a President of the United States, you can always count on this organization to stand above partisan interest and for the national interest. That is the VFW.

And that long and difficult war to which you have referred, when at times there were even hundreds of thousands of people who were marching around and on the White House, as I have often recalled, I didn't have to call the Commander of the VFW, the national Commander to ask for his support, he called me, and that is the way the VFW is when this country needs support.

It seems to me very appropriate, therefore, that the award, your annual award to the Member of Congress, should go to George Mahon of Texas. I would like to refer to him tonight in tandem with the man who was to receive it last year, who did receive it, but who could not be here for reasons we are aware and let us say that we are all thankful that John Stennis is back in the job as Chairman of the Armed Services Committee.

I have had the privilege of knowing both of these statesmen for 27 years. George Mahon has served for 40 years at the end of this year in the House of Representatives. As you can see, he married a woman much younger than himself. (Laughter)

But one thing that George Mahon and John Stennis have in common is this: They are both very loyal members of their party, but I can assure you that when the strength of America is involved, when the honor of America is involved, when respect for America is involved and the President of the United States, be he Republican or Democrat, has to make a decision involving the strength or the honor or respect for America, these men always put America first and party second. That is the kind of men we have in your two honorees.

And so I therefore am proud to be here as your guest, but also proud to be here to join you in honoring them. Since you have remarked about the progress that has been made toward peace, I would like to say just a word without impinging upon Congressman Mahon's time because we will want to hear, of course, from him primarily about where we stand and what we have to do if we are going to achieve our goal of a generation of peace, and we would trust much longer than a generation of peace.

We have ended America's longest and most difficult war, as you have pointed out. We have assisted in bringing about a time of peace in the Mideast with the possibility of building a more permanent peace in that trouble area of the world, where incidentally the hatreds go back more than 50 years. They go back 1000 years.

We also have begun a new relationship with those who lead one-fourth of all the people who live on the face of this earth. We have also begun a different relationship with those who lead the Soviet Union, who have been in constant confrontation with the United States since the end of World War II.

And when we think of these things, sometimes it is very tempting to say the United States carried such great burdens in World War I, World War II, then Korea almost by ourselves, in Vietnam by ourselves, and in all of these four wars in this century, we fought them, we lost our young men, we paid out great sums of money, we received nothing in return insofar as territory or conquest was concerned.

We helped rebuild not only the lands of our allies but those of our enemies until now they are competitors in the free world. All this we did, and there are those who would suggest now that we have peace in Vietnam, a new relationship with the Soviet Union and a new relationship with the PRC and the beginning of possibly peace in the Mideast, why can't the United States turn only to its problems at home or primarily to them and away from these great world responsibilities that we have carried.

It is very tempting to suggest that because there are so many things we would like to use, money that we could cut from our Defense budget here at home, but let me talk very directly to that point, to an audience that I know needs no persuasion on it but it needs—all of us need to be reminded of why.

We need to be reminded of what peace is in today's world. Sometimes we conclude that once you get peace, that is it, and then we just relax, but in the kind of a world in which we live, with great powerful nations with totally different systems of Governments and different interests, peace is never something that is achieved once and for all and then can be taken for granted. Peace is a continuing process, and the key to whether that process will work is in the hands of the United States of America.

I want to say to you, my friends of the VFW, and all others listening, that the cause of peace is in good hands, good hands because, while we are the most powerful and the richest country in the world, we have no designs on any other country, no other country fears that we are going to use our power to take away their freedom. They know that we will only use it to help them defend freedom. No other country fears that we will break the peace, we will only use it if it was necessary in order to help deter war and keep the peace.

But the key to the United States is to be able to play the role of peacemaker in the world lies in strength, military strength is part of it. The strength of our will is part of it. The respect that we have as a nation is part of it, respect for ourselves and respect from other nations that we gain by how we conduct ourselves in the world.

But in terms of peace in the years ahead, we must remember that as distinguished before World War I, when we could look across the ocean and look at other nations, then the British and the French, who were powerful and could carry the burden until we came in, and in the World War II when we could look to other nations, then again the British and the French before they were taken over, and let them hold until we came in.

Today the world has changed. And whether we like it or not—and many Americans don't like it—we do not like the burden because we would like to get it lifted from us. But this is the fact of international life.

There is no other nation in the free world that has the strength, that has the respect to help keep the peace and play the great role, an honored role of peacemaker in the world, whether it is in the Mideast or any other part of the world.

Let me put it quite directly, when we talk about budgets, on which Chairman Mahon is one of the premier experts, not only in the United States and the world, I am not suggesting that they are sacrosanct but I do know this, in terms of the Defense budget of the United States, it is essential that at this particular time when we finally have achieved peace, that the United States keep the strength that we need to keep the peace.

It is particularly essential that we not listen to those who say that we should unilaterally reduce our forces when others who are equally strong do not reduce theirs. Only when others mutually agree to reduce theirs do we reduce ours. Putting it quite bluntly, let us be sure that the United States never in this time becomes the second strongest nation in the world.

And in using that term, it is not said in any sense of jingoism, but only because that is the key to peace, the strength of America properly used, as it has been used in this century, for that great cause.

Could I now say a word to these 53 winners? I know there was only one tonight, Mr. Russo from California, but let me say that I consider all 53 to be winners. You won in your own states or territories, as the case might be. You have come here to Washington and, although you may not have been first today, remember, you can lose one time and win the next. I know, I'm an expert on that.

So keep trying, keep working, and we all know that we need each and every one of you, each of the young men and young women here. We need you in American public life and the fact that you are starting so young, with so much idealism at this period, speaks well for the future of our country.

Sometimes you may hear it said that this is rather a poor time for someone to be young in America because of all the burdens that we have, some of which I have referred to at home and abroad. But don't you believe it. The fact that America does have in this burden the opportunity to help build what the world has not had in this century, a generation of peace for ourselves and for three billion people, this makes this a great time to be living in America, to be young.

Our heritage, the one that we want to pass on to you, is a generation of peace. And I can assure each and every one of you that in the three years that I have in this office remaining, that one goal will be mine above every one else, and that goal is to help build a peaceful world, one which you can inherit and which you then can build on and pass on to the next generation and we can achieve that goal, I can assure you. We can achieve it with the support of great patriots like Congressman Mahon, Senator John Stennis and the others gathered up here. And we can achieve it with the support of patriotic organizations like the Veterans of Foreign Wars.

But above all, we shall achieve it because the American people, even at a time that we are almost 200 years old, has still not forgotten that when we were very young and very weak and very poor, we meant something to the rest of the world that could not be measured in terms of strength or wealth. America had a meaning far beyond itself and those who founded this country knew it.

Today we still have that same meaning. And at a time that we have become rich and that we have become strong, let us be worthy of the spirit of those who founded this country. If we are worthy of that spirit, the next 200 years can be greater than the first 200.

Thank you.

CONSUMER ENERGY ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mrs. SCHROEDER. Mr. Speaker, today I am cosponsoring the Consumer Energy Act, previously introduced by my colleague Mr. Moss and 13 other Members as H.R. 12888. I believe that this bill is an excellent alternative to the travesty of a bill known as the Energy Emergency Act, which has so recently died of a malady known as "crisis reaction."

The Consumer Energy Act, as opposed to the last energy bill we considered, is a well-thought out, long-range approach to the energy problem. It is not a short-term, shortsighted approach such as the administration has been proposing—an approach which creates more problems than it cures.

America's energy fix has hurt the consumer, the worker, and the small businessman at a much greater impact than others. The injury has much been caused by a lack of competitiveness among the major corporations engaged in the energy industry. The U.S. Government, including Congress, has been to a large extent the fostering agent of the present noncompetitive atmosphere in the industry. The Government has been idle or has too easily bowed to the vested interests, to alter the state of the industry. In turn, the major oil companies have used this Nation. What is good for the major oil companies, I have often been told, is good for America. I disagree. What has been good for the major oil companies is a lack of competition. There were 40,000 oil producers in the United States in 1954; there are now 10,000. I fail to see any good being done to America's free enterprise heritage and future where the number of capitalists engaged in an industry have dropped 75 percent in the last 20 years. Competition is obviously not fostered by a reduction in the number of competitors. Competition reduces prices honestly and forecloses the need for long term governmental interference at all levels of an industry.

Mr. Speaker, many people in this Nation would favor an immediate, calamitous alteration of the structure of the energy industry. The Consumer Energy Act, on the other hand, calls for a gradual restructuring of the industry, done on an incentive basis with the Government acting essentially as a watchdog, regulating only those in the industry who have no incentive to regulate themselves. For sure, this bill does call for a temporary rollback in crude oil prices to the December 1, 1973, level, but since December 1, prices for crude oil have gotten out of hand and have not been entirely based upon reason. On the other hand, the bill will after a short period deregulate the small producers of oil and natural gas, allowing them to raise the capital they need for further exploration. The independent oil operator—the wildcatter who finds new oil—is going to be extinct unless capital is available. Such a person, however, cannot float loans at the bank, sell bonds on the exchanges, or even arrange a loan with the Small Business Administration to finance his ventures, but only can risk all in exploration. The sole hope left that we in America can once again have a competitive energy industry is the small oil company, and the sole hope for the small oil company is an incentive for risks taken, access to pipelines, safety from being bought out, and access to Federal lands. The Consumer Energy Act supplies these needs.

Mr. Speaker, competitiveness will be fostered by the Consumer Energy Act. The major oil companies, which have evolved into massive octopi, would be monitored by the Federal Trade Commission and the Federal Power Commission. In addition, in order that all things be equal, a Federal Oil and Gas Corp., modeled on the TVA, would be set up to compete with the measures, at their level, and to supply a drastically needed yardstick by which to measure the majors' claims, which we all hear, about how they are always "doing their best."

Mr. Speaker, the energy industry is a dichotomy. It is to much extent a cut throat and competitive business among the dwindling number of independent oil men and a collusive and monopolistic interlock among the majors. It is very obvious where things will go in the future: We need only look at the trends of the last 20 years. We must turn these trends around now, and foster competition where competition can be fostered, or we will find ourselves strangled by our own inactivity and our lack of positive and long term solutions to a very grave problem. Only with a new era of competition in the energy industry will the consumer of this Nation's energy again benefit.

AMENDMENT TO H.R. 69

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. FORD. Mr. Speaker, pursuant to House Resolution 963, providing for the rule for the consideration of the bill H.R. 69, I am today submitting for publication in the CONGRESSIONAL RECORD the text of a proposed amendment.

My amendment is a substitute for the text of H.R. 69. It is basically the text of the Quality School Assistance Act which I introduced in January of last year.

The Quality School Assistance Act has one basic purpose, and it is set forth in section 2 of the bill. Its purpose is to furnish financial assistance to local educational agencies to assure that their resources, when supplemented by Federal assistance, will be adequate *to provide an excellent elementary and secondary education for all children.* (Emphasis added.)

The Quality School Assistance Act proposes to accomplish this goal by providing a greatly expanded form of Federal general aid to education, by providing special construction and modern-

ization funds for overcrowded and impoverished school districts and by extending the impact aid program.

It proposes to accomplish this goal by increasing the Federal Government's contribution to the cost of educating our children fivefold.

The major provision of the Quality School Assistance Act would authorize a 5-year program of general aid during which the Federal contribution to the cost of educating our Nation's children would be increased from the present miserly rate of 7 percent to a full 35 percent of the actual cost.

Beginning in fiscal year 1975 the Quality School Assistance Act would authorize a basic grant to each local school district equivalent to 20 percent of the national average per pupil expenditure or the State average, whichever is greater, multiplied by the number of school age children in the attendance area of the district.

The rate of contribution would be increased by 5 percent in each of the 3 succeeding years, so that in fiscal year 1976 it would, be 25 percent; in fiscal year 1977, 30 percent, and would reach the level of 35 percent in fiscal year 1978. In 1979 the rate would remain constant at 35 percent.

I should like to point out that the concept of substantial Federal general aid is neither new nor novel. It is a concept which has been the topic of a great deal of discussion, and it has been received quite favorably by educators throughout the Nation. General Federal aid was endorsed by the National Education Finance project, a project funded by the U.S. Office of Education, nearly 2 years ago. It is also supported by virtually every education-oriented organization in the country.

Further, the target figure of 35 percent of the actual cost of education should not seem unrealistic. The National Education Finance Project, in its report issued in 1971, endorses a minimum rate of Federal contribution of 21 percent, but states that a figure closer to 30 percent would be more preferable.

The report states that "the minimum amount of Federal aid needed in order to at least make some significant impact on the accomplishment of Federal purposes—would total approximately 21 percent of total school revenue. Those purposes would be much more adequately accomlished if the Federal Government would provide 30 percent of the total school revenues." The report also refers to the need for both "present categorical aids plus the proposed general aid."

Yet the recommendations of this report, which was funded by the Federal Government, have been totally ignored—both by the executive branch and, unfortunately, by the Congress as well.

As one who is in constant contact with educators from all over the country, it has become my firm belief that the Federal Government must begin to face up to its responsibilities with respect to education now. Providing adequate funds to educate our children must become our No. 1 priority. The future of our country depends on it.

Mr. Speaker, following is the text of my amendment to H.R. 69.

AMENDMENT TO H.R. 69 OFFERED BY MR. FORD

Strike everything after the enacting clause and insert the following language in lieu thereof:

That this Act may be cited as the "Quality School Assistance Act of 1974".

PURPOSE

SEC. 2. It is the purpose of this Act to furnish financial assistance to local educational agencies to assure that their resources when supplemented by this Federal assistance, will be adequate to provide an excellent elementary and secondary education for all children.

AUTHORIZATION OF PROGRAM AND APPROPRIATIONS

SEC. 3. (a) The Secretary shall carry out a program during the fiscal year 1975, and each of the four succeeding fiscal years, for making grants to States and to local educational agencies as provided in section 4, and shall carry out a program during the fiscal year 1975 and the fiscal year 1976 for making grants to local educational agencies for the purposes of section 5.

(b) For the fiscal year 1975 and the succeeding four fiscal years there is authorized to be appropriated such amount as may be necessary to carry out section 5 of this Act.

(c) There is authorized to be appropriated for the fiscal year 1975 and the fiscal year 1976, such amount as may be necessary to make the grants provided for in section 5 of this Act.

QUALITY ASSISTANCE

SEC. 4. (a)(1) From the amount appropriated under section 3(b) for the fiscal year 1975, the Secretary shall allot to each local educational agency in a State for making grants under this section an amount equal to the aggregate of—

(A) 20 per centum of the product obtained by multiplying the estimated number of children who will be in the membership of elementary and secondary schools in the school district of such agency at the beginning of the school year ending during such fiscal year by the average current expenditure per public school child for the State or for all of the States, whichever is the higher, and

(B) an amount which bears the same ratio to one-third of the amount determined for all local educational agencies in the States under clause (A), as the number of children to be counted for purposes of this clause as determined under paragraph (4) bears to the number of children so counted for all local educational agencies in the States.

(2) From any amount appropriated under section 3(b) for the fiscal year 1975 and each of the four succeeding fiscal years, the Secretary shall make an allotment to each local educational agency in a State in the same manner as is provided in paragraph (1), except that the percentage factor to be applied in making determinations under clause (A) of such paragraph shall be 25 per centum for the fiscal year 1976, 30 per centum for the fiscal year 1977, and 35 per centum for the fiscal year 1978 and the fiscal year 1979.

(3) An amount equal to not more than 2 per centum of the amount allotted under paragraph (1) shall be allotted to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands from the amount so appropriated according to their respective needs for assistance under this section, and the Secretary shall set the maximum amount which their local educational agencies shall be eligible to receive.

(4) The number of children to be counted for purposes of subparagraph (B) of paragraph (1) shall be determined as follows: If the Secretary determines that satisfactory data for that purpose are available, such number shall be the number of children who are aged 5–17, inclusive, in the school district of such agency (based on the latest available data from the Department of Commerce) who are in families having an annual income of less than $3,000, or in families receiving an annual income in excess of $3,000 from payments under the program of Aid to Families with Dependent Children under a State plan aprpoved under title IV of the Social Security Act. In any other case, such number shall be the number of children of such ages in such county or counties in which the school district of the particular agency is located who are described in the preceding sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the Secretary. In the case of local educational agencies which serve in all or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the Secretary may allocate the number of children among such agencies in such manner as he determines will best carry out the purposes of this section.

(5) For purposes of this subsection and subsection (b) the term "State" does not include Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) Any local educational agency in a State which desires to receive for any fiscal year a grant under this section shall submit to the appropriate State educational agency an application which contains—

(1)(A) an analysis of the facilities, curriculum, equipment, teacher preparation, and other related matters of the elementary and secondary schools in the school district of the local educational agency. (B) An assessment of the educational attainment of elementary and secondary school pupils in basic educational subject areas. (C) An analysis of the number of those students who proceed to postsecondary education, those who after completion leave the elementary and secondary education system and find substantial employment, and those who leave school before completion of elementary or secondary education. (D) An analysis of the need for adult education programs. (E) The need for special in-service, teacher-training programs. (F) A detailed description of the proposed use of funds granted under this section with assurance such use of the funds will best enable the local educational agency to meet the educational needs of children and adults in the school district as reflected by the analysis and assessment of the educational needs of such children and adults evidenced in the matters submitted in clauses (A), (B), (C), (D), and (E) above.

(2) an evaluation of the effectiveness, including objective measurements of educational achievement, of programs and projects funded in the preceding fiscal year from funds provided under this section;

(3) such other information as the State educational agency may reasonably need to enable it to perform its duties under this section; and

(4) assurances that—

(A)(i) to the extent consistent with the number of children in the school district of such agency who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, will provide for the benefit of such children in such schools secular, neutral, or nonideological services, materials, and equipment including such facilities as necessary for their provision, consistent with subparagraph (B) of this section, or, if such are not feasible or

necessary in one or more of such private schools as determined by the local educational agency after consultation with the appropriate private school officials, such other arrangements, as dual enrollments, which will assure adequate participation of such children, and (ii) from the funds received by such agency under the provisions of section 4(a)(1), such agency will expend for the purposes of fulfilling the requirements of this paragraph, an amount which bears the same ratio to the total amount received under section 4(a)(1) as the number of children enrolled in private nonprofit schools who are counted for purposes of section (4)(a)(1) (A) and (B) bears to the total number of such children enrolled in elementary and secondary schools in the school district of such agency;

(B)(i) the control of funds provided under this section and title to property acquired therewith shall be in a public agency for the uses and purposes provided in this section, and that a public agency will administer such funds and property; (ii) the provision of services pursuant to subparagraph (A) shall be provided by employees of such public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services, is independent of such private school and any religious organization, and such employment or contract shall be under the control and supervision of such public agency; (iii) the funds provided under this section shall not be commingled with State or local funds; and (iv) Federal funds made available under this section will be so used as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this section;

(C) it will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such applications; and

(D) no more than 10 per centum of the funds received under this section in any fiscal year will be used for capital outlay and debt service.

(c) The State educational agency shall not finally disapprove in whole or in part any application for funds under this section without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

(d) Any State which desires to participate under this section or section 5 shall submit through its State educational agency to the Secretary an application, in such detail as the Secretary deems necessary, which provides satisfactory assurances that—

(1) except as provided in subsection (e)(2), payments under this section will be used only for programs and projects which have been approved by the State educational agency pursuant to subsection (c) and which meet the applicable requirements of that subsection, and that such agency will in all other respects comply with the provisions of this section, including the enforcement of any obligations imposed upon a local educational agency under subsection (d); and

(2) the State educational agency will make to the Secretary (A) periodic reports (including the results of objective measurements required by subsection (d) evaluating the effectiveness of programs and projects assisted under this section in improving educational attainment, and (B) such other reports as may be reasonably necessary to enable the Secretary to perform his duties under this section (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year).

The Secretary shall approve an application which meets the requirements specified in this subsection, and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

(e)(1)(A) The Secretary shall, subject to the provisions of subsection (f), from time to time pay to each State the amount which the local educational agencies of that State are eligible to receive under this section.

(B) From the funds paid to it pursuant to paragraph (A) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved pursuant to subsection (c) the amount for which such application has been approved, except that this amount shall not exceed the allotment to that agency pursuant to subsection (a).

(2) The Secretary is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this section (including technical assistance for the measurements and evaluations required by subsection (b)), except that the total of such payments in any fiscal year shall not exceed—

(A) 1 percentum of the total grants made to local educational agencies of such State within that fiscal year; or

(B) $150,000, whichever is the greater, or $25,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(3) No payments shall be made under this section for any fiscal year to a State which has taken into consideration payments under this section in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(f) Whenever the Secretary, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under subsection (d), the Secretary shall notify the agency that further payments will not be made to the State under this section (or, in his discretion, that the State educational agency shall not make further payments under this section to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this section, or payments by the State educational agency under this section shall be limited to local educational agencies not affected by the failure, as the case may be.

(g)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under subsection (d) or with his final action under subsection (f), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

QUALITY CONSTRUCTION

SEC. 5. (a) In addition to the sums allocated to it under section 4, each local educational agency shall be entitled to receive the sum of $500 multiplied by the number of pupils of the local educational agency in the membership of elementary and secondary schools of such agency at the beginning of the school year for which payments are to be made pursuant to this section who are in excess of the classroom space available for elementary and secondary education in the schools of such educational agency assuming a maximum classroom size of thirty, with priority to districts now compelled to operate schools with less than full day sessions for all grades.

(b) There shall be added to the excess pupil count authorized by paragraph (a) an additional two hundred and fifty pupils for each one-room school in operation by such local educational agency and an additional five hundred excess pupil count for each school exclusive of one-room schools of which there are no library facilities and an additional five hundred excess pupil count for each school exclusive of one-room schools in which there are no scientific laboratory facilities.

(c) Funds allocated to a local educational agency for purposes of this section shall be utilized for the construction and modernization of facilities. Construction of facilities by any local educational agency from funds authorized by this section shall be approved by the State educational agency upon application by the local educational agency in which application there is indicated appropriate planning of its facility needs by the local educational agency in providing programs of educational excellence in conformance with the requirements of section 4(b).

REDUCTIONS NECESSITATED BY INSUFFICIENT APPROPRIATIONS

SEC. 6. If for any fiscal year the amount appropriated under section 3(b) is insufficient to make to local educational agencies the full amount of the allotments provided for in section 4(a) and section 5(a), then the amount of each such agency's allotment under each such section shall be reduced by a percentage (which shall be uniform for each such agency and both of such sections) which will result in allotments which do not exceed the appropriations available therefor.

DEFINITIONS

SEC. 7. As used in this Act, except when otherwise specified—

(a) The term "current expenditure per public school child" for a State or for all the States means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom local educational agencies in the State or in all the States provided free public education during the year for which the computation is made.

(b) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of education services, such as instructional equipment and

necessary furniture, printed, published, and audiovisual instructional materials and other related material.

(c) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(d) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act is vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purpose of this Act.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, and charitable contributions to which are deductible under section 170 of such Code.

(f) The terms "elementary and secondary school" and "school" means a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

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

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

(i) The term "State" means (1) one of the fifty States and the District of Columbia, and (2) for purposes of sections 4 and 5 (f), includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

EVALUATION

SEC. 8. Such sums as necessary but not to exceed a sum equal to 1 per centum of the amount appropriated for section 5 for any fiscal year shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs and projects authorized by sections 4 and 5.

JOINT FUNDING

SEC. 9. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any program, project, or activity funded in whole or in part under sections 4 or 5 the Secretary may be designated to act for all in administering the funds advanced.

GENERAL PROVISIONS

SEC. 10. (a) The provision of parts B and C of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress)) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "Quality School Assistance Act of 1974;" after "the International Education Act of 1966;".

SEC. 11. (a) (1) Section 3 of the Act of September 30, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1979".

(2) Section 15(15) of such Act is amended by striking out "1968–1969" and inserting in lieu thereof "1970–1971".

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "1973" wherever it appears and inserting in lieu thereof "1979".

(c) Section 16(a) (1) (A) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1979" and section 7(a) (2) (A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "July 1, 1973" and inserting in lieu thereof "July 1, 1979".

REMARKS OF EWALD B. NYQUIST, NEW YORK STATE COMMISSIONER OF EDUCATION, CONCERNING TITLE I OF H.R. 69

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. PEYSER. Mr. Speaker, I think that the Members of the House will be interested in the remarks that Commissioner Nyquist has made concerning title I of H.R. 69.

His speech follows:

STATEMENT BY THE HONORABLE EWALD B. NYQUIST, COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK

A problem that should be noted first is that the formula for Title I, which was accepted by the House Education and Labor Committee, was not the formula which was actually printed in the union calendar bill. There continues to be controversy over what the formula will actually be in the final analysis. Although we do not like either version, the constant shifting of how the formula would be calculated presents a serious problem in attempting to show its impact around the country.

The amendment to Title I makes three significant changes in the way funds are distributed that drastically alter the character of the program. First, the previously used $2,000 poverty cut off is replaced with the 1969 levels of the Orshansky Poverty Index. Second, the $2,000 level used in the AFDC portion of the formula is replaced by the Orshansky Poverty Index, but as updated annually by the rises in the Consumer Price Index. Third is a change in the payment rate. I wish to comment on each item individually.

The payment rate in the current formula provides 50 percent of the state or national average per pupil expenditure, whichever is the greater. H.R. 69 reduces the Federal share to 40 percent and provides a floor of 80 percent of the national average per pupil expenditure and a ceiling of 120 percent of this national average. The effect is that states with average per pupil expenditures which fall below the national average will be computed at 80 percent of that amount; the states that fall between the floor and the ceiling will be computed at their state averages; and four states and the District of Columbia with state averages that naturally fall above the 120 percent ceiling will be limited to the ceiling.

We believe this 120 percent ceiling is a penalty to any state that is making a significantly greater effort to provide quality education for its children. In New York, our average per pupil expenditure is above the ceiling not only because of our high cost differentials, but also because we try to have a higher ratio of instructional staff to students in order to insure a better education for our children. A recent study has projected that at least seven other states are increasing their expenditures at a rate that will bring them over the 120 percent ceiling by the final year of this legislation. Certainly this "disincentive" would be a disastrous precedent in any legislation.

Further, the 40 percent share has the effect of reducing the handicapped program under Title I in every state in the Nation, as compared with Fiscal Year 1974. Even at an increased appropriation level as requested by the President for Title I, the program will decrease from $85 million to $61 million nationwide. This seems clearly inappropriate at a time when state and local governments are being required to provide greater educational services for the handicapped children of our Nation. In view of the high excess costs involved in providing these services, even the handicapped education legislation now pending in your Subcommittee will not go far enough in making up the difference.

Finally, we find these limitations not uniformly applied within the Title I program in H.R. 69. Although the payment rate is changed as described above, the payment section for Indian children attending out-of-state schools under contract with the Bureau of Indian Affairs is quite different. In that section, there is a floor of the state average, or 120 percent of the national average per pupil expenditure, whichever is the greater. Thus, Indian children being provided educational services under contract with BIA who are located in any of the four states or the District of Columbia mentioned previously, would be able to receive reimbursement at a level greater than the 120 percent of the national average. Yet, at the same time, the regular Title I program in those states would be limited to the 120 percent ceiling for the children being served. A floor of 80 percent of the national average in one part of the program and a floor of 120 percent of the national average in another part of the same title seems totally inconsistent. We believe that *all* children within a state whose average per pupil expenditure exceeds the national average should be reimbursed at the state average at a minimum.

For the purpose of determining eligible children, the new formula uses the number of children aged 5–17 in families below the Orshansky Poverty Index as used for the 1970 Census and two-thirds of the children aged 5–17 in families with AFDC payments above the various income levels in the Orshansky Poverty Index updated annually by the Consumer Price Index. Here I must point out my assumption that the formula as explained to, and accepted by the Committee, and as appeared in the first Committee print of H.R. 69, is the correct statement of the formula.

Under this version of the formula, AFDC and the updated Orshansky are virtually incompatible. Aside from the administrative monstrosity that would be created in making counts case by case, AFDC would be almost totally eliminated from the Title I formula. Both my own state and the state of California, which are two of the higher AFDC paying states, have determined that most of our AFDC payments are below present Orshansky levels and will continue to be decreasing during the life of the bill. Since our AFDC has leveled off and is on the decline, the AFDC portion of the formula will never catch up with the rises of the Consumer Price Index.

After having determined the impact of the

formula in that light, the union calendar print of the bill was released which contained a significant change. Five words, "for a non-farm family of four," had been added to this section of the formula. The result of the change is the altering of the AFDC count by requiring a single income level of the Orshansky Index over which the AFDC will be determined, rather than the individual levels of the Orshansky Index.

Although this will relieve the administrative problem of obtaining the desired counts, it does not change the problem of the AFDC portion of the formula being virtually eliminated. Current estimates are that at the time the first fund obligations will presumably be determined sometime in June, the non-farm family of our Orshansky level will be approximately $4,600. H.R. 69 is explicit in requiring the Secretary of HEW to use the most recent "updated poverty criteria" for the counting of AFDC eligibles, available at the time of his determination. In my state, the number of eligibles that will be found under this criteria is very minimal. As the non-farm family of four figure rises with the Consumer Price Index over the next three years, the AFDC eligibles will be wiped out. I cannot accept the position that children on AFDC are not children from low-income families.

There is a further problem caused by the use of two Orshansky Index levels for the different portions of the formula. The basic Orshanky county which will be used for the major portion of the eligibility count was determined using 1969 Orshansky levels during the 1970 Census count. That count is static and will not change until the next decennial census count is made. The rising Orshansky levels will therefore apply only to the AFDC portion of the formula. The result is a continually widening gap of children who are above the poverty level of 1969 and below the AFDC over Orshansky nonfarm family of four level, who will not be included in the formula. There appears to be no justification for their exclusion.

It has been stated that this critical shortcoming in the formula will be alleviated by the year-to-year updating of the Census counts as provided in H.R. 69, at a cost of approximately $30 million. Although H.R. 69 provides that a study will be made to determine its feasibility, we know some difficulties that will be encountered by reading the testimony of the officials from the Bureau of the Census before the General Education Subcommittee on May 3, 1973. One can find clear statements that a $30 million survey would provide only a state-by-state accurate count and not a county-by-county determination. To have accurate figures on population distributions below the state level would require a sample check of the same magnitude as a decennial census. This whole process could certainly not be completed before the expiration date of this legislation.

It would therefore appear quite evident that there are some difficulties in implementing the particular combination of Orshansky and AFDC as provided in your new formula. The AFDC factor is critically important to population centers in the country and it is currently the only adequate data that is collected county-by-county on a yearly basis. It will be effectively eliminated leaving only the still picture of the Orshansky count. I have expressed my feeling on several occasions that unless there is an attempt to regionalize the Orshansky Index and the Consumer Price Index that is used to update it, the Orshansky Index is an unfair measure of poverty in some sections of the country. It is heavily weighted in favor of low cost-of-living areas where it is far easier for a person to survive at poverty levels prescribed. This is evident by the fact that with the new formula, the State of Mississippi will have 42 percent of its total elementary and secondary school population counted under the Orshansky Index as eligible for Title I funds. At the same time, Title I becomes more and more a selective program for the more industrialized states, such as the state of California, which will have only 12 percent of its elementary and secondary school enrollment counted eligible for Title I. As the formula increases the total universe of eligibles and as the appropriation remains fairly constant, clearly the overall effect will be a dispersal of funds around the country and not a concentration as has been the intent of Title I since its origin in 1965.

A statement in the Congressional Record on March 6 (p. 5474) indicates that the shift in the Census data from 1960 to 1970 caused a "greater distortion in the allocations under the formula because there was a significant decline in the number of census children counted under the $2,000 low-income level, while at the same time the number of AFDC children count remained constant." The first city shown in the accompanying table is New York City. This statement absolutely does not apply to New York City. The fact is that the census count for children in families with income under $2,000 increased by 17 percent in New York City, thus reducing the effect which the count of AFDC children had in the allocation of monies to New York City. I agree that there was a general decline in the county in the number of children being counted under this level, but a general decline in the country in the number of children being counted under this level, but as I have been continually pointing out, large numbers of low-income children have been migrating to urban centers. This is evident by the increase in low-income population that falls below the comparable standard of living income levels in 1969, such as $3,000 or $3,500.

It also should be pointed out that the table in the March 6 Congressional Record compares allocations at three different funding levels. Further, the Fiscal Year 1973 data represent the impoundment level of the President and not the final allocations made to each of the cities following the release of the impounded Fiscal Year 1973 moneys, the data for which are available at the U.S. Office of Education. I believe the most telling method of analyzing any formula change is to use the same amount of money being allocated in the current fiscal year for the basis of comparison. Only by this method can one determine the actual direction local school districts will be taking under the proposed changes. (See attached table.)

At whatever level of appropriations might be assumed, however, it is necessary to calculate the amounts that must be set aside first for the handicapped, migrant, neglected and delinquent, and other programs that must come "off the top" before the local educational agency allocation can be made. It has been estimated that the change in the method of counting children eligible for the migrant program may result in an increase in the migrant program that may consume a large portion of any increase in appropriation fo Title I. These factors must be considered before one can truly analyze the impact of the formula change on the local educational agency program.

Each of the problems I have outlined has a seriously negative impact on population centers everywhere. Although I agree the existing Title I formula is in need of change in accordance with the new Census information and the growth of AFDC in the formula, such change should not be to the detriment of any region or any particular section of the country. Any new formula must simply restore the balance between the relative needs of the densely and less-densely populated areas of the country and their concentrations of low-income children. I believe the new formula illogically replaces the current imbalance with yet another.

A COMPARISON OF COUNTY LEA ALLOCATIONS FOR FISCAL YEAR 1974 AND H.R. 69 AT A COMPARABLE APPROPRIATIONS LEVEL OF $1.396 BILLION

100 largest cities	1974	H.R. 69	Percent change— Of city	Of State
New York	154,373,065	131,217,035	−15	−14
Bronx	46,234,075	39,298,944	−15	−14
Kings	67,172,700	57,096,768	−15	−14
New York	26,020,783	22,117,648	−15	−14
Queens	12,786,676	10,868,670	−15	−14
Richmond	2,158,831	1,835,005	−15	−14
Chicago (Cook)	51,866,527	44,086,528	−15	−8
Los Angeles	49,867,494	42,387,734	−15	−4
Philadelphia	27,131,272	23,061,568	−15	−3
Detroit (Wayne)	25,933,205	22,983,552	−11	−2
Houston (Harris)	8,019,010	8,754,335	+9	+24
Baltimore City	12,921,187	11,160,270	−14	+4
Dallas	5,110,172	5,818,606	+14	+24
District of Columbia	11,196,398	9,516,934	−15	−2
Cleveland (Cuyahoga)	12,448,365	10,581,106	−15	−2
Indianapolis (Marion)	3,169,235	3,463,577	+9	+7
Milwaukee	6,349,363	6,134,475	−3	+19
San Francisco	4,317,040	3,880,919	−10	−4
San Diego	6,643,338	7,008,205	+5	−4
San Antonio (Bexer)	5,797,673	7,331,024	+26	+24
Boston (Suffolk)	8,329,899	7,080,411	−15	−10
Memphis (Shelby)	5,489,690	6,670,173	+12	+5
St. Louis	5,678,370	5,419,717	−5	+7
New Orleans (Orleans)	5,960,408	7,477,727	+25	+40
Phoenix (Maricopa)	3,516,739	4,969,869	+41	+48
Columbus (Franklin)	4,099,531	3,484,854	−15	−2
Seattle (King)	4,417,045	3,962,149	−10	+7
Jacksonville (Duval)	2,585,155	4,296,938	+69	+76
Pittsburgh (Allegheny)	8,651,181	7,995,262	−8	−3
Denver	3,435,624	3,026,900	−12	+8
Kansas City, Mo.[1]	2,562,563	2,885,288	+13	+7
Atlanta (Fulton-Dekalb)	5,968,175	5,402,467	−9	−3
Buffalo (Erie)	8,732,161	7,422,333	−15	−14
Cincinnati (Hamilton)	4,060,561	4,269,840	+5	−2
Nashville (Davidson)	1,716,491	2,248,252	+31	+5
San Jose (Santa Clara)	4,973,262	4,228,610	−15	−4
Minneapolis (Hennepin)	5,149,435	4,377,018	−15	+6
Fort Worth (Tarrant)	2,433,508	2,727,918	+12	+24
Toledo (Lucas)	2,149,538	1,878,348	−13	−2
Portland (Multnomah)	2,640,706	2,812,847	+7	+29
Newark (Essex)	13,220,988	11,237,835	−15	−14
Oklahoma	2,826,913	2,404,111	−15	−2
Oakland (Alameda)	6,120,938	5,889,132	−4	−4
Louisville (Jefferson)	5,031,569	4,276,831	−15	−8
Long Beach				
Omaha (Douglas)	2,224,586	1,907,897	−15	+6
Miami (Dade)	4,330,621	6,760,682	+56	+76
Tulsa	1,869,674	1,809,224	−3	+2
Honolulu	3,419,497	3,435,700	0	+6
El Paso	1,921,119	3,555,308	+85	+24
St. Paul (Ramsey)	2,395,789	2,036,419	−15	+6
Norfolk	3,100,406	2,635,344	−15	+1
Birmingham (Jefferson)	4,447,988	4,917,145	+11	+4
Rochester (Monroe)	5,665,322	4,815,521	−15	−14
Tampa (Hillsborough)	1,710,489	3,276,051	+92	+76
Wichita (Sedgwick)	1,973,900	1,647,274	−15	+6
Akron (Summit)	2,237,573	1,901,936	−15	−2
Tucson (Pima)	1,380,397	1,983,719	+44	+48
Jersey City (Hudson)	6,086,389	5,173,478	−15	−14
Sacramento	4,613,718	4,144,207	−10	−4
Austin (Travis)	952,542	1,464,585	+54	+24
Richmond	2,450,360	2,082,805	−13	+1

100 largest cities	1974	H.R. 69	Percent change— Of city	Of State
Albuquerque [2]	1,667,013	2,329,205	+40	+46
Dayton (Montgomery)	2,353,612	2,000,569	−15	−2
Charlotte (Mecklenburg)	2,448,123	2,080,903	−15	−12
St. Petersburg [3]	1,061,733	1,802,440	+70	+76
Corpus Christi	1,696,219	2,336,212	+38	+24
Yonkers (Westchester)	6,201,274	5,271,080	−15	−14
Des Moines (Polk)	1,560,867	1,326,736	−15	−5
Grand Rapids (Kent)	2,545,322	2,609,139	+3	−2
Syracuse (Onodage)	2,884,164	2,464,366	−15	−14
Flint (Genesse)	3,325,702	3,113,502	−6	−2
Mobile	3,037,523	3,374,629	+11	+4
Shreveport (Caddo)	1,484,466	2,580,790	+74	+40
Warren (Wayne)—See Detroit.				
Providence	3,595,579	3,670,488	−15	+8
Fort Wayne (Allen)	977,700	883,595	−15	+7
Worcester, Mass.				
Salt Lake City [4]	1,975,007	1,897,900	−5	+2
Gary (Lake)	3,566,029	3,031,123	−15	+7
Knoxville (Knox)	1,277,118	1,610,670	+26	+5
Madison (Dane)	959,055	1,030,166	+7	+19
Virginia Beach	906,866	932,712	+3	+1
Spokane	1,380,542	1,459,724	+6	+7
Kansas City (Wyandotte)	1,592,036	1,353,230	−15	+2
Anaheim (Orange)	4,423,958	4,576,185	+3	−4
Fresno	4,061,527	4,975,991	+23	−4
Baton Rouge (East Baton Rouge)	1,264,284	2,064,154	+63	+40
Springfield				
Hartford	4,207,121	3,788,238	−10	−6
Santa Ana (Orange)—See Anaheim.				
Bridgeport				
Tacoma (Pierce)	2,040,594	2,101,150	+3	+7
Columbus (Muscogee)	1,327,209	1,398,872	+5	−3
Jackson (Hinds)	2,356,830	2,511,746	+7	−4
Lincoln (Lancaster)	390,269	374,271	−4	+6
Lubbock, Tex.	839,472	1,415,590	+69	+40
Rockford, Ill.	1,338,899	1,225,195	−8	−8
Paterson, N.J. (Passaic)	4,166,031	3,541,124	−15	−14
Greensboro (Guilford)	1,675,956	1,425,578	−15	−12
Riverside, Calif.	3,079,943	3,294,699	+7	−4
Youngstown (Mahoning)	1,220,582	1,068,028	−12	−2
Fort Lauderdale (Broward)	1,453,948	2,488,813	+71	+76
Evansville (Vanderburgh)	664,475	663,727	0	+7
Newport News	1,016,433	982,091	−3	+1

[1] Jackson County.
[2] Bernalillo County.
[3] Pinellas County.
[4] Salt Lake County.

EDUCATION—AN INVESTMENT FOR THE FUTURE

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. ESCH. Mr. Speaker, the president of the University of Michigan, Robert W. Fleming, delivered a very interesting commencement address last weekend at Michigan State University. In his speech, President Fleming noted that an education is an investment for the future which graduates have an obligation to use wisely. He also pointed out some of the problems graduates are having today in a somewhat depressed job market.

I believe many Members will find President Fleming's speech entitled, "A Time for Reflection" of great interest and I insert a summary prepared by the University of Michigan News Service at this point in the RECORD:

UNIVERSITY OF MICHIGAN NEWS
March 11, 1974.

EAST LANSING.—Even in today's depressed job market, both young people and society are better for the goal of a college education having been attained, Michigan State University graduates were told Sunday (March 10) by University of Michigan President Robben W. Fleming.

Fleming was the winter term commencement speaker at ceremonies for some 1,485 MSU graduating students at 3 p.m. Sunday in MSU Auditorium. The president of U-M since 1968, Fleming had received an honorary degree from MSU in 1967.

"If the world into which you now go seems insecure, the history books will tell you it has usually seemed so," Fleming said. "That is why your education will mean so much to you. It is yours for keeps."

Entitled "A Time for Reflection," Fleming's address opened by asking the MSU graduates t. reflect on who they are, both personally and as a group.

"Oddly enough the question 'Who Am I?' is one which my generation had to learn from yours," he said. The older generation would answer such a question in terms of names, home towns, and what they are now doing. "With you, I have learned, it is different. You ask the question in a more cosmic and philosophical sense."

He noted that those who complete a bachelor's degree represent only 20 of an original group of 100 persons who entered grade school 16 years earlier. Ten dropped out by the end of the eighth grade, 20 more did not finish high school, 30 did not go on to college, and only half of the remaining 40 who went on to college would ultimately graduate there, Fleming said.

But, he added, "In your parents' day, only five of that original 100 would have attained the same objectives.

"The point of all this, of course, is that you are about to join a select group. In doing so, I hope you will remember that aside from your own efforts, your presence here today is accounted for by your parents and all those others who encouraged you to continue.

"You should also know that from the time you first started school until now your education has been subsidized. This was apparent while you were in the K–12 system, but it may have been less so during your years at Michigan State University. In fact, you have doubtless paid somewhere between 20 and 30 per cent of the direct cost of your education at the university. It would be a reasonable guess that during all of these years of schooling the public has invested at least $20,000 in each one of you."

While the graduates thus have an obligation to use their education wisely, Fleming continued, they are understandably concerned with their personal welfare.

"Like many of us before you—it was true of my generation—you happen to be graduating at a time when the employment market is depressed. Moreover, you have seen the widely publicized manpower projections of the U.S. Department of Labor which suggest that a large proportion of the jobs of the future will not require a college education. You know also that teaching positions which many of you had hoped to get are scarce."

However, he continued, "I have no doubt at all that over a lifetime you will treasure the education you have had." While some positions, such as medicine, law and engineering, require specific skill training, this is not true for most positions, Fleming said.

"Most managements would prefer to give the people they hire the specific skills they want rather than having this done in school. This is partly because those skills are necessary but not the key to success in long run individual development, and partly because they involve practices unique to the particular employer and therefore learned on the job," Fleming said.

"What the college graduate brings to the employer is not so much specific skills as a larger perspective, a greater awareness of the world around him, and a more informed view of the implications inherent in changed conditions.

"You have reached maturity in a very different world from the one your parents knew," he continued. "Who among you would have predicted as little as a year ago what profound changes in our economy would be triggered by the Arab oil boycott—a factor beyond our control."

Aside from natural resources, the United States is confronted by a very different world market, he said. The European Common Market is "one of the great powerful trading groups of the world. Russia, and now China, are emerging on the world trade scene."

"Most astounding of all, perhaps, is the probability of a food shortage in this country. . . . Our closest and longest world ally, Great Britain, is going through an experience which is so severe that serious students are talking about whether democracy can survive in so inclement a setting.

"I am arguing, then, that we are not witnessing just a scene which is changing as it always must, but a whole new order which historians will identify as a watershed in history," Fleming stated.

He said the United States remains, as it always has been, one of the richest nations in the world. "We are far more fortunate than most."

Returning to the question, "Who am I?" the U-M President said that "college graduates tend to be more tolerant of the views of others, and more supportive of the democratic potential.

"We now know that equality is a product of many factors, of which education is but one. Nevertheless, those other factors are more likely to become operative if our citizens are tolerant of other views and if they remain committed to the basic principles of democracy."

Fleming told the MSU graduates that "the quality of your lives will have been immensely enhanced" by their education. "You are bound to live in a society which moves further towards leisure time. Some of it can be filled with sheer entertainment, or even beer and pretzels, but your mind is unlikely to be devoid of intellectual curiosity.

"Here on the campus of this great university you have come to know something of the world of books, art, music, the theater, and science. For most of you, it will never work off and your lives will be richer because of that."

THE GREAT PROTEIN ROBBERY: NO. 17: THE STUDDS-MAGNUSON BILL

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. STUDDS. Mr. Speaker, on January 12 of this year two completely modernized stern trawlers were christened and added to the New Bedford, Mass., fishing fleet. I am proud of this event not only because I have the honor to represent New Bedford in Congress, but because this modernization program—which cost nearly $200,000—shows that our domestic fishing fleet is still alive.

I salute the C. & R. Corp. of New Bedford, for having the vision and the faith in our domestic fishing industry to expend this large sum. This is an important step in rebuilding our domestic fishing fleet and, according to an article in the March 1974 issue of the Fish Boat, could mark the beginning of a truly modernized fleet.

According to the article, which I would like to enter at the conclusion of my remarks, the C. & R. Corp. plans to "buy eight more vessels, which would be similarly reequipped—if Congress established a 200-mile limit to protect the domestic fisheries from foreign incursions." As the sponsor—along with Senator WARREN MAGNUSON of Washington—of the Studds/Magnuson 200-mile fish conservation zone bill, I would like nothing better than to see our domestic fishing fleet given the protection of U.S. law in the valuable fishing areas off our shores. I urge any Member who is not already a cosponsor of the Studds/Magnuson bill to contact me if he or she wishes further information on how we can best make our domestic fishing fleet strong while protecting and conserving our valuable offshore marine resources.

The article follows:

TWO MODERNIZED TRAWLERS JOIN NEW BEDFORD FLEET

Two completely modernized stern trawlers were added to the New Bedford fishing fleet with a christening ceremony January 12.

The trawlers, rechristened the *Chivas Regal* and the *Crown Royal*, are steel-hulled, 83-foot sister ships. Both were built nine years ago by Blount Marine Corp. in Warren, Rhode Island, and have been fishing out of Gloucester.

The new owner of the vessels, C & R Corp. of New Bedford, spent about $100,000 on each ship for modernization.

Hathaway Machinery Company, Inc. of Fairhaven, Massachusetts, did most of the re-equipping. Among the new equipment installed by Hathaway were hydraulic winches, hydraulic net reels, hydraulic boom winches, power take-offs for both engines, hydraulic pump systems, and Aeroquip flexible hosing.

The trawlers are fully automated. Virtually every operation can be run from the pilot house. Each vessel carries a crew of six or seven men.

Paul F. Saunders, a principal stockholder in the corporation, said C & R has plans to buy eight more vessels, which would be similarly re-equipped—if Congress establishes a 200-mile limit to protect the domestic fisheries from foreign incursions.

Besides Saunders, major stockholders in C & R are William Q. MacLean and Richard F. Flood.

Chester Hathaway, assistant treasurer of Hathaway Machinery, pointed out that three new vessels have now joined the New Bedford fleet in the last eight months, despite some difficulties experienced by the fishing industry. "If the 200-mile limit is adopted," he said, "I think there would be a real boom. You'd see new boats entering the fleet, and owners of boats now in the fleet would be much more willing to invest money in modernization."

A brand-new trawler entered the fleet last May, the *Gen. George S. Patton*.

A bill to extend U.S. territorial waters to 200 miles offshore has been introduced in the House by Rep. Gerry Studds, whose district includes New Bedford, and in the Senate by Sen. Warren Magnuson of Washington State.

The vessels were christened by Gustave A. LaStaiti, president of Southeastern Bank and Trust Company of New Bedford, and Lazarus Chongarlides, New Bedford's harbormaster. Among those attending the ceremony was Bobby Watkins, a former star halfback at New Bedford High School, Ohio State University, and with the Chicago Bears. He's now national sales manager for Chivas Regal, a division of Seagram's.

URBAN HOMESTEADING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. RANGEL. Mr. Speaker, it appears that if minorities and poor Americans were accorded the same advantages today that the great majority of Americans were given during the 19th century this country would indeed achieve greatness.

I speak specifically about the Homesteading Act of 1862 and the national urban homesteading legislation being proposed today. Under the Homesteading Act of 1862, 230 million acres were sold in $10 per 160-acre lots by 1933. Middle Americans are constantly howling about the welfare burden they bear. They forget that their predecessors were the direct recipients of a more lucrative welfare payment, which was land.

Urban homesteading is a first step toward local community solution of inner-city housing abandonment.

I have submitted an editorial from WWRL, a radio station in New York City, which saluted an East Harlem street gang in its effort, with the aid of urban homesteading funds, to rehabilitate tenement slum dwellings:

URBAN HOMESTEADING

The Renigades is the gang to watch in the East Harlem ghetto.

They're putting all of their energies into something known as urban homesteading. It's also called sweat equity. The Renigades, aided by members of 15 households, are working to make a tenement at 119th Street and Second Avenue liveable again. This is one of nine buildings that the city is encouraging residents or would-be residents to restore. The donated labor is regarded as the down payment. The city is putting up a $320,000 municipal loan for the Renigades' house.

The Cathedral of St. John the Divine plans to support such rehabilitations over the next two years that will create 3,000 apartments in 200 abandoned slum buildings.

WWRL salutes this effort to give the homeless homes.

But, most of all, we salute the truth that most of us—given the opportunity—will choose to live useful and meaningful lives.

Urban homesteading provides purpose as well as a roof over the Renigades' heads.

THE 75TH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mrs. GRASSO. Mr. Speaker, the late President Harry S. Truman said of the Veterans of Foreign Wars:

My membership in the VFW has long been a source of pride and personal satisfaction because of the high ideals that have been exemplified throughout the lifetime of the VFW. I am sure that I speak for all our fellow Americans in voicing my confident expectation that the VFW will ever stand in the forefront in unselfish devotion to our nation.

The nearly one and a quarter million Americans who are members of the Veterans of Foreign Wars share this same sense of identity and purpose. They are one and all dedicated to the cherished and time-proven beliefs and ideals that have made America the great country it is today.

It gives me great pleasure to salute these veterans and their fine organization on its 75th anniversary.

This week, as all my colleagues know, representatives of VFW posts from throughout the country have come to Washington to gather at their midwinter conference and to celebrate the diamond aniversary of their distinguished organization.

The VFW had its beginnings in a group of Spanish-American War veterans known as the American Veterans of Foreign Service, which was established in September 1899. Fifteen years later, after three veteran's group mergers had occurred, the Veterans of Foreign Wars emerged in 1914. Over the years its membership grew, as veteran after veteran joined to become part of the proud heritage of this worthy organization. Today, the VFW boasts some 10,000 posts in all 50 States, the Panama Canal Zone, the Virgin Islands, Guam, Puerto Rico, and several foreign countries where American veterans reside.

Throughout its long and distinguished history, the VFW has held service to its members and their families as one of its primary objectives. Indeed, the congressional charter of the VFW lists as part of its purpose "to assist worthy comrades," and "to perpetuate the memory of our dead and to assist their widows and orphans."

Nowadays, the VFW's dedication to service for its members and their loved ones is evident in the organization's remarkable, nationwide rehabilitation service, which provides medical, legal, and claims assistance to those needing it. The service aids veterans in filing claims for badly needed benefits.

In local communities throughout the Nation, VFW posts prepare Christmas

baskets, conduct safety seminars, and carry on innumerable other worthwhile projects. Many VFW community activities are intended to acquaint young people with their heritage as Americans. Among these programs are the Voice of Democracy essay contests, the sponsorship of Boy Scout troops, and the establishment of Sons of VFW organizations. It was with a deep sense of pride that I learned that this year's third-prize winner in the Voice of America essay contest was Veronica Hauge of Westport, Conn. Certainly, Veronica, her parents, and family and her friends can be very proud of this important accomplishment.

Another praiseworthy endeavor on the part of the VFW is its national home or hospital at Eton Rapids, Mich. There since 1925 the children of deceased and disabled VFW members have received hospital care.

In my own State of Connecticut, there are some 32,000 VFW members in 61 posts. My appreciation of the valuable service performed by the Connecticut VFW, and the comradeship and esprit de corps prevalent in this organization has come from personal observation of the dedication and hard work that have led to so many valuable contributions and accomplishments by VFW leaders and members across the State.

As a member of the Veterans' Affairs Committee, it has been my privilege on numerous occasions to work with VFW members in the drfting of meaningful legislation to aid our Nation's veterans. Often members of this organization have helped to give the committee and myself a better understanding of and appreciation for the problems besetting veterans, in addition to providing cogent, worthwhile suggestions as to how these problems can be solved.

For three-quarters of a century, the VFW has been a source of great national pride and patriotism for those loyal Americans who fought so bravely for their country in foreign lands. I am pleased to have the opportunity to wish this noble organization continued success in the years ahead.

JOSEPH ALEXANDER, 1896–1973

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. DE LUGO. Mr. Speaker, it is with deep sorrow that I note the passing of Mr. Joseph Alexander, a distinguished citizen of St. Croix. When I began my public career, Mr. Alexander was dean of the Democratic Party in the Virgin Islands. I came away from our first meeting with a strong sense of respect, an emotion I feel to this day.

Mr. Alexander has truly done the most for the rights and status of Virgin Islanders. He was architect of the Organic Act which extended U.S. citizenship to the people of the Virgin Islands. During his career, he successfully lobbied in Washington for the interests of his island home. From 1932 to 1956, he chaired the Virgin Islands delegation to the Democratic National Convention. Joseph Alexander's influence was also felt locally: He founded the Chamber of Commerce on St. Croix, and served on the Port Authority and Public Works Commission. His personal and community contributions are too extensive to fit on the printed page.

Joseph Alexander lived a truly inspirational life: As a politician, a citizen, a friend, and a human being.

I respectfully submit the following eulogy delivered by Rev. Father Manuel R. Roman:

EULOGY DELIVERED BY REV. FATHER MANUEL R. ROMAN

Your Excellency, Bishop Harper, Your Excellency, Governor Evans, Mrs. Jennie Alexander, Mr. John Alexander, Members of the Family, Reverend Fathers and Sisters, Members of the Administration, Legislature and Judiciary, Dear Friends in Christ: A week ago today someone very dear to all of us in the Virgin Islands was promptly and unexpectedly taken away from us. He will indeed be missed, and there are many many reasons why he will be missed.

If we go back in history for over a half of a century we come to the year 1917, a very important year in the history of the Virgin Islands. The specific date is March 31, 1917—Transfer Day. It was on that day that the Virgin Islands passed from the sovereignty of Denmark to that of the United States of America which had just made its fourth purchase in its short history. There was a great deal of concern over the status of the islanders, and among those showing a great deal of concern was a young man of 21 by the name of Joseph Alexander. He was vitally concerned about the civil and political rights of the people of the Virgin Islands, and keenly motivated about this issue he began his political work to effect full citizenship under the Star and Stripes. It was Joseph Alexander who was the architect or the father of the Organic Act which was subsequently passed by the Congress of the United States giving full citizenship to the people of the Virgin Islands. He may well be called the Thomas Jefferson of the Virgin Islands.

Through the course of the years he was a frequent visitor in Washington, D.C. fighting for the rights of Virgin Islanders. And who can forget Bill No. 27 in 1933? He and several members of the legislature went to Washington to confer with the late President Franklin D. Roosevelt in order to protect the rights of individual citizens against the encroachment of big government. He made many subsequent trips to Washington and played a leading role in the further amplification of the Organic Act in 1936. And who can ever forget the elections of 1938? The nation was in the midst of a depression struggling to improve itself economically. We can well remember the vibrant speeches and the interesting evenings we spent at the market and at the wharf listening to the various political candidates. Joseph Alexander was one of the successful candidates of that election in what may be termed one of the most colorful and dynamic in the history of St. Croix.

Mr. Alexander was also the founder and the President of the Chamber of Commerce for many years. He was one of the founders of the West Indies Bank which subsequently became the Chase Manhattan Bank.

But as a citizen he distinguished himself for the many years of service that he gave to this community. He held every elective office that was possible under the Constitution of the Islands between 1916 and 1960. He was a consultant to many governors and attended many of the Governors' Conferences. He was chairman of the Delegation to the Democratic Conventions from 1932 until 1956, and his voice was a familiar one heard at each convention as Mr. Alexander's voice was heard to say: "Mr. Chairman, the Virgin Islands, the Pearl of the Antilles casts its three votes for," and he would then name the candidate.

Joseph Alexander was a man who was not only dedicated to the community in the civic sense but in the religious as well. He was a member of the Administrative Board of the Catholic Church in the Virgin Islands which advises and assists Bishop Harper in the administration of the Church. He was a member and the President of the Parish Council of Holy Cross Church here in Christiansted. He was a member of the Board that advises the work of the Church in the field of Social Service. He played no small role in the growth and development of Catholic Education. It was his advice and assistance of all sorts that made it possible for St. Mary's to have its new building. He served as consultant and advisor to many many pastors through the years. He was an individual who was keenly concerned about the moral welfare of the islands. He was always ready and willing to give of his time to the Church and the community.

But I should like to take this opportunity to point out certain things in his life which should serve as motivation and inspiration for all of us as children of God and citizens of this community. Joseph Alexander was first and foremost a man of God. He was seen regularly here at Mass worshiping his God from Whom he derived his strength and his courage. The world, my dear friends in Christ, has many many problems today—the danger of atomic war, poverty, crime, drugs, discrimination, etc., but these can never be solved as long as man forgets his God. There can never be a brotherhood of man without the fatherhood of God. There can never be peace and understanding in this world as long as Love itself is left out. Joseph Alexander sought his strength and inspiration from his God and that is why he gave so much of his time to help his fellow man. There are some virtues in the life of this man that I should like to point out. In these days when there are investigations of many kinds, when the investigators are being investigated, when credibility has become a problem, Mr. Alexander stands out as a shining example of honesty and integrity. His word could always be trusted; we knew what his views were and where he stood. He didn't shift with the wind, and he fought for what he believed in regardless of the consequences even if it risked political oblivion or being ostracized.

He also stood out as a man of hard work. We know how long he worked. He worked not only for his business but he worked hard for his community and for his Church. The days were too short for what he wanted to accomplish, and sometimes some of our problems would be solved more quickly if we had more men with his dedication and stick-to-it-iveness. Yes, Joseph Alexander loved work and he never hesitated to take the helm whenever he was asked. He was always a servant of the people and the Church.

These are a few of the reasons why he will be sorely missed. This must indeed be an hour of deep sorrow for you, the members of his family. I should like to take this opportunity on behalf of all of us here and the entire community to express our condolences to all of you in this hour of grief. May Our Heavenly Father, the God of all Consolation, strengthen you and help you in this hour of sorrow. Your loss is also ours. May you be strengthened with the Christian faith and believe that in the not too distant future we shall all be reunited with him whose loss we suffer this day. And may God in His Mercy grant Joseph Alexander eternal life in reward for his many years of service to God and man.

LEROY JEFFERS, PRESIDENT OF STATE BAR OF TEXAS, EXPOSES IMPROPRIETY OF STATEMENT MADE BY CHESTERFIELD SMITH, PRESIDENT OF ABA

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. FISHER. Mr. Speaker, last month Honorable Leroy Jeffers, president of the State Bar of Texas, testified before the Senate Judiciary Committee regarding the firing of Special Prosecutor Archibald Cox and the obvious impropriety of some intemperate statements issued by Chesterfield Smith, president of the American Bar Association, regarding that matter. He also made it clear Smith was not reflecting the views of the American legal fraternity.

The statement made by Mr. Jeffers is sound and convincing. He upholds the dignity of the legal profession regarding treatment of this and related developments. His testimony should be read by all Members of the Congress. It follows:

STATEMENT OF LEROY JEFFERS, PRESIDENT OF THE STATE BAR OF TEXAS

I appear as President of the State Bar of Texas, a statutory agency of the State of Texas, of which all of the more than 24,000 lawyers licensed by the Supreme Court of Texas are members. The State Bar of Texas is declared by law to be a part of the Judicial Department of the State of Texas and it is therefore the agency of a public profession whose members are public officers of the State of Texas. On its behalf and on their behalf, I warmly welcome the distinguished members of this Subcommittee to our State of Texas and to my home city of Houston. We not only welcome you but we also welcome the opportunity to counterattack some of the assaults now being aimed at the American lawyer from various sources as a popular target under the passion of the times.

In the September issue of the *Texas Bar Journal*, the official monthly publication of the State Bar of Texas, I posed the point in these words:

"Pride of profession is called for now as seldom before. The American lawyer is under attack and the most cherished values he defends are under siege by his enemies. The Watergate hysteria is being exploited to the ultimate by the Bar's mortal foes in and out of the media to tarnish the armor of our honor. This is no hour at the Bar for the feeble or fainthearted. It is a time to stand tall and to live true to the most majestic traditions of this highest calling of free men. Spokesmen for the Bar and the individual lawyer with his own clients and in his own community must paint in bright, bold colors the clear, sharp line of distinction which the facts draw and which must be drawn in the public mind between the great body of lawyers engaged in the active practice of law and the people with law licenses engaged in political and governmental activities. They are not the same. We must sharply reject the frequent glib and shallow assertion that Watergate tarnishes the Bar and brings it into disrepute. Any acceptance of this stupid thesis should be left to the enemies of the Bar who are ever eager to seize upon any cause to defame lawyers."

The disappointing capitulation to the seige on the profession contained in the official reaction of the American Bar Association was covered in this further comment:

"Confronted with lawyer misconduct, we should not condone but neither should we condemn without fair trial unless we are to abandon our very basic tradition. There was an aura of prejudgment about the resolution adopted on this subject by the assembly of the American Bar Association recently calling upon grievance committees to prosecute and condemn which is gravely troubling."

While this initial ABA reaction was troubling, subsequent official statements by Honorable Chesterfield Smith, President of the American Bar Association, catering to the media and promoting the popular passions aroused by Watergate in the name of the legal profession became truly alarming. He coupled an intemperate attack on the President of the United States with an ill-considered and improvident proposal that the Legislative Department of the federal government enact a statute commanding the Judicial Department to appoint an official in the Executive Department in the person of a Special Prosecutor in apparent casual and callous disregard of the basic Constitutional doctrine of seperation of powers. My deep conviction that President Smith did not speak for the lawyers of my State or for the great body of American lawyers compelled me to protest his statements in a letter dated October 30, 1973. The substance of the letter is as follows:

"Your October 22 communication to all members of the House of Delegates and to the Presidents of all organizations represented in the House of Delegates has reached me as President of the State Bar of Texas. Honorable Joyce Cox of Houston, a member of the Board of Governors, had previously advised me of your statement attached to your October 22 communication and of your calling of a meeting of the Board of Governors on the subject of the termination of the Special Prosecutor and the resignations of the Attorney General and Deputy Attorney General. I reported these developments to our Board of Directors which was in session in Austin last Friday and Saturday, October 26 and October 27. There was no expression of support for any action or statement by the State Bar of Texas comparable to that suggested by your October 22 communication and its attachment.

"I cannot personally, either as a lawyer or as President of the State Bar of Texas, either support or condone what appears to me to be an intemperate and insupportable attack on the actions of the President of the United States. The charges that the President has taken 'overt action to abort the established processes of justice' and 'has instituted an intolerable assault upon the Courts' when matched with the further inflammatory and emotional charges that the President has been guilty of 'defiant flaunting of laws and Courts' and of a 'damaging incursion' not only 'upon the system of justice' but also 'upon the basic liberties of the citizens of this country' appear to me to be so unlawyer-like as to be unworthy of the American Bar Association.

"It is up to the Courts to determine whether judicial power permits or judicial propriety allows the judicial appointment of an executive official such as a Special Prosecutor under the facts and circumstances existing at this time. It is obvious that this decision should be made with cool and unimpassioned judicial deliberation free from the pressure of outside 'incursions' by the American Bar Association or any other group or organization. If the Legislative Branch of the federal government is going to pass a statute ordering the Judicial Branch to appoint an executive officer such as a special prosecutor, then it should be done after calm deliberation. It would seem to be singularly inappropriate for the American Bar Association or any other group to fan the flame of popular passion in an effort to bring emotional pressure to bear for the enactment of such legislation.

"It would seem that the country would best be served by the organized Bar counselling moderation instead of labeling as a 'Constitutional crisis' the removal by the Chief Executive of an executive officer appointed under him from an office created by him. If there is any Constitutional crisis, it may be posed both by the unsupported assertion of the proposition of judicial supremacy under our Constitutional system of separation of powers and by the claim of immunity for a Presidentially appointed prosecutor as in effect a fourth branch of government free from control by or responsibility to any of the three supposedly equal and coordinate branches of the federal government.

"It is my view that the flames are being sufficiently fanned by the media without the emission of further fuel from Bar presidents. Without any reference to the Constitutional or judicial merits of the controversy, I have no desire as a State Bar President to seek to induce our Bar to join belatedly in leading a lynching."

Copies of the letter of protest were mailed to State Bar Presidents and Presidents-Elect over a wide area and the wide response was overwhelmingly in accord with the position stated in the protest letter. Thereafter, President Smith secured approval of his statements and proposal by the Board of Governors of the American Bar Association and called a special meeting of the House of Delegates of the American Bar Association to be held on December 10, 1973, at which its approval was also to be sought. This meeting was thereafter cancelled on the basis of the statement that it was unnecessary, but with the claim that the Smith position had majority support in the House of Delegates. This is contrary to the expressions which I have received and which numerous other State Bar Presidents with whom I have been in contact reported receiving. I can testify to the strong body of opinion in state bars and in the great body of individual lawyers to the effect that the ABA and its officials should counsel moderation, restraint and objectivity in times of national stress such as we have been going through and should jealously assert the strict safeguarding of the Constitutional rights of all of the intended victims of political lynchings, whether of low estate or high. This body of opinion is that the ABA and its officials go too far when they join the popular and partisan clamor for blood in an effort to appease those who are after the scalps of the lawyers.

A DISTINGUISHED PROFESSOR OF LAW

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Ms. JORDAN. Mr. Speaker, it is my privilege today to bring to the attention of the Congress the story of a man who has dedicated his life to the noblest profession, education. We have all had a special place in our hearts for the teacher who gave us vision to see into the future. Dr. Earl L. Carl is one of those selfless individuals who has given 26 years of his life to opening up the future for young people in my own profession, law. Along with Texas Southern University Law School, I honor Dr. Carl as an outstanding professor and educator, and would like to insert into the RECORD their tribute to him :

TRIBUTE TO EARL L. CARL

Mr. Earl L. Carl received his appointment to join the faculty of the then Texas State

University for Negroes Law School in August, 1948. He arrived in Houston in September leaving a budding law practice in his hometown, New Haven, Connecticut. He left that working with young people eager to study law would be both an exciting challenge and a wonderful opportunity to make a contribution "to the cause," namely, to increase the number of black lawyers in the United States. According to the 1950 Census Bureau there were only 1450 black lawyers in the United States and all other minority lawyers, for all practical purposes, were nonexistant.

Professor Carl lost his sight when he was a junior in high school as the result of an injury sustained while playing football. However, he went on to complete his high school education and graduate from the Connecticut School for the Blind. He was the first blind student to be admitted to Fisk University, receiving his Bachelor of Arts degree in Sociology in 1942. He was admitted to Yale School of Law in 1945. He returned in 1959 to earn his Master of Law degree.

Professor Carl is married to the former Iris M. Harris, Assistant Principal in the Houston Independent School District, and they have two daughters, Francine Anne and Nina Earline, a junior and sophomore in college, respectively.

When asked about his philosophy regarding the teaching of law, Professor Carl replied, "the teaching of law can be fun." He makes every effort to convey this philosophy with cheerful but yet uncompromising attitude in his classroom and in his many personal conferences with his students. He gives occasional tests—not for the purpose of grading, but for the purpose of checking upon himself and his students. The results of these tests serve as guides in his classroom instruction and form the basis for his frequent personal conferences. He believes that a teacher should not have a rigid pattern or routine in his classroom or office, but that a teacher should be flexible and sensitive to the needs of his students and at the same time never lose sight of his high standards of performance and overall objectives. The key word in Professor Carl's classes is *"think"*. This he feels is equally applicable to the teacher as well as to the student.

Recently an interviewer for a national magazine asked Professor Carl if there were any advantages in being blind. He replied, "Yes, I see people as they really are. I am not at all distracted by the physical. I go right to the heart of the personality." He regards his blindness as an asset in his efforts to communicate with his students.

Professor Carl has written several law review articles. Among them are: *Reflections on the Sit-Ins; Negroes and the Law;* and *The Shortage of Negro Lawyers.* He is currently working on a case book tentatively titled *Cases and Materials on Minorities and the Law.*

He is actively involved in professional, civic and fraternal organizations. He is a member of the American Bar Association, the National Bar Association, and Alpha Phi Alpha Law Fraternity. He chaired a committee on Legal Affairs and served as First Vice President of the Parkwood Civic Club. The Student Bar Association elected Professor Earl L. Carl as their Silver Anniversary Professor of the Year.

The Texas Southern University Law School community salutes Dr. Earl L. Carl for his loving dedication and contribution to the law school's continued growth.

POST CARD REGISTRATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. FRENZEL. Mr. Speaker, today a very thoughtful editorial from the Milwaukee Journal, written by Peter N. Ehrmann, a senior in journalism at the University of Wisconsin, came to my attention. He has expressed the opinion that the post card registration bill is a poor answer to the apathy problem. His conclusion is one that has been expressed by many veteran election and registration observers and is worthy of my colleagues attention. The editorial follows:

[From the Milwaukee Journal, Mar. 4, 1974]

POST CARD REGISTRATION OF VOTERS IS A POOR ANSWER TO APATHY PROBLEM

(By Peter N. Ehrmann)

In brooding over some recent voter registration tables ("In My Opinion," Jan. 14), Sen. Nelson's assistant, Mark Barbash, exhibited glaring symptoms of a chronic delusion peculiar to the modern liberal species. "In 1972, 37 million Americans were not registered to vote," he complained, en route to a plug for postcard voter registration. "Fully 27% of the nation's electorate was unable to cast ballots in an election that has been called 'the clearest choice of candidates in history.' "

Such statistics are dangerous in the hands of people like Barbash, for they inevitably trip their hair-trigger instinct to believe that the reason X number of people don't take advantage of a given opportunity or "right" is because someone is thwarting them with malice aforethought.

In brief, they're conspiracy stalkers, and Barbash sniffs a whopper. Listen: The present system of voter registration, he says is "unfair and unequal," "discriminatory," placing "blocks to full citizenship . . . in front of millions of Americans," amounting to the "continued deprival of voting rights to the elderly, the uneducated, those with low incomes, and the black of this nation."

THE EXHORTATIONS BEGIN TO GRATE

I rise now, a properly registered, certified citizen with a record of having voted in every election since I qualified, to ask Barbash and his gentry to suspend their moralizing momentarily and consider the possibility that the high nonregistration statistics may reflect nothing more insidious than rampant citizen apathy. Apathy, moreover, that survives vigorous voter registration drives repeatedly launched against it with great fanfare by political candidates, party organizations, civic clubs, concerned citizens, and governmental committees.

Reminders, pleas, and exhortations to "Register and Vote!" are howled with almost grating regularity from the media, the pulpit, the soapbox and even from billboards.

But there I go being pejorative, like Barbash. Unlike him, I'm liberal enough to concede anyone the right to be driven by extreme boredom or tender sensibilities to insulation from American politics, even when it produces the sort of dream election Barbash evidently considers the last one to have been.

The postcard registration scheme touted by Barbash would make vote fraud ridiculously simply—a possibility not lost even on Barbash, who at least gave a perfunctory shudder at "the flaws . . . built into such a mail system—including false registration."

So he proposes a failsafe, a "statewide Universal Voter Registration System," aimed at "the establishment of a complete and accurate list of all eligible electors by the local clerk."

He doesn't explain, however, what's to keep the clerk from being snowed by a mountain of fraudulent postcards, since, under Barbash's plan, "no personal appearance on the part of the elector would be necessary." The investigating, indexing, and culling of the mail would indubitably necessitate the addition of another layer of bureaucracy, equal in cost and efficiency to—well to the Post Office?

THERE'S A FLAW IN THE QUESTIONING

Even his prescriptions, Barbash says, "will not guarantee a greater voter turnout, for that is a prerogative that belongs strictly to each individual (unlike, apparently, registration). But we can encourage such increased voting through a reduction in the administration procedures enhanced by outdated registration laws." But now if encouraging increased voting is the goal, why not simply flush out the inhibiting "administrative procedures" altogether and have postcard voting? That is the logical extension of Barbash's argument; logic, however, is not his game.

Barbash's conspiracy notion is hitched to a poll by New York opinion specialist Daniel Yankelovich, wherein 75% of the unregistered respondents said they would have voted last time if they had registered.

The right to vote is considered the American's greatest privilege—and beyond that, his gravest responsibility. So imagine yourself a target of Yankelovich's inqury, asked, in effect, whether you would have done your patriotic duty if you had bothered first to do your patriotic duty. I'm surprised he didn't record a 100% *positive* response.

The answer is to keep after those people by maintaining the existing registration stations and rerunning the public harangues. But don't light out after the 27% in a manner that could easily jeopardize the legally cast ballots of the flesh and blood majority.

POVERTY IMPRISONS ELDERLY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HARRINGTON. Mr. Speaker, Americans today are facing unbelievably high food prices; inflation is expected to increase, and the cost of living is still on the rise. The elderly are perhaps the most affected by our weakening economy. Many older Americans, who depend on fixed incomes for existence, are steeped in poverty. Monthly social security checks do not provide sufficient funds to even insure the essentials for minimal livelihood.

An article by John Saar in the March 12 Washington Post describes the sad existence of two aging sisters who depend on monthly social security checks. Saar's article points up the urgent need for reform in federally funded programs for the elderly, as well as emphasizing our Government's obligation to ameliorate the worsening economic situation.

I would like to insert Mr. Saar's article in the RECORD at this time for the consideration of my colleagues, and hope that it will help contribute to badly needed reform. The text follows:

AGING SISTERS IMPRISONED BY POVERTY

(By John Saar)

Imprisoned by poverty and hounded by inflation, two elderly sisters are closing out their lives in a Massachusetts Avenue apartment in a constant state of anxiety and depression. Mary Smith, aged 82, and her younger and sicker sister Elsie Sager, 79, survive, and not much more. Rising prices have stolen even the smallest of life's material pleasures from them.

The sisters' lives provide a frightening case study of life in inflationary times for many of this city's 103,000 people over 60 years of age.

Too old to work, with no close relatives, the sisters depend on a Social Security income of $296.30 and a pinchpenny budget that allows them $2 a day for food.

Penury has forced an almost total divorce from the outside world upon the sisters. Only the buzz of traffic and their own suppressed longings remind them, they say, of a normal life. They have one another and all the comfort an antiquated and flickering television can bring.

In the course of a long interview, the suspicion of tears misted Mrs. Smith's spectacles just once as she was saying, "Sometimes I see women in this building all dressed up for a swell lunch at Woody's or Garfinckels and I almost burst out crying."

They lack sheets for their beds, shoes for their feet. Rising prices lay constant siege to their diminished diet, making one sacrifice after another—fresh fruit, then milk, then meat . . .

Stoic by nature, Mrs. Smith says their situation is "laughable." But she does not laugh. In fact the once jolly person whose pleasant face bears imprinted smile lines rarely laughs these days.

For the two sisters, the closing out of their lives is proving a bleak ordeal replete with depression, indignity and suffering by deprivation.

Inflation continually threatens their precarious existence on an already inadequate fixed income. And inflation, in a remorseless progression, has canceled the few pleasures from their lives. Mrs. Smith, for instance, is "an avid reader" who used to devour the morning paper cover to cover. She had to cancel it a while back.

The women worked a combined total of 39 years to earn their right to the monthly social security checks—Mrs. Sager as a beautician in Richmond, Mrs. Smith as timekeeper in a now defunct Washington laundry. They are single. Mrs. Smith was divorced in 1925 and here sister has been a widow for 44 years.

"Every night," says Mrs. Smith, "I thank God for what we have, but it's mighty little." Her dress was a gift from the manager of the building. The print flowers have been laundered to a pallor, so that the dress matches her indoor complexion—notepaper-white. Her shoes are a work of artistry—15 years old, the many slits and holes carefully welded shut with glue.

"In the past year or so," she says in her usual firm and unself-pitying manner, "it looks like I'm really getting crushed. I shouldn't and I'm trying to get out of it."

But her sister Elsie is depressed most of the time—"what we've been through is enough to tear the heart out of anyone," Mrs. Smith explains.

Asked to comment on how the sisters' situation could be equated with that of thousands of other elderly people in the city, social workers with various voluntary agencies and a spokesman for the District government's services to the aged office agreed it was typical. "These people are almost among the affluent aging," said George Robey, acting chief of the social services division.

In 1973 food prices soared by 25 per cent, placing a specially heavy burden on the fixed income poor like the two sisters. In January this year, grocery prices in the Washington area went up another 3 per cent.

"Inflation has had a tremendous impact on the elderly here," said Geraldine Brittain, a social worker with the private Family and Child Service who has helped the sisters. "There are relatively few social workers and it's a big population of elderly. We just touch the tip of the poverty iceberg. I think there's lots of real suffering."

Defenders of the Social Security system are quick to point out the payments are intended to supplement savings, pension or other retirement income. The two sisters were left with no savings when they retired due to ill-health in their early 60s—Mrs. Sager because from the small profits of her beauty shop she had to look after her mother and two nephews and Mrs. Smith because her $60-a-week salary permitted no saving.

Although the sisters are receiving their full entitlement, they are skeptical and disappointed: "All those years," says Mrs. Sager, "they kept telling me my social security was building up, building up, and then when I got where I couldn't work but half a day that's what they based it on."

The grim reality of the sisters' cheerless life is worsened by the contrast with their falsely optimistic anticipation of how "the golden years" would be. The absence of forethought to retirement is cited by experts as one of the contributory causes to distress in the aged. Arguing for more community concern in treatment of the vulnerable and powerless aged, they like to gently threaten that as a multitude advancing through life we should pay heed when distress falls on those in front.

Mrs. Sager, a stocky invalid figure in a white nightrobe had seen her retirement as a chance to go to the zoo, the Smithsonian, the Washington scenes she never got around to seeing while working. Now even those limited ambitions are beyond reach: "I was going to have myself a ball," she says in a voice huskily wistful with the memory.

"I thought when I got to be in my old age," remembers Mrs. Smith, "I'd have enough to eat, a place to sleep, plenty of time to read and nothing to worry about. And having a lunch out or something like that once in a while."

Her life now is, she says, "certainly nothing like that. We can't afford to buy a bus fare and if we got downtown we could not afford lunch. You couldn't do it for less than $1.50 or $2—we can manage for a day on that—it's out of the question for us."

In a splitting of financial responsibilities common among elderly roommates, Mrs. Sager uses her check to pay the $140-a-month rent on their two-room apartment and Mrs. Smith cashes hers to buy food and other essentials. Anxiety over making ends meet is a constant for them, incalculable to the outsider: "All the time you're figuring out 'can I buy this, or buy that' and you're scared to death something will happen and you won't have the money," says Mrs. Smith.

The telephone, for instance, is an oft-discussed but finally indispensable necessity that costs a precious $10.50 a month. The sisters seldom leave the dingy-walled apartment—"if they whitewash it the rent goes up"—except for their once-monthly shopping trip.

The telephone is a link to the outside world, with richer friends who call from Florida, New York or California—and for two old women with fragile health, a protection. Several weeks ago Mary picked up the red handset and called a doctor when her sister had a 3 a.m. heart attack.

The episode put Mrs. Sager into George Washington Hospital for two weeks under the Medicaid program and emptied the sisters' slender cash reserve. Mrs. Sager was too sick to ride buses. Hiring a friendly car-owner to transport her cost $5 each way and then Mrs. Smith had to come up with $3 a day to visit her. They dug into their loose change and used the last nickel before the hospitalization was over.

Lunch would be a can of beans Mrs. Smith said. How long since they last ate any meat?

Mrs. SAGER. "Four weeks."

Mrs. SMITH. "No, it was about six weeks ago we had some hamburger. So far as buying lamb chops or a roast of beef, we never do it."

Their diet now consists of eggs, oatmeal, hominy grits, fruit juices, crackers, and vegetables. They see no way of economizing further.

Outright hunger is not a problem said Mrs. Smith: "If I get hungry I go and eat a couple of crackers." Until a third sister died four years ago, Mrs. Smith and Mrs. Sager lived in relative prosperity and ate heartily because rent and overheads were shared three ways. "We used to eat a full-course meal then but we've been cutting down, cutting down, so now we're small eaters."

Asked if she was constantly aware of rising prices Mrs. Smith gave an outraged "Oh!" and snapped her head away. The prices have hounded them relentlessly, she said. When fresh milk went out of their price range they replaced it with condensed milk. A can of condensed milk that used to cost 18 cents, now costs 35, she said. "It seems to be getting worse all the time. Every time you buy something, it's so much more than it was before."

The two sisters are white. The significance of that is that in a city with an overall population 71 per cent black, whites are in a disproportionate majority among the elderly. Of 72,000 people over 65 in the District, 57 per cent are white.

The imbalance is attributed to the reluctance that settled whites of advanced age felt about joining the general white migration from the city in the 1950s and 1960s. Another critical factor is the shorter life expectancy of blacks usually believed to result from poorer health care in youth.

Nationally, life expectancy for a white female is 74 against 68 for a black female. In males the difference is even more striking with whites averaging 67.9 years and blacks 60.

The 103,000 people over 60 are distributed fairly evenly over the District's nine service areas with one striking exception. In the area west of Rock Creek Park, 26,411 are concentrated and 99 per cent of them are white, according to David Brooks of the District's office for the aged.

Exact income figures are unavailable, but Brooks and other experts see thousands of aged whites caught between low limited incomes and rising prices with an abundance of hardship and psychological suffering.

The sisters are luckier than most because their apartment, though taking half their income, is a bargain by current standards. "One of the most dramatic problems," according to Mrs. Brittain, the social worker "is the inability to pay rent. Old apartment buildings are being turned into condominiums, the residential hotels are being torn down right and left and the problem of finding these people somewhere to live is very very serious."

Brooks goes further. The waiting time for a subsidized apartment in National Capital Housing Authority projects is 2- to 4-years,

with no emergency capability at all. "There is no housing available for the elderly," Brooks said flatly.

As viewed by the sisters, their situation could scarcely be worse. Social Security is due to go up by 11 per cent between now and July, but they expect a rent rise to more than take care of that. Whatever the increase is, they will have to pay it. The costs of moving, deposits, a month in advance are way beyond them, they say.

The experts do not agree on whether whites or blacks suffer most. Being black and old "is a double jeopardy," Mrs. Brittain believes. It makes for many more problems. They were usually in lower paid jobs so they rarely have as much income as whites and their needs are more severe. The effects of discriminatory education and health care are really exaggerated as they grow older.

On the basis that elderly blacks generally are paying lower rents and therefore have more money than aged whites, George Robey contends they may be better off. Besides, "people on the lower end of the scale manage better than those who are used to something better."

"The ones who seem to suffer the most are those numerous people—mostly women, who worked in government or business for years and years and retired with what seemed a good income. The little place on Massachusetts or Connecticut Avenue which might have cost them $60 in 1948 is $160 or $170 now. Everything else has gone up and they're still trying to hold on."

Holding on is what Mrs. Smith or Mrs. Sager have become very proficient at. With a ticking clock, paper flowers, fading photographs and a daguerro print of their father—a handsome man with stiff white collar and walrus moustache—the sisters pass their time in genteel poverty.

Just before Christmas the nephew Mrs. Sager brought up as her son died at 45. The funeral was in Richmond. They could not afford bus fare.

"Being too proud to borrow from somebody," Mrs. Sager related, "we didn't go—

"Well you can't borrow if you can't pay it back," her sister interrupted.

"Well, I'll tell you. It's a hard thing."

Of the two sisters Mrs. Smith is commanding, determined to exercise her responsibilities to the last. Her sister wants to make a trip to Richmond—"my mother and brother and everyone is buried there. She wants to go home so bad it's pathetic and by hook or crook I'm going to see she does it."

The inability to meet familiar standards of respectability is a source of under-stated shame to the sisters. Mrs. Smith calls her derelict shoes "perfectly awful, embarrassing" and says she ceased going to church when she could no longer dress properly for the Methodist pews.

In the view of another social worker, Lillian Teitelbaum, indignities await those aged who seek help from District and federal agencies. "Sometimes they are treated miserably. Wherever they go there are roadblocks and if they are uneducated they passively retire."

David Brooks, supervisor of information for the District's services to the aged, agrees there is a problem. "When they reach me, most old people are very, very frustrated. They've been calling and not finding any agency which can help them."

The aged service is limited in function—it finances certain programs undertaken by voluntary organizations and makes referrals to other agencies. "Sometimes our agency can't help," says Brooks. "Either we don't have the clout or there is simply no mechanism."

The plight of the two sisters and unknown thousands of their 60-plus peers leaves social workers angrily helpless.

"In this day and age $300 a month for two people is obviously inadequate. They and others are being deprived of essential living needs."—Mrs. Teitelbaum.

"I see them as having come to the ends of their lives and having to struggle. It's damn hard when you come this far and life doesn't offer any opportunity for enjoyment."—Mrs. Brittain.

With her ailing sister in the other room, the obvious question could be asked of Mrs. Smith. She stood still and delivered a bravely honest answer: "We've talked about it a lot. I just don't know what would happen to the one who was left."

THE OIL COMPANIES AS A PUBLIC UTILITY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. ROYBAL. Mr. Speaker, in the last few months the people of this country have witnessed an energy crisis that has thrown hundreds of thousands of people out of work, caused long lines at the gas stations, and increased the pace of an already rampant inflationary spiral. There is a pervasive speculation in the country that the major oil companies have conspired to cause the shortage in order to reap economic benefits.

Whether this speculation is grounded in fact is still an unresolved question. However, the crisis has made us more aware of the importance of energy in our lives, and established the significance of certain facts.

First, the American people have learned that each segment of the Nation's economy is interrelated and interdependent, and every part relies on a sufficient and uninterrupted flow of energy.

Second, there is little question that the shortage can be traced in part to the decision of the major oil companies, whether made individually or collectively, not to expand refinery capacity in spite of the growing demand for energy. In the past, the decisions of private entrepreneurs have been motivated by the desire to maximize profits rather than by the welfare of the country. It is intolerable that this country should continue to allow wholly private, profit-motivated decisions to determine policy in a commodity that is the life blood of this country's economic well-being.

Finally, although almost every American is making some sort of sacrifice to conserve energy and is suffering inconvenience as a result of the energy crisis, the oil companies are not being called upon to make any sacrifice. Rather, they are experiencing a tremendous growth in profits as a result of the shortage. In 1973, each of the seven major oil companies reported significant profit increases over their 1972 results: Exxon, 59 percent; Texaco, 45 percent; Mobil, 47 percent; Shell, 28 percent; Standard Oil of Indiana, 36 percent; Standard Oil of California, 54 percent, and Gulf, 79 percent.

The oil industry today provides a text book example of the economic concentration that can occur in an industry controlled by a few powerful companies. Over the past two decades, concentration in crude oil production has increased dramatically. In 1952, the 20 largest companies accounted for 48 percent of the United States crude oil production. By 1960, the figure had climbed to 62 percent, and in 1970, to 80 percent.

The same economic concentration has occurred in the transportation facilities used by the oil companies. The major oil companies now own or lease approximately 40 percent of the oil tankers in the non-Communist world, amounting to nearly half the tonnage. Further, almost 70 percent of the oil pipelines in the United States, handling most of the bulk land movement of oil, is owned or controlled by the major companies.

Marketing is still the most competitive segment of the oil industry. But even here, there is a disturbing trend toward concentration, as many independent dealers have been forced to close, and some of the major oil companies have announced plans to close their entire operations in some States.

Consistent with the concentration in other elements of the industry, the major oil companies also control the majority of the refineries. In 1920, the top 20 firms controlled 53 percent of the crude domestic refining capacity. In 1950, this figure had reached 80 percent, and by 1970, stood at 86 percent. Today, the four largest oil firms control 33 percent of the refineries, and the top eight, a staggering 53 percent of the refineries.

Today, I have introduced a bill which strikes a balance between the need for energy at a reasonable cost and the need to insure a reasonable rate of return on invested capital for the oil refineries. My bill, affecting approximately 129 companies controlling 282 refineries, will end vertical integration in the oil industry, and bring the refining industry under the regulatory umbrella of the public utility concept.

Title I of my bill prohibits any person engaged in refining energy resource products from acquiring an interest in a firm engaged in extracting, transporting or marketing of an energy resource. Firms that are presently vertically integrated are ordered to divest their extracting, transporting and marketing assets within 3 years of the passage of this bill.

The Attorney General and the Federal Trade Commission are to commence an independent investigation of the relationships of persons now engaged in one or more branches of the energy industry.

Title II of the bill establishes a five person Federal Energy Commission, with one member to be a representative of consumer interests. The Commission will have the power to divide the country into regional districts which shall be served by the refineries designated by the Commission.

The Commission also has power to set

the prices charged by refiners for their products. These prices must insure a fair rate of return on invested capital for the refiner.

The bill prohibits any person from granting an undue preference to any other person with respect to refined products, or maintaining any unreasonable difference in rates between customers.

The Commission may set the price of energy resource products at any point of the chain of sale if it finds that such action is necessary to avoid excessive prices to the ultimate consumer.

Finally, the Commission may set the price of energy resource products imported into the United States if it finds that action is necessary to avoid serious interference with the operation of the regulatory program established in the bill.

I include the following analysis:

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 101.—In this section, Congress finds that the United States needs to develop new and expanded energy supplies at the lowest possible cost. To meet this goal consistent with a commitment to a free enterprise economy, Congress must act to (1) break the barriers to competition that presently exist in the energy industry, (2) put restrictions on those engaged in the business of refining energy resource products, (3) insure competition, equal access to supplies for all, and nondiscriminatory practices in the energy industry, and (4) divest certain assets in order to protect the consuming public, and promote the public interest in competition.

Section 102.—This section contains the definitions of terms used throughout the bill.

Section 103.—This section provides that after the date of enactment of the bill, it will be unlawful for anyone engaged in the refining of energy resources to acquire a firm or other interest, directly or indirectly, engaged in extraction, transporting or marketing of energy products.

Section 104.—This section makes it unlawful for any company engaged in the refining of energy products and presently owning or controlling an interest in the extraction, transporting or marketing of energy resources to retain such ownership or interest at a date three years after the passage of the bill.

Section 105.—This section orders each company owning a refining asset and either an extraction, transportation or marketing asset must file a report concerning the asset with the Attorney General and the Federal Trade Commission.

Section 106.—This section directs the Attorney General and the FTC to undertake their own investigation to determine the relationship of persons now engaged in the energy industry. Both the Attorney General and the FTC are given the power to institute suits to request appropriate relief when provisions of the bill are violated.

The Attorney General and the FTC are charged with the responsibility of taking all steps necessary to effect the divestiture of assets.

Section 107.—This section provides that a violation of Title I of the Act is punishable by a fine not to exceed $500,000.00 and ten years in prison in the case of a person, and by a fine not to exceed $500,000.00 and suspension of the right to do business in interstate commerce for a period not to exceed ten years in the case of a corporation.

TITLE II

Section 201.—This section establishes an independent five person regulatory commission known as the Federal Energy Commission. The commissioners are to be appointed by the President with the advice and consent of the Senate. At least one commissioner shall be a representative of consumer interests.

The section also contains rules concerning the length of time each commissioner will serve, and the political affiliation of the commissioners. A person who is employed by or owns a substantial pecuniary interest in a business that produces, imports, refines, markets or distributes crude oil or refined petroleum products is barred from serving on the commission.

Finally, there is a provision for the general rules under which the commission will operate.

Section 202.—This section provides that the commission shall divide the country into regional districts to be served by refineries designated by the commission. The commission may modify the districts as circumstances change in order to achieve the greatest economy for the consumer.

The commission shall complete the division of the country into districts within three years of the passage of the bill.

Each step in this process will be governed by the protections and safeguards of the Administrative Procedures Act.

Section 203.—This section provides that the commission will determine the rates and charges that refiners may charge its customers. These rates and charges will insure a fair rate of return on invested capital for the refiners and just and fair prices for their customers.

The section prohibits a refiner from granting an undue preference or advantage to any person, or maintaining an unreasonable difference in rates between consumers or classes of consumers.

The commission may prescribe rules under which the refiners will file rate schedules with the commission. These schedules will be kept in a convenient place, and open to the public.

The commission may set the price of energy resource products at any stage before or after the refining process if it finds such action is necessary to avoid excessive profits for the ultimate consumer.

Finally the commission may specify the price of energy resources imported into the United States if it finds such action is necessary to avoid serious interference with the operation of the regulatory program.

Section 204.—This section makes it unlawful for any person to violate any provision of Title II or any rule, regulation or order issued pursuant to such provisions.

Section 205.—This section prescribes a maximum of $2,500.00 civil penalty for a violation of Section 204. In the case of a willful violation of Section 204, the person would be liable to a fine not to exceed $5,000.00, or more than two years in jail. The Attorney General is also empowered to seek an injunction against those engaged in or about to engage in a violation of Section 204.

FEDERAL HOUSING PROJECTS IN HAWAII ARE SUCCESSFUL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. MATSUNAGA. Mr. Speaker, to many millions of Americans in overcrowded or substandard shelter and to the millions of others whose housing needs cannot be met by the high-cost private market, federally assisted housing programs offers hope for safe, sanitary and decent housing. At a time when subsidized and public housing has been characterized by poor management, unconscionable profits, shoddy construction practices, and questionable financing arrangements, Hawaii has been remarkably successful in implementing Federal housing programs that work.

With a generous measure of pride in the administrators who planned and maintain the facilities and in the residents who have done what few others have accomplished to make public housing a place of decent and dignified living, I submit the following article by Kit Smith from the Honolulu Advertiser for inclusion in the CONGRESSIONAL RECORD:

U.S. HOUSING PROJECTS FAIL, EXCEPT IN HAWAII

(By Kit Smith)

The Federal Government's myriad housing programs "just aren't working." That's why the Administration is pushing the "new federalism" concept, to return decision-making to local governments and cut red tape.

So said H. R. Crawford, assistant secretary of the U.S. Department of Housing & Urban Development, in a press interview and address here.

One exception, he said, is Hawaii, "where you just don't see the kinds of problems you see on the Mainland."

Crawford, the highest-ranking black in the Administration, said the signs of failure on the Mainland are unmistakable:

Pruitt Igoe, a 3,000-unit public housing project in St. Louis built in the 1950's, is to be torn down. The disadvantaged persons for whom it was designed simply refuse to live there.

The majority of tenants in a Newark project have been on a "rent strike" (refusing to pay rent) for three years.

The Government now owns 102,000 living units on which the subsidized buyers defaulted—and 75,000 of these are single-family dwellings. In Detroit alone there are 12,000 abandoned housing units.

More than half of the housing authorities in the United States are operating at a negative cash flow, unable to meet expenses.

Pruitt Igoe failed partly because it concentrated the poor and deprived in one high-rise project in which they had no pride, said Crawford, who addressed the Hawaii Association of Realtors.

For example, the elevators were built to stop only on every third floor "and the people didn't want to live that way," he said.

Why have people even walked away from single-family dwellings in which they had an equity?

For one thing, many didn't understand what ownership meant, thinking their monthly payments were actually rent, said Crawford.

Or when need for a major repair arose, "rather than make it, some would move on," he said.

Because "the old ways have failed," the Administration now advocates direct cash assistance to needy families, Crawford said. This would allow each family to rent or buy wherever they chose.

Besides being simpler, it would tend to break up low-income pockets, he said.

Also, under the Administration's Better Communities Act pending in Congress, the Federal Government would turn over funds to local governments to spend on housing-related projects. There would be no strings attached. The money could go for housing, sewers, a water project or whatever the local need.

Crawford conceded the legislation faces "some tough sledding" in Congress and the best he hopes for, realistically, is a compromise.

Why have local federally assisted housing projects such as Kuhio Park Terrace, Kalihi Valley Homes and Kauluwela been a success where so many on the Mainland have failed?

Crawford credited "top quality management and tenant cooperation," for one thing. Too, "there's a pride there," he said. "Somebody cares—that's the difference."

THE 55TH ANNIVERSARY OF THE AMERICAN LEGION

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. ANNUNZIO. Mr. Speaker, March 15, marks the 55th anniversary of the American Legion. It was on that date in 1919 that delegates from the First American Expeditionary Force founded the American Legion in Paris, France.

Later that year, at the first Legion convention in Minneapolis, a recommendation was adopted to create the National Americanism Commission. That recommendation reads as follows:

We recommend the establishment of a National Americanism Commission of the American Legion, whose duty shall be the endeavor to realize in the United States the basic ideal of this Legion of 100 percent Americanism through the planning, establishment and conduct of a continuous, constructive educational system designed to:

(1) Combat all anti-American tendencies, activities and propaganda;

(2) Work for the education of immigrants, prospective American citizens and alien residents in the principles of Americanism;

(3) Inculcate the ideals of Americanism in the citizen population, particularly the basic American principle that the interests of all of the people are above those of any special interest or any so-called class or section of the people;

(4) Spread throughout the people of the nation the information as to the real nature and principles of American government;

(5) Foster the teachings of Americanism in all schools.

Mr. Speaker, in the 55 years since that recommendation was adopted, succeeding generations of Legionnaires have faithfully accepted its challenges by enthusiastically participating in wide-ranging community service, youth development, educational advancement, and counter-subversive activities. Legionnaires have accepted, as well, the challenge of guarding and improving our American heritage which has brought us greater spiritual and material wealth than any people the world has ever known.

The American Legion, through its Americanism Commission, continues to work for the creation of improved living for all Americans by recognizing the dignity and worth of the individual. Americanism activities are designed to embrace many phases of an individual's relationship to his community, State, and Nation by recognizing all of the inalienable rights of man and the human qualities of mind and heart.

The American Legion's efforts to aid students in advancing their education, to aid veterans in readjustment to civilian life, and to aid all Americans in their own communities with a better understanding of American values add up to an inspiring record of service, and I am honored to join the members of the American Legion in celebrating the 55th anniversary to these proud traditions.

I commend the Legionnaires of Illinois and our Nation for their dedication to the ideals of our American heritage, which they practice as a way of life, and extend my best wishes to them as they go forward in greater service to secure the blessings of liberty for us all.

WOLFF NEWSLETTER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. WOLFF. Mr. Speaker, periodically, I distribute a newsletter to my constituents in a continuing effort to keep them informed on my activities as their representative in Washington. And often, I use the newsletter as a vehicle to obtain their views on major issues, thus allowing me to function more effectively on their behalf on Capitol Hill. I would like to share with my colleagues my latest newsletter:

WOLFF NEWSLETTER

DEAR FRIEND AND CONSTITUENT: There is widespread contention today that new legislation is what is needed to solve the shortages of heating fuel and gasoline and to prevent a recurrence of the long gas lines so familiar to the metropolitan area.

I believe, however, that the American consumer is being deliberately used as a hostage in a concerted effort by the oil companies to double and triple their prices and realize greater corporate profits, and what is really needed to check the "crisis" is strict enforcement of existing laws already enacted by Congress.

If the Department of Justice, the Federal Trade Commission and the Department of the Interior and Commerce exercised their obligation and authority to enforce existing legislation, the immediate problems of shortages and price gouging would vanish.

I believe that the consumer has been forced to bear the brunt of this neglect and permissiveness, condoned by the Administration, with the result that the very lifestyle of Americans has been altered by depriving them of their mobility and their ready access to a free and open market place. Additionally, the consumer now faces widespread economic turmoil as the cost-of-living index rises, small businessness flounder and employment opportunities dwindle.

The oil interests in this nation have been allowed to dictate policy and exploit the consumer for far too long and I assure you that I will vigorously continue my efforts to stop this conduct. It is time this government controlled the oil companies instead of the oil companies controlling the government.

To substantiate these contentions, I recently requested the General Accounting Office, the investigative arm of Congress, to under an in-depth probe of domestic oil production and imports and exports of petroleum products. The report clearly indicates that misleading information has been foisted on the American consumer and that the oil companies have been anything but candid in their appraisal of the energy situation.

For example, the report reveals that in 1973, the period of critical shortage in this country, the oil companies were permitted to export four times the amount of fuel oil than in any other previous period and that during this same time span domestic production was curtailed by 100 million barrels, or five times the amount needed to heat all Long Island homes for one year. These are appalling facts and evidence that the consumer has been deceived.

The report further notes that industry takes up approximately 70 percent of the nation's energy supplies and the consumer only 30 percent. Why then is the consumer the only one being hard pressed and inconvenienced?

I firmly believe that new constraints must be applied. While at first I agreed that the cosmetic techniques of lowering thermostats and curtailing home electric consumption would ease the shortage, I now feel this "bandaid" treatment is only a cover-up and not a cure for the problem.

I am convinced that we must break up the oil conglomerates and their vertical operations that control the flow of oil through ownership of the refineries, pipeliens, tankers, distribution depots and sales stations—operations that are forcing the independent dealer and small businessman to close shop. I believe, too, that the automobile industry must be made to realize its responsibility to develop and widely market trucks and small cars fired by innovative fuel-conserving engines.

Most important, as the long range step, we must erase our dependency on foreign oil sources which account for only 15% of this nation's total requirements, and as the President has now recognized, accelerate our efforts to pursue new concepts for new energy resources. As far back as *1965*, when I first entered Congress, I predicted the United States would experience the current shortage and urged the development of alternate energy sources through the utilization of solar energy, shale and coal conversion methods.

But, as I have recommended for many years, we must start by evolving a National Energy Policy—one that will be determined on facts obtained from government sources, such as the U.S. Bureau of Mines, and not on figures supplied by the American Petroleum Institute which represents the industry and seeks to justify oil depletion allowances, windfall profits and tax loopholes for the major oil companies. We must establish a new partnership between government and industry—a partnership for progress—that ultimately will benefit the American consumer.

Sincerely,

LESTER WOLFF.

WOLFF TACKLES ENERGY PLIGHT . . . A RECORD FOR ACTION

1968, requested Antitrust Division of the Justice Department to investigate increased costs to the consumer of home heating oil and "two-tier" price structure that adversely affects the independent dealer.

1969 . . . 1969, called for an end to oil import quotas with legislation aimed at stabilizing prices and distribution and introduced measures to repeal so-called "Connolly Hot Oil Act" that permits states to limit production, a practice designed to hold down domestic supply and keep prices up. (Administration recently lifted oil import quotas, but "hot oil act" still in effect.)

1969, as ongoing effort to curtail lucrative tax advantages being enjoyed by oil industry, first introduced legislation to suspend oil depletion allowances and legislation to prohibit percentage depletion allowances in the instance of wells, mines and other natural deposits located in foreign countries.

1971, introduced legislation to combat depletion of domestic oil resources by calling for greater controls over exports. Updated legislation, (1973) continues effort to halt exports of not only crude oil but heating

fuel, gasoline, propane, petrochemicals and coal until domestic supply is adequate to meet at-home needs at prices consumer can afford.

1971, proposed the establishment of a federal Office of Utility Consumers to represent consumer before federal and state agencies on matters pertaining to utility operations such as the "fuel adjustment" increases demanded by Con Edison and Long Island Lighting Company. Further recommended that a House Committee be formed to investigate all aspects of available energy resources in this country.

1973, introduced Resolution to create Special House Committee to investigate charges that the oil industry is contributing to shortages of oil and distillate products. Demanded that the Federal Trade Commission probe heating oil price increases and allegations major oil companies are conspiring to "squeeze out" independent dealer. Held ad hoc Congressional hearing in New York City (*Feb. 1974*) to gain greater insight into the growing plight of the independent dealer and to gather data on charges that major oil companies are not cooperating to meet nation's energy needs at reasonable prices. Urged federal energy "czar" William Simon to correct apparent fuel oil price discrepancies.

1974, continuing to press for roll back of oil prices to a level that will combat the rapid rise in retail costs to the consumer and for tax levy on windfall profits being realized by oil companies as unconscionable "rewards" in time of high costs and inadequate supplies.

1974, since the onset of gasoline shortage and recent intolerable long lines at gas stations, has pressed for greater allocations to metropolitan area and has called on local officials to exercise their obligation to petition the Governor to declare Long Island a major disaster area to receive a greater allocation under Emergency Petroleum Allocation Act.

1974, sponsor of legislation to establish National Energy Information System to mandate that the oil industry provide essential data to the Federal Energy Office and allow the General Accounting Office to audit and question data.

Related actions include proposed legislation (1969) to allow commuters to deduct from their federal income tax their travel expense to and from work by mass transit; legislation (1973) to permit tax deduction for cost of installing home insulation as fuel conservation method; co-sponsor of legislation (1974) to provide low cost loans to small businessmen who are encountering severe financial hardship as the result of the energy shortage.

INFLATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my Washington report entitled "Inflation":

INFLATION

Not since I have been in the Congress have the letters and comments from constituents reflected a deeper frustration or anxiety about the economy, especially the horrendous price increases.

The soaring cost of living ranks with the energy shortage as the major concern of constituents, and for good reason. The consumer price index jumped 8.8% in 1973, the highest increase since 1947, and the wholesale price index increased 8.2%, the largest annual increase since 1946. In these early months of 1974 inflation is mounting to even higher levels. Consumer purchasing power has not kept pace with an inflation that has hit especially hard in essential commodities like food, clothing, fuel, housing and transportation. Moreover, there is no indication that the rate of inflation will moderate soon. Federal Reserve Chairman Arthur Burns told the Congress flatly, "Inflation cannot be halted this year."

All of this inflation did not come upon us suddenly. Bad policy and bad luck caused much of it. In the mid-1960's we failed to tax ourselves enough to pay for "guns and butter." In 1970 and again in 1972 we pumped up the economy before inflation was licked. In recent years wage and price controls have caused a spurt in prices in anticipation of a freeze and again after lifting the freeze. Two devaluations of the dollar, the sale of agricultural surpluses with little regard for the impact on food prices, reduced food production because of bad weather, and a simultaneous boom in all the major world economies, causing a world-wide demand and shortages of raw materials, all converged to make prices go even higher.

Since the American economy is heavily dependent upon foreign sources for several important raw materials, some parts of the inflation problem are largely beyond our control (e.g. the price of oil).

Government anti-inflation policy should focus on several areas. Production is the best weapon against inflation. Since the nation suffers from a lack of adequate productive capacity to meet demand, quick solutions to shortages cannot be expected, but the basic approach must be to expand supplies of food, fuel and many other materials in short supply.

Structural changes must take place in many areas in the economy, including an increase in the supply of trained people in inflationary areas (like health care), the removal of barriers of discrimination to increase the supply of trained people, and the encouragement of labor mobility so that workers can go where the jobs are. An open, competitive market will encourage domestic manufacturers to become more efficient, improve the quality of their goods, and hold prices stable. Competition must be strengthened by vigorous enforcement of the anti-trust laws, by re-examination of laws which encourage unfair trade practices and price discrimination, and by reduction of government support of inefficient industries. Consumers must be given better information so that they may make prudent purchases and exercise thrift.

Even though controls have not been very successful, controls of narrow scope should be retained, allowing the President the authority for controls over wages and prices in areas where competition is absent. American business and labor must be encouraged to keep their total increases in wages and profits in step with productivity.

No anti-inflationary policy can succeed without the appropriate mix of fiscal and monetary policy, the two most important tools we have to control the demand for goods and services in the economy. With the country now facing the twin dangers of inflation and recession, the great debate is whether to stimulate demand to ward off recession or restrain it to battle inflation. The right approach at the moment is neither "busting the budget" nor tight restraint, but flexibility and moderation, with a tempered, not restrictive, monetary policy, and selective fiscal stimulus in those areas of the economy where capacity is tight.

Economic policy must be given a higher priority by the government. The goal is a balanced economy with reasonable price stability, moderate economic growth and full employment. The art of economic policy is not to achieve any one of these targets, but to achieve all of them simultaneously. The major obstacle to such an achievement is not a lack of knowledge, or even a lack of tools, but a lack of political will and leadership to take the right action at the right time.

Finally, all of us must bear in mind that, despite the turmoil in the American economy as it confronts severe challenges from inflation, unemployment and shortages, it has plenty of muscle, having doubled itself in the last 10 years, and the ingredients are in place for a new economic boom, provided our economic leadership has the wit and the will to blend skillfully the various components of policy.

FAILURE OF YEAR-ROUND DAYLIGHT SAVING TIME

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. DAN DANIEL. Mr. Speaker, it has become obvious that this past winter's experiment in year-round daylight saving time was a monumental failure. Mothers of small children have advised me they must drive their children to the bus lines and wait with them in the dark, thereby using gasoline in addition to early-morning electricity. People who must be at work by 8 o'clock are equally unhappy with the time change, and for basically the same reason—dark is dark, whether it is a.m. or p.m. darkness.

The Danville, Va., Bee, a newspaper in the district I am honored to represent, carried an excellent editorial on this subject, and describes a measure introduced by Senator WILLIAM L. SCOTT, also of Virginia, which has considerable merit. I commend the reading of this editorial to my colleagues, and expeditious adoption of the Senator's proposal:

[From the Danville (Va.) Bee, Mar. 11, 1974]

SCOTT AND DAYLIGHT SAVING TIME

When it was first suggested and from time to time ever since, we have argued against mid-winter Daylight Saving Time.

We have argued that, under mid-winter DST, workers were having to arise and turn up the heat at the coldest part of the 24-hour span and turn on more houselights than they would have to at dawn. We have argued about the dangers of pre-dawn traffic and children going to the school in the darkness. We have argued.

And we felt all alone. We wondered if we were not only wrong again, but all that wrong.

When we were ready to toss in the towel, other voices were heard, other copy was being written—in a similar vein.

For just one example, columnist Jim Fain of American Syndicate Inc. wrote a lengthy essay which included this gem: "The theory that year-round Daylight Saving Time somehow could help solve the shortage of fossil fuels has to be the silliest notion propounded in this country since the Shakers decided to segregate men and women and thus eliminate sex."

While detailing his reasons for opposing midwinter DST, he pointed out: "The truth is that when you put an hour of daylight on one end of the day, you take it off the other. The sun doesn't stand still.

Although the hours of daylight now are becoming longer and the worst period of mid-winter DST has passed, opposition still

is spreading as more and more people look back and reconsider.

In Washington, at the end of last week, the Associated Press quoted federal energy officials as saying they think DST is helping to save some fuel, but the final verdict is not in. We didn't expect Energy Czar William Simon and his horde of aides to admit that somebody goofed. Oh no!

Regardless of what these "experts" finally claim, Virginia Senator William Scott already has gone to work on a compromise which makes good, common sense. Senator Scott's monthly newsletter for March includes this:

"Some months ago the Congress passed an emergency measure to provide for daylight savings time on a year-round basis. It was thought that year-round daylight savings time would save energy and would be a reasonable method of cutting back on electricity.

"While preliminary reports indicate that some degree of success has been achieved many people report inconveniences and, in certain cases, tragic consequences. The problems caused by school children waiting for buses in the predawn hours concern many parents across Virginia. Workmen are also going to their jobs before daylight and this offsets energy saved in the evenings.

"To lessen adverse conditions created by the time change, I have sponsored legislation which would amend the Uniform Time Act to provide that daylight savings time will begin on the last Sunday in February of each year. Adoption of this proposal would allow the country to observe eight months of daylight savings time during which sunrise does not occur until 8:00 a.m. in the morning or later in many parts of the country. This appears to be a reasonable compromise to the problem and should warrant serious consideration."

Senator Scott's proposal definitely does deserve consideration. He deserves and needs public support to get action on Capitol Hill. Pass him the ammunition so he can make his colleagues see the light (so to speak).

EVALUATION OF ESEA

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. LANDGREBE. Mr. Speaker, I am opposed to H.R. 69 for reasons made clear in the minority views that the gentleman from Michigan (Mr. HUBER) and myself filed with the committee report.

Briefly, the Elementary and Secondary Education Act (ESEA) has brought the Federal Government's heavy-handed control into the classrooms of our public schools, usurped parental rights and responsibilities, promoted outrageous practices in our schools such as sensitivity training and behavior modification, and created a massive bureaucracy that operates outside public view and control.

Any of these is sufficient reason to phase out ESEA, as I have proposed in H.R. 10639, the "Freer Schools Act."

In addition, however, is the massive and overwhelming evidence of the total failure of ESEA to accomplish its alleged goal of improving education. In fact, there is much evidence that the supposedly "educationally disadvantaged" really are disadvantaged after their treatment by the Government's education planners.

Following is an outline of six major evaluations of the effectiveness of ESEA:

EVALUATION OF ESEA

I. American Institutes for Research (AIR) report, March, 1972.

A. It is the most thorough and complete evaluation of Title I programs to date.

B. It summarizes information from several sources:

1. Educational Resources Information Center (ERIC).

2. Research and Development Centers, funded by the Federal Government.

3. Regional Education Laboratories, funded by the Federal Government.

4. The AIR Library.

5. The Library of the Assistant Secretary for Planning and Evaluation in HEW.

6. The Library of the Division of Compensatory Education of the U.S. Office of Education.

7. Interviews with persons involved: ESEA teachers and Administrators.

8. 91 state annual evaluation reports for fiscal years 1969 and 1970.

9. The report has a bibliography of 273 entries.

C. Conclusions:

1. Needs of Educationally Disadvantaged Children:

a. "The emphasis of [ESEA] Title I program should be on provision of compensatory reading, language arts, and mathematics programs—those areas where the children have the most critical needs."

b. "The major academic problem in Title I schools is reading retardation. On the basis of teacher estimates of their pupil's 'critical needs', 43% of the children in Title I elementary schools were judged to have a critical need for remedial reading instruction, 37% needed remedial instruction in language, and another 37% required remedial mathematics."

2. ESEA is misdirected:

a. "The Washington Research Project (1969) provided evidence that many school system have used Title I funds in only a limited way for academic programs; rather, they have purchased excessive equipment; added to their administrative staff, provided health, food, cultural or recreational services that were not needed, were unrelated to meeting the educational needs of children, or should have been provided by other Federal or private programs."

b. "The majority of children judged to have academic needs did not participate in any compensatory academic program, while more than 5 times as many children participated in food programs as were judged by their teachers to need them . . . Apparently there has been an over-allocation of supportive services and an under-allocation of academic services in Title I programs since program inception."

3. ESEA Title I is ineffective.

a. Standardized achievement test data on children in Title I elementary schools (FY '68–'69) showed that "Participants gained less during the period of instruction than non-participants and consequently fell further behind their non-participating peers and national norms."

b. "Five of the six [State Title I Annual Evaluation Reports FY '69 and '70] that presented empirical evidence to support their conclusion found no positive relationship between Title I project expenditures and cognitive benefits."

c. "No significant evidence was reported between the two groups of students [those participating in ESEA programs, and those not participating] in improvement in creativity or in awareness of current events."

d. "Neither participants nor non-participants appeared to improve significantly in reading achievement during the academic year (1968–1969), and no relationship was found between hours of participation and gain."

e. "In short, there is no evidence, nationally, that compensatory reading programs, whether Title I supported or not, provide any benefits for participating children in Title I schools."

II. Education of the Disadvantaged: "An Evaluation Report on Title I ESEA—Fiscal Year 1968," HEW, Office of Education.

A. "For participating and non-participating pupils, the rate of progress in reading skills kept pace with their historical rate of progress."

B. "Compensatory reading programs did not seem to overcome the reading deficiencies that stem from poverty."

C. "Pupils taking part in compensatory reading programs were *not* progressing fast enough to allow them to catch up to non-participating pupils."

D. "There was no consistent relationship between the total hours per year that a pupil spent in compensatory reading activities and his reading achievement gains."

III. Inequality: "Studies in Elementary and Secondary Education," edited by Joseph Froomkin and Dennis J. Dugan, HEW, Office of Education.

A. More restricted in scope than the AIR Report.

1. Covers 4,852 pupils involved in ESEA Title I in school year 1967–1968.

2. Covers 155,000 Title I participants in FY '67, i.e., 2% of Title I participants.

B. Basis of Conclusion:

1. Conclusions were based on student scores before and after participation in Title I programs. The following objective achievement tests were utilized: Metropolitan Achievement Test (MAT), Iowa Test of Basic Skills (ITBS), California *Achievement* Test (CAT), Stanford Achievement Test (SAT), Nelson Reading Test (NRT), Gates Reading Test, and Science Research Associates Achievement Test.

2. "This sample of observations is not a representative sample of Title I projects. It is, most likely, representative of projects in which there was a higher than average investment in resources. Therefore, more significant achievement gains should be found here than in a more representative sample of Title I projects."

C. Conclusion:

"An analysis of the reading achievement scores of 155,000 participants in 189 Title I projects [reported by 8 states and 33 cities] during the school year ending 1967 indicates that a child who participated in a Title I project had only a 19% chance of a significant achievement gain, a 13% chance of significant achievement loss, and a 68% chance of no change at all."

IV. "Inequality," by Christopher Jencks 1972.

A. This book was written by Jencks and 7 other members of the Center for Educational Policy Research over a period of three years (1969–1972). It is not restricted to ESEA programs.

B. Conclusions:

1. "Students in Title I programs do worse than comparison groups as often as they do better."

2. "If, for example, principals or parents had control over their school budget and could spend their money on whatever they thought their school needed most, extra resources might affect test scores more than they do now."

3. "We can see no evidence that either school administrators or educational experts know how to raise [achievement] test scores, even when they have vast resources at their disposal."

V. "An Overview of Issues in Compensatory Education Especially As They Relate to Legislative Proposals in the Spring of 1973. Stanford Research Institute, February 12, 1973.

A. "Every objective achievement goal [of Federal ESEA Compensatory Education Programs] has failed to be met, and we can predict that this would continue to be the case." (p. 21)

B. "Moreover, evidence from existing programs suggests that even those students who benefit from early compensatory education do not retain those benefits when they enter the normal program."

C. "Little if any empirical evidence exists to show that such expenditures [Title I expenditures for supportive services such as health checkups, clothing, food, etc.] are of significant value at the level of deprivation existing among those in compensatory schools."

D. Furthermore, targeting [of ESEA programs] within the school creates a labeled group of children who are "dumb even for this school" and fosters a negative self-image which often undermines other positive aspects of the program.

VI. "The Efficiency of Educational Expenditures for Compensatory Education—An Interpretation of Current Evidence," by Educational Policy Research Center, Stanford Research Institute, May, 1972.

A. "There is no persuasive evidence of effectiveness for the average ESEA Title I project."

B. "Nearly all empirical analysis of survey data on educational inputs and outputs such as Project Talent, the Equal Educational Opportunity Survey, and national ESEA Title I evaluations show little or no relationship between variations in educational expenditures and educational outputs."

Given the history of and the nature of government bureaucratic programs, it is certainly no surprise that ESEA is a total failure. But what is truly incredible is the complete evasion of this evidence by the Committee on Education and Labor. During more than a year of hearings and markup on H.R. 69, no concern was expressed for education. There was great concern over who was getting the money under which new, complex formula. Interminable rhetoric poured forth about "equalizing educational opportunities." But with respect to the $15 billion that was wasted, nothing was said. In regard to the students who are worse off after ESEA, no mention was made.

Thus it is clear that the real concern of the proponents of H.R. 69 has nothing to do with improving education. From 1961 to 1972 enrollments in public elementary and secondary schools rose from 36.3 million to 45.9 million, an increase of 26 percent. During the same period, however, public school spending rose from $17 billion to $48.6 billion, an increase of 186 percent. And yet, the Educational Testing Service recently reported that the mean scores on the Scholastic Aptitude Test, taken annually by high school seniors, have declined in every year for the last 10 years.

It could not be more obvious that merely spending more and more money does not improve education.

The framers of H.R. 69 are aware, apparently, that sooner or later they will have to produce something to show ESEA is successful. Thus we have on page 54 of H.R. 69, as reported, section 112:

Study of purposes and effectiveness of compensatory educational programs.

Mr. Speaker, I submit that it is ludicrous to be calling for a study of the purpose of an act that is 9 years old and has expended over $15 billion. Do the members of the Education and Labor Committee not yet know the purposes of ESEA?

As for the effectiveness of compensatory education programs, what more evidence do we need? The evaluations outlined above are just some of the numerous studies already done on such programs.

Unwilling to admit the failure of ESEA, its proponents ignore the evidence and call for yet another study of its effectiveness. Unwilling to face the evidence that the purposes for which ESEA was created have not been approached let alone been met, they call for a study of its purposes.

To add insult to injury, H.R. 69 authorizes that this study be carried out by the National Institute of Education—NIE. Created less than 2 years ago to "provide leadership in the conduct and support of scientific inquiry into the educational process," NIE is now being given additional authority to study the effectiveness of the Federal Government's own education programs. Apparently the studies conducted by the American Institutes for Research, the Stanford Research Institute, and even the U.S. Office of Education are not good enough—after all, they do not come up with the "correct" results.

So now we are to have NIE conduct a study. Having one Government agency study the effectiveness of the programs of another Government agency is like having a student grade his own exams or having the milk industry study the value of price supports.

And what if the NIE study does not provide satisfactory answers? Will they have to do it over until they get it right?

In the meantime, while NIE is "studying" the matter, H.R. 69 will be extending and expanding this intolerable program.

Mr. Speaker, we must put a stop to ESEA now before the involvement of the Federal Government into education is so deep that it cannot be stopped—even if its failure is admitted.

PROPOSED AMENDMENT TO H.R. 69

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. THOMPSON of New Jersey. Mr. Speaker, pursuant to unanimous-consent agreement, I am providing for insertion in the CONGRESSIONAL RECORD an amendment to title I of H.R. 69:

AMENDMENT TO H.R. 69, AS REPORTED, OFFERED BY MR. THOMPSON OF NEW JERSEY

Beginning with line 1 on page 49, strike out everything down through line 7 on page 50, and insert in lieu thereof the following:

"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

"SEC. 132. (a) To the extent consistent with the number and concentration of children in the school district of a local educational agency who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the repair, minor remodeling, or construction of public school facilities as may be necessary for their provision (consistent with subsection (b) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this title.

"(b)(1) The control of funds provided under this title and title to materials, equipment, and property repaired, remodeled, or constructed therewith shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services is independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this title shall not be commingled with State or local funds.

"(c) If a State is prohibited by law from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(d) If the Commissioner determines that a State or a local educational agency has substantially failed to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, he shall waive the requirement of section 131(a)(2) and arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) When the Commissioner arranges for services pursuant to this section, he shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate allocation under this title.

"(f) The Commission shall take no action under subsections (c), (d), or (e) until the State and local educational agencies affected have been given 60 days notice and an opportunity for a hearing on the record."

(b) Section 147 of Title I of the Act is amended (1) by striking out "such State may" in subsection (a) and inserting in lieu thereof the following: "or if any State or local educational agency is dissatisfied with the Commissioner's final action under section 132(c), (d), or (e), such State or local educational agency may", and (2) by adding at the end thereof the following new subsection:

"(d) During the pendency of any civil action for review of the Commissioner's action under subsection (c), (d), or (e) of section 132, the Commissioner shall continue to make payments to the State or local educational agency involved (1) until such time as the final review to which such agency is entitled has been exhausted and (2) in the amounts to which such agency would be entitled if such action had not arisen in the

first instance. To the extent the final order of the court in such civil action requires that a portion of the Federal funds allocated to such agency be withheld, such withholding shall only apply prospectively."

JOHN MacGUIRE—TOP STUDENT SCIENTIST

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. McCOLLISTER. Mr. Speaker, one of my constituents, John C. MacGuire, a student at Mount Michael Benedictine High School in Elkhorn, Nebr., is in Washington this week as a participant in the "Westinghouse Science Talent Search." I want to salute this talented young man for the dedication and hard work that brought him here. I think it is particularly interesting that he is 1 of only 12 graduating seniors at Mount Michael. It is notable that the school had three members of that class as participants in the science talent search. All were named to the honors group, and John was named a winner.

The following newspaper article printed in the February 21 edition of the "Douglas County Gazette," of Waterloo, Nebr., provides an excellent description of John and his science project.

MacGuire—Top Student Scientist

John C. MacGuire, a student at Elkhorn's Mount Michael Benedictine High School, has received word that he is one of the most scientifically talented high school seniors in the nation.

MacGuire, 17, placed in the top 40 of the more than 1,100 entrants in the 33rd Annual Science Talent Search conducted by Science Service, an independent nonprofit organization based in Washington, D.C.

MacGuire and the other 39 winners have now been invited to attend the Science Talent Institute in Washington, D.C., for a five-day, expense-paid session, March 13–18. At the Institute, the Westinghouse Science Scholarships and Awards, totaling $67,500, will be awarded to those with the best projects.

MacGuire's project, an engineering precedent, is titled, "Slats as High Lift Devices". It adds a slat to the leading edge of an aircraft wing which increases the amount of lift afforded by the wing, while at the same time reduces the drag. John tested this slat, which he developed, in a wind tunnel which he also constructed himself.

"This seems to be a new kind of slat," MacGuire said. "At least I haven't run across any tests of it yet. I may try for a patent on it if I can stir up an interest in it. I've been working on the project since I was in the eighth grade."

Father Henry Masterson, head of the Science Department at Mt. Michael, urged John as well as fellow students David Hampton and Jack McCarthy to enter the Search competition. All three placed in the top 300.

While in Washington, MacGuire will spend five days being interviewed by the judges. The top winner in the Search will receive a $10,000, four-year college scholarship. The next two winners will receive an $8,000 scholarship, and the next four will receive a $4,000 award. Each remaining entrant receives a $250 award.

MacGuire will be graduated from Mt. Michael this year and hopes to continue his study of aerodynamics at Princeton University in New Jersey. He has also applied to MIT and Stanford University, but he ranks Princeton as his first choice.

Last summer, John worked with the U.S. Army at the NASA/Ames Research Center at Moffet Field, near San Jose, Calif. This opportunity came from John's winning the "Operation Cherry Blossom" competition at the International Science and Engineering Fair in San Diego last May.

The winners of this fair, held annually in the United States, are also presented with a trip to Japan to attend the All-Japan Student Science Awards. MacGuire and June Ann Vayo, an 18-year-old Harvard University freshmen, recently returned from this trip where they met Japan's Imperial Highnesses, Prince and Princess Hitachi.

"It was really an honor to meet the Prince and Princess," said John. "Nothing like this has ever happened to me."

Before returning to the U.S., MacGuire and Vayo visited historical and cultural landmarks in ancient Kyoto, and called on the Mayor of Sagamihara City, Masaru Kawzu. The mayor presented them with Japanese "happi-coats".

John is the son of Mr. and Mrs. John MacGuire, Casper, Wyo.

DREAMS ABOUT ISRAEL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. RAILSBACK. Mr. Speaker, the following article relating a very special dream on the Israeli situation by Rabbi M. Levy of the Tri-City Jewish Center in Rock Island, Ill., was recently brought to my attention. I know that it will be of interest to my colleagues and I commend it to your attention:

Dreams About Israel

(By Rabbi M. Levy)

The other night I had a dream about Israel. It is, of course, very understandable in light of the recent and even now continuing problems faced by the State of Israel. No doubt many of you had dreams in which Israel is featured with great prominence.

However, I do believe that mine was totally different. And so, I would like to share it with you.

Dreams, as you know, result from various real situations with which we are faced. Dreams take unresolved bits of reality and work them into the complex and strange nature of dreams. The elements from "life" that prompted this dream obviously were the oil and energy crises. I had been bothered by all the statements that have been made. You know them . . . the Arab world is cutting the oil supply 10%, 15% . . . the NATO countries and Japan are urging Israel to withdraw, so as not to precipitate a true crisis in the fuel area.

And so, as I went to sleep disturbed by these statements that always seem to be blaming Israel for all things that happen, these matters must have played with my unconscious to produce the dream that I had.

I dreamed of tulips and stuffed geese. Sounds strange, indeed, but not so very! I know that in the Golan Heights, there is a new village that has sprung up since the '67 War. It is in the disputed area of Ramat Golan (Hills of Golan), and hence is related to the political problems of the disputed territories.

This particular kibbutz raises tulips of a special kind, and ships them to Holland! (Sounds like the old adage of "shipping coals to Newcastle".) The tulips raised by Israel are superior to the famous Dutch type. They survive better and are not subject to the various diseases that traditionally infect the flowers. Holland, therefore, turns to Israel for flowers. In my dream, the Israeli Ambassador to Holland told his Dutch counterpart, "As long as you people can't drive because of the fuel shortage, there is no point in having the beautiful fields of tulips for which you are famous. People can't travel, and so they can't enjoy the tulips. We, in Israel, are economically secure and we don't really need the monies from the export of the tulips. In short, either no oil from the Arabs, or no tulips from us." I cheered the Minister Plenipotentiary. My dream continued.

Israel raises geese; overstuffs them to produce the gourmet delight of stuffed goose liver . . . pate de foie gras. She then exports it to France. Because it is very expensive, only fashionable gourmets or rich people eat it in any quantity. Here again, I saw the Ambassadors of two countries talking. I eavesdropped on the heated discussion. Arms waving, the shouting in French and Hebrew, all this was in progress in their "chat". The Israeli threatened to stop all exports until France severed relations with the Arab world and publicly announced its support for Israel.

Because of the tulip crisis, the other scene came into view in my dream. "Ma sacre Dieux", the French shouted in Paris, Lyons, Cherbourg and throughout France. What will happen to "La Belle France" (charming France) without the pate de foie gras? The world knows that France and pate are one. The shouts in the streets of Paris rose to a crescendo. "Down with 'Juif' (Jew)!" "Mort a la Israel (death to Israel)!" Israel cannot boycott France and withhold what every true Frenchman regards as his possession, even though it comes from Israel! We would sooner capitulate in every endeavor . . . yes, even walk to work and have no fuel, or chill in winter, rather than to live without pate! Israel cannot do it! The world community will not allow! The storming of the Bastille was child's play compared to the unrest created by Israel and the pate shortage.

The final scene of the dream was the international discussion held at the World Tribunal. All the world ambassadors were there to debate the issue. At stake was world peace and contentment. Holland and France must be saved at all costs. They are peace-loving nations with a tradition. Why should they be caught in and punished by someone else's war? Israel must be condemned severely and be shown it cannot wittingly destroy other people. She must pull back from this disastrous course and release tulips and pate. If Israel wishes to commit national suicide, she has that right, but not at the expense of 50 million Frenchmen and millions of tulip-loving Dutch.

Israel reluctantly acquiesed. The ambassador, with tears in his eyes, said that Israel is not here to destroy even one hair on a Frenchman's head, nor one tulip in a Dutch boy's hand. Powerless Israel withdrew.

I awoke.

I suddenly realized, in the reality of my awakened state, that no matter what happens, Israel always seems to lose. I wondered to myself . . . suppose Israel had oil. What would happen if she cut oil shipments by 15%? But then again, dreams and reality are truly far apart!

TAX AIDS FOR THE ELDERLY

HON. EDWARD I. KOCH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. KOCH. Mr. Speaker, the chairman of the Senate Subcommittee on Aging, FRANK CHURCH, has provided information which would help the elderly in preparation of their tax returns. He stresses that the following checklist is not intended to be an exhaustive summary of all available deductions for every conceivable circumstance, but it can prove a helpful checklist for persons who itemize their allowable expenses. It can also provide guidance to determine whether it would be to the advantage of the taxpayer to itemize his or her deductions or take the standard deduction or low income allowance. Additionally, this summary can be useful for all age groups because most tax provisions apply with equal force to the young as well as the old.

The following is the checklist and other helpful information:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses are deductible to the extent that they exceed 3% of a taxpayers adjusted gross income (line 15, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3% limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3% rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3% rule) but only to extent exceeding 1% of adjusted gross income (line 15, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3% limitation):

Abdominal supports
Ambulance hire
Anesthetist
Arch supports
Artificial limbs and teeth
Back supports
Braces
Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. Taxpayer should have and independent appraisal made to reflect clearly the increase in value.
Cardiographs
Chiropodist
Chiropractor
Christian science practitioner, authorized
Convalescent home (for medical treatment only)
Crutches
Dental services (e.g., cleaning teeth, X-rays, filling teeth)
Dentures
Dermatologist
Eyeglasses
Gynecologist
Hearing aids and batteries
Hospital expenses
Insulin treatment
Invalid chair
Lab tests
Lip reading lessons (designed to overcome a handicap)
Neurologist
Nursing services (for medical care)
Ophthalmologist
Optician
Optometrist
Oral surgery
Osteopath, licensed
Pediatrician
Physical examinations
Physician
Physiotherapist
Podiatrist
Psychiatrist
Psychoanalyst
Psychologist
Psychotherapy
Radium therapy
Sacroiliac belt
Seeing-eye dog and maintenance
Splints
Supplementary medical insurance (Part B) under medicare
Surgeon
Transportation expenses for medical purposes (6¢ per mile plus parking and tolls or actual fares for taxi, buses, etc.)
Vaccines
Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health)
Wheelchairs
Whirlpool baths for medical purpose
X-rays

TAXES

Real estate
State and local gasoline
General sales
State and local income
Personal property

If sales tax tables are used in arriving at your deduction, you may add to the amount shown in the tax tables only the sales tax paid on the purchase of five classes of items: automobiles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security or Railroad Retirement annuities).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 15, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible). Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 6¢ per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in taxpayer's home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.
Auto loan.
Installment purchases (television, washer, dryer, etc.)
Bank credit card—can deduct the finance charge as interest if no part is for service charges or loan fees, credit investigation reports. If classified as service charge, may still deduct 6 percent of the average monthly balance (average monthly balance equals the total of the unpaid balances for all 12 months, divided by 12) limited to the portion of the total fee or service charge allocable to the year.
Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).
Penalty for prepayment of a mortgage—deductible as interest.
Revolving charge accounts—may deduct the "finance charge" if the charges are based on your unpaid balance and computed monthly.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act of willful negligence) or theft losses to nonbusiness property—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. You may use Form 4684 for computing your personal casualty loss.

CHILD AND DISABLED DEPENDENT CARE EXPENSES

The deduction for child dependent care expenses for employment related purposes has been expanded substantially. Now a taxpayer who maintains a household may claim a deduction for employment-related expenses incurred in obtaining care for a (1) dependent who is under 15, (2) physically or mentally disabled dependent, or (3) disabled spouse. The maximum allowable deduction is $400 a month ($4,800 a year). As a general rule, employment-related expenses are deductible only if incurred for services for a qualifying individual in the taxpayer's household. However, an exception exists for child care expenses (as distinguished from a disabled dependent or a disabled spouse). In this case, expenses outside the household (e.g., day care expenditures) are deductible, but the maximum deduction is $200 per month for one child, $300 per month for 2 children, and $400 per month for 3 or more children.

When a taxpayer's adjusted gross income (line 15, Form 1040) exceeds $18,000, his deduction is reduced by $1 for each $2 of income above this amount. For further information about child and dependent care deductions, see Publication 503, Child Care and Disabled Dependent Care, available free at Internal Revenue offices.

MISCELLANEOUS

Alimony and separate maintenance (periodic payments).
Appraisal fees for casualty loss or to determine the fair market value of charitable contributions.
Campaign contributions (up to $100 for joint returns and $50 for single persons).
Union dues.
Cost of preparation of income tax return.
Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box for income producing property.

Fees paid to investment counselors.

Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.

Business gift expenses not exceeding $25 per recipient.

Employment agency fees for securing employment.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a telephone required by the taxpayer's employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if employment requires it.

Payments made by a teacher to a substitute.

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—Taxpayers may now claim either a deduction (line 33, Schedule A, Form 1040) or a credit (line 52, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State or local office in any primary, general or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $50 ($100 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $12.50 ceiling ($25 for couples filing jointly).

Presidential Election Campaign Fund.—Additionally, taxpayers may voluntarily earmark $1 of their taxes ($2 on joint returns) to help defray the costs of the 1976 presidential election campaign. If you failed to earmark $1 of your 1972 taxes ($2 on joint returns) to help defray the cost of the 1976 presidential election campaign, you may do so in the space provided above the signature line on your 1973 tax return.

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES FOR OLDER AMERICANS

Filing status	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$2,050
Single (age 65 or older)	2,800
Married couple (both spouses under 65) filing jointly	2,800
Married couple (1 spouse 65 or older) filing jointly	3,550
Married couple (both spouses 65 or older) filing jointly	4,300
Married filing separately	750

Additional Personal Exemption for Age.—In addition to the regular $750 exemption allowed a taxpayer, a husband and wife who are 65 or older on the last day of the taxable year are each entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1974, you will be entitled to the additional $750 personal exemption because of age for your 1973 Federal income tax return.

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support.

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10 percent of the mutual dependent's support, *but only one of them*, may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence by Elderly Taxpayers.—A taxpayer may elect to exclude from gross income part, or, under certain circumstances, all of the gain from the sale of his personal residence, provided:

1. He was 65 or older before the date of the sale, and

2. He owned and occupied the property as his personal residence for a period totaling at least 5 years within the 8-year period ending on the date of the sale.

Taxpayers meeting these two requirements may elect to exclude the entire gain from gross income if the adjusted sales price of their residence is $20,000 or less. (This election can only be made once during a taxpayer's lifetime.) If the adjusted sales price exceeds $20,000, an election may be made to exclude part of the gain based on a ratio of $20,000 over the adjusted sales price of the residence. Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded by an elderly taxpayer when he sells his home.

Additionally, a taxpayer may elect to defer reporting the gain on the sale of his personal residence if within 1 year before or 1 year after the sale he buys and occupies another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence or (2) you were on active duty in the U.S. Armed Forces. Publication 523 (Tax Information on Selling Your Home) may also be helpful.

Retirement Income Credit.—To qualify for the retirement income credit, you must (a) be a U.S. citizen or resident (b) have received earned income in excess of $600 in each of any 10 calendar years before 1973, and (c) have certain types of qualifying "retirement income". Five types of income—pensions, annuities, interest, and dividends included on line 15, Form 1040, and gross rents from Schedule E, Part II, column (b)—qualify for the retirement income credit.

The credit is 15 percent of the lesser of:

1. A taxpayer's qualifying retirement income, or

2. $1,524 ($2,286 for a joint return where both taxpayers are 65 or older) minus the total of nontaxable pensions (such as Social Security benefits or Railroad Retirement annuities) and earned income (depending upon the taxpayer's age and the amount of any earnings he may have).

If the taxpayer is under 62, he must reduce the $1,524 figure by the amount of earned income in exces of $900. For persons at least 62 years old but less than 72, this amount is reduced by one-half of the earned income in exces of $1,200 up to $1,700, plus the total amount over $1,700. Persons 72 and over are not subject to the earned income limitation.

Schedule R is used for taxpayers who claim the retirement income credit.

The Internal Revenue Service will also compute the retirement income credit for a taxpayer if he has requested that IRS compute his tax and he answers the questions for Columns A and B and completes lines 2 and 5 on Schedule R—relating to the amount of his Social Security benefits, Railroad Retirement annuities, earned income, and qualifying retirement income (pensions, annuities, interest, dividends, and rents). The taxpayer should also write "RIC" on line 17, Form 1040.

PAT HALL OF CAROWINDS

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. DORN. Mr. Speaker, Pat Hall believes in young people. One of the trademarks of his fabulous, $30 million family amusement park complex on the North Carolina-South Carolina border is the large number of young people employed. Pat Hall's successful career, in the great free enterprise American tradition, is an inspiration for every young American.

Mr. Speaker, the Southeastern United States is increasingly a national and international recreational complex. As we approach the Bicentennial celebration of the birth of our country I commend a visit to Pat Hall's Carowinds, which very vividly depicts the rich heritage and folklore of one of America's most historic regions.

Carowinds portrays our region's proud history and provides a dramatic preview of Carolina's dynamic future.

Mr. Speaker, I commend to the attention of my colleagues and the American people the following splendid article about Pat Hall from the winter 1974 issue of the South magazine:

CAROWINDS—A GUTSY PROMOTER WITH $25 MILLION

When Pat Hall, a pistol-packing, Bible-quoting entrepreneur from Mecklenburg County, announced four years ago that he was going to build a $30-million amusement park, some people thought he was nuts. That was a lot of money to shell out for a family-oriented extravaganza capitalizing on the history of the Old South, and who knew if it would work or not?

Nevertheless, Hall went ahead on his plans for Carowinds and opened it this past March. By all indications it seems to be a resounding success. At least it has more than fulfilled Hall's expectations for its first year of operations.

During its six month season, more than 1.5-million people visited Carowinds, spending about $13-million. Hall had expected to gross no more than $2-million the first year. The number of visitors exceeded expectations so far that walkways had to be expanded between attractions, new restrooms had to be

added, and additional hot dog and hamburger stands were thrown in at the last minute.

PROFIT

If things go as well as they did the first year, Hall expects to turn the corner of his $30-million mortgage and start turning a profit. He claims that the money isn't all that important to him since he is already a millionaire several times over.

"I didn't have to do this, you know," Hall said. "I don't need any more money. I just love to see people having a good time."

Hall is a lanky redhead, an earthy man with enormous appetites, who made his first million selling used textile mill equipment. He can move in black tie circles or chew straw in bib overalls with the equal ease. That versatility gave him the confidence he needed to rise from a department store clerk to one of North Carolina's most important citizens.

He gets up with the farmers, tours his other properties enroute to Carowinds, and stays there until closing time at 10 p.m. Often, he's there after everyone else has gone.

ENERGETIC

He moves through his chores with tremendous gusto, as if he's determined to share all that life can offer. A secretary who has been with him 20 years says he enjoys life more than anyone she has ever known. He's a straight-talking extrovert who can move from a towering rage into quiet, sweet-talking demeanor for a prospective customer.

Carowinds is Hall's personal fiefdom. The Vanderbilts have their Biltmore estate in Asheville, Hall his own version of the Old South. It's located on 73 acres and features special Carolina accents: country music, Gospel singers, large cornfields, a tractor-powered hay wagon ride and another ride driven by a mule. When the humane society protested about the mule's plight, Hall ordered a sign erected:

"This mule works four hours a day. It sleeps and eats 20 hours a day. The president of Carowinds works 20 hours a day and sleeps and eats four hours a day."

Carowinds is larger than Disneyland but much smaller than Walt Disney World in Florida. The operation fulfills a dream that was born when Hall visited Disneyland in 1956.

"I like children," Hall said. "I have four of my own. I had nine brothers and sisters. I like to see kids happy and enjoying themselves."

Somehow, when Hall says that, you believe him. Even when you know about his reputation as Charlotte's premier party-giver and hear tales of his gigantic Christmas galas.

BIG BUSINESS

Carowinds is actually much more than an amusement park. It's a carefully planned operation that encompasses an industrial park, interstate office centers, and a posh residential area that will include recreation-oriented townhouses, condominiums and single family homes.

"We'll always be enlarging the park," he said. "We've already started on the Carolina Center (office complex) and we have plans for all the property that surrounds the theme park. We intend to put up a hotel complex and low-rise, highly restricted offices. What we have to sell here, in addition to land, is the exposure to the million and a half people who will be coming out here all the time."

That sounds suspiciously like a man who's interested in making money instead of a man who's doing it just for fun. The project has been carefully planned to make the maximum advantage of what Carowinds—and the North-South Carolina area—has to offer.

The offices will face Interstate 77. And it doesn't seem to be an accident that the residential area is on 2,000 choice acres, much of which fronts Lake Wyley and the Catawba River. And when Hall quotes marketing statistics, he sounds like a man who has done his homework.

MARKET

"Our market area for this park, within a radius of 100 miles, is more than 5-million people," he said. "You take that same area around Atlanta, and you'll find we're bigger. We're also larger than the Dallas-Fort Worth area, and larger than the Houston area. This is the type of thing that's going to make Carowinds and the other operations a success."

If nothing else, Hall's knowledge of the market indicates that he leaves little to chance. The land he purchased is just off Interstate 77, meaning easy access from Charlotte and Columbia and, eventually, from Canton and Cleveland. Within a hundred mile radius, as he said, there are well over five-million people. That compares, for the same distances, to 3-million for Atlanta. Within a 250-mile radius, there are an estimated 16-million, all potential customers.

When Hall decided on the location for Carowinds, his biggest problem was convincing a farmer named McClelland, who owned a major share of the land, into selling. McClelland was not only reluctant to sell; he wanted a pledge that the park would not be open on Sundays. Hall courted McClelland diligently and finally established the McClelland Foundation, naming the reticent farmer executive director.

The story has it that Hall was hosting a party when he received word that McClelland was ready to sell. He quickly changed from black tie to red shirt and plowing pants and rushed out to get the contract signed. McClelland died a few months before Carowinds opened, but the park's chapel is named for him.

Carowinds features flume rides, plays and different attractions that Hall thinks interest the public. The overall theme of the park is a portrayal of the history of the Old South, but he has one persistent critic in that endeavor: *The Charlotte News*. That newspaper said he has distorted his story to his own liking, disregarding the truth.

ARTIFICIAL

"The whole damn thing is artificial," said Jack Clayburn, editor. "It's a very well run, well managed, well operated, clean, antiseptic carnival. You go there and ride and ride and ride. It's a child's playground for adults."

All that's well and good, Clayburn said, but he thinks the real problem is the presentation of the South's history. Instead of showing things the way they really were, Clayburn said Carowinds shows it as a mint julep, honeysuckle dream where nothing ever went wrong.

"Even the authentic Indian villages have crafts that were made in Japan," said Clayburn. "But Hall doesn't pretend that it's anything it isn't. It's just a place for people to go and have fun."

"Our biggest draw is that this is a place for the family to come in and have fun together," said Hall. "They come in through the big plantation entrance and spend the time as a family. That's what we offer."

About 1,400 people are employed at Carowinds, including 1,300 kids of high school age. They're not like the smiling good-lookers at Disney World and some other attractions.

"That's not the All-American child," said Hall. "The All-American child is tall, short, fat, thin, that chubby little shy girl who couldn't get any other job."

OPEN DOOR

All those Carolina kids walk past the president's office as they enter and leave the park.

"I wanted it that way so they know I'm in there, not up on the mountain top," said Hall. "They can come in and see me if they have some problem."

Hall loves shows, and has carried that theme over into Carowinds. The magic show seats 1,000. All the performers, about 90 in all, are high school kids.

"Everything there is handled by the youngsters," said Hall. "They do a darn good job, and they know what the people want."

There are also high school age kids working on the flumeride, monorail, sky tower, and on the two trains that run around the park. One of the trains is an old antique that came off a sugar plantation in Louisiana, the other is a new facsimile.

Hall said the average person stays about six hours at Carowinds. There's only one fee, which covers admission and all of the rides except the monorail. It costs $5.75 for an adult and $4.50 for children under 12. Children under three get in free. The average person at Carowinds spends $8, including admission. It costs 60 cents extra to ride the monorail and almost everybody does to get a bird's eye look at the park.

"They can come in and go on as many rides as they want," said Hall. "They don't have to keep shelling out."

OVERSEER

The energetic Hall is the man who keeps things running at Carowinds. He has several division managers, but he's always there, running in and out, keeping up a constant chatter, making certain things go the way he wants.

"I used to try and reason with my managers," said Hall. "Then one day I got tired of that, so I went out in the woods and cut myself a hickory stick. Now I just beat them. It's a lot easier."

Hall is only kidding when he makes jokes like that, but it's true that he takes a strong personal interest in all aspects of Carowinds. One person said he practically dragged a bulldozer operator off his rig when he ripped down a tree Hall wanted saved. That might explain why Hall carries a pistol.

When Carowinds was being constructed, Hall was constantly on the scene. He said if he had it to do over again, he would be even more prominent.

"The first thing I would do is to hit the architect in the head with a two by four," he said. "Then I'd know I had his attention so he would do what I told him to do."

One reason Hall feels that way is that here were several goofs when Carowinds was planned. First of all, the walkways were too narrow. They had to be enlarged to prevent monumental people-jams. Then there weren't enough food concessions. But, most importantly, there weren't enough toilet facilities.

MINOR TROUBLE

"When we first opened up, we noticed that there were long lines in front of the women's rest rooms," he said. "We made a study and found out that the decorator had put full-length mirrors in them. The women were standing there admiring themselves and causing a backup."

They took the mirrors out, but things still didn't get better.

"What we finally discovered is that mommies take children to the restrooms, but daddies don't," he said. "They were being used twice as much. So we put in some more women's rest rooms. Now things work just fine."

Hall has had to be a tough, hard-driver all his life. The seventh of 10 children, he came from the hills near Matthews, from a corn and cotton, mule-plowed farm a few miles southeast of Charlotte. There, behind a plow, he learned the meaning of hard work. By the time he entered high school, he was ready for more work: hauling ice. That helped put muscle on his raw-boned 6 ft. 2 in. frame. He also clerked in the Belk department store for $1.50 a day. Now he enjoys telling the

Belk boys how their daddy personally raised his salary to $2.

Thirty years later, he became campaign manager for a Belk who had inherited a reported $34-million. He headed the Action Team that helped put John Belk in the Charlotte mayor's office.

When he finished high school, he was an office boy for awhile, then did a three-year stint in the Army where he became a sergeant. After that, he took a job with a local firm that bought and sold textile machinery. He didn't like working for other people, and told his co-workers that some day he would own the place.

BIG BREAK

His big break came when he managed to swing a $25,000 loan to buy $250,000 worth of old textile machinery. That was in 1951. Every bank he had gone to turned him down until he came to Wachovia. He was 30 years old and didn't have two pennies to rub together.

"I had more trouble getting that loan than I do getting loans for a million dollars now," Hall said. "It was like getting blood out of a turnip."

The old mill was in Utica, N.Y. He started bidding on the equipment, even though he had no money. His top bid of $250,000 was accepted and Hall promised to give the owner $25,000 in three days and the remainder within 90.

"I didn't know where on God's earth I would be able to borrow that much," he said. "I didn't have a penny." But did that cause him any sleepless nights? "Hell, no," Hall recalled. I don't let things like that bother me."

Hall got the Wachovia loan, then started selling used equipment. In a month he made enough to pay the bank off. He paid the original owner the remaining $225,000 in 61 days. By the time he sold all the equipment, Hall made a $150,000 profit.

HECTIC PACE

He traveled and sold all day, did his correspondence and records at night. He couldn't afford a secretary so he did all the work himself. His schedule was hectic, and he didn't expect it to slow up. Hall made certain his wife understood the situation.

"I told my wife when we were first married that I would be working long hours, would be away from home in the office or on the road," he said. "I put it straight to her. If she couldn't go along with it, then she could leave then and there." His wife didn't leave, and she's still with him today.

By the end of the 50s, Charlotte had become the world headquarters for used textile machinery. Hall had 15 warehouses filled with it, but he was already thinking about moving in different directions. He bought a deactivated naval ammunition depot in Charlotte in 1958 and set out to make it into an industrial park. The 2,300 acre site already had its roads, railroad tracks, water and sewage systems. Hall paid $2,010,000 for the depot and, in the next few years, managed to locate 40 new companies there, including Hall Textile Machinery Co. and Pat Hall Enterprises.

When Hall bought the depot, which he named Arrowood, his most competitive bidder was Southern Railway. But, in what later appeared to be a monumental miscalculation, Southern dropped out at $1,650,000. Seven years later, Hall sold the complex to Southern for $6-million.

METEORIC RISE

Hall was only 44 at the time. His rise from clerk to multimillionaire had been meteoric by Carolina standards. But he absolutely had no intention of dropping out of the race, or of slowing his pace. Southern Railway retained him as a consultant for Arrowood, and he also kept busy at Pat Hall Enterprises selling land, machinery and buildings. He earned his consultant fee by helping attract a variety of companies to Arrowood, including a $15-million General Tire plant.

Even all that wasn't enough to keep the restless Hall contented. In 1966, he put together his own unique operation, a one-stop shopping area for textile supply and machinery buyers. He called this operation Texland and, according to him, it was the first of its kind in the U.S.

"It seemed a little bit ridiculous to me for people to have to run all over creation to find what they needed," Hall said. "These are busy people. So I thought I'd just bunch everything together so they would only have to make one trip. It saved them time and money."

Some of Hall's other accomplishments indicate why *The Charlotte News* refers to him as "a mover and a shaker." In 1967, he assembled the acreage and convinced Westinghouse to put its $65-million turbine plant in southern Mecklenburg County. Some people in the conty think he's the only man who could have done it.

A DOER

"He puts it all together while others are forming committees or giving up in frustration," said a former Wachovia Bank official. And, said a Charlotte realtor, "If Pat Hall says he wil do something, you know it will be done. He's not greedy; he's a gentleman. A fews years ago I took an out-of-towner interested in some commercial property out to Arrowood. I wasn't his broker or Hall's, but Pat sent me a generous check for my trouble. That's the kind of man he is."

Hall also has a reputation for being foxy. When he bought land for the Westinghouse site, he engaged in several diversionary actions to throw land speculators off his trail. He had soil borings made at the opposite end of the county. The speculators were caught flat-footed when Westinghouse announced the location of its new plant.

Two months after the Westinghouse announcement, Hall bought the Douglas missile plant for $2.4-million. Back in 1940, when it had been the Charlotte Quartermaster Depot, he had worked there as an office boy. In 1967, he converted the 1.3-million square feet at the depot into a profitable warehousing and distribution center.

It wasn't much of a surprise when official recognition started coming. The governor appointed him to the state board of conservation and, in 1968, he was named to the Charlotte housing board—a position he still holds. There was talk of him becoming a candidate for mayor, but Hall said no, and supported John Belk.

He had other plans that didn't include City Hall.

He wanted to build a theme park.

So he did it. Even when some people thought he had bitten off more than he could chew.

DETERMINATION

Editorialized *The Charlotte News*, which seems to like being a Hall-watcher: "This out-sized fellow with his country touch and his computer mind has an excellent track record converting visions into reality; he is thorough, leaves little to chance, and never piddles around. (Hall) with his know-how, drive and determination, is the man, probably the only man, who can do it."

Even though he is conspicuously on the scene in Carowinds, Hall believes in good management. He has a young staff, most of whom have experience in park management. The operations manager is 23, his deputy 21; both come from Houston's Astroworld. The sales director, a veteran of Six Flags Over Georgia, is 35, his deputy 28. The executive vice president and the communications director are slightly older and come from Charlotte. One was Charlotte's city manager for 11 years, the other news director for the local CBS television station.

"You've got to have people who know what they're doing," Hall said. "This kind of operation is a whole different type of ball game."

Each night, except for rare exceptions, the staff gathers with Hall for nightly drinks and snacks and what Hall calls a "head beating" session in the big lodge—a Carolina cabin with safari trappings. The cabin is just across from his office, on the other side of his railroad car.

"Sure we have problems," said Hall. "Anytime you get 1,400 people working on a job you're bound to have problems. I do a lot of delegating, and then we hash things over together."

COLLECTOR

In both his personal and business life, Hall is a man of immense energy, who seems to be both sophisticated and simple simultaneously. He has an antique auto collection, boats on Lake Wylie and a helicopter. At Christmas, he flies his employes' children over his timberlands so they can pick out their own trees. He has been known to roar through Carowinds in a Model-T well after midnight with Johnny Paycheck—or some other visiting entertainer—wide-eyed at his side.

His nine-year-old railroad car is fully equipped with beds, bath, bar and Victorian plush red and black leather lounge.

"I used it when traveling the country selling machinery," Hall said. "The first car I decorated looked just like a French whorehouse, so we scrapped it and started over again."

Now the car is subdued, but not all that much. It has a stereo and several telephones (He said he spends 10 per cent of his waking time on the phone) and wall plaques with slogans and sayings. Some are humorous. But most are serious and contain apparent guidelines for Hall, who has them in his lodge and office, too. In addition to his YCDBSOYA plaque, he has slogans reading: "The best angle to use in approaching a problem is probably the try angle." Or: "The biggest mistake of all for an executive, the surest way to fail, is not to act at all."

ONE-MAN SHOW

Up until Carowinds, Hall has been pretty much of a one-man band. He beat the drums, played the trumpet and, most importantly, waved the baton. Now that he's out on a $30-million credit limb, he knows he has to become a team man, a hard adjustment for a self-made millionaire.

First there's Wachovia. The bank arranged the Carowinds financing. Its real estate investment trust, associated with Wachovia Mortgage Co., raised $27-million. Another $7.3-million came directly from the bank. Hall put in $3-million.

But does Hall worry about his $30-million loan and $4-million annual payroll?

"Hell, no. Why lose sleep over a loan?" he said. "If I was worried, I'd get out of bed and go to work and worry where to get more money."

FUN

The amusement park apparently has been a lot of fun, even if there were headaches, because Hall said he wouldn't hesitate to undertake such a project again.

"Damn right I would do it," he said. "And when I do, I'm going to hire the finest architects in the world. When they finish their plans and models and we have all the feasibility studies done, I'll have the representative of that firm come into my office and I'll beat his head with a two by four. That way I'll know I've got his attention."

Hall is still appalled at mistakes made in the original design at Carowinds, i.e., the inadequate walkways, not enough hotdog stands, and women's restroom fiasco.

"I should have insisted on what my common sense told me was right or better," he said. "I should have taken a job under a

false name at Disney World, then Six Flags, so I personally would have known what to do and what not to do."

R.I.P.

In what was wry humor, but perhaps indicative of his true feelings, Hall has a tombstone for the Carowinds architect in a little cemetery between his office and the railroad car. "Buried" next to him are his lawyer, banker, contractor and John Belk.

"Just in case they get out of line, they know I'm ready to put them under," Hall said.

Now that Carowinds is a reality, Hall is already setting his sights in another goal: this one capitalizing on the American frenzy over football. He wants to build a stadium, and attract a professional football team, to North and South Carolina.

"I want a big stadium," he said, apparently envisioning it as he talks. "The 50-yard line will be right on the North Carolina-South Carolina state line."

There hasn't been any interest so far by professional teams wanting to move to Mecklenburg County. Nevertheless, Hall already has blueprints for the stadium. A little thing like not having a professional football franchise doesn't stop him.

"Don't worry," he said. "We'll get a team. How could they stay away from here? We've got the market and they know it."

People who know Hall might shake their heads at his doings, but they don't take him lightly. He has a knack for jumping in feet first and coming out a winner. If he wants a professional football franchise, he'll probably get one. At least he'll have fun trying, and for Hall, that's nine-tenths game of business.

GREAT LAKES WATER LEVELS REMAIN AT "NORMAL"—FAR ABOVE AVERAGE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. VANIK. Mr. Speaker, the monthly Bulletin of Lake Levels for March 1974, is now available from the National Ocean Survey of the U.S. Department of Commerce. As usual, unfortunately, it holds nothing but bad news for the 40 million Canadian and American residents of the Great Lakes Basin.

Each of the 6 lakes is significantly above its "long-term average," the best factor to use in comparisons of the large fluctuations of the Great Lakes. The ocean survey reports that:

Lake Superior—6 inches above long term averages.

Lake Michigan-Huron—19 inches above long term averages.

Lake St. Clair—36 inches above long term averages.

Lake Erie—29 inches above long term averages.

Lake Ontario—16 inches above long term averages.

Mr. Speaker, it is interesting to see that Lake Superior and Lake Ontario, the only two lakes with any measure of regulatory controls, are far closer to long-term averages than any other of the Great Lakes. This fact continues to be the best evidence that construction of control facilities on the other lakes—the "middle Great Lakes"—would go a long way toward a permanent, lasting, and systemwide solution to the enormous damages caused by erosion resulting from the high waters.

Although installation of such controls would obviously be expensive, the consequences of allowing water levels to go on unchecked clearly warrant our close examination.

The normal toll of shoreline erosion damages is tremendous. Whole homes are lost, hundreds of yards of valuable land and topsoil, and expensive private properties, all fall prey to the relentless attack of high-water erosion.

Storms and high winds off the lakes which previously dissipated their energies on the long beaches and natural barriers of the lakes now simply ride over those obstacles. Lake Erie, when its waters were far over average in 1972, caused $22 million in damages to Ohio shorelines. A storm on Lake Erie in 1952, another high-water period, caused $120 million in damages—with the Corps of Engineers estimating that the same storm would cause twice that destruction today.

Mr. Speaker, the Congress must consider means to effect a lasting solution to this enormous problem. I hope that we all can give consideration to installing the controls necessary to avoid the continuing destruction.

USE OF U.S. SHIPS FOR OIL IMPORTS VITAL TO NATION

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. KYROS. Mr. Speaker, I would like to bring to the attention of my colleagues in the House of Representatives the importance of adopting legislation which would require that a percentage of American oil imports be carried on U.S.-flag tankers.

As a member of the House Merchant Marine and Fisheries Committee and a Congressman from the State of Maine, which has a great heritage and future as a maritime, seafaring State, I urge favorable consideration of H.R. 8193, which calls for 20 percent of the Nation's oil imports to be carried on American-flag vessels. Now undergoing public hearings in the Subcommittee on Merchant Marine, the bill would require the percentage to go to 25 in 1975 and to 30 in 1977.

In calling for this legislation, I would point out that its enactment would provide jobs for American seafaring and shipbuilding workers, improve the country's balance-of-payments position, strengthen the national security and enable the U.S. Government to initiate a much-needed oil transportation cost monitoring system.

First, H.R. 8193 would mean tens of thousands of jobs for American men and women who would produce the materials and build the ships: jobs for steelworkers, pipefitters, carpenters, welders, sheetmetal workers, electronic technicians, painters, electricians, and seafaring workers. Many of the shipyards in our Nation, and the economies of their surrounding areas would stand to gain from this legislation. For example, Bath Iron Works in my congressional district enjoys a national reputation for the fine ships that it produces. It recently completed construction of the first two of five 25,000 deadweight ton tankers in the "Sealift" series which will be leased to the Navy, and it has the capability of building tankers as large as 70,000 deadweight tons. Although everyone in our State is proud that employment at this private yard will reach an all-time high of 4,000 by June of this year, and contracts for work running well into the 1970's approach $300 million, the possibility of building U.S.-flag tankers there is both valuable to our State's economy and an honor the yard would relish.

Second, all of us know the precarious position of the American dollar in the international money market. We have experienced consistent balance-of-payments deficits. A major contributing factor to this deficit is our lack of U.S.-flag tankers. In 1972, the balance-of-payments deficit caused by the use of foreign-flag tankers to carry U.S. oil imports amounted to more than $500 million. In 1973 we saw this figure soar to around $600 million. By 1980, using Department of Interior oil import projections, and given no improvement in our own tanker capability, we look for the foreign-tanker-caused deficit to jump to more than $2.5 billion. To put it another way, our single largest commercial balance-of-payments deficit item soon will be the amount we pay for bringing this oil to our shores in foreign-flag ships. The second of these items is controllable and we must set about controlling it at once by achieving our own U.S.-flag oil-carrying capability. The chief way the balance-of-payments deficit which is attributable to the importation of foreign oil can be reduced is through the use of our own ships to carry the oil and, of course, doing whatever has to be done to reverse the growing trend to depend upon foreign sources and foreign refineries.

Third, we cannot support the fake theory that American-owned foreign-flag tankers are effectively controlled and available in emergency situations. America's defense posture faces a dual dependency: a dependency on other nations for oil, and a dependency on foreign ships to transport that oil to our shores. Under the conditions existing in the world today, it is clear that it is not in our national interest to formulate policies which perpetuate this dual dependency situation. Events flowing from the Middle East war are a case in point. Last November 2, Liberia, like other black African countries, broke diplomatic relations with Israel. But more importantly in their conduct, Liberia directed that no ship on its registry might haul any armaments to either Israel or belligerent Arab States. Although, with exceptions, the United States has not used "flag of convenience" or "flag of

necessity" ships to haul weapons, Liberia's action does tend to demonstrate the unreliability of foreign flag nations in a crunch, and has renewed a long-standing debate over the so-called "effective control" doctrine, under which this country supposedly retains a "hold" on these U.S.-owned foreign flag vessels for emergency use.

Fourth, and finally, the United States would also gain from enactment of this legislation, because it will initiate a much-needed transportation cost monitoring system. For economic reasons, the big oil companies, which operate large fleets of foreign-flag tankers, have opposed H.R. 8193. But, if the energy crisis has brought any situation to light at all, it is that we simply do not have the price data and supply data we need from the oil companies to deal effectively with the energy crisis. Their operations are shrouded in secrecy, and this must not be. Most relevant to the Merchant Marine Subcommittee's hearings is that nobody really knows what the oil companies' transportation costs are, and to this extent we are at their mercy to pay whatever price they wish to charge, despite a relatively stable cost of crude oil at the wellhead. Now we have a bill before us which would protect the American consumer, because all the information relevant to the cost of shipping on U.S.-flag bottoms is available to the Government. Nor does the oil industry argument that carrying oil on foreign-bottom ships is less expensive hold much water any more. The skyrocketing price of imported oil, coupled with declining tanker charter rates, has suddenly changed the long-prevailing arithmetic and made the extra cost of using more expensive U.S.-flag tankers a much smaller percentage of the cost of oil. With tanker rates down as surplus tonnage accumulates in the face of cutbacks in shipments, and the price of foreign oil trippled or more, the consumer would be untouched or even benefit by a U.S.-flag requirement.

As a benefit to our employment and balance-of-payments situation, valuable resource in case of national emergency, and adjunct to other pending measures to meet the energy shortage, a requirement that U.S.-flag tankers be used to carry oil to our shores should be given swift and favorable consideration when it comes to the House floor for a vote.

SLOVAK INDEPENDENCE DAY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. PATTEN. Mr. Speaker, 35 years ago on March 14, 1939, Slovak independence was proclaimed.

I know many of my colleagues will enjoy reading an article by Father Andrew V. Pier which recently appeared in the Jednota:

THIRTY-FIVE YEARS AGO: SLOVAK INDEPENDENCE DAY

(By Father Andrew V. Pier, O.S.B., M.A., Cleveland, Ohio)

Unfortunate, indeed, was the time when the declaration of Slovak national independence was proclaimed on March 14, 1939, but fortunate at the same time because the Slovak national parliament in Bratislava had the courage to declare Slovakia independent and place it on the map of central Europe as a country that belongs to the Slovaks who have their own language, literature, traditions and history that covers a span of more than twelve centuries in Central Europe.

Since their coming to the central Danube basin, the Slovaks have never been displaced or entirely subjugated despite wars, plagues, invasions, alien rule or exploitation under alien regime. They continued to be the chief inhabitants of the country—often in greatly reduced numbers—and they have survived all their would-be conquerors who failed to assimilate them. That they emerged in our time as a full-fledged nation and succeeded admirably in organizing their own state, the Slovak Republic, at a time when their powerful and less powerful neighbors were on the verge of a great war must be considered as an extraordinary achievement, if not a miracle.

What has made the historic homeland of our Slovak forefathers prone to invasions repeatedly from all sides? Its strategic position primarily, but aside from its importance as a military objective, Slovakia has much to lure the eyes of covetous neighbors: the fertile land and luxuriant forests, a variety of minerals, the picturesque low and high Tatra mountains, the many health spas, spectacular caverns, fresh water streams and navigable rivers . . . all these invaluable assets and certainly a delight for modern ecologists, an attraction to a thriving tourist trade summer and winter, and a source of great economic wealth that has not gone unnoticed (and certainly not unexploited) by the roving eyes of neighboring peoples.

Feudal landlords of Count Palfy's type in Slovakia, though ostensibly of Magyar affiliation, were actually descendants of ancient Slovak nobility that had become Magyarized and proffered loyalty to their Hungarian overlords in Budapest. They exercised great authority in their locality and exerted their influence over villages in their domain. It is to their credit that they showed unusual foresight in not only maintaining and preserving the natural ecology of the land but also in their extensive reforestation program that is paying dividends to this very day. In this work Slovak manpower was wisely utilized during the winter months when selective cutting down of timber made way for early spring planting of new trees. These lands were well protected from careless waste of natural resources, and when the new government of Czecho-Slovakia after World War I came into power, they were parcelled out to small landowners throughout the country.

Slovakia's struggle for political freedom was inextricably intertwined with the problem of preserving the national and cultural life of the Slovak people who were unjustly subjected to political, economic and educational pressures in an official movement by Magyar politicians to denationalize them. What had not been accomplished in a thousand years under Magyar domination chauvinistic political leaders in modern Hungary attempted to achieve in our time. The government in Budapest instituted a country-wide program of education in Slovakia that banned the native language from all schools . . . the Magyar tongue was officially declared the only language in Hungary . . . all others were silenced in public institutions . . . the home and the church were the only refuge of the native language of the Slovak nation in its historic homeland of more than a thousand years' duration.

Hungary's failure to assimilate the various nationalities within its confines of the dual Austro-Hungarian empire was due to the staunch opposition of patriotic leaders in Slovakia, Croatia and Transylvania, whose inhabitants constituted a vast majority in the kingdom. Repressive measures adopted by the policy-makers in Budapest served only to strengthen their subjects who ultimately won freedom, self-government and statehood (if only for a time) according to President Wilson's principle of self-determination solemnly enunciated during World War I that was fought "to save the world for democracy."

Starting on the road to freedom sadly handicapped by lack of personnel because the ruling Magyars had kept them suppressed in virtual serfdom, the Slovaks decided to accept the invitation of the Czechs (who had attained positions of power and influence in Prague under a mild Austrian rule) to join them in forming a dual democratic state with legal provisions and guarantees for a large measure of self-government in their own country in a dual alliance in a state to be known as Czecho-Slovakia, or the Czecho-Slovak Republic.

Despite assurances to respect the rights of the Slovak nation, the centralist Czech government of both President Masaryk and later President Benes must be held responsible for the ultimate failure of the joint venture and the collapse of the Republic, because they refused to honor their commitment to recognize Slovak state rights to local self-rule (autonomy) with specific guarantees for Slovak courts, a Slovak legislature and Slovak officials in Slovakia as solemnly agreed upon and officially signed by Thomas Masaryk in the Pittsburgh Pact on May 30, 1918. President Masaryk repudiated the document after the war and set the stage for the struggle of the Slovaks to win the right to self-government in their own country.

Refusal of the Czech centralist regime in Prague to keep the promise of autonomy to the Slovaks for twenty years united them under Hlinka's leadership that led them to victory on Oct. 6, 1938, when the Czech government finally gave in because of the imminent danger of a war with the Third Reich. In view of the bitter struggle to win self-rule, it was not at all surprising that less than six months later the Slovak diet (parliament) in Bratislava decided unanimously to sever the bonds of political union with Prague and declared Slovak national independence on March 14, 1939.

In no way can the circumstances of the declaration of Slovak independence justify a denial of the natural right of the Slovak nation to its own state. It was entirely in accord with Wilson's principle of self-determination as solemnly adopted and reiterated in the Atlantic Charter—nationhood for all nations—and later officially incorporated in the Charter of the United Nations. Moreover, the Slovak Republic received official recognition by all the powers of Europe almost a half year before the outbreak of World War II . . . therefore in the days of peace, uncertain as it was, peace nevertheless.

The shameful repudiation by the western allies of their solemn commitment to all nations aspiring to freedom and statehood in defense to Stalin at Teheran and Yalta was another instance of a solemn proclamation being treated by its creators as a mere scrap of paper. But this in no way destroyed the right of all nations, no matter how small, to be free.

Dissolution of the Slovak Republic is not a reflection upon the decision of the Slovak national parliament but a sad commentary on the powerful leaders of Great Britain and the United States who, when faced with a historic decision, backed off from it out of sheer expediency and abjectly agreed to give an unscrupluous dictator a free hand to establish communist regimes in central and eastern Europe.

At the moment, as we review the events of the past thirty-five years since the declaration of Slovak Independence on March 14, 1939, the aspirations of the Slovaks to freedom, nationhood and statehood have not changed because it is a God-given right for men to be free, and for people to enjoy political freedom in their own country. Their

courage is truly admirable and their hopes of liberation have not been completely destroyed.

A country whose five million survived an abortive revolt during World War II, the invasion of several Soviet armies in the final stages of that world-wide conflict; suffered death and imprisonment of hundreds of its foremost citizens and leaders in the postwar political and religious persecution; forced to accept bloody reprisals again when the communists seized power in 1948; and again saw a second Soviet military invasion in 1968 that resulted in the return of hardline communists to power and military occupation of the land by foreign troops, has written a tragic but heroic chapter in modern world history. This is Slovakia, truly a home of the brave, though not of the free, but ever aspiring to national freedom and democratic self-governing statehood in the family of free nations in the heart of Europe.

What is the destiny of the Slovaks? Will they continue to survive additional blows to their country dealt by foreign oppressors, or are they doomed to perish? Will they succumb to the relentless attack of the forces of the hammer and sickle? Will they be eventually assimilated by their neighbors, or will they retain their pristine vitality to survive as a national entity?

Answers to all these questions are contingent, of course, on the direction of events in the future. But on the basis of the past history of the Slovaks who have endured many hardships and survived as a nation, Slovakia must assuredly emerge once again as a free country because here stout-hearted people have the indomitable will to persevere in the struggle to win their national freedom.

No fair-minded person can deny the right of any nation to have its own self-governing state because people the world over have learned to accept this principle as essential to the doctrine of human rights and hope for world peace.

We hope and pray that the Slovak nation will be finally granted the right to establish its own free, democratic state in a new age that will not only universally recognize the natural right of nations to be free but will provide the necessary means of world opinion and power to guarantee that all men be free on our planet that can no longer afford to tolerate human beings being half slave and half free.

CARDINAL MINDSZENTY: A VICTIM OF DÉTENTE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. CRANE. Mr. Speaker, on February 5, Pope Paul VI removed Josef Cardinal Mindszenty, the exiled foe of communism in Hungary, from the jurisdiction he had still nominally retained there, and from his honorary function as his nation's Roman Catholic primate. The papal decision on formal retirement for the 81-year-old cardinal was clearly aimed at improving church-state relations in Hungary.

Cardinal Mindszenty was tried for antistate activities by the Hungarian Government in 1949 and spent more than 22 years in imprisonment and in asylum in the U.S. Mission in Budapest. For years Communist officials in Hungary have told the Vatican publicly and privately that Cardinal Mindszenty must resign or be removed as primate before the church could expect to fill vacant sees or hold religious classes in schools.

Now, Cardinal Mindszenty has been forcibly removed from his position. Shortly after the Vatican announcement Lajos Lederer of the London Observer spoke with Cardinal Mindszenty in Vienna. He reported that—

The spirit of the Cardinal—despite eight years in Stalinist prisons and 15 years in self-imposed exile in the U.S. embassy in Budapest—is unbent. He has taken off his gloves and is determined to spend the rest of his years battling against misguided concessions to Communist rulers from whatever quarter they come. . . . Mindszenty is convinced that the political advisers of the Pope have no inkling of the suffering of Catholics in Eastern Europe.

Cardinal Mindszenty has been a firm foe of tyranny, whether it was cloaked in the rhetoric of nazism, fascism, or communism. His name itself is evidence of that fact. Discussing his obstinate refusal to be cowed by the Nazis, Charles Fenyvesi, editor of the National Jewish Monthly and correspondent for the Israeli newspaper Ha'aretz, writes that—

Of German origin himself, he changed his German name Pehm to Mindszenty—the name of his native village—at a time when Hitler called on descendants of German settlers in Eastern Europe to reassert their identity. In his sermons and letters, Mindszenty attacked Hitler's New Order as inhuman and atheistic. On one occasion, he called the police to remove Hungarian Nazis from a procession he led. . . . When Ferenc Szalasi's Nazi regime came to power, Mindszenty was one of the few priests jailed.

In an era of détente the firm hostility to tyranny of a man such as Cardinal Mindszenty is unwanted. Mr. Fenyvesi writes that—

Like Alexander Solzhenitsyn, whose *Gulag Archipelago* was banned not only in Russia but on the airwaves of Voice of America, Cardinal Mindszenty is an unperson whose voice, like that of the uninvited wedding guest in Coleridge's *Ancient Mariner*, disturbs the merry din of the feast.

When he suffered in Hungary for his belief in God and in the church, many thought him a saint. Now, in an era of "good feeling" with the Communists he is an anachronism and the church is visibly uncomfortable with him. Saints, it seems, are unpopular in every era.

I wish to share with my colleagues the article, "Mindszenty: Unbending Martyr," by Charles Fenyvesi, which appeared in the Washington Post of February 24, 1974, and insert it into the RECORD at this time:

MINDSZENTY: UNBENDING MARTYR

(By Charles Fenyvesi)

I saw him once, in 1947 or 1948, leading a procession in a dusty petit bourgeois section of Budapest. It was a pageantry of satin church banners of blue and purple and medieval hymns. There was the glass-encased relic of the right hand of Saint Stephen—Hungary's first Christian king in the 10th Century. The procession moved slowly, impervious to the steady drizzle, in a setting of cheerless apartment buildings pockmarked with bullet holes.

From the sidewalk, filled with kneeling people, the prince primate of Hungary seemed miles and ages away. The burning eyes in the ashen-white face were fixed at some point in the sky. He was swathed in scarlet silks and surrounded by priests in embroidered robes. They were followed by clusters of village women in dull black from kerchief to boots and by city people of all ages in somber grays and blues.

Even in my grade school class we knew that Jozsef Cardinal Mindszenty and the new Communist regime were locked in a fateful struggle. My elders also knew that there could be but one end to that conflict.

The cardinal would not bend. There were many Hungarians who hoped that he would throw his weight behind the rivals of the Communist Party—like the Smallholders' Party which won close to 60 per cent of the vote in the free election of 1945—and search for ways to cope with the overwhelming fact of Soviet military occupation. But Mindszenty refused to play politics. He would only pray and resist. The slightest concession seemed to him a betrayal of principles—fatal weakness, abject surrender, high treason.

He sent a cable to Hungary's first democratically elected, non-Communist postwar premier: "The First Banneret of the Realm stands at the disposal of the nation." The position of the first banneret—the prince primate's feudal rank as the first officer of the kingdom—no longer existed. Hungary was declared a republic in 1946 and all aristocratic titles and privileges were rendered null and void. Mindszenty's cable read more like a challenge than the traditional congratulatory message from the head of the church.

STUBBORN, DETERMINED

Mindszenty was as stubborn and determined as the Communists; each knew that the other was an enemy with whom there could be no accommodation, no peace.

While the Communist leaders were successful in threatening and cajoling their democratic opposition into cooperation, they also felt that they had to dramatize to the restless nation—and to themselves—that no person or institution lay beyond the reach of "the iron fist of the dictatorship of the proletariat." What could have been a more telling demonstration of their power than the humiliation of the head of the conservative, traditionally Western-learning Catholic Church.

Many Hungarians who saw newsreels of his trial or listened to it on radio thought that Mindszenty had been beaten and drugged. After five weeks of interrogation, Mindzenty seemed like another person.

The strong, rich voice of a spell-binding orator was thin and monotonous; the piercing eyes had a dull sheen. There was an air of unreality about his listless confession to charges of high treason, the gathering of military intelligence and foreign currency speculation. The trial was absurd, macabre. It spread fear throughout the country and it signaled the beginning of a new era in which a few thousand angry, determined men loyal to Moscow would try to undo 1,000 years of Hungarian nationalism.

Next to the mysterious suicide of Czech Foreign Minister Jan Masaryk and the Berlin airlift, it was that trial in Budapest in February, 1949, which convinced the Western public that an iron curtain had indeed descended, cutting off the ancient capitals of Central and Eastern Europe from their lifelines to the West.

A SOLITARY MAN

Hungarian politics always had its fair share of priests. They were usually hearty, gregarious types, outdoing their lay brothers in their appreciation for food, wine and good company which sometimes included women.

Mindszenty is an exception. He has always slept on a pallet, and even in the majestic baroque palace of the prince primate he kept to his diet of cheese, bread and milk. When

traveling, he has always refused the choice food and wine prepared for him; his wish is "only one course," often the soup.

He has had no cronies, no close personal friends. From the time he was ordained—in 1915—he preferred a solitary life of meditation, prayer and reading books on theology, philosophy and history.

All his life, Mindszenty lived in a posture of defiance and displayed a dogged obstinacy which reminded his class-conscious countrymen of his peasant origin. He never seemed to have talent for conformity or wise compromise.

In his 20s, he wrote newspaper articles attacking the police terror of the short-lived Hungarian Commune in 1919. He was first jailed, then deported to his native village. After that first Hungarian Communist experiment collapsed, Mindszenty angered many people by denouncing from the pulpit the white terror that followed the red.

Then for years he refused to celebrate mass on the name's day of the regent, Nicholas Horthy, whom he regarded as an usurper. Of German origin himself, he changed his German name Pehm to Mindszenty—the name of his native village—at a time when Hitler called on descendants of German settlers in Eastern Europe to reassert their German identity. In his sermons and letters, Mindszenty attacked Hitler's New Order as inhuman and atheistic. On one occasion, he called the police to remove Hungarian Nazis from a procession he led.

In 1941, he interceded with his schoolmate, the pro-German Premier Bardossy, on behalf of Jews in German-occupied Yugoslavia, across the border from his diocese. He also sent a telegram to Hitler to protest massacres of Jews. When Ferenc Szalasi's Nazi regime came to power, Mindszenty was one of the few priests jailed.

Partly because of his anti-Nazi record, he was named prince primate shortly after World War II ended. One of his first actions was to denounce Russian soldiers for looting and raping. He began a campaign against the Communists.

He demanded a referendum on declaring Hungary a republic. He accused the democratic parties of being soft on communism. After the democratic parties were liquidated, he thought it was his historic duty as the head of the church to resist the Communist regime.

He was arrested the day after Christmas, 1948, after all leaves were canceled in the Secret Police and the police force was put on alert.

The Communists had offered him free passage to the West. During his American tour in 1947, American churchmen had asked him not to return home.

He was not a man caught in the wheels of history. He chose martyrdom; he prepared himself for it. He thought he would be sentenced to death and hoped that his execution would arouse the world against Communism. And he knew that the Communists had ways to extract false confessions. A few days before his arrest, he wrote a message declaring his innocence and attributing any confession he might make to the weakness of the flesh.

He served eight years in jail, most of it in solitary confinement. In 1956, the rebels freed him, and a broadcast speech he made served as a pretext for the Russian intervention which crushed the uprising.

As Russian tanks rumbled through the streets of Budapest, Mindszenty sought asylum at the American legation; Premier Imre Nagy and his supporters went to the Yugoslav embassy. But for 13 of the 15 years that the Cardinal spent under U.S. protection, the United States, Hungary and the Vatican agreed that he must leave the country. All that the cardinal had to choose was one of the several face-saving formulas negotiated for him.

His argument was that as the prince primate of Hungary, he had taken an oath not to abandon his flock; that as a patriot it was his duty to stay in his homeland; and that as an innocent man convicted by a kangaroo court he had to be exonerated.

He resisted the steadily increasing pressures of the Holy See and three American administrations—Eisenhower, Kennedy and Johnson—which considered his asylum the chief obstacle to improving relations with the Hungarian government.

The State Department regarded him as its cross to bear; it was forever apprehensive about his falling sick or walking out in a huff. The handful of U.S. diplomats authorized to converse with him complained bitterly about his anti-Communist tirades and his unceasing criticism of the United States for failing to go to Hungary's aid in her hour of need in 1956.

His eventual departure, in September, 1971, Mindszenty described as his submission to the will of the Vatican. It removed the most conspicuous symbol of Catholic resistance to Communism and it enabled the church to accelerate its course of peaceful coexistence. For the Hungarian government, it represented a milestone in its search for detente at home and respectability abroad.

CENTER OF TALKS

"The stubborn old fool," as Hungarian communists called him, is now tucked away in Vienna, in a seminary that has belonged to the Hungarian Church for centuries. (The Pope had wanted him to stay in Rome, but the cardinal insisted on staying as close to Hungary as possible.)

His departure left Hungary so much the poorer. As long as he stayed at the American legation, his physical presence in Hungary was still a psychological factor to reckon with. In Vienna, he is of no real consequence.

Or so one imagines. But, according to the Catholic News Service, talks between the Hungarian government and the Holy See in January centered on Mindszenty. No normalization of relations is possible, it was established, unless the Vatican provided for the selection of a new primate of Hungary, which was the essence of Pope Paul's announcement in February, declaring Mindszenty's post "vacant"; the "neutralization" of the memoirs Mindszenty has been writing since 1956—whatever that means—and the cancellation of Mindszenty's Vatican passport.

IGNORED IN UNITED STATES

With an eerie vindictiveness—or was it a gesture to Budapest?—the Vatican announced Mindszenty's retirement 25 years to the day from the time he was sentenced to life imprisonment. Mindszenty promptly denied that he had voluntarily given up his post. In effect, he called the Pope a liar. He followed it up with a six-point attack on the Hungarian government's suppression of religious freedom.

Pope Paul's removal of Mindszenty as the head of the Hungarian Church is just another episode marking the end of the cold war. Mindszenty, the erstwhile patron saint of the Free World, has become an embarrassment to the new partnership of detente.

Like Alexander Solzhenitsyn, whose "Gulag Archipelago" was banned not only in Russia but on the airwaves of the Voice of America, Cardinal Mindszenty is an unperson whose voice, like that of the uninvited wedding guest in Coleridge's "Ancient Mariner," disturbs the merry din of the feast.

Mindszenty visited the United States last September, to bless a renovated Hungarian church in New Brunswick, N.J. His three-day stay was played down by church and state.

Except for Terence Cardinal Cooke of New York, the American church ignored his presence. President Nixon sent him a cable—assuring him of gratitude and wishing "a thoroughly pleasant stay"—but the telegram somehow did not reach the cardinal until the day he left.

Two weeks after his departure, Sen. Edward Kennedy declared on the Senate floor that Mindszenty reminded the world of "the indivisible nature of man's spirit and the eternal quest for individual liberty." But no government representative visited him; the institutions which once acclaimed him martyr had no more interest in him.

Mindszenty's ultimate tragedy is that he has outlived the usefulness of his martyrdom.

PROPOSED AMENDMENTS TO TITLE I OF H.R. 69

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. PEYSER. Mr. Speaker, I am enclosing in the RECORD today a number of amendments to the bill, H.R. 69, which under the rule adopted for consideration of this bill must be printed in today's RECORD. These are amendments to the title I formula for the distribution of funds under the act.

I support the programs of the Elementary and Secondary Education Act, but am convinced that the title I formula must be amended to provide for an equitable distribution of funds.

The 11 amendments follow:

AMENDMENT NO. 1

Page 28, beginning with line 10, strike out everything down through line 11, page 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of title I of the Act is amended to read as follows:

SEC. 103. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subgraph (B); and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior

under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section (3)(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131(a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a state plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3) (A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "States" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purposes of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be $3,500 for each fiscal year of this Act, except that no county shall receive less than 100 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6)(A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly.

AMENDMENT NO. 2

Page 28, beginning with line 10, strike out everything down through line 11, p. 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of Title I of the Act is amended to read as follows:

SEC. 103. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 (one) per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B); and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131 (a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3)(A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States, the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be $3,000 for each fiscal year of this Act, except that no county shall receive less than 100 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6)(A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly.

AMENDMENT NO. 3

Page 28, beginning with line 10, strike out everything down through line 11, page 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of Title I of the Act is amended to read as follows:

SEC. 103. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B); and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special education needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131(a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal of the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a state plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3)(A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be $3,500 for each fiscal year of this Act, except that no county shall receive less than 85 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families, having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the

average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6)(A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly.

AMENDMENT NO. 4

Page 28, beginning with line 10, strike out everything down through line 11, p. 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of Title I of the Act is amended to read as follows:

SEC. 103. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 (one) per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B); and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virginia Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of section 131(a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established) pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a state plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as many be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3)(A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States.

(5)(a) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be $3,500 for each fiscal year of this Act, except that no county shall receive less than 95% of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination

is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures during the second fiscal year preceding the fiscal year for which the computation is made, (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6)(A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly.

AMENDMENT NO. 5

Page 28, beginning with line 10, strike out everything down through line 11, p. 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of Title I of the Act is amended to read as follows:

SEC. 103. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B); and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payments shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131(a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) ⅔ of the number of children in the school district of such agency who are aged five to seventeen, inclusive and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a state plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3)(A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States, the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be $3,500 for each fiscal year of this Act, except that no county shall receive less than 85 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of

the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303 (6)(A)[1] in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly.

AMENDMENT NO. 6

Page 28, beginning with line 10, strike out everything down through line 11, p. 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of Title I of the Act is amended to read as follows:

SEC. 103. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 (one) per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B); and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131(a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a state plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibiltiy for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3)(A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States, the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commis-

sioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be $3,750 for each fiscal year of this Act, except that no county shall receive less than 85 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available), of all local educational agencies as defined in section 303(6)(A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly.

AMENDMENT NO. 7

Page 28, beginning with line 10, strike out everything down through line 11, page 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of title I of the Act is amended to read as follows:

SEC. 103. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 (one) per centum of the amount appropriated for such year for payments to States under section 134(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(ii) the amount necessary to make payments pursuant to subparagraph (B); and

(iii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131(a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) all of the number of children in the school district of such agency who are aged five to seventeen, inclusive, and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a state plan approved under title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to pargaraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3)(A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditure for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and

(C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be $4,000 for each fiscal year of this Act, except that no county shall receive less than 100% of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures during the second fiscal year preceding the fiscal year for which the computation is made, (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6)(A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all the following sections accordingly.

AMENDMENT No. 8

Page 48, beginning with line 9, strike out everything down through line 18, and insert in lieu thereof the following: "All other provisions of this Act notwithstanding, no local educational agency shall be allocated less funds under this title than it received under this title during the preceding fiscal year."

AMENDMENT No. 9

Amendments to be considered together—

Page 37, line 1, strike out "40" and insert in lieu thereof "50" instead.

Page 37, line 3, strike the phrase "80 per centum of".

Page 37, beginning on line 4, strike the phrase "of 80 per centum of".

Page 37, line 7, strike the phrase "120 per centum of".

Page 37, beginning on line 8, strike the phrase, "of 120 per centum of".

Page 37, beginning on line 9, strike the words "United States" and insert the word "State" instead.

Page 37, line 20, strike out "40" and insert in lieu thereof "50".

Page 37, beginning on line 22, strike the phrase "120 per centum of".

Page 37, line 24, strike the phrase "120 per centum of".

AMENDMENT No. 10

After the last section of title I, add a new section to read as follows: "All other provisions of this Act notwithstanding, no local educational agency shall be allocated less funds under this title than it received under this title during the preceding fiscal year."

AMENDMENT No. 11

Page 28, Beginning with line 10, strike out everything down through line 11, p. 36, and insert in lieu thereof the following:

SEC. 102. Section 103 of Title I of the Act is amended to read as follows:

SEC. 103. (a)(1)(A) There is hereby authorized to be appropriated for each fiscal year for the purpose of this paragraph an amount equal to not more than 1 (one) per centum of the amount appropriated for such year for payments to States under section 134 (a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection). The Commissioner shall allot the amount appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants. In addition, he shall allot from such amount to the Secretary of the Interior—

(i) the amount necessary to make payments pursuant to subparagraph (B); and

(ii) the amount necessary to make payments pursuant to subparagraph (C).

The maximum grant which a local educational agency in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(B) The terms on which payment shall be made to the Department of the Interior shall include provision for payments by the Secretary of the Interior to local educational agencies with respect to out-of-State Indian children in the elementary or secondary schools of such agencies under special contracts with that Department. The amount of any such payment may not exceed, for each such child, one-half the average per pupil expenditure in the State in which the agency is located.

(C) The maximum amount allotted for payments to the Secretary of the Interior under clause (ii) in the third sentence of subparagraph (A) for any fiscal year shall be the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, as determined pursuant to criteria established by the Commissioner. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this part. Such agreement shall contain (1) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 131(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (2) provision for carrying out the applicable provisions of sections 131(a) and 133(a)(3).

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the maximum grant which a local educational agency in a State shall be eligible to receive under this part for any fiscal year shall be (except as provided in paragraph (3)) an amount equal to the Federal percentage (established pursuant to subsection (c)) of the average per pupil expenditure in that State or, if greater, in the United States multiplied by the number of children in the school district of such agency who are aged five to seventeen, inclusive, and are (A) in families having an annual income of less than the low-income factor (established pursuant to subsection (c)), (B) two-thirds of the number of children in the school district of such agency who are aged five to seventeen, inclusive, and who are in families receiving an annual income in excess of the low-income factor (established pursuant to subsection (c)) from payments under the program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act, or (C) living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to paragraph (7) of this subsection for the purpose of a grant to a State agency, or being supported in foster homes with public funds. In any other case, the maximum grant for any local educational agency in a State shall be determined on the basis of the aggregate maximum amount of such grants for all such agencies in the county or counties in which the school district of the particular agency is located, which aggregate maximum amount shall be equal to the Federal percentage of such per pupil expenditure multiplied by the number of children of such ages in such county or counties who are described in clauses (A), (B), or (C) of the previous sentence, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner. Notwithstanding the

foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(3)(A) If the maximum amount of the grant determined pursuant to paragraph (1) or (2) for any local educational agency is greater than 50 per centum of the sum budgeted by that agency for current expenditures for that year (as determined pursuant to regulations of the Commissioner), such maximum amount shall be reduced to 50 per centum of such budgeted sum.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the maximum grants for those agencies among them in such manner as it determines will best carry out the purpose of this part.

(4) The grant which Puerto Rico shall be eligible to receive under this part for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 50 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than the average per pupil expenditure in the United States the average per pupil expenditure in the United States.

(5) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children aged five to seventeen, inclusive, described in clauses (A), (B), and (C) of the first sentence of paragraph (2) of subsection (a).

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c) For the purposes of this section, the "Federal percentage" shall be 50 per centum and the "low-income factor" shall be $3,000 for each fiscal year of this Act, except that no county shall receive less than 100 per centum of the amount they have received for the previous fiscal year.

(d) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, of families having an annual income of less than the low-income factor (as established pursuant to subsection (c)) on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary of Health, Education, and Welfare shall determine the number of children of such ages from families receiving an annual income in excess of the low-income factor from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of January of the preceding fiscal year or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

When requested by the Commission, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families having an annual income less than the low-income factor (established pursuant to subsection (c)) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(e) For the purpose of this section, "the average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures during the second fiscal year preceding the fiscal year for which the computation is made, (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available) of all local educational agencies as defined in section 303(6)(A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

Renumber all following sections accordingly.

SPEECH TO THE NATIONAL NEWSPAPER PUBLISHERS ASSOCIATION, BY DR. CARLTON B. GOODLETT

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. BURTON. Mr. Speaker, earlier this year my very dear friend, Dr. Carlton B. Goodlett, publisher of the San Francisco Sun Reporter and president of the National Newspaper Publishers Association, delivered a speech entitled: "The Black Press: A Democratic Society's Catalytic Agent."

It was a thought-provoking speech delivered to the midwinter workshop of the National Newspaper Publishers Association at their Miami Beach, Fla., meeting, January 23–26, 1974.

I would like to share Dr. Goodlett's thoughts with my colleagues and I am therefore placing the complete text of his address in the RECORD at this time:

THE BLACK PRESS: A DEMOCRATIC SOCIETY'S CATALYTIC AGENT

(By Carlton B. Goodlett, Ph. D., M.D.)

The chemical definition of catalyst is "The causing or accelerating of a chemical change by the addition of a substance which is not permanently affected by the action;" the social definition is: "An action between two or more persons or forces, initiated by an agent that itself remains unaffected by the action." Frederick Douglass referred to such an agent when he wrote:

". . . Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress . . ."

To champion the cause of millions of the black masses who hover in the twilight zone of economic destitution has been the prophetic mission of the Black Press, from John Russwurm's Freedom's Journal through Frederick Douglass' North Star, John Murphy's Afro-American, Abbott's Chicago Defender, Vann's Pittsburgh Courier and Franklin's Kansas City Call. We have always been a catalytic agent, working to ameliorate the effects of racial discrimination and delineate the means by which Black America and White America would achieve a society devoid of racism; the Black Press has had an intra-group mission to clarify and to reconcile the areas of controversy in Black America, and to articulate the demand for economic justice in a society which denies Black America full economic participation because of the imposed psychosis of racism by White America.

We meet at an appropriate time in the life of Black America—at the beginning of the 111th "year of abeyance" since Black Emancipation was proclaimed by Lincoln in 1863. The dim economic promises of the decade of the '70's have been extinguished by the "energy crisis" which was merely triggered into public consciousness and recognition by the Arab oil boycott; overnight, the nation, because of this shattering development, finds itself facing massive unemployment which is projected conservatively to reach from 6.5 to 8.5 percent before the year's end.

This is no new experience for the black masses, who for the past four decades have lived on the brink of economic disaster. Was any voice of protest sounded in the land when, only a few short months ago, the political and economic leaders were proclaiming the lowest national unemployment level in the past decade—of 4.5 percent? Yet even then, since Black America suffers an unemployment rate three and one-half to four times the national rate, the black masses were enduring unemployment ranging from 15 to 18 percent (mind you, these are only quantitative figures which take into consideration persons who are unemployed for a period of from 36 weeks in some states to 52 weeks in others; after the end of this period one no longer remains a statistic, therefore the unemployment rate indicates only those who have not dropped out of the labor market within the past nine to twelve months.)

Think of it! A national unemployment rate of 6.5 to 8.5 percent foretells that Black America will be enduring staggering economic catastrophe in which 22 to 25 percent of all countable black adults will be unemployed! Truly the tomorrow's of the black masses are more hopeless today than ever before, and the safety of the nation cannot prevail if this festering cancer of racism, which has the capacity to destroy a great nation, is not the Number One item on the nation's agenda. We ignore it at our peril, for the black masses, faced with the sordid, bleak hopelessness of their lives, are slowly but surely being propelled toward a response of frenzied and sustained violence, terrorism and sabotage, the ultimate weapon of the oppressed.

I should like to share with you a letter I received recently from a distraught inmate at San Quentin:

#A–76996, TAMAL, CALIF.,
January 3, 1974.

"DEAR C. B. GOODLETT: If you will not print this small article, return it please. I dare you to read, and print these truths!!!

"Wake up Black People, Wake Up!!!

Black leaders, ministers, behavioral scientists and others are using you in as many ways as possible. With all of their credentials, public declarations, etc. What mass improvement have they made? The Black family is broke-up, we have male and female whores, crime has increased, suicide rate has rose, etc. Where's the progress?

Can"t you see, you are being exploited. In the name of Jesus Christ the Western world has conquered both physically and mentally all the known world. The ideas of being sinful, evil, etc. are lies, used to gain and keep control over the masses. How can a Perfect God create imperfection? You are all leaders, dare to desire, plan and achieve your goals!!!

Do it now!!!

Yours in Supreme Love,
JAMES E. FLEMINGS."

This man who has written from beyond the pale challenges black leadership; who will answer him, and how?

We know the dreaded results of racial conflict in America. While Black America cannot solely determine the course of the nation, we can serve either of two purposes: we can be the catalytic agent in the national struggle for the development of a society worthy of the American dream, or, if compelled by circumstances over which we have no control, the black masses can contribute significantly to the destruction of the nation.

It is the opinion of the Black Publishers of America that the sordid circumstances which daily demean the lives of Black America represents a serious threat to the viability of the nation, both Black and White. Therefore, it is important that we, the Black Publishers of America, the chief instrument of communication between minority and majority segments of our nation, speak clearly, forcefully and objectively about the true nature of the black crisis in America: economic discrimination.

The Civil Rights Laws of '64 through '67 took care of the needs of "the Black Boojies" (that's what they call us now, you know.) But what does it profit a man whose pockets are empty, who is unable to adequately feed, house, clothe or educate his children, to be able to eat in the finest restaurants, sleep in the finest hotels, to enjoy the good life in America, for a price? How many of our less fortunate brothers can enjoy a day at the Playboy Plaza in Miami Beach?

The 111th anniversary of the Emancipation Proclamation finds Black America's most urgent priority to be equity in the job market. Moreover, there are collectively millions of other Americans—red, yellow, brown and even white—who also suffer economic inequity, in a nation which spent $50 billion on the Marshall Plan to rehabilitate Western Europe after the ravages of World War II, a nation which spent $30 billion to put a man on the moon. Surely such a nation can use its resources to relieve the burdens and remove the inequities of the have-nots within her borders!

Let us beware the current effort of the national administration to return to local custody the responsibilities that have been gained and guaranteed through our Federal statutes and judicial mandates; our security requires the utilization of the nation's collective resources for the removal of injustices too long endured. Governmental assistance is as necessary to individuals as to corporate enterprise. Is it not as noble to assist in the education of the poor as to rescue the investments of the upper classes in such enterprises as Lockheed, to grant governmental subsidies to the great agribusinesses, the transportation tycoons, the oil industry et al? Let us put an end to Federal and State subsidy of the rich and neglect of the poor. For too long have we stood by and idly watched the giant corporations and agricultural interests fattening at the Federal trough, while there are those who desperately need help to escape from the slums, to obtain employment, to educate their children, to obtain adequate medical care, but are condemned because they allegedly violate the national creed of the "work ethic" while increasingly glorifying the dread concept of the "welfare ethic."

The Full Employment Act of 1952 expresses the will of the Congress and the American people that every able-bodied citizen shall be allowed and provided gainful employment. The Black Press must combat the myth that we have welfare because there are people who do not wish to work; we must disprove the misconception that most welfare recipients are black people who have moved to urban areas in order to draw welfare; that all welfare mothers do is have illegitimate children; that welfare is the good life of color TV and Cadillacs; that most welfare recipients are cheaters; or that most of the tax revenue goes to welfare. The truth must be told: that the welfare system is a cruel hoax that only helps perpetuate the misery of poor people and guarantees that the children forced to rely on it will never have a chance in life. And moreover, food stamps and rent subsidies eventually find their way into the coffers of the free enterprise system, providing a form of WPA for the rich in which the poor are only a transmission belt.

The Black Press's love for America is as dedicated as that of any of the sons and daughters of this great land. This love impels us, in the pursuit of our task, not to "love her or leave her." but to "love her and stay with her," to criticize and improve her. By healing her wounds, the Black Press displays the capacity tc love America even more. Remember, if we could attain equity for blacks in the job market alone, we could increase the Gross National Product of America from $125 to $155 billion!

It is the prophetic mission of the Black Press to tell it on the mountain: that our founding fathers had a dream—a dream that man, through representative government, can provide the services and protection which the people, individually, cannot hope to obtain; that the democratic promise is an ever-growing edge of man's quest to use the instruments of government to serve the expending needs of the masses—rather than the expanding greed of the upper economic classes.

A strong Black Press can be the needed catalyst to bring about a new national commitment: to guarantee to every citizen not only the right of a job, but a job; providing for those unable to work in private enterprise productive work in the public sector of our society; and failing this, providing an economic floor below which every American citizen, as a matter of birthright, shall not be allowed to fall!

TO DEVELOP A VIABLE PRESS

So that the Black Press may achieve its mission, we must develop a strong, unified and viable force. We must increase our efforts to combat an economic racism which has thwarted the dreams of 25 million black people to develop their own communications system, their own voice—namely, the Black Press. Until we are able to increase the advertising revenues as well as the circulation revenues of our newspapers, we can never hope to operate at full capacity. One of our prime objectives must necessarily be to develop new means by which the Black Press is guaranteed a more equitable share of the advertising dollars spent throughout the nation. With a $51 billion income for 1972 and spending $46 billion in the marketplace, Black America's purchasing power generated $900 million worth of advertising and PR monies; yet the share which came to black newspapers was miniscule. Of the $1.9 billion national advertising placed by the 100 largest white advertising agencies, the Black Press received only 0.14%.

We equate the importance of "fair advertising" with fair housing and fair employment practices, especially when that advertising money is derived from those who feed at the Federal trough. We must make a crusade of demanding that advertising agencies employ and obey this emerging concept of "fair advertising," which reaffirms Black America's right to anticipate that a fair share of the advertising expenditures derived from the black purchasing dollar be returned to the black community in the form of advertising in its most prominent communications medium, the Black Press.

With the litany of Martin Luther King and his desciples in SCLC under the chant "I am somebody!" and with the birth of Black Power in 1966, the urgency of defining who is Black America and what Black America must be about became imperative. For the totality of the Black Experience, blacks have been caught up in the semantics of "individual freedom" as opposed to the broad concept of "freedom for the masses." Rugged individualism and the myth of individual freedom and security has led to a black man's being described as the "9th American," when in truth the strength of Black America lies in the concept that we are "11 to 12 percent of America"—a force of over 25 million. In this light, we become a nation within white America which is the second most numerous aggregation of blacks within the boundaries of a nation on the face of the earth, second only to Nigeria with a population of 61 million. Only two nations of Africa's 52 nations are more numerous that Black America: Egypt and Nigeria. To bring us closer to home, of all the 36 nations of North and South America only three are bigger than Black America: White America—USA (184,000,000). Brazil (61,000,000) and Mexico (45,000,000.) In terms of education and even economic advantages, we are the most highly developed black people in the world. With

approximately 7,500 physicians, 2,700 dentists 4,000 attorneys, thousands of public school teachers and academicians, we are a learned people; our black youth in institutions of higher learning number 467,000 which happens to be 200,000 more than British students in institutions of higher learning in Great Britain, with a 55,000,000 population. And based upon Dr. Andrew Brimmer's data, blacks earned $51,8 billion and spent $46 billion in 1972, making Black America the ninth wealthiest nation in the non-Communist world.

How is it that, despite all these flattering adjectives, Black Americans are still psychologically and economically second-class citizens? Perhaps it is because we are the only group of people with all these intellectuals who will accept a second-class citizenship status for our people. We have completely compromised man's eternal struggle for equality, and we do violence to Jean-Paul Sartre's concept that "Man is flung into the universe with the preordained purpose of being free!"

The sad fact is that we are the only people in recorded history who have endured more than 250 years of slavery and 110 years of crypto-freedom, yet have never developed a revolutionary class. A few years ago the possibilities of black liberation tingled our minds and imagination, but now we must grapple with the very problem of black survival.

50 percent of Black America is 20 years of age or younger. Even though 467,000 of our black youngsters are in institutions of higher learning, we know that the most conservative and reactionary elements of corporate enterprise are busily co-opting this "educated tenth;" these fortunate ones are being moved rapidly into the corporate enterprise structure, while another face and hand of private enterprise, the Mafia or Syndicate, is preying upon a large segment of our youth through the traffic in narcotics, hard drugs and alcohol. 38 percent of our adolescents are either unemployed, out of school or in jail; and 32 percent of these teenagers are even now enmeshed in hard drugs and narcotics.

With our best young minds co-opted, and with our restless young ghetto blacks who represent the fermentation potential for leadership enduring the living hell of narcotics, Black America has a bleak future—in fact, unless a strong outcry is raised, Black America has no future.

We must launch a crusade to save our youth, to save those who would be our heroes of liberation tomorrow from becoming the dregs of a decadent narcotics culture. Approximately 130 years the people of China were forced to make the choice of engaging in the Opium Wars, as a signal to their oppressor that they would not idly submit to the forcing of narcotics as a way of life on the people of China. Black America, too, may have to make a choice, of whether or not we will stand up and fight a war of survival to save our young.

Second only to the survival of the Black Press, is the survival of the youth of Black America; surival of Black youth is made secondary to our survival, because without the Black Press as an instrument to sound the alarm, the conveyor of good news and bad tidings, all hope is lost.

The Black Press, individually in New York, Chicago, Detroit, Washington, Los Angeles, Miami, San Francisco—has a power that ends at the city limits; but as the organized Black Press we serve as the communicators for the 26th largest nation of the world; and until some better concept is developed, your President is the Secretary of the Department of Communications of Black America.

I cannot emphasize too dramatically the importance of organized strength as opposed to individual publishers trying to make it alone. If the organized press in America, dedicated to the cause of the people—that no good cause shall lack a champion, and that evil shall not thrive unopposed, combines its great potentials, then we shall become an irresistible force challenging all who would deny to Black America its full and complete democratic rights—even in a racist nation. The Black Press will then become the most powerful guardian of the Black community.

Despite this awesome power potential, the Black Press has never attempted to plan or program for Black America, alone. Contrarywise, the organized Black Press will never permit or cooperate with those individuals or organizations which attempt to plan and program Black America without the counsel of the Black Press. Let friend and foe alike recognize this renewal of our faith and pledge: to uphold the sacred, historic trust of the Fourth Estate as the guardian, defender and protector of the liberties of the people. Our most sacred trust is to protect the teeming masses who comprise Black America, and in the performance of our mission we are guided by the incontrovertible fact that the strength and the greatness of Black America is that we hold and belong to each other.

SOLZHENITSYN'S BANISHMENT

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. McCLOSKEY. Mr. Speaker, the greatest imposition which may be brought to bear on a man is the forced separation from his family and his homeland. The following article which appeared in the San Francisco Chronicle and Examiner illustrates the gravity of the deprivation visited upon Alexander Solzhenitsyn for his refusal to conform intellectually to the demands of the state.

A constituent of mine, Peter Grothe, has captured in a very few well-chosen words, the immense significance and pathos of the circumstances of Mr. Solzhenitsyn. I offer those words in today's RECORD for the consideration of our colleagues:

SOLZHENITSYN'S BANISHMENT: "THE CRUELEST PUNISHMENT"

(By Peter Grothe)

(For my entire life, I have had the soil of my homeland under my feet; only its pain do I hear, only about it do I write.—ALEXANDER SOLZHENITSYN, Sept. 22, 1967.)

This writer attended the Nobel Prize ceremonies in Stockholm in December, 1970, and watched the normally-reserved Swede thunderously and emotionally applaud an empty chair. The empty chair, of course, belonged to Alexander Solzhenitsyn, the Nobel Prize winner for literature, who remained in Moscow.

He stayed away from the ceremonies because he received clear signals from the authorities that if he went to Stockholm, he would not be allowed to return. Despite the intense hounding of him, his family, and friends from the security apparatus, Solzhenitsyn preferred to stay in his homeland.

Banishment from one's country (which, incidentally is not provided for in Soviet law) is cruel enough punishment for any citizen. For a writer, it is doubly cruel.

If Solzhenitsyn were, say, a dentist or a plumber, he could at least take up his dental or plumbing tools in a foreign country and proceed with his work. But for a writer, especially a Russian writer, it means being cut off from the source of his inspiration.

"MOTHER RUSSIA"

For Russian writers in Tzarist and Soviet times, the worst punishment conceivable has been banishment from their countries. Russian writers cling to "Mother Russia" with a special intensity not fully understood by Westerners.

I had the opportunity to speak with another Nobel Prize winner, Boris Pasternak, in Moscow six months before his death in 1960. Pasternak, author of "Doctor Zhivago" and great poetry, had been called a "swine" by Nikita Khrushchev, and officials had suggested that it might be best if he leave the country.

Pasternak spoke intensely of his great love for his own people and motherland and said that for him the worst punishment would be exile abroad. Postoyevsky, Pushkin, and other Russian literary greats had spoken in the same terms.

Solzhenitsyn, who is generally regarded as a slavophile and a Russian writer in the classical tradition, once wrote (through a character, returning home after a long absence), "I wanted to efface myself, to lose myself in deepest Russia."

HARSH PENALTY

Thus, although it is true that Solzhenitsyn would have been dealt with much more severely during Stalinist times, it is also true that, from Solzhenitsyn's point of view, the punishment is a very harsh one, indeed.

Solzhenitsyn, with the publication of "August, 1914," began a project to which he expected to devote the rest of his life. In that book and the one to follow, "October, 1916," Solzhenitsyn deals with the social and spiritual currents on the eve of the Bolshevik Revolution.

In succeeding books, he has said that he plans to write about "the years that follow." His project has been compared with Tolstoy's "War and Peace."

Paradoxically enough, although he is cut off from the roots of his inspiration, it will be easier for him to obtain the historical documents necessary for his novels in the West. Although he received many diaries and memoirs from private Soviet citizens, he found that the archives were closed to him in the USSR. He told an interviewer in 1972:

"It is as hard for me to gather material as it would be if I were writing about Polynesia."

EFFECT ON DISSIDENTS

What will the effect on the small Soviet dissident community? The best guess is that the blow will be crippling but not fatal. The outster of Solzhenitsyn is a short-term palliative for the problem, but not a long-term solution.

In short, the Soviet authorities have dealt with the symptoms, rather than the causes, of the problem. Soviet dissidents, after observing what happened to unbending Solzhenitsyn, will, for the time being, probably be more cautious and withdrawn. Yet, physicist Andrei Sakharov, the other giant of the dissident community, remains. One cannot help but ponder about his future.

There can be little doubt that the decision to exile Solzhenitsyn was reached at the highest levels of the Soviet Communist Party, with Leonid Brezhnev taking a decisive hand. One can make an educated guess that others taking leading roles were Michael Suslov, the chief Party ideologist, and Yuri Andropov, head of the KGB (security police).

Why did the Politburo feel the need to take the decisive action it did? The answer is best provided by Solzhenitsyn himself in some of his writings. In "The Cancer Ward," one of Solzhenitsyn's characters clearly reflects the author's thoughts:

"Why should I reread 'Anna Karenina'? . . . Where I can read about us? Will that be only in a hundred years?"

Solzenitsyn, born in 1918 and thus a complete product of Soviet Society, wanted to write about the real Soviet Union he knew, not the one that the literary hacks wrote about, not more books on the theme of boy-loves-girl-loves-tractor. This was unacceptable to the Soviet regime.

"UNARMED TRUTH"

Perhaps a passage from Pasternak's "Doctor Zhivago" is most appropriate of all:

"If . . . man could be held down by threats, any kind of threats, then the highest emblem of humanity would be the lion tamer in the circus, but don't you see, that is just the point, what has moved man for centuries has not been the cudgel but an inner music—the example of unarmed truth."

Alexander Solzhenitsyn became "the example of unarmed truth" that Pasternak had written about. It was inconceivable, in the long run, that the Soviet authorities could allow this "second government" to remain in their midst. Thus, he was dragged from his apartment, charged with treason, stripped of his citizenship, and banished from his motherland.

FINANCIAL SQUEEZE ON MIDDLE-CLASS FAMILY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. ASPIN. Mr. Speaker, my distinguished colleague from Wisconsin (Mr. REUSS) has pointed out that one of the most serious problems facing this country is the financial squeeze on the middle-class family. High taxes, inflation, and the energy crisis are constantly squeezing the average middle-class family in this country. Mr. REUSS' views are outlined in a recent article by Robert J. Donovan in the Los Angeles Times. The article follows:

REPRESENTATIVE REUSS SAYS ECONOMIC INEQUALITY IS ENDANGERING SOCIAL PEACE

(By Robert J. Donovan)

WASHINGTON.—This country will not enjoy social peace until something is done to ease the financial squeeze on the middle class, in the opinion of a member of Congress who has long been closely identified with middle-class problems.

Rep. Henry S. Reuss (D-Wis.), a member of the Joint Economic Committee, said in a recent interview that since 1969 the average-income family has been losing ground, economically, in relation to the higher-income groups.

Inflation and higher Social Security taxes are spreading discontent among the middle class, Reuss said.

"You find a very real additional burden on middle-income people," he continued. "You now see your middle-income families threatened with job loss because people in that income bracket are more prone to unemployment than people in much higher income brackets because of the nature of their jobs.

"You find the wife very often working. You find the fixed payments on refrigerators, vacuum cleaner, cars and so on represent a larger proportion of their costs than is the case in the higher brackets.

"So you find these middle Americans feel extremely squeezed and put upon. It is they who are convinced that the government has been in cahoots with the oil companies to bring on a phony oil crisis. It is they who are convinced that welfare recipients are being supported in idleness by their taxes. It is they who are convinced that if you have enough income and have access to good enough lawyers, you can substantially avoid your taxes. The revelation of Mr. Nixon's taxes, incidentally, infuriated them.

"Because their income is withheld at the source and each penny of tax collected before they have seen their pay, you have all sorts of psychological factors.

"The fact is that more and more citizens feel alienated from their government. In the days of the old city political machines, however corrupt, there was always someone who would help you when you needed help. Now people are shoved around from city to state to county and back again. And the TV screen shows them in the Madison Ave. version of the good life, which they increasingly realize is beyond them.

"So, as a result of letting our income distribution worsen, we have produced a very dangerous situation in this country. It was in such an atmosphere in Germany, with the middle class largely alienated that Hitler thrived. I am not suggesting that we are due for another Hitler, but, quite apart from the element of fairness and justice—which is the real reason we ought to end the maldistribution of income—we are not going to have social peace in this country until we do something about it.

"Census Bureau figures show that from 1950 through 1968 poor and moderate-income families—the bottom three-fifths of the social scale—increased their slice of the national income pie at the expense of the top two-fifths, who lost ground.

"However, beginning in 1969, the first year of the Nixon Administration, the trend reversed. By 1972 the share of the bottom three-fifths had declined, while the top two-fifths rose again. The richest one-fifth had a higher percentage of the national income then than in 15 of the last 16 years.

"The people who have lost ground and feel put upon are the middle Ameircans to whom Mr. Nixon appeals with the law-and-order issue and the like. They are the Archie Bunkers and the truck drivers who turned out in force recently. They are also the people who are concerned about how they are going to pay their bills and put their kids through college."

Reuss is a graduate of Cornell University and Harvard law school, and is the author of "The Critical Decade" and "Revenue Sharing: Crutch or Catalyst?" He was assistant general counsel to the Office of Price Administration in Washington before joining the Army in World War II. After the war he was on the legal staff of the Marshall Plan in Paris. He has served on several corporate boards. His congressional district centers in Milwaukee.

Reuss pointed out that the rich choose to spend a higher proportion of their income on luxuries, whereas the poor have no choice but to spend a higher proportion of theirs on such necessities as food, fuel and housing. And it is these items, he stressed, that are hard hit by inflation.

"Inflation," he continued, "has hurt the lower- and middle-income families more than it has the top-fifth in American life. A family making $10,000 a year, let us say, spends a major part of its income (all of its income is likely to be spent each year) on housing, fuel and food. Families making $100,000 obviously spend less, proportionately, on necessities, so the impact of inflation on them is less severe.

"And that is not all. The shift in income shares does not take into account recent tax increases, which were aimed at the three-fifths of American families earning $13,000 or less a year. The Social Security tax, which starts on the first dollar of earned income, had its rate increased from 5.2% to 5.8% and the wage base on which the tax is computed increased from $9,000 to $10,800 on Jan. 1, 1973. The wage base was further raised to $13,200 on Jan. 1, 1974. That means that somebody making $13,200 is paying more taxes now than he was a year ago but on the same income. But there has been no change in the income tax."

What of the belief that America is an affluent society?

"Not so," Reuss replied. "This is particularly true now that the energy shortage is going to be a brake on economic growth. We are no longer going to be able to satisfy the individual family out of an ever-and-ever larger national income pie. When the economy was growing, the individual could make more money in absolute terms even though in the whole economic picture his status was not changing relatively. Still the increase kept him comparatively happy.

"As growth levels off, this outlet for social tensions is diminished. The pie won't be getting larger and larger.

"You are going to have to compensate the middle-class worker for the fact he is being ripped off by inflation, taxes and maldistribution of income."

PROPOSED AMENDMENTS TO TITLE I OF H.R. 69

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. BADILLO. Mr. Speaker, in accordance with the requirements of House Resolution 963, I submit the text of two amendments which I may propose to title I of H.R. 69, the Elementary and Secondary Education Amendments of 1974.

The first amendment changes the 85-percent, hold-harmless provision to 95 percent. Under the new formula for allocation of title I funds adopted by the Education and Labor Committee, the loss of funds for States with large cities is so severe that the bill stipulates that no school district will receive less in any fiscal year than 85 percent of the amount it received in the preceding fiscal year. Even so, the committee's action cuts title I funds for New York City by approximately $23 million in fiscal year 1975, and though the committee made no figures for future years available, New York City could continue to lose 15 percent of its already reduced allocation each year thereafter.

The impact of this cutback will drop as many as 90,000 children from title I programs in New York City and mean the loss of more than 1,000 teaching positions and over 3,000 teaching paraprofessionals. The intent of this amendment is not to take money from any other State, but to prevent what could be a catastrophic loss of operating education programs in larger cities. It is my belief that most school districts in the country will still receive increases in title I funds with this change in the allocation formula, while the disruption of ongoing compensatory education programs in New York City and other urban centers would be considerably less than would be the case with the committee's 85-percent hold-harmless.

The committee bill also penalizes

States which spend more than the national average on education by limiting the title I payment formula to a maximum of 120 percent of the average per pupil expenditure in the United States. The 120-percent ceiling hurts Alaska, Connecticut, New Jersey, New York, and the District of Columbia immediately, and could in the near future reduce funds for Illinois, Michigan, Minnesota, Pennsylvania, Rhode Island, Wisconsin, Maryland, and any other State where public exepnditures for education rise to exceed 120 percent of the naitonal average.

My second amendment changes the 120-percent ceiling to 140 percent to more accurately reflect the extra effort being made by States like New York to provide quality education for their children. The committee formula is regressive in that it penalizes States which apply more of their resources to public education and is the type of disincentive to local effort that I believe we should not write into law. A ceiling of 140 percent of the national average per pupil will be more equitable to States spending heavily for education and will not discourage other States from increasing their educational spending out of fear that they will lose Federal funds for their trouble.

The proposed amendments follow:

AMENDMENT TO H.R. 69 AS REPORTED OFFERED BY MR. BADILLO

Page 48, beginning with line 10, strike out "85 per centum" and insert in lieu thereof "95 per centum".

AMENDMENTS TO H.R. 69, AS REPORTED, OFFERED BY MR, BADILLO

Page 30, line 4, strike out "120 per centum" and insert in lieu thereof "140 per centum".

Page 30, line 5, strike out "120 per centum" and insert in lieu thereof "140 per centum".

Page 31, lines 21 and 22, strike out "120 per centum" and insert in lieu thereof "140 per centum".

Page 31, line 23, strike out "120 per centum" and insert in lieu thereof "140 per centum".

AMENDMENT TO H.R. 69

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. TREEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following amendment intended to be offered by me to H.R. 69:

AMENDMENT TO H.R. 69, AS REPORTED, TO BE OFFERED BY MR. TREEN OF LOUISIANA

On page 131, immediately after line 15, insert the following new section:

Amendment to title X of the Elementary and Secondary Education Act of 1965:

SEC. 906. Title X of the Act, as redesignated by section 201(a) of this Act, is amended by adding at the end thereof the following new section:

"CONTINUITY OF INSTRUCTION GUARANTEE"

SEC. 1010. No local educational agency shall receive funds under this Act or under Title I of the Elementary and Secondary Education Act except that it has received individual pledges from each of its classroom personnel against strikes, work stoppages, or slowdowns or, alternatively, such a provision is included in any contract it may make with any organization representing such personnel.

(1) As used in this section, "local educational agency" shall include any unit receiving such funds and employing teachers.

STATEMENT OF THE HONORABLE TOM RAILSBACK

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. RAILSBACK. Mr. Speaker, when I announced my candidacy for reelection to the U.S. House of Representatives, I said that I would make public, prior to the primary in Illinois on March 19, 1974, a financial disclosure of all my assets and liabilities, a summary of my 1973 Federal income tax return, and the campaign financial disclosure reports of the Railsback for Congress committee.

As an elected representative exercising the public trust, I believe full public disclosure is essential to assure the people of my district that I am free of financial ties or conflicts of interest which might influence the performance of my official duties.

I therefore insert in the RECORD at this point a statement of my wife's and my financial condition as of March 14, 1974, a summary of our 1973 Federal Income Tax Return, and the summary page of the 1974 campaign financial disclosure reports of the Railsback for Congress Committee:

I.

CONSOLIDATED FINANCIAL STATEMENT OF CONGRESSMAN AND MRS. TOM RAILSBACK, MARCH 14, 1974

ASSETS

Real estate	
Home, Moline, Ill., (original cost $75,000)	$75,000
Apartment residence and one rental unit, Washington, D.C. (original cost $57,750)	70,000
One-half interest in apartment building, Washington, D.C. (original cost $37,500)	40,000
Stocks and bonds	
Union Capitol Fund (2172 shares at $8.08 as of Dec. 31, 1973)	17,550
BYM Investment Club (1973 year end statement)	1,390
Garwood Chicago Trucking Equipment, Inc. (10 shares at $800 as of Dec. 31, 1972)	8,000
Cash	
U.S. Treasury Bills	10,000
Savings and Checking	12,055
Note receivable from Greater Sterling Industrial Corporation	5,000
Miscellaneous	
Personal Property, including cars, furniture, clothing, etc	23,875
Civil Service Retirement as of March 1, 1974	21,685
Total	279,605

LIABILITIES

Mortgage—First Federal Savings of Moline, Illinois (as of March 4, 1974)	47,957
Mortgage—Perpetual Building Assn., Washington, D.C. (as of Feb. 5, 1974)	41,937
Mortgage, one half liability—Bank of Silvis, Illinois (as of Feb. 18, 1974)	28,088
Note payable to the Elizabeth Railsback Estate (as of March 4, 1974)	5,855
Note payable to Fred Railsback (as of March, 1974	2,265
Note payable to the Moline National Bank (as of March 4, 1974)	17,379
Total	143,481

II.

The following summarizes the Joint Federal Income Tax Form submitted by Congressman and Mrs. Tom Railsback, Moline, Illinois.

Total Exemptions Claimed (Congressman and Mrs. Railsback and their four children, Kathy, Julie, Maggie and Lisa)	6
Wages and other compensation	$42,500
Adjusted Gross Income	$47,733
Federal Income Tax	$8,954

III.—REPORT OF RECEIPTS AND EXPENDITURES FOR THE RAILSBACK FOR CONGRESS COMMITTEE

A.—SUMMARY REPORT COVERING PERIOD FROM JAN. 1, 1974 THROUGH FEB. 25, 1974

	Column A, this period	Column B, calendar year to date
SECTION A—RECEIPTS		
Part 1. Individual contributions:		
a. Itemized (over $100.00)*	$650.00	
b. Unitemized	100.00	
Total individual contributions	750.00	$750.00
Part 2. Sales and collections: Itemize	None	None
Part 3. Loans received:		
a. Itemized		
b. Unitemized		
Total loans received	None	None
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized	$362.73	
b. Unitemized	50.00	
Total other receipts	412.73	$412.73
Part 5. Transfers in: Itemize all	None	None
Total receipts	1,162.73	1,162.73
SECTION B—EXPENDITURES		
Part 6. Communications media expenditures: Itemize all	422.53	422.53

	Column A, this period	Column B, calendar year to date
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized	None	
b. Unitemized	$198.03	
Total expenditures for personal services, and reimbursed expenses	198.03	$198.03
Part 8. Loans made:		
a. Itemized		
b. Unitemized		
Total loans made	None	None
Part 9. Other expenditures:		
a. Itemized	1,194.38	
b. Unitemized	389.78	
Total other expenditures	1,584.16	1,584.16
Part 10. Transfers out:		
Itemize all	None	None
Total expenditures	$2,204.72	$2,204.72
SECTION C—CASH BALANCES		
Cash on hand at beginning of reporting period	9,951.49	
Add total receipts (section A above)	1,162.73	
Subtotal	11,114.22	
Subtract total expenditures (section B above)	2,204.72	
Cash on hand at close of reporting period	8,909.50	
SECTION D—DEBTS AND OBLIGATIONS		
Part 11. Debts and obligations owed to the committee	None	
Part 12. Debts and obligations owed by the committee	None	

*Contributions in excess of $100.00: Charles M. Koehler, Sterling, Ill., $150.00 (Jan. 15, 1974). U.A.W—C.A.P., Detroit, Mich., $500.00 (Feb. 15, 1974).

B.—SUMMARY REPORT COVERING PERIOD FROM FEB. 26, 1974 THROUGH MAR. 7, 1974

	Column A, this period	Column B, calendar year to date
SECTION A—RECEIPTS		
Part 1. Individual contributions:		
a. Itemized (over $100.00)		
b. Unitemized		
Total individual contributions	None	$750.00
Part 2. Sales and collections:		
Itemize	None	None
Part 3. Loans received:		
a. Itemized		
b. Unitemized		
Total loans received	None	None
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized	None	
b. Unitemized	$50.00	
Total other receipts	50.00	462.73
Part 5. Transfers in:		
Itemize all	None	None
Total receipts	50.00	1,212.73
SECTION B—EXPENDITURES		
Part 6. Communications media expenditures:		
Itemize all	95.49	518.02
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized		
b. Unitemized		
Total expenditures for personal services, salaries, and reimbursed expenses	None	$198.03
Part 8. Loans made:		
a. Itemized		
b. Unitemized		
Total loans made	None	None
Part 9. Other expenditures:		
a. Itemized	$810.41	
b. Unitemized	45.57	
Total other expenditures	855.98	2,440.14
Part 10. Transfers out:		
Itemize all (use schedule D*)	None	None
Total expenditures	951.47	3,156.19
SECTION C—CASH BALANCES		
Cash on hand at beginning of reporting period	8,909.50	
Add total receipts (section A above)	50.00	
Subtotal	8,959.50	
Subtract total expenditures (section B above)	951.47	
Cash on hand at close of reporting period	8,008.03	
SECTION D—DEBTS AND OBLIGATIONS		
Part 11. Debts and obligations owned to the committee	None	
Part 12. Debts and obligations owed by the committee	None	

VETO OF EMERGENCY ENERGY LEGISLATION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. ROSENTHAL, Mr. Speaker, President Nixon last week vetoed the Congress emergency energy legislation. The excuse for the veto, according to the President, was that the bill's rollback provision on the price of domestic crude oil would worsen our current energy crisis.

The president of Output Systems Corp. of Arlington, Va., Matthew J. Kerbec, has researched this subject thoroughly and has come to the opposite conclusion. A rollback in the price of crude oil is a necessity if the inflationary spiral now plaguing our economy is to be curbed, Kerbec writes in an article entitled "Environment, Energy, and Ecology: Energy Price Rollbacks or Economic Suicide."

In this excellent article Kerbec documents the dangerous ripple effects of uncontrolled energy prices on our economy. Kerbec did original research for the most part and has come up with extremely helpful information.

Kerbec prefaced his article with a recent letter to the President urging that several steps, including a rollback on oil prices, be taken to curb the dangerous inflationary spiral now hurting our economy. I would like to insert into the RECORD at this point Kerbec's letter to the President and his article:

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

DEAR MR. PRESIDENT: This letter was stimulated by an article appearing on the front page of the February 21, 1974 edition of the New York Times. Simply stated the article announces new record highs for commodity prices and that farm production prices have increased 50% in one year. This is an economic danger signal when you realize this is at the farm level before any of the markups that occur between the farm and the complex marketing system required to bring food products to the consumer. In the same article a commodity broker is quoted as saying "The prices are not only undermining the value of paper money but in the case of grains they are destroying the cattle and hog industries." As you know new highs are being registered each month in all price indexes with no end in sight.

Mr. President, play the energy game and try to think of any product that does not have an energy cost as part of the price and you will begin to appreciate the enormity of the consequences associated with irresponsible price hikes at the crude oil level. Although we cannot control foreign oil prices we can stabilize our economy by subsidizing the difference between a fixed crude oil price and the price of imports in the same way Canada is handling the problem.

It can be demonstrated that cost and price ripples caused by sudden massive energy price hikes (energy includes crude oil, coal and natural gas) have an amplified effect greater than any other commodity. Natural gas and petroleum based chemicals account for over 43% of material costs needed to produce fertilizer. The Cost of Living Council decontrolled fertilizer in October 1973, and fertilizer selling prices increased by 37% in 3 months. Fertilizer is needed to grow corn and soybeans used for livestock feed, and, the increased price is forcing these prices up. These prices are marked up again and again

as they travel through the marketing chain to the retail level. Also it is estimated that 6.5 billion gallons of gasoline and fuel oil were used on farms in 1973. An increase of 10c per gallon adds $650 million to farm costs that will ripple through the food marketing system before being passed on to the ultimate consumer.

The attached article covers some of the first round effects of the energy price hikes in several critical industries. Contrary to the opinion of some analysts, the effects of these price hikes should not be thought of as a one-shot phenomena. They are the first step in a chain reaction that will amplify prices as they ripple through the economy.

The following is a list of four major cumulative inflationary effects that are being triggered by sudden and massive energy price hikes:

1. Agriculture and industry responds by equivalent massive price hikes. Price controls become meaningless because massive increases in the prices of raw material fossil fuel inputs make higher product prices mandatory if the steel, food, transportation, petrochemical and power utilities and other industries are to survive.

2. Unions and workers demand equivalent massive wage hikes to maintain buying power. People with fixed incomes have no practical recourse and may resort to violence (in 1972 there were over 10 million families with an average income of $3,500 per year):

3. Reduced buying power caused by massive inflation will lead to layoffs. Greater percentages of income will go for necessities and distort spending patterns.

4. Demand for luxury products and nonessential items will dramatically decrease leading to more layoffs that will affect executives and workers at all income levels.

Events after Effect 4 are anyone's guess. The U.S. is now definitely at Effect I with prices rising at unprecedented rates. Effects 2, 3 and 4 are showing increasing activity. One thing is certain—there will be delayed effects long after the high priced energy is fed into our economic system. For example, coal prices are now following oil prices. One report states that Bethlehem Steel Corporation announced that it will lay off 1,250 people because the Cost of Living Council does not allow steel companies to bid up to the $27 to $35 the utilities are paying for coal. An international example of delayed cost effect that was triggered by energy price increases is that organized labor in Japan is asking for an unprecedented 30% increase in 1974. *These are effects not causes.*

I have reviewed many of the energy and economic policy statements made by your executives in the past three months but have not yet heard any meaningful detailed analysis of what massive energy price hikes are doing to the economy in terms of raw materials costs, profits, prices, wages, unemployment and inflation. These are all part of the same management problem. Knowingly or unknowingly your executives present a tremendously misleading picture when they only speak of economic effects caused by crude oil price increases as plus or minus a few cents at the gasoline pump.

The time has come for all thinking people to stand up to be counted, and it should be clearly understood by all elected and appointed government officials that the foundation is being laid now for future disruptions to our economic system. Specifically, we are now laying the groundwork that will lead to management-labor confrontations, antisocial acts by people being relentlessly squeezed between soaring prices and fixed incomes, unprecedented inflation and unemployment.

One fact clearly stands out. Great Britain, Japan, the United States and other countries who have allowed internal energy prices to reach cartel levels are all experiencing raging inflation. Canada has frozen crude oil at $4.00 per barrel and is not having problems with runaway inflation.

Because energy is the only commodity that is a necessity for all industries and activities I strongly urge an immediate rollback of energy prices and a realistic national energy policy that balances the need for energy self-sufficiency against the degree of economic disruption that can be tolerated. There are many ways to finance increased exploration for crude oil and to build additional refinery capacity without massive energy price increases that have no relationship to production costs. It is also true that no foreign country will cut their oil prices when our government does nothing about the uncontrolled $10.35 per barrel of crude oil produced domestically. Why should they? Until we start treating energy as a necessity in the same context as air and water and not as ordinary commodities such as steel, and grain we will continue to apply old nonapplicable remedies to a new problem requiring new basic policies.

Mr. President, I realize your burdens are heavy but I close this with the sincere hope that you can generate some priority decisive action to reduce this continuing suicidal inflationary spiral.

Sincerely,

MATTHEW J. KERBEC,
President.

ENVIRONMENT, ENERGY AND ECOLOGY—ENERGY PRICE ROLLBACKS OR ECONOMIC SUICIDE

(By Matthew J. Kerbec)

When inflationary pressures caused by sudden massive energy price hikes are added to already spiraling costs, profits and prices the effects in terms of unemployment, inflation and reduced buying power could far exceed any of our past economic crises.

There are arguments by oil people and officials in the Federal Government which justify large energy price hikes as necessary to stimulate more oil production and refining capacity. An opposing view holds that the capacity of any highly industrialized economy to absorb sudden large price increases in energy which is the most basic of all commodities is limited. In brief, *one test for governmental action should be answering the question: Will the high price medicine approach to the energy shortage have side effects that will be worse than the shortage?* One thing is sure—since August 1973 when the Cost of Living Council increased the price of crude oil about 35 cents a barrel and deregulated new oil, all indicators such as the Wholesale Price Index, Consumer Price Index and Farm Price Index have jumped by relatively large amounts. Since August 1973 the price of controlled domestic crude oil has gone from $3.86 per barrel to $5.25 and uncontrolled domestic and imported crude oil has jumped from about $3.93 per barrel to $10.00 per barrel.

Specifically, the annual cost of crude oil to the American economy will go from approximately $27.214 billion in 1973 to $44.974 billion in 1974. This is an increase of $17.560 billion on a crude oil level. (The basis for these estimates is the Cost of Living Council and the Federal Energy Office, see Table 1.)

The gasoline, distillate oil, jet fuel and other products derived from a 42 gallon barrel of crude oil costing about $5.00 sold for about $12.50 on a retail level in December 1973. Thus if we use a 2.5 multiplier the $17.560 turns into an additional $43.90 billion which the economy will have to absorb in 1974. Of this $13.17 (30%) will be paid for directly by the consumers for gasoline, fuel oil, and other petroleum products.

This article is concerned with how the inflationary effects of the remaining $30.73 billion (70%) will impact food prices, transportation costs, manufacturing cost prices, wage demands and ultimately the buying power of wage earners.

One fact should be made clear and it is a truism:

Energy is critically different from any other commodity in that it is necessary for all industries and this is not true of any other commodity. Until this fact is understood and accepted—decisions made to solve the energy crisis will lead to actions that will aggravate rather than help the situation, e.g., excess profit taxes for crude oil rather than price rollbacks.

This is another way of saying that there is an energy cost associated will all raw materials and products used or produced by all enterprises.

Each day more people are observing that the price of everything is going up—this literally is the case. In some industries the energy cost is small, in others such as steel, petrochemicals, transportation and agriculture the energy costs are significant and are directly related to the costs and selling prices associated with products and activities which are necessary to maintain life.

TABLE 1.—CALCULATIONS FOR DETERMINING TOTAL DAILY TOTAL DOLLAR VALUE OF CRUDE OIL USED IN THE U.S.

	1973					January 1974
	Jan. 10	May	Aug. 15	Oct. 15	Dec. 31	
Domestic crude prices:						
Old crude (per barrel)[1]	$3.40	$3.62	$3.86	$4.17	$4.25	$5.25
New crude and stripper (per barrel)[1]	3.40	3.62	3.86	5.17	6.17	8.00
Imported crude prices: Average import delivered in the United States[1]	3.34	.....	3.93	5.24	6.54	10.00
Barrels per day used (millions): Domestic:						
Old crude[2]	9.26	9.26	9.26	9.26	9.26	9.26
New crude[2]	3.093	3.093	3.093	3.093	3.093	3.093
Imported[2]	4.932	4.932	4.932	4.932	4.932	4.932
Daily total value in (millions):						
Old crude	31.48	33.52	35.74	38.61	39.35	48.61
New crude	10.50	11.18	11.93	15.99	19.08	24.74
Imported	16.46	16.46	19.38	25.84	32.25	49.32
Total (million per day)	58.44	61.16	67.05	80.44	90.68	122.67

[1] Source: Cost of Living Council news release Dec. 19, 1973—"Domestic Crude Oil Price Adjustments."

[2] Source: Federal Energy Office, petroleum situation report, week ending Dec. 14, 1973, table 1.

NOTE

	Billion
Estimated U.S. crude oil bill for 1974 is 365 times $122.67	$44.774
Estimated U.S. crude oil bill for 1973 is 365 times $58.44 plus $90.68	27.214
Increase in crude oil costs in 1974	$17.560

Assume the selling price of refined petroleum products is 2.5 times the cost of crude oil. This multiplier includes refinery costs and profits, in addition to shipping costs and marketing and distribution markups. Then the total added cost to customers will be 2.5 times $17.560 equals $43.90 billion.

Approximately 70 percent or $30.73 billion will be purchased by agriculture and industry. Approximately 30 percent or $13.17 billion will be purchased by consumers (gasoline, oil, heating oil, etc.)

A firm basis for predicting how prices will go up in 1974 was provided by Mr. William E. Simon, Head of the Federal Energy Office, when he appeared before the Senate Permanent Subcommittee on Investigations on January 15, 1974. He testified that on the average the price of each gallon of refined petroleum products would increase by 10 or 11 cents a gallon in 1974 to offset the increased costs for a barrel of crude oil (42 gallons per barrel) due to pricing actions taken by the Cost of Living Council and the oil exporting countries. It is vital to see what this will mean to the economy. Gasoline now selling for 45 cents per gallon will go to 55 cents or an increase of 22%. Light distillates used for home heating and diesel fuel now selling for 25 cents a gallon will go to 35 cents or an increase of 40%. Fuel oil used in manufacturing steel and other industrial uses now selling for 20 cents a gallon will go to 30 cents a gallon or an increase of 50%. Jet fuel now selling for 14 cents a gallon will go to 24 cents a gallon or an increase of 71%. Now these are massive increases for the most vital commodity used by a highly industrialized country and they set up an ever-widening series of chain reactions that reverberate and are amplified throughout the entire economy. The effects from these reverberations, once started, will continue until they run their course and are in many cases irreversible. One example are the firms and entrepreneurs who will be forced out of business due to some combination of raw material shortages and energy related costs.

Given this relatively sudden massive energy price hike let us track a few of the cause-effect relationships these price hikes will have on the economy. Primarily, we will concern ourselves with the following two areas:

1. *Cause-Massive and sudden energy price hikes amplified by some shortages.*

2. *Effects of sudden large energy price hikes on food prices.*

1. CAUSE-MASSIVE AND SUDDEN ENERGY PRICE HIKES AMPLIFIED BY SOME SHORTAGES

Using the 2.5 multiplier, refined petroleum product prices rose from $146.10 million ($58.44 × 2.5) to $306.67 million per day (122.67 × 2.5) and this is expected to further increase in 1974. The Federal Energy Office is advocating a further 33% increase in 1974 in the controlled price of domestic crude oil from $5.25 per barrel to $7 per barrel and is also actively lobbying to deregulate natural gas. Coal to produce steam for electric power generation is also in short supply with the result that coal prices are following oil and natural gas prices.

As mentioned previously, the economy will have to absorb an additional minimum of $43.90 billion of which $30.73 billion will be paid by commercial enterprises.

Responsible officials in the Federal Government and the oil companies are on record as stating that energy shortages, even if the embargo is lifted, will continue to be a long term problem. This is another way of saying that prices under no circumstances are expected to decrease in the near future due to free market forces.

Now let us briefly examine some of the effects that energy price hikes will have on the food sector of the economy.

2. EFFECTS OF SUDDEN LARGE ENERGY PRICE HIKES ON FOOD

The Department of Agriculture reports that the index of prices received by farmers in mid-December 1973 was up 1.5% in one month and up 34% for the year. A vital question is, what will happen in 1974?

To provide a relationship between farm costs Table 2 was developed based on available 1972 farm income information. It is seen that chemical fertilizer, fuel oil, gasoline and electricity costs $4.489 billion or 12.9% of total operating costs while hired labor cost $4.188 billion or 12.7% of operating costs. Also it is important to note that pre-tax profit or net income was 41% of all production costs.

A 1972 Census of Manufacturers report shows that the consumption of fossil fuel derived materials received from other establishments to produce nitrogenous fertilizers amounted to 43% of the costs.

The fertilizer industry was decontrolled on October 25, 1973. According to a Cost of Living Council Report during the period October 25, 1973 to December 13, 1973 fertilizer prices at the retail level have increased 37%. From Table 2 the fertilizer bill for 1972 was $2.510 billion. If the same quantity is used in 1974, the additional cost for fertilizer in 1974 could be $928.7 million ($2.510×.37).

Now let us transfer the 10 cents per gallon increase to the gasoline and fuel oil gallonages used in producing, transporting, processing and selling food.

A Department of Agriculture report, "Agriculture and Energy Use" provides estimated gallonages used in food production and these are detailed below:

TABLE 2—*Income farm earnings*

[In billions]

CASH RECEIPTS, FARMING	*1972*
	$60,700
Government payments to farmers and other non-money income	8,200
Realized gross farm income	68,900
FARM PRODUCTION EXPENSES	
Current operating expenses:	
Feed	8,951
Livestock	6,667
Seed	1,071
Lime	94
Fertilizer	2,510
Fuel and oil	1,797
Electricity	0,182
	[1] 4,489
Repair and operation	3,614
Hired labor	4,108
Other	5,628
	34,622
Overhead costs (depreciation, property taxes, mortgage interest, government payments, et cetera)	14,545
Total production cost	[2] —49,167
Farmer net income	19,733
Net change in farm inventories	600
Total net income	20,333
Total income as a percent of production cost	41%
Total income as a percent of gross farm income	29%

[1] Energy related costs as a percentage of current operating expenses

4,489/34,622×100=12.9%

[2] Energy related costs as a percent of total production cost

4,489/49,167×100=9.1%

Source: Department of Agriculture, Economic Research Service Report, Farm Income Situation, July 1973.

(a) L. P. gas or propane is used extensively in crop drying, poultry production and home heating. Major farm uses are drying corn and tobacco. Estimated propane use for drying corn in 1973 was 642.056 million gallons. At 10 cents a gallon the costs for drying corn at a minimum will increase by $64.2 million. Propane costs for drying tobacco in 1974 will increase $13.8 million.

(b) The report estimates that 1973 farm fuel consumption for tractors, combines, automobiles, trucks and other vehicles was 4.023 billion gallons of gasoline and 2.477 billion gallons of diesel oil for a total 6.500 billion gallons. Using the 10 cent per gallon increase this means a minimum farm cost increase of $650 million for 1974 less the amount sold to foreign countries.

(c) Aerial crop dusters in 1971 used about 38.5 million gallons of gasoline and 325 thousand gallons of jet fuel. At a minimum this will add $3 million to the food bill in 1974.

(d) Fertilizers and phosphate transportation to farms requires moving tremendous tonnages of products. In 1973 the Census Bureau found that 29 million tons of fertilizer has been shipped by superphosphate and associated mixing plants. Data on ton miles and gallonage of fuel to transport fertilizer is not available but the 10 cent increase is applicable and will help boost food costs.

The total increase in energy related costs for 1974 then is:

[In millions]

Fertilizer	$928.7
Propane for drying corn	64.2
Propane for drying tobacco	13.8
Gasoline and fuel oil	650.0
Crop dusting	3.0
Total	1,659.7

When this $1,659.7 million is marked up by 41% the total farm bill could be increased by $2,340.17 million. This is somewhat unrealistic in that it includes, cotton, tobacco, feed grains, and exports but it provides a starting point. Actually farm prices are dependent on price variations in the commodity markets and other contract arrangements. The net farm income at times bear little relationship to the cost of production. However, one real effect higher prices for energy and fertilizer will have is that the farmer will think hard and long about how much acreage he plants in specific crops to make sure surpluses are kept to a minimum. Table 2 shows that purchase feed stocks (mostly corn and soybean) are the largest single item in the meat production. Feeder corn went up by 68% between the December 1973 and January 1974 period and soy beans went up 43% during the same period. No one can precisely say how much of these increases were due to increased energy and fertilizer costs.

According to the December 1973 issue of Marketing and Transportation Situation published by the Department of Agriculture's Economic Research Service, the value of farm products sold to U.S. consumers in 1973 is estimated at $51 billion and the costs to transport, process, and sell these products is estimated at $83 billion for 1973 and it is in this complex marketing chain that markups are added to markups.

Sudden massive energy price hikes also have equivalent price effects on vital industries such as transportation, steel, petrochemicals, and electric power generation.

SUGGESTIONS FOR BASIC LEGISLATIVE POLICY

1. A roll back in the price of crude oil is a necessity if the inflation spiral is to be curbed. The amount of the roll back should be geared to the December 1972 National Petroleum Council report submitted to the Secretary of the Interior. This report was compiled by representatives of the major oil companies and it estimated that domestic self-sufficiency of crude oil would be achieved if the price of a barrel of crude oil rose to $3.65 in 1975. Also in August 1972, the Independent Petroleum Association of America testified before the Senate Committee on Interior and Insular Affairs that a domestic price of $4.10 per barrel would be adequate to assure the United States 100% self-sufficiency by 1980.

2. The creation of a government owned petroleum company to expedite exploration and development of energy from federal lands and to build the technology that will minimize the costs of developing energy from sources such as shale oil, geothermal techniques, tar sands and others. This should be a government sponsored activity because managers of all publicly held companies must consider as the overriding priority the

well being of their stockholders in terms of profits as opposed to national or other problems.

3. There is an urgent necessity to stabilize our economy by establishing reliable energy price levels.

Perhaps the Canadian experience can provide some guidance in this area.

On December 9, 1973 Canada announced a shift in its energy policy designed to isolate Canada from rising foreign oil prices and to bring the Canadian Government into the oil business as a competitor to private industry. Prime Minister Pierre Trudeau said he would bring a law to parliament early in 1974 which would have authority to make overseas oil deals for Canada, and would also be involved in new exploration. The national company would also perform research for new methods of extracting oil from the Athabaska tar sands.

Russia is not raising her energy prices and if Canada is successful in isolating its economy from sharp energy price increases, these countries will have tremendous price advantages compared to the U.S. relative to competing in world markets. This will amplify our balance of payments problems and require the establishment of massive protective tariffs.

All countries which have allowed oil prices to rise to cartel levels are now experiencing raging inflation. Since 12 months ago inflation in the United States has risen from 4.7 to 9.4 percent with higher rates predicted.

PROF. STEPHEN L. McDONALD, CHAIRMAN, DEPARTMENT OF ECONOMICS, UNIVERSITY OF TEXAS, OFFERS VIEWS ON OIL TAXES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 1974

Mr. VANIK. Mr. Speaker, the Ways and Means Committee is continuing its consideration of a windfall profits tax for the oil companies. During the committee hearings on this legislation, I wrote to several economists with established reputations in the field of energy economics. The purpose of my letter was to explore their views on several key matters of tax policy now before the Congress.

Although I do not share all of his views, I offer below the comments of Prof. Stephen L. McDonald, chairman of the Department of Economics at the University of Texas. His remarks, provide insights into the complex policy questions surrounding oil industry taxation. It is interesting that, while Professor McDonald outlines the pros and cons to providing subsidies to domestic production, he finds the depletion allowance to be an especially ill-conceived policy. In comparing the depletion allowance with a hypothetical system of direct cash payments to producers, Professor McDonald writes in part:

A direct cash subsidy to, say, exploration, would be preferable to the percentage depletion allowance. An important reason for this is that the percentage depletion allowance applies to royalty owners as well as producers, which serves no good purpose, while a (direct cash) subsidy would go only to producers.

In short, there are two major policy questions which Congress must decide. The first is whether or not the domestic industry should be subsidized to produce oil above and beyond the stimulus it already receives from the market price. If we choose to subsidize oil production, then the second question arises as to the best way to do it. Professor McDonald indicates that the percentage depletion allowance is a particularly inefficient method of subsidizing oil production.

Professor McDonald's analysis is bolstered with a review of the legislative history of the percentage depletion allowance. Looking back over the early legislative history of the provision, we find that no clear rationale was ever advanced in support of the concept. What is worse, there was no attempt to balance the costs of the subsidy with the benefits to the consumer and the security of the Nation. I have compiled a detailed legislative history of the depletion allowance which appeared in the RECORD on January 24, 1974, at E171 and January 29 at E248.

The complete text of Professor McDonald's responses to various questions on oil tax policy follows:

ANSWERS TO QUESTIONS RELATING TO TAXATION OF THE PETROLEUM INDUSTRY BY STEPHEN L. McDONALD, PROFESSOR OF ECONOMICS, THE UNIVERSITY OF TEXAS

(1) The Administration is proposing that the market price for crude oil reach a "long run equilibrium price." The Treasury Department estimates this price level to be about $7 a barrel. The Department also estimates that this equilibrium price will be achieved in three to five years. Are these realistic projections? As far as you can determine, are the assumptions underlying these projections valid? In an industry in which price has been closely regulated through such mechanisms as state prorationing and import quotas is it justified now to have confidence in the price mechanism to allocate available petroleum supplies?

1. The long-run equilibrium price of oil depends almost entirely on the tax and/or price policy of the OPEC countries. If after the end of the Arab embargo and domestic price controls the OPEC countries persist in their present tax policy, the equilibrium oil price is likely to be about $10/bbl. It is unlikely that state prorationing policy will ever again be a major determinant of the domestic price of oil, assuming no reintroduction of import quotas.

(2) It appears to me that the Administration's windfall profits tax is engineered to prevent wild fluctuations in the domestic price for crude, while at the same time allowing this price to reach its "equilibrium" level. Is this a correct interpretation of the primary function of the tax? What is your opinion of the Administration's proposal? Is it correct to label this tax an excise tax on the price of crude oil? If so, is the tax likely to be shifted forward to consumers? How regressive do you think this tax is likely to be?

2. I am not sufficiently familiar with the Administration's proposal to answer this question.

(3) Does the Administration's goal of achieving a long run equilibrium price for crude undercut in any way the case for production subsidies, such as the depletion allowance? I understand that the impact of such subsidies is to bring forth more supplies than a given price alone would justify. Accepting this interpretation, do you see a "price" policy as an adequate substitute for a "tax" policy? Would not the pursuance of both simultaneously be contradictory?

3. There is no conflict between an "equilibrium price" and subsidies. In a closed economy, subsidies simply make the equilibrium price lower than it otherwise would be. With free imports, however, the equilibrium price is determined basically by the supply price of imports, and subsidies simply increase the proportion of consumption produced at home.

(4) In your opinion, is the percentage depletion allowance an efficient means of guaranteeing our domestic production capacity as one component of national security? Should the depletion deduction be terminated altogether? If so, would you advise an immediate repeal of the depletion allowance for domestic properties? Or as an alternative, would you favor a gradual phasing out of the deduction?

4. With free imports, the percentage depletion allowance, which acts very much like a subsidy, tends to increase the share supplied by imports. This does contribute to national security. Eliminating percentage depletion would decrease security of supply. However, the allowance could safely be eliminated if simultaneously the oil tariff were increased to raise the supply price of imports as much as the domestic supply price of oil is raised by a higher tax burden.

(5) If you feel that some sort of subsidy for domestic oil production is warranted, would you favor substituting a direct cash payment system for tax subsidies? The advantages I see in such an approach is that such a cash system would be easily managed and accurately targeted to exploratory activity.

5. Yes, a direct subsidy to, say, exploration would be preferable to the percentage depletion allowance. An important reason for this is that the percentage depletion allowance applies to royalty owners as well as producers, which serves no good purpose, while a subsidy would go only to producers.

(6) A major argument against removal of the depletion allowance and other tax advantages for petroleum production is that these reforms would undermine the industry's ability to attract new capital. Could you evaluate this argument? Are the existing subsidies essential to meeting the financial requirements of the industry?

6. The subsidies are not essential. In a closed economy, they merely lower the price at which supply equals demand. With free imports, they increase the portion of consumption supplied at home. (See 4 above.) Eliminating them would indeed reduce the marginal rate of return on exploration and development at home, and would shrink supply from home sources.

(7) Would the national security be better served through the establishment of a national defense petroleum reserve (in situ or in above ground storage) on the public lands of the U.S.? Do you feel it is wise to establish inventory requirements for producers and/or refiners?

7. Yes, I think it would be desirable to have a security reserve of oil, so long as we are significantly dependent of insecure sources abroad.

(8) The Administration has recommended the repeal of the depletion deduction on foreign properties. Do you favor this step?

8. Yes, but it would not make much difference. With the foreign tax credit, most U.S. companies operating abroad now have sufficient tax credits to offset any increase in domestic tax liability due to elimination of percentage depletion on foreign income.

(9) The foreign tax credit has been criticized as an irresistable incentive for foreign investment by the petroleum companies. Do you agree? Do you feel that the foreign tax credit, in general, is a sound policy? Do you find the oil companies use of the credit as an unjustified abuse? If so, would you favor outright repeal of the credit for the oil companies or do you recommend that an effort be made to define what is a royalty payment and what is a tax?

9. The foreign tax credit is sound in principle. It avoids double taxation of the same income. However, the credit should be restricted to true income taxes and not apply to royalties or excise taxes, and surplus credits should not be applicable to income from domestic sources.