the CONGRESSIONAL RECORD on October 6, 1975.

Air Force nominations beginning Vernon H. Amundson, to be major, and ending Carl B. Ziesmer, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 20, 1975.

Army nominations beginning E. B. Apodaca, to be colonel, and ending Allen F. Calvert, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 24, 1975.

Army nominations beginning James R. Wendt, to be colonel, and ending James W. Ross, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 6, 1975.

Navy nominations beginning John R. Babione, to be ensign, and ending CWO3 George M. Shelton, to be a permanent chief warrant officer, W-3, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 7, 1975.

Marine Corps nominations beginning Ted O. Dickson, to be lieutenant colonel, and ending Bonni L. Sutherland, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 6, 1975.

Marine Corps nominations beginning Julius F. Knight, to be second lieutenant, and ending Frederick L. Tuggle, to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 20, 1975.

EXTENSIONS OF REMARKS

AGENCY FOR CONSUMER PROTECTION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. FORSYTHE. Mr. Speaker, last week the House of Representatives passed H.R. 7575, the Consumer Protection Act of 1975. I voted against this legislation. Unfortunately, however, opposition to the Agency for Consumer Protection established by the bill has been unfairly interpreted as opposition to consumer protection. Such an interpretation, along with much of the information presented during the long debate on this issue, simply misrepresents the nature and effect of the proposed Agency.

To clarify the situation, let me once again point out that H.R. 7575 offers no protection for individual consumers in their local communities and does not provide consumer intervenors to help resolve individual complaints about local business practices or to investigate consumer complaints involving national companies. What the Agency would do is simply represent consumer interests before other Federal agencies and the courts. Within the Federal governmental structure, however, there are already a number of departmental units with responsibilities in the consumer protection area, including an Office of Consumer Affairs located within HEW, which possesses extensive coordinating responsibilities in this field.

Additionally, the creation of the Agency for Consumer Protection means that an additional 800 to 1,000 workers will be added to the Federal payroll and the Federal deficit will be increased. The House Committee on Government Operations, of which I am a member, estimates the cost of this Agency to the Federal Government will be $100 million for each of the fiscal years 1976 through 1980.

Instead of adding another agency to an already encumbered governmental bureaucracy and thereby increasing the deficit, a more logical approach would be to use that money to insure that already existing agencies better perform their statutory mandates. The House amendment to H.R. 7575 which centralizes Federal agencies' consumer programs indicates strong support within the Congress for such a refinement of the existing programs rather than the establishment of new, redundant programs.

Furthermore, it is essential for our present economic recovery that productivity increase and prices be reduced. Such an economic recovery trend, however, could be severely hampered by the creation of this agency. In spite of the fact that its supporters emphasize that it is technically not a regulatory agency, its creation would certainly mean increased regulation. Excessive economic regulation has already been identified as an important factor in higher production costs, higher prices and high unemployment. I feel that we cannot afford to further intensify this ruinous regulation but should, instead, be carefully examining and refining the present regulatory process.

Thus, the issue in this instance is not simply a vote for or against consumer interests as the proponents of the bill would have us believe. Let me quote from the August 1974, issue of Consumers' Research magazine, published by one of the oldest and most highly respected consumers' groups in the United States.

Consumers' Research does not believe that the continuous and endless multiplication and expensive funding of government consumer agencies (so-called) is advantageous to the consumer. On the contrary, the costs to the consumer may be expected to outweigh the benefits by far.

President Ford has already issued directives to the heads of Federal agencies to increase representation of consumer interests in their proceedings. I believe that such utilization of present agencies represents a more realistic approach than the establishment of another Federal bureaucracy that will provide consumers little real aid. For these reasons, I voted against passage of H.R. 7575. I believe my vote was not against, but was in behalf of the consumer.

AMERICA'S THIRD CENTURY

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. HARRINGTON. Mr. Speaker, in the first two installments of America's Third Century, which I submitted for publication in yesterday's RECORD, deputy editor of The Economist Norman Macrae drew some startling conclusions about the coming century from data collected during a recent odyssey across the United States.

Having been sent by The Economist to obtain a first-hand account of the American condition, Macrae began his carefully researched bicentennial birthday present to the United States with the prediction that world leadership may soon pass out of the hands of this country. Claiming that America is adopting many of the upper class snob habits—antibusiness paternalism, for example—that checked Britain's economic dynamism after 1876, he observed that we are slipping into the attitudes and prejudices of early 20th century British Fabian society. The implications are enormous.

I believe that my colleagues will agree that this intriguing study—inspecting our imminent and often alarming future from a unique perspective—deserves consideration. The text of the third installment follows:

[From The Economist, October 26, 1975]

THE RETREAT FROM MR. EDISON

(By Norman Macrae)

Science is the thing that was nurtured in Britain under Charles II, and has been encrusting in post-caroline cobwebs ever since. A scientist seeks kudos by advancing the frontiers of knowledge, and if you ask him whether he is probing the frontiers that most need to be advanced then you are some sort of a slob. Technology is the thing that was nurtured in America in the days of Eli Whitney and Edison, and in those days it meant a search for the innovations that would be most saleable. In Japan it still means that.

But in modern America, while a scientist seeks kudos, a technologist now searches for something called funding. A large part of funding comes directly or indirectly from the federal government.

I met a man in Washington who makes a living studying political utterances and forecasting which sorts of technology will find politicians to be an easy touch over various periods ahead. He claims his profession is right 60% of the time, and bought me a drink because he said he had prospered through long practising what he kindly called "Macrae's law" which I had much later preached in The Economist. This is that:

"In modern conditions of high elasticity of both production and substitution, we will generally create a temporary but large surplus of whatever the majority of decision-influencing people five or ten years earlier believed was going to be in most desperately short supply. This is because the well-advertised views of the decision-influencers tend to be believed by both profit-seeking private producers and consensus-following governments, and these two then combine to cause excessive production of precisely the things that the decision-influencers had been saying would be most obviously needed."

Thus when Russia beat America with a sputnik into space in 1957, everybody in

Washington cried that America would be left in a "missile gap" behind Russia for the rest of the century. This meant that America would hurriedly and expensively produce a vast and unnecessary surplus of much better rockets than the Russians, and that the big technological programme for the 1960s would be to fire this surplus off at the moon.

As the American government now directly or indirectly finances more scientific research every few months than took place in all the world in all the 1923 years of the Christian era before I was born, I naturally had a yen to believe that these billions of dollars which could shape my children's futures were distributed on principles more firmly founded than those of a bad joke which I had once made up in my bath. I burrowed like a squirrel round America to find those principles, but must report that I could find only nuts.

LAND OF LOW INVESTMENT

There is an Office of Technology Assessment in the Washington phonebook, so I rang it to find the principles on which it works. It turns out to be the opposite of what its name says. It is a taxpayer-financed ecologists' organisation, created for anti-technology assessment.

If you invent a better mousetrap in America, then this committee with formidable left-wing ladies (see later) is authorised to inquire whether this might be environmentally unfair to mice. Fortunately, the office has no money, so cannot actually do anything; but this chase after moonbeams has reached the dangerously earnest stage where its literature is no longer entirely written by kooks.

The discouragement of investment in new technology in American profitmaking industry (as distinct from in politicians' latest emotional spasms) is worrying because it is a dowse that is being banked on an already spluttering light. For the last 25 years America's investment has been a lower % of gnp than any other industrial country's except Britain's. On one definition it has fallen even behind Britain's. During the third quarter of the twentieth century America's output per manhour in manufacturing doubled—but it quadrupled in some other industrial countries, and multiplied by nine in Japan; even Britain slightly exceeded America's poor performance (see chart).

This is changing the world at about the same speed as it was changed early in Britain's post-1876 decline. A swift deterioration, but with long trails of imperial glory still. In 1960, the distant year for whose figures Dr. Edward Denison produced by far the best international comparison of productivity. America enjoyed a living standard approximately twice as high as that of north-west Europe. Denison attributed about a quarter of this gap to the fact that America then, had more capital equipment per worker in industry. In much of manufacturing and the large parts of investment affected by bureaucratic decision, I think that this American advantage has now nearly gone; but in the service industries, which should be much more important in future, the American worker probably does usually have a better programmed computer behind him.

Nearly another quarter of the Denison gap in 1960 came because American workers were better educated and better deployed in workplaces with large economies of scale. In manufacturing I think that some of this advantage has now gone. America's enthusiasm for general higher education (with 56% of its high school girls and 58% of its high school boys now going on to post-secondary education) probably is not providing as many skilled craftsmen as continental Europe's apprenticeship system. If the Europeans do now have more suitable workers using a more quickly growing stock of therefore more modern machines, then America's relative decline in manufacturing should be expected to continue fast. But American (eg) banks still seem to me more efficient than European banks, especially as they now have so many able ex-postgraduate-students about.

And that leads to "Denison's residual", which accounted for most of America's lead over Europe in 1960. This was Europe's "lag in the application of knowledge" and "general efficiency", so that, as I said in my last study of America in 1969:

"North-west Europe's real output per worker in 1960 was only approximately the same as America's in 1925, although by 1960 Europe's workers were much better educated than American workers had been in 1925—and had of course a far more advanced technology to draw on. The implication is that there is some long-standing, history-given, go-getting element in America's culture which Europeans and others have been unable to imitate."

In that study I searched America for this residual, and thought that I found it in the greater instinct of Americans, shown equally by the American engineer in the factory and the American housewife in the kitchen, to say: "now here is the problem, how can I solve it by a systematic approach?" On this trip I searched for it again.

It is still there when Americans are allowed to make individual decisions. But an increasing number of decisions in America are now being caught up in bureaucratic nets instead. In business this applies particularly to ventures into new fields. If you are introducing a new product in America, then the order of operation is laid down as (1) recognition of need, (2) proposal of design, (3) verification of design concept . . . and so on to stage number umpteen. All those departments and layers of management in big corporations then insist on being consulted at every stage, building up their empires of staff to meet the extra work which they create for themselves. This is serious because half the non-food products in the supermarkets of rich countries did not exist in precisely that form ten years ago, and half those on sale now will have been replaced by competitors in ten years' time. One reason for the growth of American multinational subsidiaries abroad is that they provide top management with the fatal option of the easy let-out; it is simpler to say "let's repeat this set-up and lay-out in Brazil" than to go through all the hierarchical pains of a brand new investment project each time you want to look expansive.

Consultants report that American firms reach initial decisions about investment more quickly than the Japanese, but then take much longer to bring them into effect. The increasing time between the beginning and completion of any task in American business—which Professor Kenneth Galbraith thinks is an "imperative of technology" and a sign of the need for planning—is in fact a sign of increase in bureaucratisation and of the need for America to escape from economic planning back to paying more attention to a rapidly-changing market.

The wheel has come full circle since the generation of Rockefeller, Carnegie and Henry Ford. In 1965–1975 what name of a new and domestically based American entrepreneur springs to mind? Even Britain has produced more Jim Slaters.

MANAGEMENT DOESN'T EXIST

In the mid 1960s, shortly after people had grown tired of saying that America was bound to pull ever further ahead of Europe because of a "technology gap" (even though America was investing a smaller % of gnp than any continental European country), it became fashionable to say that America was bound to pull ever further ahead of Europe because of a "management gap" (i.e., America had elevated management into a science). It has now been discovered, however, that management science does not exist except in the following ingenious sense.

Big American corporations will often centralise their policy making, and get a significant initial gain in effectiveness; but then, as time passes, will find that this does not work because the central planners do not know what is really going on out in the field. So these corporations will then decentralise, and get a significant initial gain in effectiveness, but will then find that all their divisions are going in different directions. So they will then recentralise, and get a significant gain in effectiveness, but after a time . . .

This constant reorganisation is in fact very sensible, and is a main reason why I judge that big American corporations are still often the most efficient day-to-day business operators (though not investors) in the world. European and Japanese companies do not keep their executives on their toes by reorganising nearly as frequently, and governments do not have the opportunity to do so. This is one reason why governments are such inefficient operators. In many of them you nowadays have at the same time all the disadvantages of centralisation (because cabinet ministers are signing bits of paper that have no relevance to what is actually going on) and decentralisation (because what is actually going on is diverging impossibly in a dozen different directions at once).

Still, the present American corporation management system—of chop a little and change a lot—is a device for dealing with the problems set by bureaucracy, not for replacing it by entrepreneurship. In a search for entrepreneurship American corporations have passed in recent decades through phases of being led at one stage by engineers (who tend to disregard both balance sheets and people), then by super-salesmen (whom the general public nowadays find absurd), and then by accountants.

There is no doubt that America has gained briefly from the age of the rule of accountants. The visiting economic journalist is still bedazzled by the way in which he can get from a quite junior employee in an American corporation more sensible and detailed statistical answers about cash flow targets, about what sales and profit trends as between different products are, than he can usually get at very top levels in equivalent British companies. It must be a continuing advantage to American corporations that they know what they at least think they are trying to do.

Nevertheless, I believe that the age of the rule by accountants is ending, for two reasons. First, in an age of inflation, the units in which they think they work have proved to be units that are too easily fiddled in order to fool stockholders (which may not matter) and fool themselves (which does matter). Secondly, the mode of organisation favoured by the accountant-presidents has been the old hierarchical mode. The hierarchical system served America well in the manufacturing age, when every engineering boss from Henry Ford down could arrange with precision what the person immediately below him did with his hands. But now that most Americans are white collar workers, each corporation executive is finding to his surprise that it is less easy to sit trying to arrange what the person below him should do with his imagination.

In ten years' time, my guess is that the accountants will be departing from the top, and will be succeeded by . . . perhaps the packagers of technology for transfer to the

places that can most economically use it, but more probably by the organisers of incentives.

TAX LOOPHOLES: THE LEGEND AND THE REALITY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. KEMP. Mr. Speaker, the House will soon consider the proposed Tax Reform Act of 1975, H.R. 10612. Despite its title, many question just how many real reforms are in that package, and I am among them.

A penetrating analysis by one of the country's leading economic analysts, Dr. Roger A. Freeman, has been made of the myths and realities surrounding tax loopholes, and inasmuch as the closing of tax loopholes has been one of the prime missions of the Committee on Ways and Means in the drafting of H.R. 10612, I think it important to offer this analysis to my colleagues.

Dr. Freeman is well qualified to make such an analysis of tax policy. He is the author of two important books in the subject field—"Tax Loopholes: The Legend and the Reality" and "The Growth of Government." Dr. Freeman has been a senior fellow at the Hoover Institution at Stanford University since 1962. He served as a special assistant to the President of the United States during 1969–70 and was in the White House as an assistant during the years 1955–56. For 5 years he was the assistant to the Governor of Washington, and he has served intermittently as research director for the Education Committee of the President's Commission on Intergovernmental Relations and as a consultant on school finance to the White House Conference on Education. He has been vice president of the Institute for Social Research in Washington, D.C., and research director of the Institute for Studies in Federalism at Claremont Men's College in California.

Dr. Freedom delivered this presentation at Hillsdale College in the most recent Center for Constructive Alternatives Seminar, "The Power of the Purse String: Taxes and the IRS."

His analysis follows:

TAX LOOPHOLES: THE LEGEND AND THE REALITY

(By Roger A. Freeman)

For close to twenty years so-called loopholes in the federal income tax have been the subject of a lively public controversy. They were investigated in several extensive hearings by the two tax writing committees of Congress—the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. A large majority of Congress as well as the Executive Branch, not to mention the nation's press, television networks and some of the largest organizations supported tax reform, a term that has come to be virtually synonymous with the drive to close loopholes.

It is thus not surprising that the Congress took repeated action to close loopholes in the income tax—in 1969, 1971, and again in 1975. What may be surprising is the fact that every time Congress enacted a tax reform bill, the amount of untaxed income was larger afterwards than it had been before and the percentage of total personal income exempted from the federal income tax as well as the number of Americans paying no income tax had substantially increased. In other words, whenever Congress tightened or closed some loopholes—or acted as if it had—it always opened or widened others more extensively. That strongly suggests that the real aim of the "close the loopholes" drive is not so much to subject more tax free personal income to the tax as to shift the burden of taxation from some economic groups to others—to tax some more lightly and others more heavily. To be specific, the real goal and purpose of the campaign to close loopholes is to redistribute income from some less favored groups—presumably from groups with less voting power—to some with more votes and therefore greater political appeal to office holders and office seekers.

The amounts we are talking about here are huge. All personal income in the United States totalled $945 billion in 1972 (according to the national income and products accounts) of which only $445 billion showed up as taxable on federal income tax returns. In other words, $500 billion—or 53 percent of all personal income—went tax free in 1972, up from $363 billion or 48 percent in 1969. Counting offsetting items—amounts which are taxed although they are not personal income under prevailing economic definitions—untaxed income totalled $563 billion in 1972, up from $414 billion in 1969.

That increase in tax free income is easily explained by the fact that several "tax reform" measures went into effect between 1969 and 1972, especially the Tax Reform Act of 1969, which has since become more affectionately known as the Lawyers and Accountants Full Employment Act of 1969. About $70 billion in personal income escaped federal income taxation in 1972 as a direct consequence of the Tax Reform Act of 1969.

You are probably acquainted with complaints that the property tax and the sales tax permit many exemptions which have eroded the tax base and thereby not only cut the revenues of schools, cities and states but also given advantages to certain favored groups of taxpayers over others. But exemptions in the property and sales taxes equal only between one-fourth and one-third of their respective tax bases. In the federal income tax they total more than half the base—and it has become the leakiest tax known.

Yet the income tax is by far the most important revenue producer in our fiscal system. While the United States imposed a personal income tax later than most other industrial nations, in 1913, after the adoption of the XVI Amendment to the U.S. Constitution, it now leans more heavily on income taxes—graduated personal income tax and corporate profits tax—than any other major country. Other industrial countries use a general consumption tax as a major producer of revenue for their national government. The United States is the only country not to do so.

Yet it has restricted the personal income tax base to less than half of the personal income. If all exclusions, exemptions, deductions and credits were repealed and all personal income were subjected to the tax, the tax rates could be halved—from the present 14 percent to 70 percent range to a 7 percent to 35 percent range. Alternatively, a flat 10 percent tax on *all* personal income would yield about as much revenue as the present rate scale on half the income. Some would favor such a system. But there is not a chance in a million that such a plan could be adopted. The simple facts of political arithmetic—of counting where the votes are—rule it out.

Let me quote to you from a recent article by a leading spokesman of the tax reform movement, Stanley S. Surrey of the Harvard Law School, who served as Assistant Secretary of the Treasury for Tax Policy from 1961 to 1969. It appeared in the *New York Times Magazine* for April 13, 1975, under the title "The Sheltered Life":

"To most people, the Federal income tax is a complex system designed to extract large sums from their pocketbooks—about $150-billion, or more than half the Government's total income. Few realize, however, that while collecting these taxes from individuals and corporations, the Government is simultaneously paying between $80- and $90-billion to some of them. It does this by simply not collecting any or all the taxes it might on certain types of activites—those that, because of their claimed value to society, are permitted special tax benefits. If the Government were first to collect this $80-to $90-billion in the regular income tax sweep and then to disburse it again for these benefited activities, we would refer to the process as a subsidy . . . Since the special tax benefits a person may claim generally increase as his income rises, the poor gain little from them, while the wealthy may utilize them as a major way to supplement their incomes at Government expense."

As ordered by the Budget Reform Act of 1974, the budget volume sent by the President to the Congress with his recommendations for the forthcoming fiscal year now contains a chapter and a table on so-called tax expenditures. (*Special Analyses, Part I F*) But the biggest tax concessions are not classified tax expenditures, only certain selected ones. No total is given and the budget states "Tax expenditure estimates cannot be simply added together to form totals for functional areas or a grand total."

Despite this warning, Surrey and some congressional enthusiasts have added the tax expenditures shown in the budget and came up with a total of $78 billion for FY 1975, a completely unrealistic and meaningless figure.

In his mentioned article in the NYTM for April 13, 1975, Surrey refers to the tax exsays "explains why some of our wealthiest individuals pay little or no income tax." penditure table in the U.S. budget which he

Which are the largest items of "tax expenditure" listed by Surrey? The biggest is the deduction allowed homeowners for the property taxes and mortgage interest they pay—$10 billion—which Surrey calls a housing assistance program for homeowners. But homeownership is not concentrated in the top brackets. About two-thirds of American families live in their own homes and the great majority of them are in the middle income brackets.

The next biggest items listed by Surrey are long-term capital gains, which are usually taxed at half the rate of ordinary income and which he estimates at between $7 and $10 billion. Then there is interest on municipal bonds which Surrey places at $4 billion, of which $3 billion is refunded to states, cities and schools in the form of lower interest rates. This leaves $1 billion for investors. Other tax expenditures listed by Surrey are small—$1 billion each or less.

This leaves the big question: where are the items that composed the $563 billion of untaxed income in 1972, or the bulk of the $78 billion tax expenditures claimed for 1975? Mr. Surrey never says. The plain fact is that most of the $563 billion in untaxed income is in the middle and lower income brackets and is broadly distributed through all sections of the American public with only a tiny percentage accruing to high-income persons. The truth is that most high income persons pay very high income taxes.

What then are the big "loopholes," the provisions which account for most of the $563 billion of untaxed income in 1972? By far the largest loophole is personal exemp-

tions—at $750 a head—which total $155 billion. Many feel that $750 is not enough, that it costs more to support a child. That may well be true. But then, why should the U.S. Government pay a tax bonus for every child at a time when we are trying to reduce population growth and reach ZPG? Should there not be a penalty rather than a premium?

Tax free income from social benefits—social security, unemployment compensation, public assistance, veterans benefits, employer contributions to pension and welfare funds and other transfer payments account for another $93 billion. Those remedial provisions largely benefit low-income and low-to-middle-income persons. Little of it goes to wealthy families.

The other big item is itemized deductions. They totalled in 1972 $97 billion. But those itemized deductions equalled 55 percent of reported income on returns itemizing deductions in the adjusted gross income (AGI) bracket under $5000, 20 percent in the $15,000 to $25,000 income bracket, and 22 percent in the income class from $100,000 on up. In other words, itemized deductions free a much larger share of the income from taxation in the low brackets than in the high. More importantly, most persons in the lower income brackets use the standard deduction instead of itemizing. Under the liberalized provisions of the Tax Reform Act of 1969, standard deductions went up 218 percent between 1969 and 1972—from $22 billion to $70 billion— while income increased only 26 percent and itemized deductions 21 percent.

Of the $301 billion difference between adjusted gross income (AGI) and taxable income (TI) on 1972 income tax returns only $13 billion was in brackets from $50,000 income on up. That still leaves the possibility open that many rich people pay little or no income taxes. I'll discuss that in detail a little later.

However, the conspiracy theory of tax law—that loopholes are the result of sinister machinations of lobbyists for moneyed interests who either bribed lawmakers or pulled the wool over the eyes of unsuspecting congressmen and the public—won't stand up under examination. No public laws are subjected to more painstaking and detailed congressional study, to more open hearings, to more thorough debates, year after year, than the tax laws.

It may be helpful to say a few words about the history of the income tax and the tax reform movement. When first imposed in 1913, the federal income tax was levied at rates from 1 percent to 7 percent and was a minor factor in the fiscal picture. That changed sharply during World War I when rates were lifted to between 6 percent and 77 percent. After the war they were cut to a range from ½ percent to 24 percent.

In World War II the income tax turned into a mass tax, the number of taxpayers multiplied tenfold, and the rate scale was pushed to its highest level—23 percent to 94 percent. Not until 1964 was the scale reduced to between 14 percent and 70 percent, where it now stands.

The huge amounts of untaxed income were first called to broad public attention in 1955. The subject soon caught attention and has been on the public agenda ever since. When in 1961 the most articulate spokesman for loophole closing, Stanley Surrey, became Assistant Secretary of the Treasury for Tax Policy—and thus the highest tax policy official in the land—energetic action on tax reform might have been expected. But neither President Kennedy nor President Johnson would send Mr. Surrey's major recommendation to Congress. On balance, they recommended a widening of tax loopholes. Before leaving office after eight years, Surrey submitted a comprehensive report on tax reform, especially on loopholes, which he called tax expenditures. It soon began gathering dust because President Johnson was no more anxious to open that Pandora's box than was his successor.

But then an event occurred that made tax reform the hottest subject in Congress. In the interim period between the resignation of Henry Fowler, President Johnson's Secretary of the Treasury, and the appointment of David Kennedy by President Nixon, Joseph Barr served as Secretary of the Treasury for 31 days. On January 17, 1969, two days before leaving office, Mr. Barr testified before the House Ways and Means Committee with a statement that reverberated throughout the nation's media and stirred the country:

"We face now the possibility of a taxpayer revolt if we do not soon make major reforms in our income taxes. The revolt will come not from the poor but from the tens of millions of middleclass families and individuals with incomes of $7,000 to $20,000, whose tax payments now generally are based on the full ordinary rates and who pay over half of our individual income taxes.

"The middle classes are likely to revolt against income taxes not because of the level or amount of the taxes they must pay but because certain provisions of the tax laws unfairly lighten the burden of others who can afford to pay. People are concerned and indeed angered about the high-income recipients who pay little or no Federal income taxes. For example, the extreme cases are 155 tax returns in 1967 with adjusted gross incomes above $200,000 on which no Federal income taxes were paid, including 21 with incomes above $1,000,000."

It is understandable that such a sensational story—that the very rich escape paying income taxes—emanating from the Secretary of the Treasury would cause a national stir. There was no taxpayers' revolt brewing *before* Mr. Barr exploded his bomb. But there was one in the making soon afterwards. It prodded Congress into frantic action which, within a few months, produced probably the worst piece of tax legislation ever—the Tax Reform Act of 1969.

For reasons of his own Mr. Barr did not discuss the methods or specific code provisions which enabled some high-income recipients to avoid paying taxes, though he must have known what they were or could easily have found out. Thus it was widely interpreted as an accusation against all rich people as tax evaders and against Congress for permitting such a scandal. It was not until much later that the Treasury made all of the relevant facts public, though some of them had been available right along, especially on the comparative tax burden of the middle class. Recipients of an AGI between $7000 and below $20,000 accounted in 1972 for 57 percent of the reported income and paid 49 percent of the tax. So, clearly they were not overburdened relative to the rest of the population. The real shift is between the groups at the top and at the bottom of the scale: those under $7000 income received 16 percent of AGI and paid 6.5 percent of the tax; those at $20,000 and up received 27 percent of AGI and paid 44 percent of the tax.

For 1972, 22,929 individual income tax returns were filed with an AGI of $200,000 or more; 22,821 of those returns or 99.5 percent were taxable. They reported an average AGI of $414,640, an average taxable income of $302,015 on which they paid a tax of $177,640, or an average rate of 59 percent. There were 108 returns (0.5 percent) with an adjusted gross income of $200,000 or more which reported no taxable income.

There were 1030 returns with an AGI of $1 million or more of which 1024 (99.4 percent) were taxable. Each individual involved paid on the average $1,019,577 in income tax, equal to 46 percent of his AGI and 65 percent of his taxable income.

What this means is that well over 99 percent of all high-income returns for 1972 paid high income taxes. Between 0.5 percent and 0.6 percent of the earners of a high gross income reported no taxable *net* income because losses, deductions, credits, or other offsetting items exceeded their gross income. Obviously it is only under very unusual circumstances that recipients of a high *gross* income have no taxable *net* income.

The most frequent case of this type is this: a person borrows money to invest at a higher rate of return than the interest he is paying. For example an individual borrows $10 million and earns on it 10 percent, or $1 million. He must report that $1 million as AGI and is classified as a man with a million dollar income. He is of course entitled to an itemized deduction of the interest he paid, e.g., $800,000. That leaves him with a taxable income of $200,000. If the taxpayer has big losses that year or pays high state and local taxes because of a non-recurring high income in a preceding year he may wind up with no federal tax liability for a particular year. There was one case out of every 172 recipients with a *gross* income of $1 million or more in 1972 which showed no *taxable* income.

There were altogether 16.7 million individual income tax returns in 1972 which reported no taxable income—21.5 percent of all 77.6 million returns. Ninety-two percent of the nontaxable returns were in the under $5000 AGI bracket. At $10,000 and above AGI only 0.4 percent of the returns were not taxable.

Many additional Americans have been freed of any tax liability by various "tax reform" laws of recent years and many of them have also been made the recipients of government largesse. That division of the American people into two groups—those who support the government and those who are supported by it—has created a dangerously high incidence of "representation without taxation" which in recorded history has more often destroyed free government than "taxation without representation," which the founders of this country fought.

Those who aim at an even stronger redistribution of income by repealing some types of remedial tax provisions while widening those that benefit persons in the low brackets appear to believe that government has a prior claim to all income and that a person is really not entitled to the earnings resulting from his individual effort. There can of course be—and there are—wide differences of opinion of how a fair tax load should be allocated, and whose hardships should be recognized in the income tax. Most of the current provisions that shield some income from the full impact of the rate schedule—or from any tax—were put there not by inadvertence but to meet one or both of these objectives:

"(1) to provide greater equity, horizontal or vertical, among taxpayers and different types and magnitudes of income by taking into account differing circumstances and offering relief for hardships;

"(2) to provide incentives to taxpayers to engage in or enlarge activities which are held to be desirable as a matter of public policy. This is done by offering rewards to some and imposing penalties on others.

"These two objectives often produce conflicting results when translated into tax policy."

One of the most frequently attacked "loopholes" is the provision to tax long-term capital gains at half the normal tax rate. Some ask: why should money made from money be taxed more lightly than money made from working? That sounds persuasive but is misleading. Suppose you bought a house ten years ago for $20,000 and now sell it for $30,000. Should you have to pay income tax

on the $10,000 you gained? Obviously, that gain is fictitious, a mere paper gain. If you wanted to buy another home of equivalent value you would have to pay at least $30,000. That is why the law exempts such "gains" on the sale of residences under certain circumstances. But the same situation exists with other types of investment, except that the owner has to pay an income tax on half the paper gain even if it is fictitious. When you change from one investment to another you may only roll over your money but may have little or no real gain. Capital gains are not included in personal income in the national income and products accounts and the advocates of taxing capital gain as if it were ordinary income must engage in elaborate mathematical gymnastics to adjust their statistics.

The United States once tried taxing capital gains as ordinary income, from 1918 to 1921. What happened was that investments with gains were not sold, only those with losses, so that the Treasury had a net revenue loss. That would happen again if normal tax rates were applied to long-term capital gains. Investments would be effectively "frozen" which could well be the most effective way to assure stagnation in the national economy. This is why most industrial countries either do not tax capital gains at all or tax them at lower rates than ordinary income, usually at lower rates than the United States. Claims that federal revenues would increase $7 to $10 billion a year by taxing long-term capital gains as ordinary rates are sheer demagoguery. The chances are there would be a net loss.

Much of the controversy over loopholes focuses on itemized deductions which in 1972 totalled $96.7 billion:

[In billions]

Deductions for state and local taxes paid	$36.2
Deductions for interest paid	27.3
Deductions for charitable contributions	13.2
Deductions for medical & dental expenses	10.1
Deductions for casualty losses, child care expenses & other	9.9
Total	96.7

As I mentioned earlier, itemized deductions free a larger percentage of the income in the lower income groups than in the higher. Still, Mr. Surrey has a point when, in the earlier cited article, he charges that a $1000 deduction may mean a net $140 benefit to a person in the low brackets and up to $700 to a person in the high brackets. That is simply the result of our progressive rate scale—from 14 percent to 70 percent. As long as it is regarded to be equitable to tax one person's income at 70 percent and another's at a mere 14 percent, it seems natural that a deduction is more valuable in the higher brackets. Those who want it otherwise appear to believe in the principle: Heads I win, tails you lose.

A correction of the unequal benefits of deductions could be achieved by converting from deductions from the tax base to credits against tax liability. This would be desirable in some cases, such as education.

But to abolish deductions and shift to direct governmental subsidies, as Surrey suggests, would be about the worst that could be done. It would sound the death knell to most voluntary activities and private education, concentrate all power in the federal government, and extinguish much of the freedom that is still left to Americans after the vast expansion of governmental authority in recent decades.

The largest deduction is for state and local taxes paid, with the heaviest concentration in the center of the income scale. Not to allow this deduction would be to levy a tax on a tax or on mere phantom income, not on real and available income. We already impose too much double taxation, as it is. If, for example, a person earns a monthly salary of $2000, about $400 may be withheld for federal income tax, aside from $117 for social security tax, so that he gets less than $1500 in take-home pay (minus possible other deductions). But he is federally taxed on $2000, that is on $500 more than he actually receives. About 30 states do the same: they impose their income tax on the gross income, making no allowance for the fact that in the above cited case the recipient gets only $1500 and not $2000. To curtail the existing—and inadequate—federal deduction for state and local taxes would be a move in the wrong direction and make our tax system even more capricious and unfair than it already is.

The deductibility of interest paid was originally allowed mostly with the thought in mind of borrowing for business purposes, i.e., with the intent of earning income. But interest on home mortgages and for consumer financing now accounts for three-fourths of the interest-paid deduction. Home ownership has tremendously expanded, to a point where now nearly two-thirds of all American families live in their own homes, helped and deliberately encouraged by the deductibility of mortgage interest and real estate taxes. Consumer financing also has sharply grown. To disallow those deductions without an equivalent would deal a severe blow to residential construction and the major retailing and manufacturing activities and to the entire economy. It is inconceivable that Congress would do this. Politically it would be suicidal. Millions of families could not afford to own and furnish their homes were it not for such tax advantages. An extension or carry-through for renters may at some time be considered. Meanwhile the popularity of condominiums is growing by leaps and bounds, to a large extent because of the tax advantages they confer.

It was particularly the deductibility of charitable contributions which caused Mr. Surrey and others to call deductions "tax expenditures." Instead of allowing a deduction of donations, government could provide direct subsidies to private schools, colleges and thousands of other institutions, as has been suggested. That would, within a short time, bring the end of private education and most other voluntary activities in the United States. That may be the real goal of those who advocate repeal or curtailment of the deduction for contributions. Of course it would be enormously expensive to the taxpayers to educate at governmental institutions the millions of young people who presently attend private schools and colleges.

Disallowance of the charitable deduction would hit churches and all religious activities especially hard. They could not be granted direct governmental subsidies because of the U.S. Supreme Court's interpretation of the "no establishment" clause of the First Amendment to the U.S. Constitution. Could it be regarded as good policy and in the public interest to deal a devastating blow to religious activities in the United States, contrary to a well founded tradition that antedates even the Constitution?

Some regard the joint income tax return—or split-income provision—to be a loophole. Undoubtedly it saves many married couples sizable amounts in taxes. Between 1948 and 1969 a single person had to pay up to 42 percent more in income taxes than a married couple with the same income. Organizations of single people continued to complain about this inequity and demanded redress. They succeeded in 1969 in having Congress reduce the tax disadvantage of single persons to a maximum of 20 percent. That created another, unexpected and unintended inequity. A man and a woman in the upper-middle income brackets who earn about equal incomes now pay up to 19 percent more in income taxes than if they were not married. They could of course, live together, but they could not get married without getting a sizable boost in their tax bill. This has been called a "tax on marriage" and a bonus for divorce or "living in sin."

There is a way out of this dilemma that could do justice both to married and single persons. But in the strife of contesting forces, Congress has not seen fit to provide a fair method of taxing single and married persons on a more equitable basis.

IN CONCLUSION

In its allocation of mitigative features—or "loopholes" if you please—the federal income tax shows the same bias which characterizes the entire American tax structure: in favor of consumption and against capital formation and investment, in favor of the low (or no) producer and against the high producer and earner.

That is politically understandable. Four out of every five personal income tax returns in 1972 reported an AGI under $15,000 and 95 percent were under $25,000. On the other hand, only 3 percent of all returns showed AGI of $30,000 or more and a mere 0.8 percent of $50,000 or over. With whom is the vote-hungry member of Congress or candidate going to place his bet—and vote: with the 51 percent who report an income under $8000 or with the 0.8 percent with an income of $50,000 or more?

But the American people are paying a high price for this bias—in a much lower rate of investment than is enjoyed by other industrial countries, in a smaller rate of economic growth, and in higher unemployment.

Even more ominous is the creation of a growing mass of people who clamor for ever greater benefits from the government to whose support they do not have to contribute. The growing irresponsibility of voting of representation without taxation—poses a grave threat to the preservation of free government in the United States. History issues a stern warning which we can neglect at our dire peril.

RENT CONTROL IS A NONISSUE IN THE NEW YORK CITY DEBATE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. ROSENTHAL. Mr. Speaker, in the current debate over ways to avert a New York City default, no area of life in the Nation's largest city has escaped scrutiny. While I welcome this inquiry, which I feel can only benefit the city in the long run, I deplore the efforts in some quarters to use the crisis facing New York as an excuse for attacking programs to which these special interests object.

Principal among these nonissues which have unfortunately received an undue amount of attention is New York's rent control program. In fact, the critics of this program have been so successful that the board which the House legislation would create to oversee the proposed Federal loan guarantee system would have authority to recommend the suspension of rent control as a condition of making available the loan guarantees.

It is no secret that real estate interests in New York have long opposed the rent control program. They have argued that rent control has precluded them from making a reasonable rate of return on their rental property, forcing them to abandon many buildings which

otherwise might have been saved. They claim that this has aggravated the city's fiscal crisis by removing from the tax rolls, or lessening the assessed value of, many properties.

The real facts are otherwise.

Housing deterioration in New York is predominantly due to factors other than rent control. Chief among these are landlord neglect and tenant poverty. Housing deterioration is widespread in central cities throughout the Nation, including cities which have no rent control program.

According to a major survey of New York City's housing conducted by the U.S. Census Bureau last February and March, the rental vacancy rate in the city is only 2.8 percent. Clearly the sparse availability of housing, as anyone who has ever sought an apartment in New York City knows, has created a landlord's market. Instead of aiding the city's financial situation, the repeal of rent control would have precisely the opposite effect as middle-class taxpayers are driven out of the city by soaring rentals. This has been the apparent consequence of every past easing of the city's rent control laws.

At present, fewer than 640,000 units or less than one-third of the more than 2 million rental apartments in the city are subject to rent control. An approximately equal number are governed by rent stabilization which limits the permissible annual increase in rents. If these apartments were to be priced at the free market rate, the low vacancy rate and the limited space in the city for new construction would assure monumental rent increases which would work tremendous hardship on untold thousands of apartment dwellers and would cause many to seek accommodations in the suburbs or even other cities. The impact on the city's economy would be catastrophic. I urge my colleagues to keep this in mind when listening to the arguments of the real estate industry spokesmen who seek windfall profits at New York City's expense.

CONGRESS ACTION OVERDUE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESS' ACTION OVERDUE—ENERGY SOLUTION SLIPPERY

Congress is once again under the gun to act on a comprehensive energy bill. The interim legislation extending price controls on "old" domestic oil, which President Ford signed Sept. 30, expires at the end of this week.

Without a new energy bill, either acceptable to the President or passed over his veto, the issue which has had the White House and Congress at loggerheads all year would be settled by default. The expiration of the President's authority to control oil prices would see the price of oil from pre-1972 wells in the United States of America rise immediately from $5.25 a barrel to the current market levels in the $10–$11 range.

While an argument can still be made to let the oil price do just that, it now appears likely that Mr. Ford and the Democrat leadership in Congress will compromise on a plan for phased decontrol. What still needs to be debated is the length of the period to elapse before all domestic oil carries the prevailing market price.

More than 10 months of stalemate and debate on oil price policy has been instructive, even if it represents 10 lost months in the race with time to reduce our dependency on imported oil. Indeed, the fact we are importing more oil today than we were when the Arabs clamped on their embargo two years ago shows how little is being accomplished by those conservative measures which are now affecting our fuel consumption.

We have seen the Organization of Petroleum Exporting Countries, which holds the whip-hand on the world oil market, raise prices by 10 per cent, emphasizing again the penalty we pay through our subservience to the OPEC cartel. We have seen the federal courts question the legality of President Ford's tariff on oil imports, with the possibility the Supreme Court will block that approach toward fuel conservation.

We have seen an object lessen in the self-defeating nature of attempts to protect consumers from realistic prices for fuel—a natural gas shortage looming for some states this winter and for the nation as a whole in years to come. Paradoxically, decontrol of natural gas prices is gaining support in Congress at the same time congressional leaders are trying to prolong the period that oil prices remain under control.

Congress and the White House seem to have reached a consensus that sudden, full decontrol of oil prices would have too sharp an impact on the cost of living to be tolerated. We must hope that under the pressure for compromise in the next few days a decontrol plan does not emerge which goes too far in the other direction. An effective energy program requires the stimulus to oil production and fuel conservation which only uniform, realistic market prices for oil will produce.

THE SECOND BUDGET RESOLUTION: NOTHING TO BE PROUD OF

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. HARRINGTON. Mr. Speaker, the House Budget Committee's second concurrent resolution on the budget, like its predecessor, is a great disappointment. The resolution fails to confront the most urgent economic and social problems crippling the country. The timidity that characterizes the document reveals a slavish acceptance of the administration's misguided economic priorities and a fear of anything but halfway measures.

By reporting this measure, the new Budget Committee has endorsed the goal of 7.5 percent unemployment nationally through the balance of the fiscal year. Even if these target levels were reached, New England, with a current unemployment rate of 13.9 percent, would still be left in the unacceptable range of 9 to 10 percent. The report indicated a strong preference on the part of the committee to pay the costs of unemployment—$19.1 billion for unemployment compensation, $6.6 billion for food stamps, and $5.8 billion for AFDC—rather than to pay the cost of new jobs.

Using inflation as a threat, the committee, like the President, encouraged Congress not to pursue a vigorous, straightforward course toward full employment and economic recovery, but rather to cling to an arbitrarily set budget ceiling and blindly hope for the best.

I could not in good conscience support the compromises drawn up by the committee under the pressure of Presidential vetoes and retarded program implementation. House Concurrent Resolution 466 leaves us $3.8 billion below the targeted outlays set forth in the first budget resolution and 837,600 jobs below our employment creating goals. Endorsing an unnecessarily low Federal deficit level, the committee and now the Congress have embraced the false dichotomy created by the administration, separating purely economic objectives from social needs. Social policy will now be formulated within the narrow confines of an artificial deficit ceiling.

It seems quite clear that the time has come to augment the stimulative capabilities of the private market by taking it upon ourselves to set a budget level which can provide the economic stimulus necessary for recovery. It is easy to infer from the budget report that the committee believes that simply the increase of subsistence level Federal transfer payments—social security, unemployment compensation and food stamps—is a satisfactory and effective economic stimulus.

In my opinion, the resolution accepted by the Congress yesterday called for an allocation of funds to the least necessary or needy programs, leaving little stimulus for improvement in the areas of employment, education and programs for the poor, elderly and handicapped. Falling heavily into the spending patterns of the past, as Representative HOLTZMAN pointed out in her dissenting views, the resolution authorizes 45 percent of general revenue funds for defense, $8.3 billion more than last year, in a time of peace. Such unproductive spending in itself should significantly stimulate inflation. Having rejected Representative HOLTZMAN'S amendment for increasing elementary education spending by $200 million, this resolution instead offers $1.3 billion to support prices of tobacco, wheat, peanuts, and other commodities. Endorsing $91.2 billion in outlays for defense, the committee rejected Ms. HOLTZMAN'S amendment to add $644 million for housing allowances and other benefits for SSI beneficiaries.

I did not lend my support to such obviously misguided priorities. To do so would only nave served to promote the administration's policy of limited growth that has cost the Nation so much already.

Only Representative O'NEILL'S amendment offered hope for increasing national targets in the critical areas of employment, manpower training, and education. I supported his amendment as the only chance to salvage something of our original goals and to prevent the terrible wastage of human resources that I anticipate now that the resolution has passed.

BACKGROUND ON THE CALIFORNIA NUCLEAR ENERGY INITIATIVE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. BROWN of California. Mr. Speaker, during the past few months I have seen several references to the California nuclear initiative in the national media, as well as the CONGRESSIONAL RECORD, and I have received extensive information on this subject from within the State of California. It is obvious to all who are involved with this issue that the outcome of the vote next June will be of national significance. While I believe excessive rhetoric is being used by both sides, the fact remains that the voters of California will have to decide. The debate surrounding this initiative can be healthy, and I hope that it is capable of clarifying the important questions surrounding the widespread application of nuclear reactors for domestic energy use.

In order to share some of the background information on this ballot measure with my colleagues, I wish to insert into the RECORD at this time an article from the November 9 edition of the Los Angeles Times.

The article follows:

NUCLEAR POWER: VOTERS TO DECIDE—STATE TO HOLD INITIATIVE ON PLANTS IN JUNE

(By Robert A. Jones)

Rarely, if ever, has a new technology offered the promise and threat of nuclear energy. Burning with an azure luminescence in the manmade caves of modern reactors, nuclear fission offers the kind of reliable energy that has become elusive in recent years, free of traditional pollutants, a major prop for this nation as it gobbles one-third of the world's energy output.

And yet the reactors themselves are symbols of the potentially destructive rage they contain. Eight-inch-thick steel cores surrounded by 3½ feet of reinforced concrete, the whole thing guarded by an elaborate, incredibly expensive safety system, they seem to be cages for some unspeakable monster. And they are.

Radioactive emissions, if released through catastrophic accident, could threaten entire cities; in Europe, nuclear plants have already been subject to terrorist raids, and the possibility remains that fissionable material could be stolen for conversion to crude atomic bombs. Nuclear wastes, containing some of the most toxic materials known to man, pose the unique problem of requiring storage for several hundred thousand years while the radioactivity decays.

Are the risks worth the great promise? Will the monster stay in its cage? For more than two decades the debate has increased in ferocity as the momemtum of nuclear power slowly built. Now, in California, it seems to be headed for a climax. Next June the voters of the state will be asked to review the awesome array of technical issues behind the nuclear question and reduce their opinion to a simple yes or no.

The Nuclear Power Plant Initiative itself is an outgrowth of an informal coalition now fitting under the umbrella of Californians for Nuclear Safeguards. Middle-class, largely environmentalist but not entirely so, the framers of the initiative believe the nuclear industry has never proven the safety of its energy systems. Now, with California poised on the brink of a massive commitment to nuclear technology, they say the time for such proof has come.

The Safeguards committee has been joined by traditional conservation groups such as the Sierra Club, Friends of the Earth, and also by Project Survival, a zealous, similarly middle-class group whose force is grass-roots organization.

While the make-up of the initiative's sponsors is hardly surprising, neither is that of the opponents. Citizens for Jobs and Energy thus far has been funded largely by the state's major utilities and nuclear hardware firms such as Bechtel Corp. and Westinghouse Electric Corp.

But while its most visible cochairman is former Gov. Edmund G. (Pat) Brown, the opposition drive has also attracted a sprinkling of environmentalists who see nuclear energy as a sanctuary from accelerated consumption of fossil fuels.

Kermit Smith, one such conservationist and former chairman for the Sierra Clubs initiative campaigns, has called the environmental goals of the initiative a "prime example" of reverse logic since most of our environmental problems stem from oil and coal sources of power, rather than nuclear sources."

For the state's energy future, the outcome of the June vote almost certainly will be monumental. At present there are three nuclear power plants operating in California which together produce only 4% of the generating capacity in the state. But in the next 20 years utilities plan 28 more plants that would raise the nuclear share to one-third and make nuclear energy the state's largest single source of power.

Nationwide, other sections of the country are making similar commitments to nuclear energy, and expectations are that the present investment of $100 million will blossom into $1 trillion by the turn of the century. It is very big business, and the Ford Administration as well as many state governments are counting heavily on the nuclear juggernaut to save them from the now well-known agonies of oil and natural gas scarcities.

The prospect that nuclear energy's momentum may be broken in California has understandably caused concern among Washington's energy planners and producers of nuclear hardware, who have to regard the California initiative as a kind of nuclear watershed. If such an initiative succeeds here, they feel, similar stop-nuclear efforts in a dozen states would receive impetus.

No one argues the enormity of the issue. In one sense the debate will involve not just nuclear energy but a way of life. If California turns its back on nuclear energy it will also be turning away from a faith in big technology that has gone almost unchallenged since World War II. Such a decision, while lifting the threat of radiation contamination, will almost certainly force the people of the state to make do with less. It could, in fact, become a turning point away from the giddy escalation of energy and material consumption that has defined the American good life for generations.

The initiative statute would not, by itself, stop nuclear development in the state. It would, however, establish a multilayered review of nuclear safety systems. Failure to pass any of the reviews would mean a gradual phase-out. Here are the basic provisions:

1—Currently the liability for catastrophic nuclear accidents is limited to $560 million by the federal Price-Anderson Act. The industry and now-defunct Atomic Energy Commission argued for years that the probability of nuclear damage exceeding that figure is all but nil. If that is true, critics say, the liability limits serve no purpose and should be removed.

However, studies sponsored by the AEC, while still insisting the chance is very small, now put the maximum potential damage at between $4 billion and $30 billion. The initiative would force a cutback in nuclear plant output to 60% of maximum power if the liability limits have not been removed by Congress within a year of passage, and further reductions of 10% for each year the limitations remain.

2—The Legislature would be empowered to study and judge the effectiveness of reactor safety systems and the disposal of nuclear waste. By June 8, 1979, the Legislature would determine whether it was "reasonable" to expect safety systems and waste disposal to be adequate within two years. Approval would require a two-thirds majority. If the safety systems or waste disposal methods failed the vote of confidence, operating plants would be reduced to 60% of full power and no new plants would be built. The Legislature would be advised by a panel of 15 citizens and scientific experts financed with an annual $800,000 outlay from the state's general fund.

3—By June 8, 1981, the safety procedures approved two years before would have to be developed and operating to the satisfaction of a two-thirds majority of the Legislature. If not, operating plants would be reduced to 60% of capacity and no new plants would be constructed. In addition, the power output of existing plants would be reduced an additional 10% per year until safety requirements were met.

Meanwhile, the governor would be required to publish annually his plans for a quick evacuation of populated areas in the event of a nuclear accident.

Both the issue of nuclear safety, with its great implications for human health, and the initiative itself, with its possible impact on economic growth, will inevitably strike at very deep, and real, human fears. Thus far, however, both sides of the campaign say they will try to avoid the rhetorical spectaculars of past initiatives where opposing groups were reduced to shouting slogans at each other over television.

They have not been entirely successful. There has been early squabbling over who is running a "fear campaign," and it now seems the issue will roll toward next June under the burden of two names: the "Nuclear Safeguard Initiative," used by its proponents, and the "Nuclear Shutdown Initiative," a creation of Winner/Wagner & Associates, the campaign manager firm retained by the opponents.

The complex machinery of the state Political Reform Act of 1974, however, now promises to become the center of intramural bickering. Project Survival has already filed a complaint with the Fair Campaign Practices Commission in Sacramento alleging that the state's utilities and large energy companies have concealed campaign expenses under the rubric of corporate public relations and advertising.

"Can Exxon advertise the virtues of nuclear energy on television night after night and claim they are not affecting the campaign?" asked Richard Hicks, a volunteer attorney for Project Survival.

Officials of Citizens for Jobs and Energy have hinted that should such issues be pressed they might insist on strict accounting by initiative supporters of volunteer time, travel expenses, and the donated efforts of normally highly-paid executives.

Nonetheless, the early months of the campaign have produced remarkable efforts to keep the awesome complex of issues within a rational focus. A three-month spectacular by the Assembly Committee on Resources, Land Use and Energy will ask almost every question there is to be asked on the nuclear issue. By the time it closes its inquiry in mid-December the committee, chaired by Assemblyman Charles Warren (D-Los Angeles), will produce most of the nation's nuclear experts for their opinions on the initiative and their testimony will eventually be published in book form.

Already, the Warren hearings and a series

of nuclear conferences have broken the issue of the initiative itself into several subcategories. Briefly, they are:

Reactor Safety—"Some recent work by E. Fermi and L. Szilard leads me to expect that the element uranium may be turned into a new and important source of energy," one of President Franklin D. Roosevelt's science advisers wrote him in 1939. However, the adviser continued, "certain aspects of the situation seem to call for watchfulness . . ." It was the first known letter proposing the use of nuclear energy, and it framed the quandary that is yet to be settled.

Those aspects calling for "watchfulness," only vague premonitions in 1939, are now well known and they continue to haunt the nuclear industry. Reactors, using fuel more dilute than that of atom bombs, cannot explode, but they can do other things almost as destructive. The nuclear cores, deprived of the water that cools them, can melt from extreme heat and radioactive emissions could be spread over populated areas in concentrations heavy enough to produce deaths, cancer and genetic defects.

Nuclear plants are now constructed with extraordinary safety systems to prevent such an occurrence, and the record has thus far been nearly perfect. No member of the public has ever died as a result of a nuclear accident, although three government workers were killed 14 years ago when an experimental reactor in Idaho went out of control. A government-sponsored study recently put the annual chance of a person dying from a nuclear accident at one in 300 million.

Nonetheless the principal safeguard, known as the emergency core-cooling system (ECCS), has never been tested in an actual emergency. Designed to flood the core with water if the standard cooling system fails, the ECCS has suffered a series of embarrassing mechanical defects. Last Jan. 23 reactors were shut down and inspected when cracks were found in the plumbing of one emergency system, and during a major fire at the Brown's Ferry nuclear plant in Alabama this year the ECCS pumps in one unit were rendered inoperative when the fire destroyed the instrumentation.

Sabotage and Theft—Most reactors now use enriched uranium as fuel, but they produce as waste plutonium, the principal ingredient in nuclear weapons. Soon plants may use the recycled plutonium as fuel itself, meaning that—under current plans for expansion—tons of the material will crisscross the state, all of it vulnerable to terrorists. Adequate protection, critics say, would require something close to a police state and would cost so much that nuclear energy would lose much of its economic appeal.

Waste Storage—Disposal of the waste not converted for reuse in nuclear plants has troubled the industry since its inception, and a final solution to the problem is still being sought. The difficulty, one that is unique in energy technology, stems from the nature of the waste itself: Highly radioactive and therefore toxic to humans, the plutonium, cesium and strontium within the waste remains dangerous for hundreds of thousands of years. Within such a framework, can any storage be "permanent," or is this generation leaving a deadly legacy to those who follow?

Economics—For years the trump card of nuclear advocates was the cost of delivered electricity. Some estimates put nuclear energy at less than half the cost of oil or natural gas-fired plants. But lately nuclear economics has become shaky. Construction costs have increased ferociously and now stand at about $1 billion per plant, as opposed to $2 to $400 million for an equivalent fossil-fueled plant. Water requirements to cool the waste heat are also enormous: One estimate has put the total at 340,000 acre-feet per year (equal to one-third the entire annual flow of the state water project) if all the currently proposed inland plants in California used the "wet tower" cooling systems.

Though the cost of oil will very probably continue to rise, and with it the price of oil-produced electricity, so may the cost of uranium ore. In fact, the available resources of uranium remain something of a mystery; a scarcity of uranium, which has been predicted by some experts, could collapse the economic argument that is the basis of much of the nuclear appeal.

A staff report by the Assembly Committee on Resources, Land Use and Energy has predicted that electricity costs will rise 25% in the short term should the initiative pass. But in the more distant future, the report says, costs may not rise at all.

Jobs—Though opponents of the initiative have already printed material claiming the initiative "would certainly result in decreased job opportunities," the case has by no means been proven. A Warren committee report argues that easy availability of energy often results in net employment loss, since machines are used to perform manual tasks. It cites another report, by the Ford Foundation Energy Policy Project, which concludes that restricted energy use could result in 5% more jobs by the year 2000. What is clear, however, is that the nuclear industry itself would suffer severe employment declines temporarily at least as utilities curtailed construction plans while safety systems were being studied by the Legislature.

As the campaign gathers momentum, it is possible that the initiative itself will become as controversial as the nuclear issue it raises, a happenstance that clearly would delight nuclear supporters.

Former Gov. Brown calls the initiative "the most preposterous thing ever foisted on the people of California," a "deceptive" measure that he believes is unconstitutional and conflicts with the already legislated duties of the Energy Resources and Development Commission.

Certainly, the initiative would establish another layer of regulation on top of the Energy Commission's own approval process, and the possibility that nuclear energy would be excluded altogether at some future date could throw into havoc the commission's plans for a coordinated energy policy.

Commission Chairman Richard L. Maullin has been circumspect in his approach to the initiative, saying he is reluctant "to give either side a line in a political brochure." But Maullin concedes that the commission will eventually take a stand on one side or the other, and this week Commissioner Richard E. Tuttle became the first on the panel to oppose the measure, saying the initiative "would impair California's capacity to respond reasonably to the energy problem."

But to its opponents the most galling item in the initiative is the requirement that legislative approval of nuclear systems be by two-thirds majorities. "Why, you can't get a Mother's Day resolution passed by a two-thirds vote in the Legislature," Brown said. The two-thirds rule would, in effect, allow 14 state senators to block nuclear energy altogether.

Dwight Cocke, manager of the Northern California office of the Safeguards Committee, concedes that the initiative "is not the absolutely perfect way to deal with the problem." It is a compromise, he says, that "allows many interests to be reflected: the scientific community, the public, and the industry."

The multitude of voices may, in fact, become the greatest difficulty in the campaign. Already, before the Warren committee, some of the nation's most eminent nuclear scientists have alternately praised and condemned the plan. The initiative, in fact, is not one issue but many, all of them addressed by decades of government and industry studies which have often reached contradictory conclusions.

And in spite of the promised commitment to "information campaigns," there is a widely held belief by both camps that the final vote may not be determined by the public's careful sifting of the available facts. Rather, they say, the outcome will more likely be a test of the accumulated faith or skepticism in the leadership of the nuclear movement, a leadership that now promises to change the shape of California's energy future.

CRIMES AND VICTIMS

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. HUGHES. Mr. Speaker, on November 4, the Criminal Justice Subcommittee of the Judiciary began hearings on compensation for victims of violent crime.

In Tuesday's Washington Post, the lead editorial, amplified the need for some form of victim compensation. I sincerely hope that in the near future, we will be able to answer to the challenges presented in this article. With the crime rate increasing, now more than ever, Congress needs to act on legislation in the area of victim compensation.

We must also make it much more difficult for the felons and other irresponsible members of society to secure handguns, provide our law enforcement authorities with the tools to combat crimes, and demonstrate to those who with the handgun, that we mean business in the sentencing process. The article follows:

[From the Washington Post, Nov. 4, 1975]

CRIMES AND VICTIMS

The dismaying story of Sally Ann Morris is an admonition to this city and a reproach to the way that we who live here are running it. While walking through Georgetown with a friend in mid-evening last June, Mrs. Morris was shot in the back. It was an unprovoked attack, apparently a botched attempt at a holdup. She was gravely wounded, and is still far from recovery. Because of her long convalescence and the prospect of further surgery, her employer dismissed her. Since she had separated from her husband several years before, she and her five-year-old daughter now have no support but welfare. Not only has this assault inflicted great physical suffering and financial poverty on her, but she is fearful that her assailants may try to kill her as a witness to their previous crime. Police arrested four suspects after the June shooting but they were all released on personal recognizance pending trial, and they immediately disappeared. So much for their putative ties to the community.

Here we have, in one unhappy case, the illustration of at least three serious and harmful deficiencies in our present laws. First of all, the District of Columbia needs legislation to compensate the victims of crimes. Health insurance covers most, but not all, of Mrs. Morris' medical bills. So far they come to about $10,000. But while she recovers she has nothing on which to live but $200 a month in welfare payments. The traditional public response is to murmur, "tough luck," and turn the conversation to something more cheerful. That isn't good enough.

The second deficiency is demonstrated by the disappearance of the four suspects. Two of them were well known to Metropolitan Police, who believe them to have been respon-

sible for a series of armed robberies that had afflicted Georgetown for some weeks before this shooting. The other two suspects were apparently driving a car for the gunmen. The Bail Reform Act has properly set stringent restrictions upon the power of judges to hold suspects in prison. Suspects are entitled to a presumption of innocence, after all, and except in extreme cases they are also entitled to freedom in which to prepare for trial. But it is hard to think of a better example of an extreme case than that of the two men who attacked Mrs. Morris. The time has come for Congress to hold oversight hearings on the Bail Reform Act and the way in which it is working in practice. The Act has brought much improvement to the administration of justice in this city, but experience under it is beginning to raise questions as to whether the rights of the general public are being adequately protected.

Finally, there is always the fact that anybody with a few dollars can get a handgun—easy to conceal, simple to use, efficiently constructed for the single purpose of killing and maiming human beings. A recent letter to the editor of this newspaper angrily asserted that gun control laws were always ineffectual and useless. Certainly state and local laws can't accomplish a great deal, in a society as mobile as this one. But the unrestricted sale of handguns is having the same kind of impact on American life as the tarffic in drugs. A gun law certainly would not be totally effective. Neither are the heroin laws totally effective, but we haven't heard anyone offer that as a reason for legalizing heroin. A good gun law can make a real difference where it counts—in the homicide and robbery rates. If you doubt it, compare the outrageously high rates in this country with those of any other advanced democracy. Incidentally, for young Americans—those in their late teens and early twenties—homicide is now the second most common cause of death. This country pays a terrible price for its fascination with firearms. If President Ford and Congress can jointly screw up their courage to take on the vociferous handgun industry, they can reduce the risk of Americans from the heavily armed addicts, lunatics and professional stick-up men on our streets. For Mrs. Morris, unfortunately, that help will come a little late.

SENATE CAMPAIGN DISCLOSURE REPORTS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. FRENZEL. Mr. Speaker, the following correspondence is submitted to amplify and clarify my remarks in the RECORD of October 20 when I said campaign disclosure reports, due to be filed on October 10, had not been received at the Federal Elections Commission on October 20. As this correspondence reveals, those reports were received late in the day on October 17.

The correspondence shows that the Secretary of the Senate has cooperated satisfactorily with the FEC, as has the Clerk of the House.

Nevertheless, a 7-day time lag, especially in the preelection reports, is not adequate for reasonable supervision.

The correspondence follows:

NOVEMBER 13, 1975.

Hon. FRANCIS R. VALEO,
Secretary of the Senate,
Washington, D.C.

DEAR MR. VALEO: Thank you for your letter of November 10 enclosing a copy of a letter from Chairman Curtis of the Federal Election Commission on the subject of my remarks in the Congressional Record of October 20, 1975.

My remarks were made as a result of discussions with Commissioner Aikens, who informed me on October 20 that the Commission did not have some of the required quarterly reports at that time which were to have been filed the previous Tuesday. In discussing the matter with Commissioner Aikens again this morning, I am told that in fact the reports in question were received, as was indicated in Chairman Curtis' letter, late Friday, October 17. At the time Commissioner Aikens and I discussed the matter, she was unaware that those reports had been received on the previous Friday.

Commissioner Aikens made it quite plain to me that she was assigning no blame for the receipt of those reports. I don't either. The point I was trying to make was that when there is a multiple point of entry, there are going to be late reports, no matter what the circumstances. The reports may be filed late. They may be transmitted late. They may be held and batched for the mutual convenience of the administrators. Whatever the case, I am, of course, pleased with Chairman Curtis' statement that the Commission staff is satisfied with the cooperation that it has received from your office to date. Like Chairman Curtis, I appreciate your personal role in achieving that cooperation and congratulate your staff as well.

I shall enter your letter, Chairman Curtis' letter and mine in the Record so that all those who participated in the debate of October 20 will know of the fine record of your office and that the reports were received earlier than one week late as noted.

Yours very truly,

BILL FRENZEL,
Members of Congress.

OFFICE OF THE SECRETARY,
Washington, D.C., November 10, 1975.

Hon. BILL FRENZEL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRENZEL: In the event that you have not seen this letter from Mr. Curtis, I am forwarding a copy for your interest.

Sincerely yours,

FRANCIS R. VALEO,
Secretary of the Senate.

Enclosure.

FEDERAL ELECTION COMMISSION,
Washington, D.C., November 10, 1975.

Hon. FRANCIS R. VALEO,
Secretary, U.S. Senate,
Washington, D.C.

DEAR FRANK: I am responding to your letter of October 22 making inquiry with respect to the remarks of Congressman Frenzel which appeared in the Congressional Record on October 20, 1975.

I have looked into this matter and found no significant delay in the transmittal of Senate records to the Federal Elections Commission. On October 20, the Commission was able to display Senate reports which had been received in your Office of Public Records as late as Friday, October 17. Some of the reports in that group had been received prior to October 17, including the October 10 item cited in the Floor debate, reflecting the practice of your staff to defer microfilming on a daily basis the few documents that are filed in non-peak periods.

While the Commission may reserve the possibility of suggesting some revisions in current procedures, depending on the outcome of the point of entry question, I am advised that the Commission staff is generally very satisfied with the cooperation it has received from your office to date. I would like to take this occasion to express the Commission's appreciation to you and your staff.

With kind regards, I am

Sincerely,

THOMAS B. CURTIS,
Chairman.

OFFICE OF THE SECRETARY,
Washington, D.C., October 22, 1975.

Mr. THOMAS B. CURTIS,
Chairman,
Federal Election Commission,
Washington, D.C.

DEAR TOM: I am writing to inquire about the source of and the grounds for the Commission criticism of the performance of the Senate which is contained in the comments of Congressman William Frenzel during the course of House debate on Monday, October 20.

During consideration of the rule, on the House resolution of disapproval of the Commission's proposed regulation on point of entry for campaign reports, Mr. Frenzel stated: "Right now, the Commission is not getting reports from the Senate or from the Clerk of the House in what it considers to be a timely manner. I must say, and emphasize, to the House, that the Senate record on this is worse. Some Senate reports from October 10 have not reached the Election Commission, at least as of early this morning, when I talked to them."

As you know, I have stated my preference for the proposed regulation providing for the Commission to be the single point of entry. I do believe, however, that, pending the adoption of that regulation, the work of the Senate Office of Public Records has continued to be, as in the past, exemplary in the manner in which it carries out the responsibilities which are assigned to it by me pursuant to the law. I am dismayed, to say the least, that the Commission or one or more of its employees is purported to be in the remarks of Congressman Frenzel the source of an implied inadequacy on the part of that office. After reading the Congressman's remarks, I have made personal inquiry into the matter and, I am satisfied, that there has not been any delay whatsoever in forwarding any and all materials to the Commission except, of course, when there is a delay on the part of the candidate or committee in filing with the Senate. If, as is purported in the Congressman's remarks, there is information to the contrary, I would appreciate your advising me of the particular instances in which the Commission believes the Senate has delayed or has in any way been delinquent in the transmittal of campaign reports.

Sincerely,

FRANCIS R. VALEO,
Secretary of the Senate.

SENATOR GAYLORD NELSON DEMONSTRATES CONCERN FOR THE FUTURE OF SMALL BUSINESS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. BROWN of California. Mr. Speaker, all of us have given lip-service to the need to protect or promote the small business or the small farm, but most of us have also supported programs and policies which tend to harm the small business and the small farm. Big government and big business, for reasons not too difficult to understand, have grown up together.

Now, in the field of new energy technologies, we have an opportunity to en-

courage small businesses. Senator GAYLORD NELSON, like many other observers of the Federal energy programs, was skeptical of the lipservice given to helping small business, and began an investigation into the subject of "Energy Research and Development and Small Business".

This investigation, conducted by the Senate Select Committee on Small Business, which is chaired by Senator NELSON, has now been published. While I have not reviewed all of the more than 2,600 pages of documents in the hearing record, I have reviewed enough of this work to commend Senator NELSON on the fine job that he did.

Energy R. & D. is not unique, but it may provide a unique opportunity. The opportunity can be taken advantage of if the Energy Research and Development Administration were to follow just one of the Senate Select Committee on Small Business Recommendations. That recommendation is:

ERDA should concentrate more of its energies and funds on smaller, decentralized applications of solar energy, many of which are already proven, less expensive to implement, less prone to large-scale blackouts or other failures, and less likely to lead to the establishment of anti-competitive and concentrated conditions in the emerging solar energy industries.

At this time I wish to insert into the RECORD an article written by Senator NELSON on the problems facing small enterprises in general, which I believe every Member of this body would find of interest.

The article follows:

[From the Los Angeles Times, Nov. 10, 1975]

THE AGONY OF AMERICA'S SMALL BUSINESS

(By Gaylord Nelson)

America's small business community is so sorely beset with serious trouble that the health and vigor of our entire economic system is threatened.

This is the picture that has emerged from 47 days of testimony that have been taken in the past ten months by the Senate Small Business Committee, of which I am chairman.

The worst inflation and recession since the 1930s has aggravated this condition. But the root cause is that small business has been at the bottom of the priority list of successive administrations. It now suffers from an accumulation of federal policies that are discouraging the formation of small enterprises, holding down the expansion of existing firms and forcing small family-owned operations, including farms, stores and factories, out of the hands of small entrepreneurs.

There are, in America today, approximately 13 million business enterprises. About 400,000, or 3%, are big businesses, with masses of employes, plants scattered around the globe and budgets that in some cases surpass even those of nations. The other 12.6 million enterprises make up the U.S. small business community.

Just what is small business? What do we mean or should we mean when we use the phrase?

Each of us might define it differently in terms of capital invested, gross sales, number of employes and position in the marketplace relative to its percentage of the total national production of a particular product. We all probably would agree that sole proprietorships or firms with 10, 50, 100, 200 or 500 employes are small business. Most of us, including myself, probably would agree that 1,000, 1,500 or 2,000 employes and more still is a small business.

In any event, precisely where those lines are drawn does not go to the heart of the matter. When we talk about small business we are talking about *independent* small businesses. We are talking about individuals who own them, who manage them, who control them. We are not talking about subsidiaries or branches of large conglomerates and major corporations no matter how small the branch or the subsidiary.

Some statistics about this small business community underscore its importance to U.S. economic vitality. Small business furnishes 52% of all private employment, 43% of the entire U.S. business output and one-third of the gross national product. It is the traditional source of local and national economic growth.

Yet our small businesses are sinking deeper into a morass of federal rules, regulations and paper. They are victimized by discriminatory federal income tax laws. They are being driven out of business by confiscatory estate taxes.

Let me tell you about some of the specific problems of American small business that have been underscored in our hearings:

Tax rates discriminate against small businesses and contribute to their financial weakness. The largest corporations pay only about 25% of their income in federal taxes because of special privileges that have accumulated over the years. In contrast, many smaller firms pay more than 50%. Thus a small firm attempting to accumulate capital to grow may be paying twice as much as a giant competitor.

Paperwork is out of control, imposing a $40 billion yearly burden on the economy, more than half borne by small business.

Family farming, accounting for 25% of all self-employment, is in serious trouble. More than one-third of all U.S. farms went out of business in the last 15 years.

The housing industry, composed mostly of small and independent firms, has been forced to cut production from nearly 2.4 million units in 1972 to a rate at the end of last August that would produce 1.26 million this year. Unemployment in construction is 21.2%. Administration policy is directly responsible for this depression in housing.

Federal regulations, such as the 330-page document on occupational safety and health, are proliferating and sap the time, funds and productive energies of small enterprise.

There is an acute shortage of capital for smaller firms. Only 10 stock issues have been sold by small- and medium-sized businesses in the past 20 months. During the same period, some interest rates for smaller borrowings reached 15% to 18%.

Bankruptcies in the year ending June 30, 1975, jumped 45% to 30,130. This is almost twice the 1966–1970 level.

Rules governing recovery of capital invested in equipment are so complex that this tax saving device is poorly utilized by small firms.

The estate tax exemption of $60,000—set in 1942—is so out of date in the modern inflation-ridden economy that it is prohibiting many owners of family farms, factories and stores from passing along their enterprises to their children.

In the past year, some emergency measures already have been taken to help small businessmen—although when the Ford administration proposed the recession emergency tax cut, it earmarked virtually all business help for big business.

Then the six senators on the Senate Small Business Committee—they also sit on the Senate Finance Committee, which handles tax legislation—were able to persuade Congress to shift a significant portion of these funds to small business. As a result, 1975 tax rates were reduced 9% for companies that earn less than $25,000 and 40% for those earning between $25,000 and $50,000. This is the largest small business tax cut in a quarter century.

We also succeeded in doubling the amount of used machinery outlays eligible for the investment credit, and in increasing permissible accumulated earnings not subject to taxes from $100,000 to $150,000.

Next came a group of bills now moving through the legislative process. One would make the tax cuts permanent. Another could grant a partial tax credit for wages paid.

Early last month the Small Business Advisory Committee to the Commissioner of Internal Revenue held its first meeting with the IRS to provide the service with better and continuous insight into the special problems of small business.

Also, the first meeting was held early last month by a new federal organization that holds great promise for small business. It is the Commission on Federal Paperwork. Some citizens may be amused by the need for such a group, but not the small businessman. He grasps at any hint of aid to halt the blizzard of paperwork now burying him.

Currently my committee staff is drafting additional proposals to remove federal impediments to small business creation, growth and survival. A substantial reform of the estate tax law is being written, plus a measure to simplify capital cost recovery. The premier pieces of legislation will entail a sweeping reform of regressive and oppressive income tax measures that plague small business.

Overall, we have an important new matter of concern to America. This new issue—the health of independent small business—involves vital economic, social, sociological and philosophic questions.

It involves the question of survival of a competitive free enterprise system.

It involves issues respecting the kind of productive efficiency and creativity that flow from personal management, ownership and responsibility.

It involves questions of economy of scale.

It involves the basic issue of preserving opportunities for free choice and individual self expression.

So far as our family farmer-businessman is concerned, there is involved the great question of stewardship of our land. Should the man who tills the soil and produces the food and fiber own the land? Or should absentee corporate giants own the land and hire hands to till the soil, and manage that vital resource?

And finally, the whole matter gets down to this question: What is our view of ourselves and our future as a people?

We have not addressed ourselves to these issues in any thoughtful, persistent, creative fashion. We have assumed that because the country is big and the economy is big that big is good. This has been the conventional wisdom. While some bigness is dictated by the nature of things, a good deal of bigness is bad for the economy and bad for the free enterprise system. The large conglomerates that absorb independent businesses and engage in predatory competitive practices simply do not serve our best interests.

Important though these matters are, we will have to ponder them in the future because the current plight of small business demands immediate action.

JOHN L. FRANSON ON THE ENVIRONMENT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. REUSS. Mr. Speaker, I want to place in the CONGRESSIONAL RECORD the

excellent speech by John L. Franson, southwest regional representative for the National Audubon Society, prepared for delivery at the President's Forum on Domestic Policy held on November 11 in Austin, Texas. Mr. Franson thoughtfully addresses the critical energy and environmental decisions facing this country, and I know that, as always, his views warrant very serious consideration by Members of Congress. The text of Mr. Franson's statement follows:

STATEMENT OF JOHN L. FRANSON

Vice President Rockefeller, Distinguished Cabinet Members and Friends,

My name is John Franson and I am presently the Southwest Representative for the National Audubon Society which encompasses Louisiana, New Mexico and Texas. I was formerly their representative in Indiana, Illinois, Kentucky, Ohio and Tennessee and before that I worked for some years in the conservation field in Wisconsin.

I appreciate the invitation to be heard by the distinguished Vice President and Cabinet members on behalf of the President. This is a rare opportunity.

One of my concerns and that of the National Audubon Society is the apparent fact that we are on an almost single source of energy treadmill—fossil fuels. An alternative which is being developed, nuclear energy, seems no more encouraging considering the dangers and nuclear waste disposal problems involved.

I don't know of any real progressive development that has been made in this great society lately without the help of industry. I believe that one of the primary goals of the Administration and Congress should be to encourage industry to develop alternatives. These should be alternatives that are safer and less environmentally damaging than most of the programs that we now have and those which we know will eventually terminate because of the lack of resources.

To be more specific, I believe that the federal government along with states should more seriously consider more stringent surface mining regulations such as restoring the landscape including the topsoil and the terrain and the natural plant life after the mining operation to make it productive.

There are ways to sensibly take resources such as coal. Alternatives such as underground coal gasification have not even been seriously considered. Probably there would be new thinking and new incentives created by industries if our government and our laws encouraged industry to restore mountains, prevent filling valleys with tailings and reestablishing water supplies before tearing them down. The present thrust toward oil shale development is a good example of industrial administrative irresponsibility for a few drops of oil. This would never be an issue if the industry took its environmental responsibility and had to pay the social consequences. Likewise with strip mining.

We need land use planning more than we need strip mining and we need mass transit systems more than we need more highways and gasoline controls.

What are some of these alternatives that should be considered? Well, so far we have given short shrift to solar energy, geothermal energy, tidal energy and may not have even tapped other sources heretofore unexplored.

So far we have not even begun to develop recycling that would help save our eastern forests from becoming monocultures and enable us to use refuse for sources of heat and cooling rather than landfills.

So far we have destroyed thousands of acres of wetlands whose acres can produce ten times the amount of protein as the same amount of wheat.

So far we have forgotten about returnable bottles that were once a reality in this country. Now we use the most expensive material we can produce in terms of energy—aluminum—as trash.

So far we have allowed the greatest users of energy, the great industries, to get energy the cheapest while the householder pays the bill and is careful not to use too much.

Money or the lack of it seems to be a direct reflection in some ways on the waste of energy and resources. At public expense we can build plans and begin construction on enormous canal systems such as the Cross-Wabash and Tennessee-Tombigbee which will subsidize barge traffic while the railroad industry which already exists and which would be far more efficient nationally stands in decay.

We can generate such agricultural subsidies as the Garrison-Division Ditch in North Dakota to encourage wasteful agricultural practices and drainage of wetlands and channelize our streams which erode our topsoil and cause flooding elsewhere just to perpetuate federal programs and agencies. Other agencies or portions of them, such as the Environmental Protection Agency (E.P.A.), National Oceanic And Atmospheric Administration (N.O.A.A.) and the U.S. Fish and Wildlife Service, are left short of funds. Others less environmentally concerned are traditionally lavished with them.

The government, hand in hand with industry, encourages the use of deadly non-selective chemicals while they could just as well be working to encourage research and the marketing of alternative means of biological control and sterilants and attractants which would be just as effective, more selective, and less deadly to mankind and the other creatures that live with him and which we need to live.

Moreover, we give away our public lands, and allow them to be ravaged.

If we are to have a healthy country, I hope that you will carry this message back with you and to the President and Congress on behalf of the National Audubon Society and myself.

A TRIBUTE TO THE LATE BOB CONSIDINE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. MURPHY of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article by the late Bob Considine, one of this Nation's outstanding journalists, whose understanding of the American soldier was unparalleled, and whose death was a loss to all Americans, as President Ford's remarks indicate.

[From the Baltimore News American, Feb. 13, 1975]

HAPPY BIRTHDAY, GI-JOE

(By Bob Considine)

As we near the 200th anniversary of the United States Army it is time to pause a bit and recollect that there's always been a GI-Joe around America and the world, thank God, a kind of steady fellow who marches to a distant drum which sometimes only he can hear.

Joe jigged into step with others like him two centuries ago in protest against George III's "intolerable acts," harsh codes intended to punish the colonies for dumping his majesty's oolong into Boston harbor.

Joe didn't ask any questions about "What's in it for me?" when he headed across hill and dale toward war. He knew what was in it for him: his right to be his own man, and free. Gen. Thomas Gage he had hardly heard of. But somebody told him Gen. Gage was moving his Redcoats toward Concord to destroy or capture the pathetic arms the Americans had painfully cached there. That was too much.

So Joe helped stop Gage in his bloody tracks at Lexington, April 19, 1775, and on the following June 17 did the same, thank you, at a mound of earth named Breed's Hill, later known as Bunker.

Breed's or Bunker; it didn't matter. What mattered was the extraordinary knowledge gained through those hard times, namely, that Joe and his friends, second class citizens of a mighty crown, were every bit as good and tough and brave as the properly trained and disciplined forces of Britain.

That was really something. Lessons learned from those battles left an imprint that was to last two long centuries and will continue to leaven the American military man as far into the future as the mind's eye can scan.

The prime lesson was that which was best exemplified by George Washington, an old pro who heard a drum of his own and left the creature comforts of Mt. Vernon to become commander in chief of the Army, June 15, 1775, at the request of the Second Continental Congress. Washington approached his dangerous job with what was a relatively rare philosophy for those times. He preached and practiced that the American military was the servant, not the master, of the elected civilian government. And he made it stick.

Lots of people forget what Joe did for his country in the 19th century. The United States entered that century barely able to stand in its own two boots; it finished up as a continent-wide world power. Joe fought in 90 major wars, expeditions, campaigns and occupations during that century. He buffered for Lewis and Clark and Zebulon M. Pike, cut the roads to the opened West, deepened the harbors and rivers, laid the ties, stretched the communications wires, protected the mails, and Americanized the flood of immigrants that flowed in from lands across the seas.

It wasn't always roses. He fought against his brother in the War Between the States. One of his heroes, Tom Jefferson, reduced his ranks from 4,000 to 2,600 but Joe shrugged and took it. But by the coming of the 20th century Joe was liberating fellow freedom-lovers as removed as Cuba is from the Philippines. He was digging a big ditch in Panama, and killing a tough little bug that tried to stop him by giving him yellow fever.

Joe became part of something big in World War I. Until May of 1917 everything about the Army had been volunteer. Now, conscription of men between 21 and 30 . . . several millions of them. And hosts of enlistees, too, many of them prodded by a poster drawn by James Montgomery Flagg showing Uncle Sam, looking very flinty (Flagg used himself as his model) pointing a bony finger at the viewer and saying, "I want you!"

There was a bigger and bloodier war after that, followed by the first war of the United Nations, and a war in Indochina that Joe didn't quite understand. But he did what was asked of him, and he walked out of all of them with his chin up.

A good, brave colonel named Peter Petersen has written a belated tribute to the Joes of the U.S. Army entitled "Against The Tide—An Argument In Favor Of The American Soldier." It portrays Joe as a very human being, given to occasional beefs and gripes, but always ready to put his life on the line if his country's security and honor is at stake. The book, published by Arlington House, knocks down four perennial raps that have burdened the American fighting man from the start:

—That army training turns men (and women) into robots; that many veterans, particularly from Vietnam, become detri-

mental to society; that career soldiers are martinets, and that ". . . privates are oppressed pawns, junior officers naive, and senior officers manipulators."

Joe's in another kind of army now. All volunteer again, because of more intelligent recruitment and communications. It's better trained and equipped than any we ever had before. He's spread all over Christendom and then some.

He actually was tailored into his uniform, not pushed into it. He eats better than he and his pal Willie did in World War II. He's lots warmer than he was at Valley Forge. Nobody tells him to shave his head. He's studying everything from archaeology to zoology, and making many times as much as he ever made in his life. He's surrounded by more pros and fewer bureaucrats and goldbrickers than ever before. His girl friend has just enlisted and Joe's thinking of seeing the chaplain, getting hitched, and asking him to put in a word to transfer them to Munich or Miami, Taipei or Tahoe.

SEPTEMBER 26, 1975.

PRESIDENTIAL STATEMENT ON THE DEATH OF BOB CONSIDINE

Bob Considine was a great reporter—one of the greatest. He always said that was his greatest accolade: reporter. Bob was also a great man. It can be said without fear of challenge that Bob never made an enemy in the world—and that is saying something because the world was literally his beat. It is likely that no reporter in history traveled as much or was as prolific as Bob. The quality and scope of his writing, his personal courage and his outstanding character—all made him a super star long before the term was ever used. Bob used to say that only three things mattered in life: work, family and faith. He may have forgotten a fourth: friends. No reporter in America had more friends than Bob—in and out of his profession. We will miss him. We will miss his stories, his gentle good humor and, above all, his sterling example of personal integrity. Mrs. Ford and I join Bob's dear wife, Millie, and the Considine family in their prayers—in the words that Bob was so fond of quoting: "May the angels lead thee into paradise and may the martyrs receive thee at thy coming. . ."

DO NOT PASS BAD LEGISLATION ON BASIS OF HIGH EMOTION

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. HÉBERT. Mr. Speaker, everyone in the House knows how strongly I deplore irresponsible attacks upon our intelligence agencies, namely the Central Intelligence Agency and the Federal Bureau of Investigation.

I have repeatedly said that these agencies are vital to America's survival, and if there are problems, we can right them without destroying the usefulness of these agencies.

Similarly, I have been very concerned about the trend of the Supreme Court in recent years which has coddled criminals. Fortunately, that trend is on its way to being reversed, and I am hopeful it will continue.

However, Mr. Speaker, it is most refreshing to note that there are others who share my viewpoints. I want to insert in the RECORD an article which appeared in the Baton Rouge Morning Advocate on November 8, 1975.

It is written by Ben R. Miller, a prominent Baton Rouge, La., attorney who held national offices with the American Bar Association, including important committee chairmanships. His words, I feel, are most noteworthy:

LOCAL ATTORNEY WARNS: DO NOT PASS BAD LEGISLATION ON BASIS OF HIGH EMOTION

(By Ben R. Miller)

For close to two decades the very liberal majority on the Warren Supreme Court handcuffed law enforcement officers instead of the criminal. But now that the new Burger Supreme Court seems likely—once the ailing and aging Douglas can be replaced—to soon have a clear majority able to eliminate the imbalance favoring rights of the criminals over rights of the victims and of society itself, the very liberal majority in the Democratic Congress seems determined to maintain the imbalance—and at the same time destroy the capability of the FBI and the CIA to protect us against domestic subversives and foreign enemies.

For under emotions generated by the Watergate episode, these congressional liberals seem determined to not only disarm the police and the law abiding citizens in their unending fight against the criminals in our society, but to also destroy the ability of our intelligence agencies to forewarn and forestall subversive activities both here and abroad against our nation.

Over 20 years ago, the Warren Supreme Court freed Judith Coplon, an American citizen turned Russian spy. A speaker before the Louisiana State Bar Association had this to say about it at the time:

"The Supreme Court has twice reversed the conviction of Judy Coplon, because they said if the FBI had not been engaging in this 'dirty business' of tapping her telephone wire in the Department of Justice where she had worked—then the FBI would not have known that she was going to meet a representative of the Russian Embassy on a certain corner in New York City and hand him secret documents of the United States Government; and, therefore . . . we can't even introduce evidence of the papers we took from her possession as she handed them to a Communist agent. Just think what Communists, who seldom laugh, must do when they look at the fruits of the follies of free men!"

That speaker was Warren E. Burger, now the Chief Justice of the Supreme Court.

Some liberals in Congress now, however, would extend this farce even further by punishing those who would similarly catch such a spy in the future! For, under the appealing phrase "Protection of Privacy," they would in effect prohibit all wiretapping by the FBI or the CIA and all surveillance of dangerous domestic or foreign subversives. The sophisticated subversives and the organized crime syndicates all use the most advanced techniques of "spying" on law enforcement officers, and on the CIA; and foreign agents seek all modern means to break our codes, to wiretap and scan the mail of those they suspect of being our agents.

But these mistaken liberals would say it is naughty for our defenders to do so.

To unilaterally disarm our intelligence gathering forces is as absurd as saying that the police in seeking to overtake the fleeing murderer or kidnapper or to catch the bomber before he can toss his bomb into the Senate chamber, must not exceed the "legal" speed limit of 55 miles an hour; or that in the deadly continuing challenge by our foreign enemies our plans for weapon changes and future plans, as well as the names and addresses of all our informers abroad must be open for full "public" inspection. Try playing bridge or poker with your neighbors under such a naive philosophy.

The late J. Edgar Hoover, whom many of the bleeding hearts in and out of Congress have suddenly acquired the courage to attack now that he is dead, testified in Congress on April 17, 1969, in part:

"I dare say that the most violent critic of the FBI would urge the use of wiretapping techniques if his child were kidnapped and held in custody.

'Certainly, there is a great need to utilize this technique to protect our country from those who would enslave us and are engaged in treason, espionage, and subversion and who, if successful, would destroy all our institutions and all our freedom."

It is always a danger to legislate in times of high emotions. The recent assassinations and attempted assassination of public figures have triggered efforts by some to make illegal the possession of all hand guns—not merely a much more reasonable and acceptable approach to the problem by tightening their sale, and requiring their registration. Yet those of you who saw the morning news on Friday, Oct. 31, saw how the citizens and the police authorities of the central area of Florida are helpless to stop a wave of brutal crimes, and citizens there, including elderly widows, are purchasing hand guns and taking training from the police in their proper handling, so as to better protect themselves, their families and their property from criminals who have no problem in themselves acquiring hand guns and to whom a "law" making their possession illegal would be but a joke.

We need to let our representatives at all levels of government know our opinions on these vital questions—which transcend all party, racial or religious bounds.

RECORD HARVEST STRAINS NATION'S TRANSPORTATION SYSTEM

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. FINDLEY. Mr. Speaker, as the Members leave Capitol Hill tonight and join the congestion of homeward-bound traffic, they may wish to reflect upon the impact that traffic delays have upon the Nation's economy. Traffic tieups waste precious fuel and produce additional cost to the commuter. Congested commercial shipping means extra fuel lost and higher commodity prices. At the present time, grain laden barges seeking transit through the locks at Alton, Ill.—a vital link in our Nation's inland waterways transportation system—experience an average delay of 48 hours. While sitting behind the steering wheel in tonight's traffic jam, the Members may wish to compute what such delays in commercial transportation might add in costs to that steak from the corn fattened steer which they contemplate having for supper.

I wish to draw the attention of my colleagues to the following article by C. Robert Hillman of the Chicago Sun Times, which appeared in the Washington Post on Wednesday, November 12, 1975:

BUMPER CROP RUNS RISK OF ROTTING ON GROUND

(By C. Robert Hillman)

Chicago Sun Times

BRADFORDTON, ILL.—For John Mavis, the elevator manager here, the 175,000 bushels of corn piled along the highway outside his office is a bumper crop only if it doesn't rot.

Like nearly a third of the 750 country elevators in Illinois, the Bradfordton Co-op has dumped corn on the ground because its silos and grain bins are bursting at their seams.

Illinois farmers have nearly finished harvesting the state's largest corn crop, some 1.2 billion bushels. Yet the bumper crop brought in more rapidly than usual because of ideal autumn weather, has crippled the railroads' capacity to move the grain. Covered hopper cars are especially scarce because many of them have been spoken for by the nation's largest grain companies.

After a flying tour of the state last week, Illinois Agriculture Director Robert Williams estimated that more than 5 million bushels of corn were heaped unprotected on the ground.

"It doesn't take a genius to figure out that, left there long enough, the corn will very simply rot," he said. Williams, himself a farmer and elevator owner near Carmi in southern Illinois, blamed the railroads.

Much corn in this area can be trucked directly to river terminals such as Havana and Beardstown on the Illinois. But the shortage of rail cars already has diverted large amounts of grain to the trucks and barges and they now are becoming scarce.

The shortage problem here is further complicated because many farmers, who have filled their bins, want to hold their corn in nearby elevators, hoping the price will go up.

This year's bumper corn crop, now predicted by the Agriculture Department at 5.7 billion bushels, up 23 per cent from 1974's skimpy harvest, has driven the price down.

After nearly a week of prodding, Williams said he persuaded the Interstate Commerce Commission to order railroads to give priority in their distribution of empty rail cars to elevators with large amounts of corn on the ground.

To solve the recurring problems of a bumper crop, though, Williams said a national agricultural transportation policy must be worked out with the railroads and the federal government.

The photograph of mountains of corn dumped on the ground for lack of adequate transportation facilities, which accompanied this article, dramatically illustrates the plight of American farmers in getting their grain to market. It also portrays the plight of the consumer who is trying to understand the reasons for the constant increase in food prices.

The biblical plagues of Egypt may no longer confront us and the historic famines of China may be diminishing. But hunger is still an enormous problem in the world, one which is exacerbated by the inability of this country's transportation system to speed its bountiful harvests to foreign and domestic markets.

MALPRACTICE INSURANCE FEES SWAMP AREA HOSPITALS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. CARTER. Mr. Speaker, as my colleagues are well aware, medical malpractice has become a matter of national concern because of the dramatic increases in the cost of medical malpractice insurance for health care professionals in the last 15 years, and because of the increasing unwillingness of many insurers to offer medical malpractice insurance. Physicians in many instances are faced with the possibility of being unable to obtain coverage. This, in turn, creates a situation where patients injured through the negligence of health care providers might not be able to obtain adequate compensation for such injuries. Despite skyrocketing medical malpractice insurance costs, only a small portion of these dollars actually goes to the injured patient or his legal representative, ranging from 16 to 38 cents per dollar.

The causes of this crisis are certainly more apparent than any concrete solutions. The consumer revolution has touched off a legal rights explosion. Patient reluctance to sue for damages has faded fairly quickly. Traditional legal defenses such as governmental and charitable immunities, have also disappeared. Time limitations on bringing suit have been lengthened, and "expert" witnesses are now willing to testify. New drugs, medical machinery, and other advances in technology increase the risk and potential for lawsuits as much as they do the possibility of cure. In addition to these factors, the press has given increased visibility to this issue, and has heightened the public's sensitivity to this problem.

A number of approaches for dealing with this situation have been suggested and are being explored. Legislation has been introduced in both the Senate and the House proposing various alternatives. Proposals range from the offering of reinsurance for all claims over $200,000 to the formation of joint underwriting associations in States where such an approach is needed. The appropriate locus for administration of these solutions is as yet undecided.

Other suggestions concern changes in the existing legal system under which negligence, liability, and awards for damages are determined. Arbitration panels could be set up to provide an alternative to litigation. Also under consideration is the idea of a no-fault medical injury compensation system which would draw upon the approach used in the workmen's compensation system in this country. Recently, hospital associations in several States have formed captive insurance companies designed to write policies exclusively for member institutions. Similarly, some physicians have banded together to sponsor group insurance for themselves on a State or county basis. Still other physicians may even be considering practicing without any liability insurance at all.

I certainly hope that whatever the mechanism or mechanisms we select to address this situation, that we may keep in mind, the ultimate goal of providing equal access to quality care at a reasonable cost for all of our citizens.

As an example of the widening impact of the medical malpractice insurance problem, I am submitting a recent article from the Washington Star for consideration by my colleagues. It describes how concern for this situation has spread from individual physicians to the hospitals in which they work; and it forecasts still further increases in hospital costs, and thus in patient charges, as a result of increases in insurance premiums:

MALPRACTICE INSURANCE FEES SWAMP AREA HOSPITALS

(By Robert Pear)

The malpractice insurance crisis has spread from physicians to the hospitals in which they work.

One by one, Washington-area hospitals are reporting dramatic increases in their insurance premiums. As they negotiate rates for next year, they are learning, as one hospital administrator put it yesterday, that the insurance companies are "in the driver's seat."

The hospitals' plight, less publicized than that of doctors, was summed up in recent testimony before the D.C. City Council by G. T. Dunlop Ecker, administrator of the Greater Southeast Community Hospital, speaking on behalf of the D.C. Hospital Association.

"In 10 District hospitals for which information is available," Ecker said, "malpractice insurance costs were $863,564 in 1971. For these hospitals, the costs in 1975 had increased to $3,775,029—an increase of 330 percent. The increase this year alone over last year was 106 percent."

The current cost of $3.77 million, he explained, means that an average charge of $3.80 must be passed along to each patient for each day of hospitalization.

At Sibley Memorial Hospital, a 360-bed institution in Northwest, this year's premium is more than five times the size of last year's—$407,000 versus $76,000.

The increase has been even sharper at Fairfax Hospital, which is paying eight times as much in premiums for less coverage than it had last year.

"The cost of professional liability insurance at the Fairfax Hospital has risen from $69,577 in 1973 to $76,660 in 1974 to $646,072 in 1975," according to John P. O'Brien, vice president of the Fairfax Hospital Association, the nonprofit corporation that operates the hospital.

Last year, O'Brien said, the hospital had $10.3 million worth of coverage at a cost of 41 cents per patient day. This year, he said, "the cost of $6.3 million in insurance (all that can be obtained) will be . . . $3.45 per patient day."

"The claims record of the Fairfax Hospital is excellent, so this does not appear to be the cause of the enormous premium increase," O'Brien said in a letter to state Sen. Edward E. Willey, the Richmond Democrat and pharmacist who heads the Virginia Commission to Study Costs and Administration of Health Care Services.

Since Fairfax Hospital opened in 1961, it has paid claims of $31,282 and total premiums of $1.03 million, O'Brien said in his letter.

While there were sizable increases in the cost of basic insurance, the greatest jump was in the premium for excess coverage, which protects a hospital against unusually large claims. Often such claims are designed to make up for years of lost earnings or to compensate for a patient's "pain and suffering."

For Fairfax Hospital, the cost of $9 million in excess coverage last year was $8,688. This year, O'Brien said, "on the basis of information received to date, no insurance company will write $9 million worth of coverage. The most we have been able to obtain is $5 million at a cost of $280,000, an increase of 5,700 percent."

The problems here are part of a national trend involving at least 40 states. A spokesman for the American Hospital Association, Michael Lesparre, said that aggregate malpractice premiums for the country's nongovernmental hospitals rose from $350 million in early 1974 to $750 million this year, with next year's total expected to be $1 billion.

The estimates, which he described as conservative, were based on reports from state hospital associations.

The insurance problem also has hit medical schools and university hospitals, which

undertake more complicated procedures than smaller hospitals.

At Howard University Hospital here, the premium has gone up almost 200 percent from last year, according to Dr. Charles S. Ireland, the hospital director. At Georgetown University Hospital, sources said, the cost of basic coverage is up 83 percent over last year.

At Suburban Hospital in Bethesda, patients may have to pay an extra $4 or $5 a day next year as a result of a decision by the Aetna Life and Casualty Co. to stop writing malpractice policies in Maryland.

In announcing the decision last week, Aetna officials said they, like other underwriters, had found malpractice insurance unprofitable in Maryland.

As one partial solution, hospitals here would like to reduce their liability in malpractice suits so they are no longer co-equal defendants with the doctors. On this issue, the interests of hospitals and physicians diverge.

The D.C. Hospital Association wants to have negligence apportioned among the defendants named in a malpractice suit, so that if 30 percent of the negligence is due to the hospital and 70 percent to a doctor, the damages would be assessed accordingly.

Traditionally, when hospital and doctor are sued together, their liability is "joint and several"—in other words, each is legally responsible for the full amount.

As a result, the hospital may pay half the damages if one doctor is involved, or one-third of the damages if two doctors are involved.

Hospital administrators contend this arrangement is unfair to them.

"The largest number of claims are filed initially against the physician," said William M. Bucher, executive director of the Hospital Association. "The hospital is involved only as an afterthought, as the house in which the work was done.

"The real issue as I see it," Bucher said, "is that the more sophisticated medicine gets the more people will expect to have corrected."

In recent years, doctors often have said that medical technology seems to have raised the patients' hopes of a cure to unrealistic levels. Now, hospital officials say, if an expensive piece of medical machinery exists, patients increasingly believe their hospital should have and use it.

One novel approach was illustrated by the Pennsylvania Hospital Association, which voted last week to form its own nonprofit company to handle the malpractice insurance of its members.

The action came one day after Employers Insurance of Wassau, which handled the malpractice policies of 142 association members, announced it was canceling all policies by August 1976. The company also sought a 245 percent rate increase from the insurance commissioner, saying it might quit the state before the August deadline if he failed to act quickly on the rate request.

Hospital associations in several other states also are forming "captive insurance companies," designed to write policies exclusively for member institutions.

Earlier this year the American Hospital Association made plans for an insurance pool that could provide coverage for hospitals unable to find an underwriter in the commercial market. The pool has not yet been set up.

BICENTENNIAL PLAN

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. DENT. Mr. Speaker, I recently received a letter from a constituent who expressed the feeling that a great number of the programs currently being instituted in celebration of our country's Bicentennial are somewhat questionable as to the meaning that is involved. I am certainly not of the humbug variety, and in fact, find meaning in a number of the celebrations planned. But I wish to include this column, entitled, "Bicentennial Plan," and the letter in the RECORD in order that we might have the benefit of another view on the Bicentennial—a view that makes sense, in my mind:

LATROBE STEEL CO.,
Latrobe, Pa., October 16, 1975.

Hon. JOHN H. DENT,
Rayburn Building,
Washington, D.C.

DEAR REPRESENTATIVE DENT: In the helter-skelter rush to celebrate the Bicentennial, many meaningless and useless programs have been initiated. Certainly, we are all proud to be citizens of this great country which has been under constant attack for decades, both internally and externally,

Many concerned citizens realize that one of the greatest dangers to their freedoms is not necessarily encroachment by external foreign powers but the heavy burden of the bureaucracy in Washington laid upon their shoulders which continually saps their strength

I believe the enclosed editorial for a new and meaningful Bicentennial plan is excellent and recommend it to you for a real and effective Bicentennial program. The goal suggested by Walter Campbell, if accomplished, would convert this country again to the world's greatest nation. I sincerely ask you to initiate such a program for the benefit of every citizen of our country.

Sincerely,

ALEX SIMKOVICH.

[From Industry Week, Sept. 15, 1975]

BICENTENNIAL PLAN

(By Walter J. Campbell)

WHISPERING PINES, N.C.—Perhaps it was the mail bringing an offer of a replica of George Washington's sword for $950, and other gimmicks at ridiculous prices, that suggested we should plan some more meaningful action to celebrate our country's 200th anniversary.

Perhaps it was the edict by the Dept. of Health, Education & Welfare that this state locate a new veterinary school in a city other than that selected after careful planning by the North Carolina education officials—under threat of losing all federal aid funds to education.

Perhaps it was the absurd investigation of a General Foods Corp. promotion, planned many months ago and involving a minuscule percentage of the output of can lids.

Perhaps it was the sum total of thousands of other examples of the exercise of bureaucratic power in a fashion more arrogant than wise.

Perhaps it was a growing conviction that government intrusion into social and economic affairs, whenever and wherever observed, generally has left the world somewhat worse and a lot more expensive.

Perhaps all these suggest as a Bicentennial program the pruning of a government that has grown too big, too arrogant, too inefficient, and too costly.

Perhaps we should pick this time to reaffirm the Declaration of Independence—not against a foreign despot, but against a domestic government that far exceeds what that government was intended to be or needs to be.

Let there be no delusions about the difficulties of such a pruning.

It will require extreme pressure on Congress, a body that has acquired the habit of catering to bureaucratic entities rather than serving the interests of the citizens.

It will require pinching the monstrous pipeline of public monies that flow to too many bureaus and too many programs.

But 200 million citizens can apply that pressure and can pinch that pipeline.

And, should we be able to return a reasonable government to the people, we certainly would have something to celebrate.

ENVIRONMENTALISTS' ENERGY PROGRAM

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. OTTINGER. Mr. Speaker, I would like to insert for the benefit of our colleagues the October 20, 1975, Environmental Study Conference factsheet, "Energy Development Supported by Environmentalists," by ESC staff writer Bruce R. Myles. Mr. Myles has done an outstanding research and writing job, and I believe all Members will find his paper very interesting and helpful.

The factsheet follows:

ENVIRONMENTAL STUDY CONFERENCE FACTSHEET—ENERGY DEVELOPMENT SUPPORTED BY ENVIRONMENTALISTS

(By Bruce R. Myles, ESC Staff Writer)

SUMMARY

Environmentalists do not oppose developing new energy sources and, in fact, support gradual development of *oil and gas on the OCS*, a crash program to commercialize *solar energy technologies*, and a wide range of aggressive *energy conservation* strategies.[1]

Coal will have to play a large role in meeting U.S. energy needs for at least the short and mid term, environmentalists agree. They want expansion of deep-mining for high-Btu, low-sulfur coal in the East, so that strip-mining in the West can be minimized. They support legislation to regulate strip-mining and reform leasing of federal coal lands in the West, improvements in mine health and safety programs, and R&D to increase the efficiency of underground mining.

In addition to tapping the above energy sources, environmentalists recommend converting organic *urban and agricultural wastes* into solid, liquid or gaseous fuels, which could provide as much as 10 percent of all U.S. energy needs.[2] They also support research in *geothermal energy* uses, *oil shale production, coal liquefaction and gasification*, to determine if their commercialization is environmentally acceptable and economically feasible.

With respect to *nuclear power*, environmentalists disagree only about the extent to which it should be restricted. Most urge that no further plants be built unless and until such crucial problems as radioactive waste disposal and plant accidents and sabotage are solved. With a few exceptions, environmentalists regard nuclear energy as the technology of last resort.[3] They disagree more often about what should be done with existing fission plants, which already supply a sizeable portion of the electricity in Chicago, Boston, and other cities in the East.

DETAILS

Limiting nuclear power to reactors already built or on order was considered by the Energy Research and Development Administration in the June, 1975 comprehensive energy plan it submitted to Congress, "A National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future." ERDA concluded that even with maximum development of non-nuclear energy sources, limiting the de-

Footnotes at end of article.

velopment of nuclear energy would lead to unacceptable oil imports.

ERDA believes that only the pursuit of all potential energy technologies, including nuclear and energy conservation, can satisfy what it projects to be our future energy needs. This strategy would lead to energy consumption in the year 2000 of 137 quadrillion Btu's, compared to 73 quadrillion Btu's in 1973.

An energy strategy emphasizing improved efficiencies in end-use technologies without such all-out energy development (including nuclear) could reduce U.S. energy consumption growth from a projected three percent to less than two percent annually, ERDA estimated. This would bring total consumption in the year 2000 to about 121 quadrillion Btu's. But ERDA believes this strategy still would require unacceptable oil imports.

Some environmentalists argue that the limited nuclear power scenario ERDA discounted would be very workable if the agency considered the total energy savings possible from increased efficiencies in transportation, space heating and industrial process heat, and could result in energy independence by the year 2000.[4]

They note that ERDA projects auto efficiency to increase only to an average of 28 miles per gallon by the year 2000, as an example of the agency's underestimating energy conservation savings. Legislation now moving through Congress (HR 7014, S 1883) envisions the 28 mpg standard being achieved in 1985, 15 years earlier, environmentalists point out. Auto efficiency increased from 13.9 mpg in 1974 model-year cars to 15.6 mpg in 1975 models, and to 17.6 mpg in 1976 models, according to the Environmental Protection Agency.

Energy use in major consuming areas can be cut a total of 20–40 percent by eliminating waste (e.g., through better insulation and recycling) and increasing efficiencies (e.g., of motors), environmentalists project. This could enable holding energy consumption in the year 2000 to well below ERDA's estimate of 121 quadrillion Btu's.

If changes to less energy-intensive living habits (e.g., carpooling, bicycling) are considered, consumption could be cut even more.[5] European nations such as Sweden and West Germany, which have higher standards of living (based on per capita income) than the U.S., use only about half as much energy per capita as the U.S., environmentalists point out.

Environmentalists question ERDA's (and the energy industry's) *basic asumption that energy growth is needed* because of expanding population and rising affluence of lower economic groups.[6] They believe that middle- and higher-income groups already waste far more energy than lower-income groups require to improve their standard of living.

They point out that S. David Freeman, former director of the Ford Foundation Energy Policy Project and now a consultant to the Senate Commerce Committee, agrees that zero energy growth can be achieved without causing economic hardship if energy conservation is vigorously pursued. Freeman notes that from 1870 to 1950, U.S. GNP increased six-fold while energy consumption per capita only doubled.[7]

Robert Williams, who directed energy conservation and environmental impact research for the Ford Foundation project, agrees with Freeman and asserts that 1973 U.S. energy consumption could have been 45 percent lower, postponing for another 18 years the actual 1973 consumption.[8]

Conservation measures favored by environmentalists include energy efficiency standards for homes, buildings, automobiles, and major appliances, and government programs to encourage or require industry to install energy-conserving devices. Electric utilities should be directed by Congress and state utility commissions to implement conservation programs, including flattening of rate structures (eliminating discount rates for bulk users) and peak load pricing (the charging of higher rates during peak consumption hours), they believe. Tax and other incentives should be provided to encourage recycling of materials.[9]

ERDA is criticized by some environmentalists for over-emphasizing *oil shale development and coal gasification and liquefaction.*[10] They urge that ERDA give more attention to the use of coal as a direct heating fuel in industry, particularly industries now using natural gas. However, they do support an escalated program to develop low-Btu gas from coal for use in combined cycle (gas and steam turbine) electrical generation systems.

Environmentalists are apprehensive about the large water requirements for coal gasification and liquefaction and oil shale processing.[11] They also have concerns about the water and air pollution, land disturbance, and economic and social impacts of production of these energy sources. They doubt that the net energy gain would be worth the total costs involved. And some environmentalists, being skeptical of pessimistic estimates of the amount of oil and gas reserves left in the U.S. and offshore, do not believe synthetic fuels will be required to replace oil and natural gas in 25 to 40 years, as ERDA and industry believe.[12]

ERDA was commended by at least one environmentalist for its funding of R&D for in-situ (underground) instead of surface processing of oil shale, which impacts the environment more severely than the experimental in-situ process.

With respect to production of *oil and gas on the Outer Continental Shelf,* most national environmental organizations support gradual development of these energy resources, but only because they consider it preferable to alternatives such as nuclear, oil shale, and strip mining. Drilling should be barred from sensitive coastal and marine areas, they believe. States and localities should be allowed to participate in all phases of planning and production to protect wetlands, estuaries and the marine environment, they feel.

Low-technology and decentralized solar energy systems are preferred by environmentalists to solar electric power plants, which are to be demonstrated by ERDA within the next five years. They see the latter as having large air or water requirements for cooling their rejected heat. For the short term, solar heating and cooling and wind power systems are regarded by environmentalists as the most practical. They do support R&D on solar power plants, as well as R&D to assess the practicality of ocean thermal energy conversion systems and solar (photovoltaic) cells. Some environmentalists are enthusiastic about harnessing energy in the tides to produce electricity. ERDA believes tidal power would be localized and make a relatively small contribution to total energy needs.

Geothermal energy systems based on using the steam from hot dry rocks below the earth's surface to generate electricity could provide a significant portion of U.S. energy needs in the future. Environmentalists support hot dry rock research, development and demonstrations with strict environmental controls. Maximum development of hot, dry rocks and other geothermal energy systems could provide up to 12.5 percent of U.S. energy needs in the year 2000, according to ERDA data.

Additional *hydro-electric power* projects are opposed by environmentalists on the grounds that the small amount of energy added to the total supply would not be worth the price of destroyed natural habitats. Hydropower projects planned, under construction and capable of development within the next 20 years could increase hydro-electrical generation by about 20 percent over 1975 generation, according to the Federal Power Commission. But hydropower in 1995 would account for only 4 percent of electrical generation, compared to about 15 percent today.[13]

ENVIRONMENTAL CONTACTS ON ENERGY PROGRAMS

Coal: John McCormick, Joe Browder, Louise Dunlop, Dave Calfee, all of Environmental Policy Center (EPC), 547–6500. Ed Strohbehn, Natural Resources Defense Council (NRDC), 737–5000.

Electric Utilities: Rick Morgan and Thomas Riesenberg, Environmental Action Foundation, 659–9682. Marc Messing, EPC, 547–6500.

Energy conservation: Grant Thompson, Environmental Law Institute, 659–8037. Dr. Albert J. Fritsch, Center for Science in the Public Interest (CSPI), 332–6000. Jim Cubie, Congress Watch, 546–4936.

Geothermal energy: Arthur Tamplin, NRDC, 737–5000. Harry Gilbert, Common Cause, 833–1200.

Hydro-electric power: Brent Blackwelder, EPC, 547–6500. Bill Painter, American Rivers Conservation Council, 547–6500.

Nuclear power: Jim Cubie, Congress Watch, 546–4936. John Abbotts, Public Interest Research Group, 833–9700. Laurence Moss, FEA Environmental Advisory Group, (703) 560–7529. Jeff Knight, Friends of the Earth, 543–4313. Gus Speth and Thomas Cochran, NRDC, 737–5000. Bob Alvarez, EPC 547–6500. Franklin Gage, Task Force Against Nuclear Pollution, 543–7232.

OCS oil and gas: Maxine Lipeles, EPC, 547–6500. Ann Asher, Concern, Inc., 965–0066.

Oil shale: John McCormick, EPC, 547–6500. Kathy Fletcher, Environmental Defense Fund, (303) 831–7559. Dr. Fritsch, CSPI, 332–6000.

Solar energy: David Mazzelli, Common Cause, 833–1200. Marc Messing, EPC, 547–6500. Wilson Clark, EPC, (509) 674–2422.

Solid Waste: Patricia Taylor and Blake Early, Environmental Action, 833–1845.

FOOTNOTES

[1] Although all environmentalists do not agree on all energy policy issues, there is a broad consensus on the major ones. A good sampling of environmentalists' positions on energy development is the testimony several groups gave before the Council on Environmental Quality during its September 3–4, 1975 hearings on the Energy Research and Development Administration's comprehensive energy plan, "A National Plan for Energy Research, Development and Demonstration: Creating Energy Choices for the Future," ERDA–48. Vols. I and II. See also the recommendations of the Federal Energy Administration's Environmental Advisory Committee, and the February 1975 "Citizens Energy Platform" prepared by several environmental and consumer groups, including the Environmental Policy Center, Friends of the Earth, and the Center for Science in the Public Interest. The Sierra Club has published one of the most complete position papers of any environmental group on energy programs, entitled "Energy and The Sierra Club" (June, 1975). See also "The Sierra Club and Nuclear Power" (June, 1975).

[2] EPA estimates that the potential energy recovery from the organic municipal wastes of all SMSA's in the U.S. in 1973 was the equivalent of about 424,000 barrels of oil per day, or slightly more than one percent of U.S. energy consumption. With respect to agricultural wastes, the Ford Foundation's Energy Policy Project staff estimated in "Energy Conservation Papers" (1975) that about 5.4 quadrillon Btu's of energy, or about 7.5 percent of our total energy needs, could be recovered from crop residues, and another .7 quadrillion Btu's from feedlot manure.

The Citizens Advisoy Committee on Environmental Quality estimates in a more

optimistic assessment, "Energy in Solid Waste: A Citizen Guide to Saving" (1975), that energy recovery and recycling could save more than 85 percent of the crude oil now imported into the U.S., or roughly one-seventh of total U.S. energy needs in 1973. Glass bottles, rubber tires and metal cans were singled out in the report as prime candidates for recycling, which involves less enegy consumption than production from virgin materials.

[3] A notable exception to the widespread opposition to nuclear power among environmentalists is the position of Laurence Moss, former president of the Sierra Club and now chairman of the FEA Environmental Advisory Committee. Moss believes that the mining and burning of coal entails at least as much harm to the environment and human health as nuclear power. He also emphasizes the danger of possible climatic changes that could result from an excessive buildup of atmospheric carbon dioxide, which is emitted by fossil-fuel power plants.

The major concerns of environmentalists about nuclear power are how and where to store radioactive wastes dangerously active for thousands of years and the possible release of harmful amounts of radioactive particles following an accident or sabotage at a nuclear power plant. Thousands of persons could be injured or killed by a severe nuclear reactor accident. Estimates of damage resulting from such an accident range from several billion dollars to $280 billion, depending on the proximity of the reactor to population centers. Other concerns are about possible accidents during transport of nuclear materials and exposure of uranium workers and others to cancer-causing uranium tailings.

Few environmentalists have made definitive statements about the wisdom of developing fusion (to be distinguished from fission), but most favor at least R&D to assess better its practicality and environmental impact. J. G. Speth of the Natural Resources Defense Council recommends rapid development and demonstration of fusion and several other energy options in his September 4, 1975 testimony before CEQ. But he added that ERDA should keep the fusion program directed at the cleaner forms of fusion energy and away from concepts such as "fusion hybrids", which would be used to breed fuel for fission reactors. Ecologist Barry Commoner has stated that fusion looks no more promising or less dangerous than fission.

[4] See testimony of James Cubie and John Wasilczyk of Congress Watch before the CEQ on the ERDA energy plan, September 4, 1975. The two authors elaborate their analysis in August 1975 comments on the Nuclear Regulatory Commission's draft environmental impact statement on the proposed expansion of U.S. uranium enrichment capacity. In addition, see their paper entitled "ERDA's Limited Nuclear Power Scenario: Was the Deck Stacked?" ERDA officials confirmed by telephone that the calculations with ERDA data made by the two are accurate.

[5] A good guide to a less energy-intensive lifestyle is Dr. Albert J. Fritsch's "The Contrasumers—A Citizen Guide to Resource Conservation," available from the Center for Science in the Public Interest.

[6] ERDA's preferred combined technologies scenario of 137 quadrillion Btu's by the year 2000 would mean about a doubling of energy consumption in 30 years, between 1970 and the year 2000. The current population growth rate of the U.S. is .9 percent a year, with a doubling time of 77 years, according to the Population Reference Bureau. The bureau projects in a recent report that at current growth rates the U.S. can reach zero population growth before 2050. See "Population Bulletin, U.S. Population in 2000—Zero Growth or Not?" (1975).

[7] See Freeman's June 2, 1975 address to the World Future Society.

[8] See Williams' June 2, 1975 testimony before the House Interior Subcommittee on Energy and Environment.

[9] Startling examples of possible energy savings through recycling of metals are that up to 74 percent less energy is used when steel is made from scrap rather than from ore, and that 95 percent less energy is used when scrap aluminum is used in aluminum production, according to Tilton G. Dobbin, assistant secretary of the Commerce Department for domestic and international business. He told the National Association of Recycling Industries at an April 10–15, 1975 meeting in New York City that tax incentives and correction of freight rates that discriminate against scrap as opposed to virgin materials must be implemented before the full potential of recycling can be realized.

[10] See September 4, 1975 testimony of John McCormick of the Environmental Policy Center before CEQ.

[11] Augus MacDonald of the Center for Science in the Public Interest has analyzed the environmental impact of oil shale production in "Shale Oil" (1974), available from CSPI.

[12] John Abbotts and Anita Gunn of the Public Interest Research Group cite inconsistencies and shortcomings in U.S. Geological Survey and National Academy of Sciences reports on oil and gas reserves. Their skepticism about warnings of oil shortages should not be taken as an execuse to waste fossil fuels, they warn. Rather, it should be a reminder that a headlong rush into synthetic fuels and nuclear power may be unnecessary.

[13] FPC "Staff Report on the Role of Hydroelectric Developments in the Nation's Power Supply" (1974).

NEW YORK CITY AND THE URBAN CRISIS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. BADILLO. Mr. Speaker, there has been a great deal of debate on the "New York crisis," and a lot of time has been expended both in seeking for solutions and afixing the blame. In debating the pros and cons, unfortunately too few have acknowledged the fact that we are not dealing with a "New York problem" at all, but an urban crisis which is increasingly engulfing the cities of our Nation.

Eroding tax bases, changing population trends, economic upheavals, changed life patterns, and Federal programs have profoundly, and adversely, affected the development and viability of our urban centers. During the past few decades their traditional roles as industrial, financial and cultural centers have increasingly been eroded, until today their very raison d'etre is being questioned. There is an increasing sentiment for containing them, for abandoning them and their ills to their own resources.

Yet the crisis they are facing and the travail they are undergoing are not of their own making and it is not within their power to resolve them. And unless we act now to reverse their deterioration they will falter and fail and their failing will inexorably undermine our national economy.

David S. Broder, in a recent article, very perceptively examined the New York situation within the context of our national urban crisis. For the information of my colleagues, I would like to insert his comments as they appeared in the Washington Post:

[From the Washington Post, Nov. 5, 1975]

URBAN ILLS

(By David S. Broder)

President Ford's preference—which is shared by most politicians of both parties in Congress—is to treat the New York City problem as the last act of a morality play. The wicked wastrel gets his deserved comeuppance and is forced to repent for past sins by declaring default.

It's a play well-tailored to the anti-government sentiments of the national audience. It's also a way for the President and like-minded politicians to conceal from the country the reality that we face.

I do not refer here to the financial and psychological consequences of a New York City default. Whatever those are will be known soon enough.

The concealed reality is that the basic forces that have pushed New York City to the brink are operating inexorably against other old big cities, and will leave them equally exposed to financial ruin unless we as a country face up to some facts we have spent 25 years ignoring.

Most important of these facts is that what we call a city is a legal-geographic trap maintained by the outside majority as a means of isolating problems we are not prepared to face and solve. The historic refusal to let most older cities expand their legal borders to incorporate the "real cities" they have become makes it ludicrous, if not indecent, for the President and other Potomac moralizers to lecture New York on the need for self-reliance.

The real New York City is an area of some 15 million people, spanning three states. The legal New York City is a fraction of that area, with 7.5 million people jammed into its confines.

The selection of which people live inside and outside the borders of legal New York City is not random; it is the end-product of two generations of national policy.

Two great waves of population change have swept through the old cities—an ingathering of the poor from the South and Puerto Rico and an outflow to the suburbs of more affluent whites. The two streams are not equal in volume. New York and most other old cities have had net losses of population; Neal Peirce, author-columnist, has estimated the New York loss at almost a half-million people in the past five years.

And the racial and economic gap between the inner city and its suburbs has grown even faster than population has declined. Ed Hamilton, the former New York City budget chief, cites figures showing the city's median family income is now only half that of its suburbs.

That is, of course, exactly what the Kerner Commission meant when it warned seven years ago that "our nation is moving toward two societies, one black, one white—separate and unequal."

It is not New York alone that has been victimized by these trends. The same kind of change—often at a more rapid rate—has hit Baltimore, Boston, Detroit, Cleveland, Philadelphia, St. Louis, Chicago, San Francisco, and, yes, even such "new cities as Denver and Salt Lake City.

Behind all these trends lies federal policy. Federally financed farm mechanization programs cost thousands of farm jobs for southern blacks; federally financed defense jobs lured those blacks to the northern cities. The failure of the federal government to provide uniform national income maintenance programs made it advantageous for the poor to remain in the northern cities, even when the jobs began to move away.

And, of course, federal housing subsidies and mortgage guarantees built the new sub-

urban communities to which the affluent whites fled from those poor-infested center cities. And federal funds built the commuter highways on which they made their exit.

Never during this process did federal officials say, "This is going to end in disaster unless we find some way to allow those cities to expand their borders to encompass the suburbs we have created around them."

Instead, federal officials said annexation was a matter of state policy, and most states kept the cities from expanding. Those officials said the city's claims to equality of representation in Congress and the legislatures was a matter for the courts. But, by the time the courts got around to enunciating the one man-one vote doctrine, the cities were already being emptied of all but the poor.

Those same federal officials turned their backs on yet a third problem—the problem of school desegregation, leaving that, too, to the courts. And the courts, pursuing their own necessarily circumscribed mandate, have imposed "solutions"—like busing in the big-city school systems—that have accelerated the flight to the suburbs and the decay of the old center cities.

That is the reality that lies behind the New York City crisis. But it is complicated to discuss in these terms, and uncomfortable for those like the President and the congressional leaders, who have been on the scene for 25 years while these forces were gathering momentum unchecked.

It's so much easier to blame it all on John Lindsay, Abe Beame, the greedy New York unions and the avaricious New York banks, and pretend it can't happen elsewhere.

It not only can happen elsewhere, it will. And who will our "leaders" blame then?

FORMER CITY POLICEMAN SHOULD BE LISTENED TO

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. COTTER. Mr. Speaker, I want to call to my colleagues attention an editorial which appeared in the Hartford Times on Monday, November 10, 1975. It speaks eloquently of the frustrations of a very unusual policeman.

Our criminal justice system has failed miserably in dealing with the underlying problem—recidivism. It just does not seem to be willing to remove from the streets those few individuals who commit most of the felonies.

Mr. Speaker, until State legislatures and judges come to grips with this problem we will not only lose the battle against crime but we will also lose the services of men like John Chapin who bring quality, creativity, and intelligence to police work.

The article follows:

FORMER CITY POLICEMAN SHOULD BE LISTENED TO

John Chapin was not the average Hartford policeman, and for that reason particularly his views on crime and criminals merit special attention.

Chapin served on the Hartford Police Department for five years, reluctantly resigning two weeks ago with a sense of bitter frustration over the inability of the criminal justice system to deal effectively with either hardened criminals or juvenile felons.

As a police officer, Chapin was called upon to risk his life enforcing the law, but, in his own words, "We were laboring without any genuine expectation of having a significant effect on crime in Hartford." And how could there be a significant effect when the criminals arrested are promptly released by the courts?

Chapin identified the problem well. He said: "The hue and cry is let's determine why people commit crimes by getting to the root causes of crime. Unfortunately, people in low-income areas have to live with upper-middle-class criminology experiments. Generally speaking, those people stranded in our urban centers are the crime victims, whereas the men who engage in the experiments live in the seculsion and relative security of their suburban homes."

But Chapin does not stop there: "Many judges also attempt to introduce middle-class values to people in situations where those values have no bearing. They assume that a person who has committed several felonies will respond to verbal reprimands and exhortations to change his criminal behavior and become a pillar of the community. In my estimation, judges either naively underestimate the incorrigibility of a large segment of the criminal population or callously fail to prevent the strong likelihood of further felonies by administering 'swift and certain punishment.'"

As a case in point, and an impressive one, Chapin cited Superior Court Judge William L. Hadden's recent decision in the Spencer Wolfe murder case in Meriden. "Although 17-year-old Wolfe confessed to murdering a Meriden acquaintance by firing twice with a rifle, Judge Hadden fatuously characterized Wolfe in his sentencing statement as an 'All-American boy,' and directed that Wolfe receive a two to four-year suspended sentence."

Chapin said, "I fear that Judge Hadden's utter failure to discharge his sworn duty is simply a dramatic example of widespread and flagrant miscarriage of justice."

Chapin, like an increasingly large number of respected criminologists, argues, "The criminal justice system must have a punitive effect if it is to merit the respect and/or fear of those members of society who do not accept the fundamental mores of our culture."

The underlying problem, therefore, is recidivism, since, "in the back of every police officer's mind there is a realization that the criminal will generally be back on the streets within two hours. There are probably 200 to 300 people who are responsible for committing most of the felonies in Hartford. Furthermore, I can recall only a single instance in five years of police work in which an individual I arrested for a serious felony was a genuine 'first offender.'"

Chapin said: "If this perception is essentially correct, I think one must logically conclude that our society can no longer afford to engage in utopian criminology experiments which have had an inconclusive statistical effect on recividism at best."

Chapin is not all talk, however. He also is prepared to identify specific measures for the Connecticut General Assembly to enact to combat the ever-increasing lawlessness in the state. He advocates the creation of new incarceration facilities, which would permit judges to prescribe realistic criminal sentences which they do not now do because they claim that the lack of prison facilities presents a serious problem.

In the event that that fails to persuade the judges to respond in a tougher manner, Chapin suggests that the General Assembly draft a statute similar to the Colorado habitual offender law. "This statute provides specific minimum and maximum sentences after the commission of a third felony and a mandatory life sentence after commission of a fourth felony."

With regard to juvenile justice, Chapin proposes that the law be changed so that juveniles cannot escape the consequences of their earlier criminal conduct, which is now the case, and he urges that the law prohibiting the police from photographing juveniles be repealed. "The rape victim is hardly comforted when a police officer is unable to show her known 14 year old or 15 year old rapists because the police are prohibited from photographing them after a first offense."

John Chapin cannot easily be branded as some illiterate cop who has been out on the front lines too long: He is a graduate of St. Paul's School in New Hampshire and a 1970 graduate of Trinity College, spent 13 months in the administrative division of the Hartford Police Department, was one of Police Chief Hugo Masini's "brain trust" and is the grandson of the founder of the Hudson Motor Company, as well as the founder and director of a four-year-old bookstore in Farmington.

John C. Chapin obviously was the kind of individual Hartford—and every other city—needs on its police force. He understands the problems, he is articulate and willing to act upon solutions, given the chance. The present criminal justice system denies that opportunity, and understandably, Chapin's bitter frustration has led him to search for alternative avenues for achieving the changes necessary in the system.

Hopefully, he will continue his campaign: It is far too important to be lightly treated or abandoned.

John Chapin quite obviously has a great deal he can contribute.

THE MILTON HELPERN INTERNATIONAL CENTER FOR FORENSIC SCIENCES IN WICHITA, KANS.

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. SHRIVER. Mr. Speaker, I take this opportunity to bring to the attention of the House a significant event which occurred last month in Wichita, Kans., that will have great impact on criminal investigations. On October 24, 1975, the Milton Helpern International Center for the Forensic Sciences was dedicated on the campus of Wichita State University.

The center was originally founded in 1966 by Dr. William Eckert, a pathologist and deputy coroner, and it is named for Dr. Helpern, the retired chief medical examiner of New York City.

The center will initially serve as an important reference base to supply needed information to scientists involved in criminal investigations. It will be the base for the international and national forensic science organizations. There will be valuable exchange of information through meetings and seminars.

We are pleased at the establishment of this center in Wichita, and in a university setting. It will serve all of us well.

Under leave to extend my remarks in the RECORD, I include an editorial from the Wichita, Kans., Eagle, and a feature article by Rayetta Furnas of the Kansas City, Mo., Times discussing this important development:

[From the Wichita, Kans. Eagle]

PRIDEWORTHY ADDITION

Who'd expect Wichita to be headquarters for an international organization of men concerned with the medical aspects of crime

investigation? Not many people, apparently, but it has been since 1966—and last week's dedication of The Milton Halpern International Center for the Forensic Sciences on the Wichita State University campus made it, you might say, official!

It's time to recognize, again, the professional zeal and enthusiasm of Dr. William Eckert, the driving force behind Wichita's unique status. He founded the International Reference Organization in Forensic Medicine, whose acronym, INFORM, also is the name of its publication, which he edits in collaboration with Dr. Thomas Noguchi, Los Angeles' chief medical examiner and coroner.

Also active in the organization is Dr. Milton Halpern, retired chief medical examiner of New York City, for whom the new forensic sciences center was named.

Because of the activities of Dr. Eckert, deputy Sedgwick County coroner, associate director of laboratories at St. Francis Hospital and now director of the Halpern center, law enforcement officials, coroners, medical examiners and others interested in forensic pathology have been gathering here twice a year from all parts of the nation to attend sessions of the Western Conference on Criminal and Civil Problems. And in 1978, the International Sciences—which has just elected Dr. Eckert as its president—will convene in Wichita, its 1975 meeting was in Zurich, Switzerland.

Forensic scientists, you may have gathered, are autopsy specialists—men concerned with investigating the cause of death in cases which have criminal or other legal aspects. The Halpern center will fit in well several other WSU programs, including the Wichita branch of the University of Kansas medical school and the Administration of Justice department.

It's something to be proud of.

[From the Kansas City Times, Oct. 27, 1975]

CRIME STUDY CENTER AT W.S.U. CERTAINLY IS NOT ELEMENTARY

(By Rayetta Furnas)

WICHITA.—Applying science to police work was probably first introduced to the public by Sherlock Holmes but it's doubtful he would find the new forensic sciences center at Wichita State University "Elementary, my dear Watson."

The Milton Helpern International Center for the Forensic Sciences, the only one of its kind in the world, was formally dedicated at W.S.U. Friday by Dr. Milton Helpern, retired chief medical examiner of New York City.

The dedication was held in conjunction with a 2-day seminar of the Western Conference on Criminal and Civil Problems, in which nationally known forensic scientists who have conducted investigations into some of the most sensational murders and disasters participated.

Helpern center, which will initially be a reference base to supply needed information to scientists, was developed by Dr. William Eckert, Wichita pathologist and deputy coroner, through I.N.F.O.R.M. (International Reference Organization in Forensic Medicine), which was founded by Eckert in 1966. It will also be the base for the international and national forensic science organizations and will bring many of the meetings and seminars of both groups to Wichita.

"These seminars bring information to the grassroots," Dr. Eckert explained in a recent interview. "It enables a small town marshal in western Kansas to sit down and talk to Dr. Thomas Noguchi and exchange personal philosophies." Dr. Noguchi is chief medical examiner-coroner of Los Angeles County, who investigated the Manson murders, the Robert Kennedy assassination and the Symbionese Liberation Army shootout.

"It brings the scientific role to law enforcement. Evidence may be lost if the person checking the scene of a crime or disaster doesn't know how to check it," Eckert said.

Dr. Eckert, who has been named director of Helpern center, actually began the resource operation in his office at St. Francis Hospital several years ago, "attempting to capture the literature in forensic sciences."

"It was only natural to transfer it to a university setting," he said. "Here we can attract scholars, and the center provides an educational base for visiting lecturers." Dr. Eckert's collection is now primarily made up of information written by forensic scientists around the world but he hopes to expand his resources to include tapes and films and eventually to catalogue his literature by computer. Conducting short courses for law enforcement agencies in small towns is also a future ambition.

The center, now located in a Cape Cod style house on the W.S.U. campus, contains enough literature about some of the most bizarre international crimes in history to easily keep a mystery writer or a television crime show producer content for years. Dr. Eckert said I.N.F.O.R.M. has already been used as a resource for some mystery writers and by the film industry.

Though scientists and law enforcement agencies will benefit directly from Helpern center, students at W.S.U. will also be able to utilize the center's materials. The administration of justice department, through which Eckert teaches a course in forensic science, will use the new center. But Dr. Eckert hopes it will develop into a co-operative effort with other departments including sociology, psychology, history and anthropolgy and that audio visual films of famous crimes and disasters will be available for classroom use.

Dr. Eckert, who was elected president of the international Association of Forensic Sciences at a meeting in Zurich last month, receives phone calls from forensic scientists all over America and Canada and has been contacted on cases as far away as Singapore and South Africa. If the informtion needed isn't available in his realm of research, he usually knows the name of the person who can provide answers.

"Wichita is in a unique location," he said. "People don't realize how beneficial our position is. It costs the same to call or to come here from California as it does from New York. It's also an ideal international meeting place."

Dr. Eckert worked as consulting medical examiner with the Los Angeles County Coroner's office after the assassination of Sen. Robert F. Kennedy. He has studied the applications of computers to forensic sciences and has done primary research in the patterns of injury in traffic accidents.

Dr. Eckert became interested in forensic pathology in the early 1950s while a medical student in New York City. He describes Dr. Milton Helpern (for whom Helpern center is named) as "the best known forensic scientist in the world," and credits Helpern with being influencial in his choosing the field of pathology.

A pathologist is a doctor who specializes in pinpointing the cause of death by charting the course of disease or injury through the breakdowns in the body's systems and tissues. A forensic pathologist follows the same procedure but his focus is directed toward the violent, unexpected or unexplained death.

In an interview, Dr. Helpern, who was in Wichita to attend the seminar and to give the dedication speech, reminisced about some of the unusual cases he has seen in his 42 years in the New York medical examiner's office.

The 73-year-old doctor estimates he has performed about 25,000 autopsies and supervised 100,000 more.

But most of his enthusiasm was devoted to the new center, which he described as a "very romantic thing that will prove to be of international value. The Europeans are also very intrigued with it," he said.

Though crime investigation has been advanced greatly through scientific knowledge. Dr. Helpern believes an added asset to the field would be for communities to utilize medical examiners in place of elected county coroners.

"It's not that elected coroners are not conscientious," he said. "It's just that they are not properly trained." He suggested that districts be divided when counties are not large enough economically to warrant a medical examiner.

Dr. Helpern believes also that good communications between the police department or the investigating agency is necessary for results to be accurate. He commended the rapport between his former office and the New York police.

"But the doctor must remember that his responsibility is only the autopsy," he said. "He should narrow down the investigation as much as possible and continuously ask himself 'is that all you can find out?' but he shouldn't get too wrapped up in the investigation.

"Some doctors don't take enough interest—others over interpret the case. Leave the examination of the guns to the ballistics department and the examination of the bodies to the pathologists," he said.

Another key speaker who attended the seminar and dedication was Noguchi. He recounted the investigation of the S.L.A. shootout and presented a film about the event.

Attending law enforcement agents were also familiarized with the Robert Kennedy assassination in a speech by Robert Joling of Tucson, lawyer and president of the American Academy of Forensic Science, who outlined the reasons for the "second gun theory," which has recently reopened the investigation.

National seminars on forensic science have been held every two years in Wichita since 1970, and with its secretariat established at Helpern center, the International Association of Forensic Sciences will convene here in 1978. The international group includes more than 1,000 medical-forensic investigators from approximately 100 countries.

Dr. Eckert's resource collection now contains about 30 categories of forensic science compilations on subjects that include suicidology, homocide, sex crimes, drugs, aircraft and traffic accidents.

Eckert said that forensic scientists are also becoming more interested in crime and accident prevention. He cited examples of head helmets and car safety as innovations created by pathologists.

"We are also concerned with investigations of the living," Eckert said, explaining that rape victims, brutalization cases and persons who show self-destructive behavior are some who are being studied by the medical and legal experts.

Civil unrest or revolutions can also be studied and determinations made as to when "kindling points" might be reached in certain areas. Eckert said that although forensic scientists may be unable to prevent a civil disorder, they can be helpful in predicting it and hence help law enforcers be prepared for it.

WARRANTY LAWS

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. LEVITAS. Mr. Speaker, the cover story of the November 10 issue of U.S. News & World Report focuses on the growing concern throughout this coun-

try of the burgeoning Federal bureaucracy and the impact this is having on the quality of life for all Americans. In particular, the article portrays the public's frustration with the wide discretion given unelected and largely unaccountable bureaucrats in promulgating rules, many of which carry criminal sanctions. The gap between what Congress intended when it passed a law and what happens at the end of the line is great.

But no one among us who communicates regularly with his constituents needs to be told that this is one of the chief concerns of most Americans. The burden of the bureaucracy is felt by all, whether it be the small businessman forced to wade through a sea of technical and complex regulations just to determine if he risks a heavy fine for what someone in Washington—unfamiliar with his business—regards as unsafe, or the company owner ordered to install in 2 months safety devices which could not be feasibly designed or installed for at least 7 years, or the workingman who expects to have the Government provide a safe work environment only to find laxity in pursuing meaningful safety standards and over-zealousness in going after the meaningless easy pickings, or the consumer forced to pay higher prices because of needless and excessive Government regulation.

Let me hasten to point out that the problem is one created by Congress in passing the buck and in passing the laws that are too broad. Congress has been passing laws that say to bureaucrats, "go and do good" and pass the regulations needed to "do good."

The impact is felt by all, and the public is looking for a solution. When they talk to us, Members of Congress, they are talking to the right people. Congress created the problems by delegating authority to numerous Federal agencies, and we must solve the problem by making the bureaucracy accountable to the people through their elected representatives.

Toward this end, I have introduced H.R. 3658, the Administrative Rulemaking Control Act—and companion bills with over 135 cosponsors among my colleagues—which would allow a majority in either House of Congress to veto certain bureaucratic regulations which go beyond the intent of Congress or which are otherwise foolish, arbitrary, or oppressive.

The excerpt below, from the U.S. News & World Report cover story, is just one more indication of the necessity for prompt action by Congress to take the Government from the hands of the bureaucrats and for Congress itself to face the issues, legislate specifically and reassume responsibility for the lawmaking process in this country.

WARRANTY LAW: THE BEST LAID PLANS

The new Federal Warranty Act is a vivid example of the frequent gap between congressional intent and life in the real world.

In this case, Congress wanted to make sure consumers wouldn't get stuck with faulty products. It passed a law setting broad rules covering warranties and ordered the Federal Trade Commission to draw up specific guidelines.

But the law went into effect July 4 and the FTC, which was given six months to issue its regulations, is still holding hearings.

CHAOS, NOT CLARITY

Manufacturers, retailers and consumers have all been left in a quandary about what the law requires.

The upshot: Some companies have restricted the language of their warranties and others have labeled theirs "limited" rather than "full" even though the wording is the same.

So much uncertainty exists that some companies have withdrawn, temporarily, the guarantees they once supplied with their product.

And at the retail level, storekeepers are balking at a proposal that would require them to keep on file a "library" of warranties on every product worth more than $5 that they carry in stock.

Although Congress obviously intended to protect consumers from deceptively worded and misleading warranties, the immediate effect of the law has been to actually weaken some warranties previously considered models.

For example, Corning Glass Works switched to a limited warranty "at least until present confusion is cleared up," says a company official. He adds: "This puts us in something of an awkward position, since at the hearings that led to the new law, our warranties were singled out as among the simplest and clearest in the country."

Proposed FTC regulations would compel manufacturers to put a tag or sticker on their products saying, "The retailer has a copy of the complete warranty on this product. Ask to see it."

One dissenting FTC member, Mayo J. Thompson, complains that such a warranty "library" would "drag the customer away from the merchandise and over to the reading stall."

The costs would far outweigh the benefits, he says. He sees the proposed regulation as proof of "the astonishing capacity of those who pass the laws and those who enforce them for overestimating the public's interest in some of the more esoteric forms of consumer information."

In sum, the warranty law, as critics see it, shapes up as one more instance of an all-too-common congressional practice—legislation that leaves the really tough decisions to administrators.

Says one lawyer: "Congress just came up with some sweeping changes and then dumped the whole thing in the Trade Commission's lap. It's a classic case of bungling a very touchy issue."

STOPPING TERRORISM WITH THE RESOURCES OF CIVILIZATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. McDONALD of Georgia. Mr. Speaker, terrorism—the calculated use of extreme violence to demoralize and intimidate a population or government into granting certain demands—is the growing trend of the decade. Terrorist organizations, many of which use the theories of Marx and Lenin to rationalize or excuse their savageries, have formed a loose-knit "terrorist international." We find terrorist revolutionaries from Latin America also active in Europe; Arabs assisted by Japanese and Germans; Irish by Libyans, and so on.

And behind the many terrorist barbarians stands the Soviet Union, with its KGB operators equipping terrorists from dozens of groups either directly or through third parties such as Syria, East Germany, North Korea, Czechoslovakia, Cuba, or Iraq—with the Chinese Communists doing their best to match the Russian effort.

In a hard-hitting article published in the New Statesman, Paul Johnson has plainly indicated the true parameters of the struggle. The question is whether the United States and the Western democracies "are going to uphold the standards of international behavior set by their forebears;" and whether they have the will to do so effectively "in the most systematic, relentless and comprehensive manner, and if necessary—while they still possess it—with overwhelming force."

The article also correctly points out that the United Nations is controlled by police states, totalitarian dictatorships and barbarities like Idi Amin's Uganda. The example of the United Nations' condemnation of Israel, at Communist and Arab instigation equating Jewish nationalism—Zionism—with the sort of racist genocidal policies carried out by Idi Amin in Uganda or Adolf Hitler, is seen by Mr. Johnson as a foretaste of future U.N. actions.

For this reason he suggests that it may be time "for the United States Government to cut off the U.N.'s money, and send the whole squalid circus packing."

In light of this latest disgrace, and of the fact that our country seems to have finally realized that the U.N.'s International Labor Organization—ILO—also is completely dominated by the Communist and totalitarian bloc, it is indeed time for the civilized nations to draw the line and abandon the U.N.

I commend the full article to the close attention of my colleagues:

THE RESOURCES OF CIVILISATION

(By Paul Johnson)

At an immense gathering in Leeds in October 1881, W. E. Gladstone, perhaps the noblest man England has ever produced, and also a passionate friend of the Irish nation, said some trenchant things about Irish terrorism. His voice, one present observed, had 'the note of a clear and deeptoned bell'; and certainly his words have a striking resonance today:

"If it shall appear that there is still to be fought a final conflict in Ireland between law on the one side and sheer lawlessness on the other, if the law purged from defect and any taint of injustice is still to be repelled and refused, and the first conditions of political society to remain unfulfilled, then I say, gentlemen, without hesitation, the resources of civilisation against its enemies are not yet exhausted."

Is it not time to remind the world once again that civilisation still has the resources and, more important, the will to seize its enemies by the throat? In Britain, as well as in Ulster, we face in the IRA not a nationalist movement, not a league of patriots, not 'guerrillas' or 'freedom fighters', or anything which can be dignified with a political name, but an organisation of psychopathic murderers who delight in maiming and slaughtering the innocent, and whose sole object and satisfaction in life is the destruction of human flesh. The misguided patriots who joined the IRA in the heady days of 1968 and after have melted away and have been replaced by men and women who have far more in common with Ian Brady and Myra Hindley than with

old-style terrorists like Michael Collins and De Valera. Not that these last two—both saints in the Irish political calendar—can escape their share of the moral responsibility. When old Dev was laid to rest recently, with full honours civil and military, I reflected that he had played a sinister role in teaching his compatriots to prefer guns and dynamite to argument and persuasion, and that he could fairly be described as the spiritual grandfather of today's Patrick Joseph O'Gelignites and Bridget McSadists.

However, retribution is coming. There can be no doubt that the IRA terror campaign in this country has been counter-productive. Those, like myself, who once urged the withdrawal of British forces, on the grounds that this would oblige moderate elements on both sides to come together, have been persuaded by the IRA gangsters that Britain must continue to maintain order in Ulster, if necessary for all eternity—or until the Irish in their wrath rise and exterminate the IRA themselves. In the meantime, civilised society must be protected in Britain too. Last week's murder of a distinguished doctor may well prove a turning-point in persuading the British public that convicted terrorists must be executed without pity or delay.

In point of fact, 80 per cent of the public have long since needed no further proof that death is an appropriate punishment for mass-terrorists both in terms of natural justice and as a deterrent. What is new, and remarkable, is that the overwhelming majority of those middle-class intellectuals who supported the abolition of capital punishment have now come round to the view that prison sentences, however long, do not offer society sufficient protection from the terrorist professionals. There is a widespread belief among the terrorists themselves that the British Government is on the verge of capitulation in Ireland, and that part of the bargain will be the immediate release of IRA 'political prisoners'. Hence, when the four monsters who exploded the bomb at Guildford were sentenced recently, the 'girl friend' of one of them, present in court, screamed at her grisly paramour: 'Don't worry—you will never serve it.' Thus no punishment at present available to the British courts acts as a disincentive to the killers, however atrocious their crimes.

The majesty of the law could, it is true, be somewhat strengthened if the Prime Minister were to make a binding statement to Parliament, couched in terms even he could not subsequently wriggle out of, that in no circumstances whatever will convicted IRA murders be released before the completion of their sentences. But this is not enough. What the public demands, what it has a moral and constitutional right to demand, and what Members of Parliament must now, it seems to me, concede to it, is a new anti-terrorist law which makes the death sentence mandatory for those convicted of political murder. There are a number of different ways in which a statute could be framed but two characteristics are essential. First, the law must be subject to annual review by Parliament, lapsing automatically if the Commons judges its usefulness to be over. Second, it must provide, within the framework of natural justice and our customary legal safeguards, for an accelerated procedure so that the guilty can be tried, sentenced and executed before their confederates or paymasters can organise any violent interference with the course of justice. In the long history of English (and Scottish) jurisprudence there are ample precedents for avoiding "the law's dalays' in such cases; and no one need feel that bipartisanship on Ireland has its limitations.

CAMPAIGN NEEDED

Whether the Government can be persuaded to take such a lead is to be doubted. Harold Wilson has never shown much inclination to organise effective action against Arab terrorists, or those whose oil-wealth finances them; and this week his tongue in raw from licking the boots of the Crown-Prince of Saudi Arabia. However, he is at least susceptible to public opinion, if it is expressed vociferously enough. Perhaps a national campaign is needed. Certainly Mrs. Thatcher has the right to start putting on the pressure, and to remind the Government that bipartisanship on Ireland has its limits—its—and its price.

Such indications that the British Government is prepared to deploy the resources of civilisation would, moreover, have a therapeutic effect well beyond the confines of the Irish problem. For terrorism and its condonation, even encouragement, by legal governments is the greatest evil of our age, a more serious threat to our culture and survival than the possibility of thermonuclear war or the rapid depletion of the planet's natural resources. Some terrorist groups already dispose not only of vast sums of cash but of comparatively sophisticated weapon systems; how long will it be before they get their first A-bombs, especially since more than a score of countries will be producing them by the end of this decade? It may be said: no government would be irresponsible enough to hand over nuclear weapons to psychopathic murders. Alas, this is not a James Bond fantasy but a reasonable deduction from the recent behaviour patterns of many so-called nations.

A fortnight ago the UN Social, Humanitarian and Cultural Committee—a nomenclature so rich in savage irony as to eclipse even a Swift—passed by 70 votes to 29 a resolution condemning Israel as a 'threat to world peace' and Zionism as a 'racialist and imperialist ideology'. In fact, as all educated people know, Israel, far from being a threat to anyone, stands in perpetual danger of extermination from its bloodthirsty neighbours; and Zionism is neither a racial nor an imperial but a cultural phenomenon. Of course, at the UN facts and realities do not matter. What matters is force, money and physical power.

Indeed, the UN is rapidly becoming one of the most corrupt and corrupting creations in the whole history of human institutions. How many of the delegates were actually bribed by Arab governments to vote against Israel on this occasion is a matter of speculation; but almost without exception those in the majority came from states notable for racist oppression of every conceivable hue—Iraq, for instance, has recently murdered or expelled over 300,000 Kurds on purely racial grounds—and whose common characteristics are totalitarian governments, absence of the rule of law, a fettered press, concentration camps, political murder, huge corruption at all levels, vast armed forces and impoverished workers.

Some of these states—which might more accurately be described as tribal barbarisms—have a perfectly genuine hatred for Israel. For Israel is a social democracy, the nearest approach to a free socialist state in the world; its people and government have a profound respect for human life, so passionate indeed that, despite every conceivable provocation, they have refused for a quarter of a century to execute a single captured terrorist. They also have an ancient but vigorous culture, and a flourishing technology. The combination of national qualities they have assembled in their brief existence as a state is a perpetual and embittering reproach to most of the new countries whose representatives swagger about the UN building. So Israel is envied and hated; and efforts are made to destroy her. The extermination of the Israelis has long been the prime objective of the Terrorist International; they calculate that if they can break Israel, then all the rest of civilisation is vulnerable to their assaults.

In some ways what is said and voted at the UN does not matter. There may be a case—not yet, I would say, an overwhelming one—for the United States government to cut off the UN's money, and send the whole squalid circus packing. The slab of steel and glass on the East River might then be put to some useful purpose. But breaking up the UN would not end the problem, which springs not from paper votes but from the physical supplies of arms and money which certain states are prepared to pour into the terrorist cauldron. Russia, while ferociously executing dissidents in her own midst (those who hijack Soviet aircraft unsuccessfully know they will never emerge from the KBG interrogation cellars), equips a wide variety of terrorist gangs beyond her sphere of control.

But Russia's activities at least have a certain kind of deprived rationale. Other tyrannies appear to be motivated by the sheer lust for destruction. Thus Ghadaffi, the madman who controls Libya, sends money and arms to both Protestants and Catholics in Ulster; and Amin, the Ugandan monster, is ready to provide weapons (which he recently received from Russia) to anyone interested in killing Britons, as he puts it. These savages are not ostracised by the world community. On the contrary, Dom Mintoff, the Labour Prime Minister of Malta, finds it convenient to treat Ghadaffi as an honoured ally. Amin, who is said to have beaten the Ugandan Lord Chief Justice to death, and whose murders already ran into thousands, has been chosen by his African colleagues as their chairman and exemplar.

The melancholy truth, I fear, is that the candles of civilisation are burning low. The world is increasingly governed not so much by capitalism, or communism, or social democracy, or even tribal barbarism, as by a false lexicon of political clichés, accumulated over half a century and now assuming a kind of degenerate sacerdotal authority. We all know what they are; those who do not have only to peer into the otherwise empty head of an average member of the fascist Left—that men with coloured skins can do no wrong, and those with white ones no right—unless of course they call themselves communists; that murdering innocent people for political purposes is acceptable providing you call yourself a guerrilla; that, in the right political circumstances, a chunk of gelignite is morally superior to a rational argument. The assumption is that an Armalite rifle has, as it were, a spiritual life of its own, depending on whether it is in the hands of an American (bad) or a South East Asian (good).

TIME FOR MORAL LEAD

In the old days the civilised powers would simply have occupied a barbarous territory like Ghadaffi's Libya, or Amin's Uganda, and set up a responsible and law-abiding government. Such operations may no longer be possible, or even desirable. But there is something to be said for replacing the UN concept by a league of civilised powers—the conditions of membership being such criteria as democratic politics, a free press, the rule of law and a determination to stamp out terrorism. Harold Wilson often drones on about Britain (under Labour) giving a 'moral lead'. Here is an excellent opportunity to exercise one, by putting such a proposal to like-minded governments.

After all, civilisation not only has a right but a positive and imperative duty to defend itself. We are the beneficiaries of the past and, more important, the trustees of the future. I was much struck the other night by a remarkably clever and funny play by Simon Gray, *Otherwise Engaged*, on at the Queen's. A decent, peaceable, reasonable minded and patient publisher plans to spend a few quiet hours on Saturday listening to

his new album of Wagner. He is constantly interrupted by an endless succession of unreasonable and hysterical people who, while demanding and getting his help, subject him to sneers, reproaches, insults and even physical assault. Eventually, in perfectly rational anger, he strikes back—just once—and instantly the circle of devils dissolves and he is allowed to listen to *Parsifal* in peace.

I see this play—it may not have been the author's intention—as a powerful analogy of Western civilisation and its treatment by the rest of the world in the last quarter-century. Loaded with quite unnecessary guilt, we have given aid and comfort, and received nothing but abuse and violence. We have not won the friendship of the world beyond; all that has happened is that we have forfeited its respect. Thus do men betray their responsibilities with the best intentions.

Has not the time come to change our strategy? What I think the rest of the world is waiting for—indeed hoping for—is some positive sign that the civilised powers are going to uphold the standards of international behaviour set by their forebears; that they are going to do so in the most systematic, relentless and comprehensive manner, and if necessary—while they still possess it—with overwhelming force. All over our tormented planet, there are millions of decent, peaceable and intelligent men and women of all religions, complexions and races, who are praying that the resources of civilisation are not, indeed, exhausted—and that the Brezhnevs and the Amins, the Ghadaffis and the Maos, the Arafats and the O'Sadists will not be allowed to take over the earth.

JOHN SIMONDS OF GANNETT NEWS SERVICE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. BROWN of California. Mr. Speaker, I have just learned that John Simonds, one of Washington's finest reporters, will soon be leaving us. The Gannett newspaper chain, for which he has been a reporter for almost 10 years, is promoting John, effective December 1, to the position of managing editor of the Honolulu Star-Bulletin.

This move, of course, will require great sacrifices on the part of John and his family. For example, since such a promotion undoubtedly involves some increase in monetary compensation, it can be predicted that the Simonds family's income taxes may go up. Also, as he listened to this morning's weather predictions of possible snow flurries this afternoon, John inevitably must have thought of the fact that he and his family will no longer be able to enjoy the exciting changing of the seasons, as Hawaii is famous for having the same, boring weather all year long—almost always a temperature in the high seventies, with only occasional rain to break the monotony of the clear blue sky. And John will have to give up one of the fringe benefits of his current job—the automatic exercise he has received every day running back and forth between the Capitol press galleries, the various House and Senate Office Buildings, and the Gannett office more than a mile away in the National Press Building. In his new desk job, John will have to watch his weight much more carefully, particularly in light of the tempting variety of exotic and delicious food for which Hawaii is well known.

I imagine, however, that John; his lovely wife, Kitty; and their two children, Max and Malia, will somehow adjust. Perhaps John can take up surfing for exercise, although he would probably be the only person riding the waves at Waikiki while wearing a tie and trenchcoat.

Mr. Speaker, my staff and I had the pleasure of dealing with John Simonds from January of 1973, when I first came to represent the area served by the San Bernardino Sun-Telegram, one of the approximately 50 Gannett newspapers, until early in 1974, when a form of reapportionment within the Gannett Washington Bureau changed the congressional office assignments of the organization's reporters. Never, during the more than 20 years since I was first elected to public office, have I had the pleasure of working with a reporter for whom I developed greater respect. There were times when I wished that one or another of his articles—reporting some incident in which I had put my foot in my mouth or something—had been lost on its way to the typesetting room, but this only enhances John's credentials as a fair and objective newsman. He manages to develop a close relationship with the subjects of his articles without in any way compromising his integrity as a reporter.

Let me conclude, Mr. Speaker, by referring to and endorsing the remarks yesterday of our esteemed colleague in the other Chamber, Senator CHURCH, who commented on John's consistent accuracy and fairness, and described John as a professional and a gentleman. I join John's many other Washington friends in wishing him and his family the best of luck in Hawaii as John takes on his challenging new job at the Star-Bulletin. Washington's loss is Honolulu's gain.

THREE THREATS TO THE PRIVATE SECTOR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

THREE THREATS TO THE PRIVATE SECTOR

(By Dallin H. Oaks, President, Brigham Young University)

Our earliest and most of our greatest colleges and universities, hospitals, museums, homes for the poor and aged, and a host of other charities were founded by private initiative. It is not an exaggeration to say that our country has been built upon private initiative, and that until the last half-century the function of government has been to protect private initiative and occasionally to give it benign regulation or assistance.

As we observe the hundredth birthday of Brigham Young University, an institution founded in that tradition, we are troubled by several threats to private initiative. These threats stem from the actions of our government and the attitudes of our citizens. I urge each of you to take careful notice of these threats and to lend your voice and influence to counteract them. In my judgment, the private sector is seriously threatened in America today and that threat is affecting or will shortly affect all nongovernmental institutions, including those formed for religious, educational, cultural, social, and other charitable purposes.

The first threat is government competition. Two fellow presidents of private institutions have recently commented on this threat. In his essay "In Defense of the Private Sector," Stanford President Richard W. Lyman takes sad note of the fact that the tides "are running against the private sector in American life generally." Yet the private sector is vital to preserving pluralism in our society because, as President Lyman observes, "a society is more likely to be open and free, [and] the individual citizen's capacity to stand up against the otherwise overwhelming force of modern government is substantially strengthened, if the state does not possess a monopoly of service to the public . . ." (*Daedalus* Winter, 1975 (2):156–157). Commenting on a different aspect of government competition, Boston University President John R. Silber reminds us that forty-eight private, independent colleges and universities have closed their doors since 1970. He criticizes what he calls the "mindless" government decisions to spend millions to expand public institutions, thus promoting the competitive demise of private colleges, rather than spending the smaller sums that would save private institutions and use their unique facilities and advantages ("Paying The Bill For College," *Atlantic Monthly*, May 1975, pp. 33–40).

As various arms of government assume more and more of the functions traditionally performed by private organizations, and as government's share of the market in these areas grows larger and larger, the influence of private organizations and the private sector is bound to diminish. When this happens the base of public support is eroded—a fatal weakness in a democratic society—and new laws and regulations are less likely to take account of the special needs of the private sector. Soon private organizations in competition with publicly supported ones are on the defensive, and their survival is threatened.

The weakening effects of government competition are evident in two statistical measures. In the stressful financial conditions of the past two years, faculty salaries have increased a total of 12 percent in public institutions but only 7 percent in private ones. (*The Chronicle of Higher Education*, 10 February 1975, p. 1). This disparity mirrors the comparative financial weakness of the private sector. Second, just twenty-five years ago private colleges and universities enrolled 50 percent of all students in higher education (American Council on Education, *A Fact Book on Higher Education*, First Issue, 1974, ¶ 74.9). Today that figure has fallen to 24 percent—and the true level is much lower than 24 since during this same period many of the institutions that are private in form have ceased to be private in fact because of their heavy reliance on government appropriations for campus construction, research, and student assistance. This drastic reduction in the competitive position of private institutions has been accompanied by a succession of laws regulating more and more aspects of the educational process, without distinction between public and private. Now the federal government is moving to take over the formal accrediting function heretofore handled by private organizations. If that should happen, every educational institution in the country will be formally subject to government authority in all of its

educational functions, and truly independent private education will have ceased to exist. One can see the same trends in different stages of progression in such diverse private activities as the care of the poor and aged, hospitalization, and support for the arts and humanities.

Diminished public appreciation of, and political support for, the private sector inevitably leads to the other two threats to the future of private initiative. The second threat is the reduction of financial support for the private sector. Part of this reduction concerns the psychology of giving. As individuals come to believe that a particular charitable activity has been taken over by the government and is supported by taxes, they are less inclined to support it with their contributions and their time. In addition, the financial base of the private sector is being undermined by present and proposed provisions in the tax law. As income, property, and other taxes have taken an increasing proportion of our national revenue, the special tax advantages granted to charitable contributions and private organizations have become an increasingly important source of reliance for all types of charitable giving. Consequently, we are now in a position where slight modifications in the tax laws can have devastating effects on the flow of funds to private charitable organizations. Against that background we should be alarmed at the recent tax imposed on the income of large private foundations, which has had the effect of directly reducing the amount of their grants in the private sector, just as if the government had imposed a direct tax on charities. Of even greater concern are current proposals to close so-called loopholes in the tax law by reducing many of the tax incentives that have promoted charitable gifts, especially by wealthy taxpayers. The proponents of this measure have assured alarmed representatives of charitable organizations that they will not suffer any financial loss from decreased private gifts since the government will make up the losses by appropriations. That is a classic illustration of a proposed exchange of freedom for security. I fervently hope that our citizens and lawmakers clearly understand the difference between the private nature of an organization supported by charitable gifts, and the quasipublic nature of an institution that must depend upon direct government appropriations.

The third threat to the private sector is outright government regulation of private organizations. Scores of examples could be cited. In addition to an accumulation of laws pertaining to employment and unemployment, tax reporting, occupational health and safety, and the like, educational institutions have recently been subjected to far-reaching new federal regulations under Title IX of the Education Amendments of 1972. These regulations introduce the federal government for the first time into the business of prescribing and supervising institutional activities in such diverse areas as athletics, placement, student financial assistance the conduct of educational programs and activities facilities, and housing both on and off campus. To cite another example, many state legislatures have enacted or are considering laws to prescribe licensing requirements and curricular and other supervision for private colleges and universities.

All these threats to the private sector result from the pursuit of appropriate and laudable goals, such as the promotion of equal opportunity, the protection of the consumer, the closing of tax loopholes, and improvement in the quality and quantity of services available to our citizens. But it is now all too apparent that we pay a price for each of these government interventions in the private sector, and it is time that the price is explicitly recognized by our legislators and our citizens. In my judgment the price is too high in many of these instances.

As a result of decades of subordinating the needs of the private sector to the pursuit of other goals we now face a very real prospect that the private sector will cease to exist in our society unless it can arouse powerful support from our citizens and significant protection from our lawmakers. I charge each of you who has benefitted from the independence, diversity, and resources of the private sector in education to be defenders of private initiative and the private sector in every area of modern life.

UNITED AUTO WORKERS STATEMENT ON THE NEW YORK CITY FISCAL CRISIS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Ms. ABZUG. Mr. Speaker, this morning I had the honor of addressing the New York-New Jersey United Auto Workers Convention. This trade union, which has a history of leadership in promoting progressive legislation, adopted the following statement on the economy which provides some keen insights into the real economic problems we are facing. I would like to share this statement with my colleagues.

AN END TO THE NIXON-FORD ECONOMICS OF SCARCITY

New York City will apparently soon default. President Ford has proclaimed to the Nation his opposition to any action to prevent default. Mr. Ford and his Secretary of the Treasury William Simon, have declared repeatedly they do not regard default by New York City, even if followed soon thereafter by default of New York State, as having any serious implications for the rest of the country.

The position of Mr. Ford and Mr. Simon is sharply at variance with that of many others. Helmut Schmidt, Chancellor of West Germany, on the occasion of his visit some three weeks ago, said he thought a default by New York City would have extremely grave consequences for Europe. Finance ministers of other European countries meeting shortly thereafter expressed the same views.

Reverberations from New York City have already affected the sale of bonds by other cities and states. Buffalo has had great difficulty in selling $29 million of municipal notes. Yonkers, New York, our fourth largest city, announces it may soon be forced to default. New Jersey is having great difficulty in marketing housing bonds. The President of the Senate in Massachusetts has declared that State may soon be forced into bankruptcy.

The callous indifference of President Ford to the plight of New York City and New York State is a curious contrast to his position on other matters. In the last two or three weeks before the fall of Saigon, President Ford pounded daily upon the doors of Congress demanding a billion dollars to save that city. He is now demanding almost $5 billion for an aid program for the Mid-East. He has nothing but condemnation for New York City in its hour of crisis for past "fiscal irresponsibilities".

President Ford makes these statements at a time when the federal deficit will surpass anything previously known by many billions of dollars. At the same time he calls for the expenditure of billions more for war ships and bombers that he knows are obsolete before they leave the drawing boards. No fiscal irresponsibility of any city or state could begin to match that of the federal government under the Nixon-Ford leadership.

The one consistency in all of Mr. Ford's economies has to do with eliminating programs that help people, such as food stamps, education, school lunches, housing, etc. Alternatively, New York City's troubles relate almost entirely to programs designed to help people, such as free tuition in city colleges, a welfare burden, an extensive city hospital system designed primarily to aid the poor and other social service programs.

Efforts have been made to identify public employee unions as the cause of the problem. It is said that salaries and fringe benefits provided for city employees are extravagant and are bankrupting the city. Demands are being made for a freeze on wages and a reduction of pension programs.

The attacks on public employee unions are generally from the same groups that have traditionally attacked other unions. In days gone by, industrial unions and building trades unions were regularly accused of causing inflation and high prices by demanding high wages and promoting poor work practices. The purpose then, as now, was to discredit unions, inhibit their growth, diminish their bargaining power and lessen their political effectiveness.

The intensity of the current campaign against public employee unions is undoubtedly related to the fact that this is the only sector of the labor movement that has grown in the last decade. Most of the three million members in federal, state and municipal employment that are now unionized have been organized in the last ten years. Other unions during the same period have declined.

What are the facts about public employee unions? Traditionally, workers have accepted public service jobs at lower wages for security reasons. These jobs were "civil service" and thus immune from layoffs so characteristic of private industry. The one advantage, in addition to steady employment, was a pension system at the end of the road guaranteed by law. For this security, public employees frequently worked at wages 30 to 40 percent below wages for comparable jobs in private industry.

Their wages still lag behind. Wages of the non-uniformed public employees of New York City, who constitute the great bulk of city employees, average $9,600 per year, about $3,000 less than an assembly line worker in our major auto plants. Almost the only benefit that frequently exceeds that of workers in private industry is their pension program. However, the job security once synonymous with civil service has largely disappeared.

Can we afford decent wages, good health care protection and good pensions for public employees? The answer is we can afford such benefits for both public employees and employees in private industry if the economy is functioning properly. The Nixon-Ford program has crippled the economy so that one third of the total plant capacity is idle and one forth the work force is unemployed, partially employed, or improperly utilized. This is the lost wealth of the Nation and so long as the economy limps along in this fashion, the general approach will be to cut wages further, reduce benefits and make more layoffs.

The UAW's answer is a mobilization of our resources for full production and full employment. We want national planning to achieve these goals. As Hubert Humphrey has said this will also require "a government that gives orders to the oil companies rather than one that takes orders from them."

We can have good jobs and good pay, health care and good pensions for our old age, if we are determined to do so. Smaller

countries with a fraction of our resources have shown it can be done. We, in the UAW, are not prepared to settle for any less.

THE CROSS WABASH WATERWAY

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. ROUSH. Mr. Speaker, over the years since 1968, we in the Congress have provided some $500,000 for the study of a possible navigation canal involving the Wabash River in routes to Lake Michigan and to Lake Erie. The latter route would pass through my congressional district at the top of the Wabash River basin, thence down the Maumee east of Fort Wayne en route to Toledo, for a total canal length of some 430 miles from the Ohio River. The route to Lake Michigan would be about 330 miles long.

In 1972 the Corps of Engineers, which has been conducting these investigations, found that these whole-route canals would lose from 70 to 80 cents on every Federal dollar invested in them.

We then provided additional funds for study of a mere 42-mile segment from the Ohio River to Mount Carmel, Ill., with an additional 10-mile stub to Carmi, also in Illinois. The Corps of Engineers has since suggested that this truncated version might exhibit a benefit-to-cost ratio of 1.1:1 at such time as about 27 million tons of commodities were annually transported over that system. There was no reliable evidence as to when or whether such annual tonnage would be produced. The Corps explicitly recommended termination of studies above Mount Carmel.

Yet we are now looking at requests for additional Federal funds to extend studies far above Mount Carmel, all the way to Terre Haute—almost halfway from the Ohio River to Fort Wayne, the largest city in my district.

I should like to point out to my colleagues that even the tentative and highly marginal feasibility of a canal from the Ohio to Mount Carmel totally ignores two factors which should be decisive in any further consideration of any part of this project. The 1.1:1 benefit-to-cost ratio completely ignores the costs in business to the many existing rail carriers which now literally spiderweb the entire region to be served. These carriers have stated that they have the capacity to handle all of the bulk commodities requiring movement in the service area of any portion of the proposed canal. The Louisville & Nashville Railroad has explicitly testified to this capability. The rails have also stated that they are able and willing to expand their systems to accommodate any future requirements.

Among the rail lines which serve the areas that would be affected by a Wabash Canal are—in addition to the L. & N.—the Chessie System, Penn Central, Illinois Central, Norfolk & Western, and the Southern Railroad.

It seems clear to me that tonnage shipped by barge would be taken from the rails. This is, in fact, acknowledged in many documents, including documents prepared by the Wabash Valley Interstate Commission, a bistate compact between Indiana and Illinois.

The second factor ignored in the feasibility of the segment to Mount Carmel is the unrealistic interest charges assigned to the use of Federal funds. It is patently clear that rates in the vicinity of 5½ percent do not reflect true costs. The economic damage to the railroads aside, the unrealistic discount rate used in attempting to show feasibility reduces the benefit-to-cost to well below one to one.

The administration has asked the Congress to reduce spending in order to control the rising tide of inflation; and I agree with the President that we should do so in every reasonable and responsible way that we can. If ever a program offered an opportunity to take this kind of action, the Wabash canal is a prime example.

The corps has given a variety of estimates on the costs. The versions which would lose at least 70 to 80 cents on the dollar have been put at approximately $2 billion, although I have reason to doubt this low figure. In 1961, the corps estimated the cost of a canal from Fort Wayne to Toledo alone at up to $1 billion; and that is a distance of only 120 miles. How a canal system totaling almost 800 miles could be built for just $2 billion is difficult to imagine—even if we ignore about a dozen years of the greatest inflation in history between those two estimates.

All this and much more are before us. Perhaps it was worth the half-million dollars we have utilized to develop the information, but now we have that information, and there would seem little justification in spending any more.

In addition to the very poor economics of a Wabash canal, many environmental considerations have recently come forward. The Corps of Engineers itself has reported that over 60,000 acres of land would be taken, including some of the richest farmland in the Wabash River Basin, not to mention large forested and wildlife areas. The corps also reports that the canal would destroy outright over 500 miles of natural river systems, most of it in Indiana; and the agency freely acknowledges a permanent adverse effect upon water quality, and possibly severe ecological effects that could be caused by migration of aquatic life from one region to another. At present, such migrations are prevented because there is no link between Lake Erie and the Ohio River.

Some of my colleagues may observe that these remarks seem addressed to the whole route canals to the Great Lakes rather than to shorter segments. But to me, it is unreasonable to think that any segment of such a canal—including the 42-mile segment to Mount Carmel—is anything but the beginning of the through routes.

The U.S. Fish and Wildlife Service has officially stated this in a letter of July 3, 1975, to Col. James Ellis, District Engineer for the Wabash River Basin of Indiana and Illinois. Moreover, even if all we were talking about was the segment to Mount Carmel, the environmental devastation the canal would create for that portion would justify cessation of further consideration. To give my colleagues just a glimpse of these adverse effects, I caused the entire seven-page FWS letter to be inserted in the CONGRESSIONAL RECORD on November 3, 1975. The meandering Wabash River from the Ohio to Mount Carmel is just under 100 miles in length. It is one of the most significant wildlife areas in the Midwest, a fact I believe is well attested to by the FWS. It should not require much imagination, even for those of us who are not professional biologists, to envision the effects of a straightened 42-mile canal crossing and cutting off these natural meanders.

Mr. Speaker, as I have written a number of my colleagues, I am unalterably opposed to this canalization in any form, now that we have such highly persuasive economic and environmental information. Though I greatly respect those among my colleagues who may continue to support this project, the data that are now available have convinced me that it is not in the interests of the Federal taxpayers, nor in the interest of any reasonable standard of environmental quality, to continue to pursue this project. I would add that my constituents have expressed their overwhelming opposition to this canalization project, and I wholeheartedly concur with their objections and their reasons.

It is my intention, if necessary, to seek limitations on future appropriations which would prevent further expenditures on this wasteful and destructive proposal. I hope that my fiscally and environmentally concerned colleagues will support me when I take this step.

TAKING A SECOND LOOK AT NEW YORK CITY'S FISCAL PROBLEMS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. HOWARD. Mr. Speaker, in the wake of two highly acclaimed studies revealing the damage to municipal bond markets of a New York City default, evidence is accumulating that the administration's hard line stance on aid to the city may ironically fail to "play in Peoria" as well as more urban areas. The disappearance of a ready bond market for municipal bonds and a sharp increase in interest rates in addition to the failure of voters to approve State bond issues has caused many of those originally opposed to Federal aid to reconsider their stands.

According to the Municipal Finance Officers Association study released November 7, increased interest costs made necessary by erosion of credit confidence will boost State and local long term debt by about $1 billion on bonds sold in the first 9 months of this year. This will not only adversely affect the urbanized

States, such as my own State of New Jersey, but also the less populous States which have traditionally borrowed on a smaller scale.

A study released recently by the Joint Economic Committee reported similarly gloomy forecasts for increased interest costs and added an even more ominous prediction: New York City financial default will cause slower economic recovery and higher unemployment throughout the Nation.

I am placing two constituent letters in the RECORD which I think accurately reflect the trend of an increasing number of citizens toward favoring Federal aid to New York City. The first is from "an executive WASP" who says he has had a change of heart. The second is from the board chairman of a New Jersey bank who fears default would result in a very weakened investment market, and would have a damaging ripple effect on the economy.

The letters follow:

NOVEMBER 10, 1975.

Re: New York City.
President GERALD FORD,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing this as a registered Republican for my adult life and would have to classify myself as a middle-class, executive WASP—one of the silent minorities.

When New York City's current problems first came to light my reaction was "Good! The chickens have finally come home to roost" I thought that a default would be a good thing for all the bureaucracies of this country, including the Federal government's whose time of reckoning is yet to come. There is really no difference between our Federal government's ways and New York City's except the Federals have a printing press for money.

However, I have done a 180 degree turn in my thinking in regard to help for New York. I feel a default would indeed be disastrous for this country and need not occur for a good object lesson to be learned by all. What really convinced me was Theodore White's article in the November 10, 1975 issue of "New York" magazine. This summation of causes and responsibilities is excellent. It is my opinion that the Federal government has no choice but to guarantee long-term obligations for the city with stringent controls over future budgets exercised.

My position was exactly as yours a week ago. It was butressed by the Puritan tradition of hard-work, you get nothing for nothing etc. However, New York's problems transcend this and some of the responsibility for them rests with the Congress in Washington.

Washington must give the guarantees and then look into its own affairs because, to quote your prophetic words, "who will bail out the United States?"

(Signed)
A NEW JERSEY RESIDENT.

NOVEMBER 10, 1975.

Hon. JAMES J. HOWARD,
Rayburn Building,
Washington, D.C.

DEAR MR. HOWARD: The default and possible bankruptcy of New York City will have a devastating effect on the very backbone of our economy. Already we have witnessed events that are making it more and more difficult for municipal and other levels of government to raise sufficient funds through the bond market.

Several New York State municipalities have found the market virtually closed to them. At best some of them have received inadequate bids at considerably higher interest rates. A few weeks ago Chicago withdrew a proposed bond issue when it was indicated it would meet with difficulty. In New Jersey, voters turned down proposed bond issues that would have provided $922 million for much needed capital improvements and created 118,000 jobs which would have given jobs to many of the state's 13.6 per cent unemployed workers. The defeat of these bond issues can be traced directly to the fact that voters were deeply concerned about the New York crisis.

New York City needs Federal assistance now to solve its severe short-term financial problems. The long-term solution will require greater fiscal responsibility and self-discipline on the part of both public and elected officials with guidance from the Federal government and private sector.

Congress cannot ignore New York City's situation because all of us will suffer from the serious consequences.

This great nation of ours is just beginning to recover from the worst recession since the 1930's. A default by New York City would reverse this trend and bring still higher unemployment as businesses fail. It would have a rippling effect on all segments of our economy.

The opponents to aid for New York forget that the confidence of investors has been shaken over the past few years. A default would erode this confidence to the point where all investment markets would suffer.

If New York does default, the credit markets will be closed to all but a few municipalities and other governments. This will mean that funds for much needed capital improvements and sevices will not be available. The inability to raise needed monies through the bond market will cause a deterioration of our way of life since all governments will not be able to function properly.

The solving of New York City's fiscal difficulties will take a great deal of hard work. It will require cooperative efforts from many groups and individuals.

In my judgment, the program that is adopted must be sound and not one that will just keep the city above water for the next three to five years and lead to more problems. It is quite evident that without such a program at the Federal level, all of us will suffer. We cannot permit New York City to default.

(Signed)
A NEW JERSEY BANKER.

IN THE BICENTENNIAL TRADITION—THE KOSCIUSZKO HOUSE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. EILBERG. Mr. Speaker, in the tradition of the bicentennial the Brigadier General Thaddeus Kosciuszko House, in Philadelphia has been saved.

Through the concern and dedication of the members of the Polish Heritage Society, the Polish National Congress, the Philadelphia City Council and the Congress, the home of this great man is being restored in time for the 1976 bicentennial celebrations.

Gen. Thaddeus Kosciuszko was a man unusual even in the tradition of the famed American patriots. He was a hero of two countries who rejected his aristocratic heritage to espouse democracy and human freedom. General Kosciuszko was respected not only for his brilliance as an officer, in such battles as Saratoga, the first major American victory, for which he is given much credit, but for his consideration of both his troops and his prisoners. Such was his devotion to the American cause that he turned down many offers of promotion to avoid internal jealousies. Only after the war was over was he promoted to brigadier general and awarded 4 years back pay and land in the "wilds" of Ohio.

Though he was honored, respected, and established in America, Kosciuszko went back to Poland to fight in her struggling bids for independence. After some incredible victories, over vastly larger Russian forces, Kosciuszko was made President of the short-lived Polish Democracy and quickly passed far-reaching reforms. Unfortunately, overwhelming Russian forces soon overcame the struggling Poles and a severely wounded Kosciuszko returned to his friends in America to stay at 301 Pine Street in Philadelphia. Here he regularly conversed with such men as Vice President Thomas Jefferson. And here, with Jefferson as his executor, he made his final testament to his ideals of human freedom. He left all his American property to free and educate Negro slaves, that they too might enjoy independence.

This unusual gentleman, in every sense of the word, is having his American home restored. However, not without a fight from those who appreciate his ideals and his contributions, who had to fight the initial rejection by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments. The Board ruled this residence unworthy of restoration.

I am proud to say they succeeded, because Congress passed H.R. 6759. This site is now being restored for every American to appreciate during our bicentennial celebrations.

At this time I enter into the RECORD an article from the magazine "Destination: Philadelphia" about Thaddeus Kosciuszko and the restoration of his American home:

THE THADDEUS KOSCIUSZKO HOUSE

A battered brick house at 301 Pine Street, three blocks from Philadelphia's waterfront, is now being restored by the National Park Service. In the Bicentennial Year of 1976, it will open to the public. It was once the home of Thaddeus Andrew Bonaventure Kosciuszko, an extraordinary man who played a part in the histories of Poland and America.

Kosciuszko (Pronounced "Koshchoosh-ko") was born in 1746, the son of a small Polish land owner. He was a brilliant cadet at the Warsaw Military Academy and was sent to France for further studies. He studied engineering at a military academy in Mezieres, and the liberal arts in Paris. When Kosciuszko returned after five years in France, he found no opportunity in the small army of the tottering Polish Kingdom. An unhappy love affair also contributed to his decision to leave Poland in 1775. It is not known when he decided to go to America, nor when or where he landed in America. We know that he was in Philadelphia in August 1776 and offered his services to the Continental Congress Board of War. The 30-year-old Pole was a well trained officer, with the much needed skills of an engineer, and

in October 1776 Congress commissioned him as a Colonel with "the pay of sixty dollars a month."

Kosciuszko was first employed on some fortifications in the Port of Philadelphia. The handsome Polish gentleman made an excellent impression on everyone. Most of the foreign volunteers were constantly pressing for more rank, pay, and personal publicity (The 20-year old Marquis de Lafayette demanded and got a commission as a Major General!). Kosciuszko, on the other hand, was modest to a fault. He actually declined several offers of promotion, writing to an aide of General Gates:

"My dear Colonel if you see that my promotion will make a great many Jealous, tell the General that I will not accept of one because I prefer peace more than the Greatest Rank in the World."

He spoke perfect French and erratic English. His own name proved difficult to Americans, who misspelled it in many different ways from Kuziazke to Cosieski.

In 1777, Kosciuszko was sent North to serve at Ticonderoga on Lake Champlain. He advised his commander, General Schuyler, to flatten the top of steep Sugar Loaf Hill and to place artillery there. Schuyler rejected the plan. Soon General John Burgoyne's army arrived from Canada, dragged a cannon to the top of the hill and forced the Americans to abandon Ticonderoga. Kosciuszko distinguished himself on the long retreat to Saratoga where he built a fortified camp. Burgoyne was twice defeated attacking the American positions, and on October 17th he surrendered his army to General Gates. Saratoga was the first major victory of the Americans, and Kosciuszko was given much credit for it.

There were no good roads in 18th Century America, and rivers were the main highways in peace and war. Kosciuszko was now sent to West Point on the Hudson to fortify this bend of the river. He replaced Colonel De la Radiere, an overbearing French engineer. The American officers were delighted with the able new Chief Engineer whose "manner of treating the people was more acceptable." Kosciuszko blocked the Hudson by a massive iron chain and began to build forts and batteries on the river banks. In September 1778, he first met George Washington who came to inspect the work in progress. Afterwards Kosciuszko wrote to General Gates:

"His Excellency was here with General Portail to see the works after all conclusion was made that I am not the worst of Inginier."

Kosciuszko was at West Point for two and a half years. His fortifications were so formidable that the British never dared to attack them. Many Americans noted the "soft manners" and gentle character of this tough professional soldier. In his leisure hours he built a rock garden which still flowers at West Point. He shared his own bread rations with hungry British prisoners, and later he gave up his coffee and sugar to the sick in a miserable army hospital.

With the Hudson Valley secured, Kosciuszko went South for two and a half years of varied service under Generals Gates and Greene. He built a fleet of boats on the Cheraw River in North Carolina; was defeated and wounded in an assault on a British fort called Ninety-Six, and he was victorious in the attack on Savannah. There the news of peace reached him in April 1783.

Kosciuszko travelled to Philadelphia where Congress was considering the claims of the foreign officers who had rarely been paid. All officers who had not been promoted since 1777 were advanced, and Kosciuszko became a Brigadier General after seven years of outstanding service.

Congress also awarded him some $12,000 in back pay and 500 acres of public land in distant Ohio. Washington gave him an inscribed sword of honor which is now in the National Museum in Warsaw. Kosciuszko was present in New York when General Washington bid farewell to his principal officers. In July 1784 Kosciuszko sailed for France on the *Courier de l'Europe* which made a fast crossing of twenty-four days. A travelling companion, Colonel Humphreys made a little poem about him:

Our Polish friend whose name still sounds
so hard;
To make it rhyme would puzzle any bard;
That youth, whose bays and laurels early
crown'd,
For virtue, science, arts and arms renown'd.

Kosciuszko returned to Poland and lived as a farmer. In 1792, as a Major General, he led Polish forces in desperate resistance against a Russian army. After the Second Partition of Poland in 1793, he became dictator of Poland, taking an oath to liberate the country. At first, he scored some successes against the superior forces of Russia and Prussia, but on October 10th, 1794, the small Polish army was crushed at the battle of Maciejowice.

Kosciuszko was terribly wounded by sabers and bayonets. Legend had it that he cried out "Finis Poloniae!" as he fell from his horse. It was indeed the end of Poland as an independent country for 124 years (A Polish Republic was established after World War I). The gallant Polish leader was now a celebrated figure in Europe; the English poet Thomas Campbell wrote the famous lines:

Hope for a season bade the world farewell
And Freedom shriek'd—as Kosciusko fell!

After two years of Russian captivity, the Tsar released the ailing Koscuiszko who was lionized in England. In 1797, he crossed the Atlantic again, to visit his many American friends. In 1776, he had arrived in Philadelphia as an obscure stranger; then, in 1797, Philadelphia gave him a hero's welcome as he was carried ashore from the *Adriana*. The crowd pulled Kosciuszko's carriage to his lodgings at 301 Pine Street. There he lived quietly for eight months, seeing his old friends. Philadelphia was then the capital of the United States, and Vice-President Jefferson was a frequent visitor. Kosciuszko made Jefferson executor of his will which made a most unusual disposition of his American assets. Kosciuszko directed that they be sold and the proceeds used to free and educate Negro slaves, so that they could make "a free and happy life." (After Kosciuszko's death the will was contested and broken by some of his relatives.

Kosciuszko returned to Europe in 1798 and lived in France. It is believed that he planned to lead another movement for the liberation of Poland. Unable to come to an agreement with Napoleon on the independence of Poland, Kosciuszko never saw his homeland again. He retired to the Swiss town of Soleure where he died in 1817, a lonely exile of seventy-one. His body rests in the cathedral of Cracow, the ancient capital of the Polish Kings, and he is the national hero of Poland to this day.

Kosciuszko was the same man in the Old World and in the New. In Poland he fought for his country's independence and freed his own serfs. In America, he helped to win independence and wanted to free the black slaves. At West Point a memorial stands above his rock garden. In Washington, a fine Kosciuszko monument stands on Lafayette Square, close to the White House. Soon Philadelphia will have another shrine to the memory of a hero of two continents.

LULAC ORGANIZATION FOSTERS HIGHER EDUCATION FOR HISPANIC STUDENTS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. DE LA GARZA. Mr. Speaker, the League of United Latin American Citizens has for many years been a force for great social good in our country. Its efforts on behalf of Hispanic Americans have resulted in outstanding economic gains for a large and important segment of our population. The League has consistently encouraged greater participation in governmental processes by Spanish-surnamed citizens.

Some 2 years ago the League of United Latin American Citizens founded the National Education Service Centers, an organization with the purpose of broadening opportunities for Hispanic Americans to attend colleges and universities. Since its establishment it has helped to enroll nearly 11,000 students in undergraduate and graduate programs and has aided them in obtaining financial assistance to further their education.

A recent article in the Washington Star tells how the League of United Latin American Citizens National Education Service Centers has aided Hispanic citizens to find their way to higher education. It is an inspiring story and, wishing to share it with my colleagues, I am placing it in the RECORD in connection with my remarks:

HELPING LATIN STUDENTS FIND THE WAY TO COLLEGE

EASING THE TRANSITION FROM THE BARRIO TO HARVARD

(By Elizabeth Roach)

Rick Manzanares met Enriques Vargas one day when Vargas, a year away from graduating from Southern Colorado State College, was looking for information on graduate school.

"He was super-aggressive, very self-confident and wouldn't leave us alone," said Manzanares, who was then director of the Colorado Springs office of the League of United Latin American Citizens National Education Service Centers (NESC).

Manzanares is now director of field operations at the NESC national headquarters at 400 1st St. NW. And Vargas, a 28-year-old native of Mexico City who came to this country at the age of 10, is now in his first year at Harvard University Graduate School of Business Administration, thanks to NESC.

Founded in July 1973, NESC is an organization whose primary goal is to increase opportunities for Hispanic Americans to attend colleges and universities.

NESC has helped enroll 10,715 students in undergraduate and graduate programs and has helped get them a total of $9.6 million in financial aid.

Staffers at NESC's 11 field centers—located in Boston, Chicago, Seattle and Topeka, Kan., as well as in cities in the west and southwest—help potential students apply to schools, assist them in filling out forms, inform them of loans and scholarships available and help them through counselling, to define their educational alternatives. So far, 32,137 students have received counselling from NESC personnel.

One of NESC's goals, according to executive director Rodolfo H. Castro, is to help in the educational formation of Hispanic Americans who will be able to provide leadership in each field.

"We didn't have the professionals to service our own community. Our generation didn't have the preparation for college. We want to make sure our students don't go into woodshop, that they go into algebra," he said.

Vargas is grateful for the help he got. "I have nothing but praise for them. They helped from the very outset, and here I am," he said. "They opened my eyes to things I never thought I could get next to."

Another first-year Harvard business administration student, Mike Enriquez of Phoenix, Ariz., says NESC helped orient him as to what Harvard wanted in the essay part of the application form, typed it for him and helped him look for funds.

Like Vargas, Enriquez has a one-year fellowship from the Council for Opportunity in Graduate Management Education, and both say they found out about the fellowships through NESC.

"They were with me all the way," Enriquez said. "If anyone two years ago had told me I'd be in Harvard, I would have said they were crazy."

Vargas and Enriquez may be somewhat outstanding NESC case histories. Castro, himself a graduate of the same school who describes himself as coming from a barrio in a California "desert community," said NESC places 90 to 95 percent of its students in local schools.

He said another activity of NESC is the LULAC Scholarship, which awarded $300 to $500 to 50 Spanish-surnamed college students throughout the nation for the 1975–76 academic year.

No deadline has been set yet for application for next year's scholarships, Castro said, and interested persons may write to the national headquarters for an application.

GUNS DO KILL PEOPLE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, this morning's Wall Street Journal contained a very interesting article on the subject of gun control.

I am sure my colleagues will find some of the statistics in the article very enlightening.

For instance, Atlanta's commissioner of public safety maintains that three out of four handgun homicides in that city were motivated by "anger and drunken argument, jealousy and revenge." Clearly, 121 of the handgun homicides in Atlanta could have been prevented if a handgun had not been available.

The police director of Newark, N.J., cites the growing use of handguns by juvenile offenders—a problem that is manifesting itself in many American cities.

Perhaps the most interesting statistic in this very informative article is the result of a Lou Harris poll, which indicates that 77 percent of those interviewed favored mandatory Federal registration of handguns.

Mr. Speaker, as a cosponsor of a number of handgun control and registration bills, I am pleased to see this growing sentiment among the American public that favors more stringent laws on handguns.

I hope my colleagues will take the time to study this article, and will join with me in supporting legislation that will remove the handgun menace from American society.

The article from the Wall Street Journal follows:

GUNS DO KILL PEOPLE

(By Allen L. Otten)

WASHINGTON.—Congress usually likes to listen to experts.

Senate and House committees are always gathering advice from leading economists and businessmen on proper economic policy, from tax experts on changes in tax laws, from military men on new weapons systems or from scientists on medical or space problems. And, to a substantial degree, the lawmakers heed this advice.

In one area, though, Congress turns a deaf ear on the experts: on controlling handguns. FBI directors, Secret Service chiefs, big city police commissioners and others who are directly on the line in fighting murder, robberies and other crime and violence all urge tough handgun laws—and still nothing happens.

This train of thought was prompted by recent testimony to a Senate committee by five key law enforcement officials. The men involved—in charge of police in Los Angeles County, Boston, Atlanta, Newark and San Antonio—can hardly be called wooly-headed criminal coddlers, yet one after the other they pled with the Senators to enact the strictest sort of federal controls on handguns. Their testimony was completely convincing to any remotely open mind.

Over and over they stressed the growing number of violent crimes committed with a handgun—and how much deadlier guns are than any other possible weapon.

Handguns, asserted Boston Police Commissioner Robert diGrazia, are "the main source of violent crime. . . . The handgun is used for nothing except to kill people."

If the country doesn't soon adopt a tough gun control law, warned Los Angeles County Sheriff Peter Pitchess, more and more people will be buying guns in mistaken hopes of self-defense, and soon "we are going to revert to the old law of the West where the fastest gun will prevail." For every robber stopped by an armed homeowner or storeowner, he said, "four homeowners or members of their family suffer death in a gun accident."

Atlanta's Commissioner of Public Safety, A. Reginald Eaves said three-fourths of the 161 handgun homicides in his city last year were motivated by "anger and drunken argument, jealousy and revenge—three out of four deaths which I believe could have been prevented, were a handgun not available."

Hubert Williams, police director of Newark, pointed out that handguns are not only being used in more crimes, but escalate the damage caused in those crimes, and "an even more ominous trend . . . is the rapid increase in gun violence by juveniles." In 1974, he reported, one-fourth of Newark's 75 gun homicides were charged to youths between 12 and 18. Mr. Eaves similarly stressed that "teenagers really feel superior with the use of a handgun. Once taken out of their hands, you will cut down the number of teenagers involved in aggravated assaults and homicides."

Police Chief E. E. Peters reported that during the first eight months of 1975, San Antonio had 92 murders, including 60 committed with handguns. Despite state and local laws against carrying firearms, the city has had 595 robberies and 419 assaults with guns.

One after another, the police officials rejected the argument that "guns don't kill people, people kill people." Responded Mr. Pitchess: "If we accept such ridiculous logic then there is no reason to restrict people from owning machine guns, hand grenades and bombs. After all, we have nothing to fear from such weapons so long as the people who possessed them behave." In most cases, Mr. diGrazia said, "the unavailability of a handgun could mean the noncommission of a violent crime."

Unanimously, the five men found state and local laws incapable of doing the job, since "guns don't observe state boundaries" but flow easily from one place to another. Four of the five urged a federal law outlawing handgun ownership for all but police and military personnel, arguing that mere registration would be ineffective and a waste of time. Mr. Peters endorsed either registration or outlawing handguns.

Why, in the face of such overwhelming expert judgment, doesn't Congress act? The reason, everyone here pretty well agrees, is that the Natonal Rifle Association and other opponents of gun control have managed to establish the notion that the office-holder who backs gun curbs faces certain defeat at the next election. They claim the scalps of former Sen. Joseph Tydings, former Sen. Joseph Clark, and half a dozen others.

Yet if these groups aren't paper tigers, they may be at best cardboard tigers. Pollster Louis Harris told the same Senate committee that his most recent survey, admittedly taken just a few weeks after the two assassination attempts on President Ford, showed a whopping 77% to 19% majority for mandatory federal registration of handguns, up sharply from a 66% to 30% margin in 1971. Even handgun owners, he said, were 61% to 33% in favor.

Groups fighting gun control are politically effective, Mr. Harris suggested, only because candidates fail to mobilize the far more numerous pro-control voters. Any candidate making tough gun controls a major campaign issue will win, he predicted. In the same vein, the U.S. Conference of Mayors calls the political clout of gun control opponents a "myth," and says that "most of the alleged NRA victories over political foes can be attributed to factors other than the issue of gun control and NRA power."

The pattern of congressional interest in gun control has been a flurry of concern right after some dramatic event: the assassination of John Kennedy, the assassination of Martin Luther King and Robert Kennedy, the attempts on Mr. Ford. Then the events recede in time, and congressional concern ebbs.

This hasn't quite happened yet, but there are signs it may be about to happen. Gun control advocates in Congress are squabbling among themselves on the proper approach, and the closer election day comes, the slimmer the chances of action.

Perhaps, though, it really is time for Congress to listen to the gun control experts. Maybe the people are more in line with the experts than Congress thinks.

SOCIAL SECURITY REFORM

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. EARLY. Mr. Speaker, the Ways and Means Subcommittee on Social Security is in markup on legislation "focusing on the large backlog of hearings cases pending before the Social Security Administration." I commend Chairman

BURKE and the subcommittee members for their intentions and I anxiously await the report on their findings.

Mr. Speaker, it is not my intention to take away from the work of the subcommittee in this or any other area of social security reform. However, the House has acted on only one bill to aid senior citizens in the 94th Congress, the Older Americans Act Amendments of 1975, currently in a joint House-Senate conference. Considering the plight of senior citizens today, the lack of remedial action by this Congress to make necessary changes in the direction of the social security program, medicare, and supplemental security income appears to me to be singularly negligent.

There are retired persons in my congressional district in Massachusetts and throughout the country who want to work. Since the enactment of the Social Security Act in 1934 senior citizens who have participated in the social security program have been severely restricted in the amount of outside income they may acquire under penalty of loosing social security benefits. We are not talking here about a so called giveaway program. Social security is a participatory program. Each individual in the program contributes automatically from his earnings. And yet, the Federal Government will refuse the participant his return on his contribution if he continues to earn even a subsistence level income after retirement.

In a democracy such as ours, built on the foundation of free enterprise, the existence of regulations such as this one, designed to penalize older Americans for their continued participation in the work force seems to me to be in open contradiction to that foundation. Certainly, an income ceiling for social security recipients would be far more easily understood if the average social security income were such that older Americans relying solely on that income could live with dignity and not in near poverty as is the case with many senior citizens today. The ceiling would be more understandable at a cut off point of, say, $7,500, or even $5,000, but the current figure of $2,500 is not enough to increase the average yearly social security income to much above the HEW income level classification, "near poor."

Mr. Speaker, the social security system is penalizing people for growing old. Increases in the supplemental security income program trigger decreases in social security benefits. The logic of this particular provision totally escapes me. What kind of administrative whitewash is it to increase social security insurance benefits and accordingly reduce social security or vice versa. Why not just eliminate the cost-of-living increases and save the cost of the administrative juggling necessary to balance increases with decreases. Perhaps that savings could be used for real increases to social security recipients.

Since the creation of the social security system our economy, our social structure and the actual makeup of the older American population has grown and changed, markedly. I think most everyone in the Congress would agee that the present social security network does not adequately conform to the particular needs and demands of our aging citizens. For instance, older Americans are far more likely to need medications, special health apparatus, nursing care, and so on, than any other age group of Americans, yet medicare does not begin to cover these special costs.

At its inception social security was intended to be a supplemental retirement income program—supplemental being the key word. However, the necessity of a federally administered retirement program, supplemental or full, was brought about by the increasing instances of individual Americans who were unable to or neglected to establish private retirement savings plans for themselves. That being the major impetus for the creation of the program, it is not difficult to understand why many Americans rely solely on social security for their retirement income. Nor is it difficult to see the need for reforms in the system.

The social security system over the past 40 years has become a bureaucratic patch quilt of sectional reforms and revisions, many of which were inadequate as such and most of which could not begin to tackle the type of comprehensive upgrading and updating of the system I believe is called for if we are to realistically meet the needs of older Americans.

I wholeheartedly urge the Social Security Subcommittee to deal with major reforms in the social security program as soon as possible. This is a situation that demands action and should be given the highest of priorities in the 94th Congress.

THE LONDON TIMES VIEWS ON NEW YORK CITY'S DILEMMA

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. SCHEUER. Mr. Speaker, President Ford's continuing opposition to financial aid for New York City is causing continued fear and apprehension in Europe. In an October 31, London Times editorial, Mr. Ford's unyielding position on aid to New York City was assailed as an "act of monumental folly."

The London Times fears that a failure to aid New York City prior to default would undermine the economy of the West—

It is no exaggeration to say that for the financial system of the United States, for the reputation of that country, and for the rest of the non-communist industrial world, it could be a disaster. That any President of the United States should contemplate taking the risks involved indicates that Mr. Ford has not grown in stature with office.

Clearly, there is a widespread perception abroad that our President fails "to understand the nature of a modern financial system and the importance of secondary and psychological factors, if he thinks that the damage of the default could be wholly or reliably contained" by a Federal Reserve bailout of banks which default as a direct result of the city's default on its own bonds.

It is increasingly obvious that our European allies are more concerned with the effects of a default than is President Ford. Europe demonstrates little comprehension of our federalist system, and many prominent Europeans believe that if the Big Apple goes rotten the whole basket will soon spoil.

I urge all my colleagues to join together and not allow the economy of the West to enter the precipitous and murky world of default and bankruptcy, a world which may well see the entire West entering a new recession if not a depression.

The text of the October 31 London Times article follows:

[From the London Times, Oct. 31, 1975]

WHOM THE GODS WISH TO DESTROY

Those close to President Ford may well have known it for some time. The rest of the world, however, has only just begun to realize for certain that he intends to let the City of New York go bankrupt. His speech at the National Press Club in Washington on Wednesday made it clear that the decision to let financial events run their course is a central part of his long-term political philosophy and of his short-term campaign to secure the Republican nomination for the 1976 Presidential election. Unless he changes his mind, the United States and the world is about to witness the biggest financial default by any city in history.

If he sticks to his resolve it will be an act of monumental folly. It might help him get the Republican nomination, where the only threat is from the right wing of his party. It would, however, do nothing else for him. It is no exaggeration to say that for the financial system of the United States, for the reputation of that country, and for the rest of the non-communist industrial world, it could be a disaster. That any President of the United States should contemplate taking the risks involved indicates that Mr. Ford has not grown in stature with office.

The New York Times has called President Ford's position one of "anti-urban bigotry." It is clear from the tone and content of his speech on Wednesday that he is calling for support from the wells of populist political sentiment which is instinctively hostile to the big city, the urban political machine, hostile both to the immigrant and the pillars of finance. With his personal and political roots in a community like Grand Rapids, Michigan, the President is perhaps not able to comprehend the impact which the default of New York will have. It is surprising that his closer financial and economic advisers, like the Secretary of the Treasury, Mr. Simon, and the Chairman of the Council of Economic Advisers, Mr. Greenspan, both of whom have first-hand experience of the world of finance, should not have tried more effectively to divert the President from his chosen course.

The monetary authorities have made it clear that they would not allow the City's default to lead to the bankruptcy of any financial institution left holding its discredited bonds. Indeed, the Federal Reserve in the United States, like the Bank of England in this country or the central bank in any developed financial system, cannot allow a major bank to default and the Federal Reserve may in recent years already have given temporary assistance to one or two over-stretched banks. But the Administration would be failing to understand the nature of a modern financial system, and the importance of secondary and psychological factors, if it thinks that the damage of the default could be wholly or reliably contained by such back-door financial support to a group of banks.

However the events are presented, the City's default will be seen and exploited by others as evidence that the American system does not work. At a more practical level, it will make the position of all other American cities so much harder. The cost of financing their expenditure by borrowing will rise even higher than it has already.

All of this might be reconsidered, however, if the default of New York would in any way help to solve the problems with which the City, the State and the Federal Government are faced. The fact is that it will not. In particular default will make much more difficult the problems of the deteriorating inner city and the black and immigrant poor, problems which ought to be federal and not of one city, however big. The effects on the financial systems of the world and on the recovery of the American economy could be of the most serious kind. Friends of America can only hope that the President will change his mind at the eleventh hour.

THE U.N.'S INFAMY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 13, 1975

Mr. GILMAN. Mr. Speaker, I rise to voice indignation and condemnation of the despicable resolution passed this week by the United Nations General Assembly equating Zionism with racism.

Zionism, in its most fundamental sense, is a Jewish nationalism, the doctrine advocating that Jews, like all other peoples throughout the world, have a homeland of their own. It is the very same doctrine that the United Nations recognized and supported at the time of Israel's inception in 1947.

I have a deep sense of admiration for the manner in which my colleagues in the House have responded in giving their wholehearted support to House Resolution 855 chastising the U.N. General Assembly for its vile action.

The time for a reassessment of our position in the United Nations is long overdue. How can we have faith in a world body which is not representative of the world population? How can we honor an organization such as this which is blatantly anti-Semitic? Have they lost sight of the tragic holocaust that destroyed 6 million people just 30 years ago? Are they regressing in their humanitarian concerns?

This latest irresponsible U.N. action makes the purposes of the U.N. even more suspect. Equating Zionism with racism is but another spiteful Arab-Communist inspired swipe at the State of Israel, an attack on all world Jewry, and affront to all mankind.

During the last decade the world community has observed a gradual deterioration of the political importance and credibility of the United Nations. This unfortunate turnabout has been felt not only in the maintenance of world peace, but also in the direction of the U.S. foreign policy.

During the past decade the United Nations has experienced an influx of numerous "ministates" which have produced a new majority whose real economic and political importance have been greatly overrepresented. We have seen a gradual straying from the basic tenets of the U.N.'s Charter. Such continued violations can only result in a diminution of support by the United States, and possibly a complete withdrawal by our Nation.

In July of 1975, before the Committee on International Relations' Subcommittee on International Organizations I recommended that we should seek to bring an end to:

The domination of the United Nations by countries which possess neither economic or political power;

The coercion of industrial powers to unrealistic demands;

The manipulation of the U.N. Charter for unilateral ends;

The existing system of unrepresentative and bloc voting;

The use of, and tolerance for, terrorism as a legitimate political weapon; and

The practice of expulsion and suspension of member nations for ideological goals.

When Arafat, toting a pistol on his hip, spoke before the General Assembly, and soon to be followed by Uganda's dictator, Idi Amin, it was obvious to the world how badly its credibility and morality had eroded.

Ambassador Daniel P. Moynihan, our representative at the U.N., in condemning the U.N. action on the night the General Assembly performed its shameful act, eloquently reflected our Nation's abhorrence, stating:

There will be time enough to contemplate the harm this act will have done the United Nations. Historians will do that for us, and it is sufficient for the moment only to note one foreboding fact. A great evil has been loosed upon the world. The abomination of anti-semitism—as this year's Nobel Peace Laureate Andrei Sakharov observed in Moscow just a few days ago—the abomination of anti-semitism has been given the appearance of international sanction. The General Assembly today grants symbolic amnesty, and more, to the murderers of the six million European Jews. Evil though in itself, but more ominous by far is the realization that now presses upon us, the realization that if there were no General Assembly, this could never have happened.

As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here, that we were not small in number—not this time—and that while we lost, we fought with full knowledge of what indeed would be lost.

The nations that supported this U.N. resolution gave the heinous work of Nazi Germany their seal of approval. They have sanctioned an attack on Israel. They have discredited the lofty objectives and ideals of the U.N. Let us make note of the 72 nations that voted for this racist resolution: Afghanistan, Albania, Algeria, Bahrain, Bangladesh, Brazil, Bulgaria, Burundi, Byelorussia, Cambodia, Cameroon, Cape Verde, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Egypt, Eq. Guinea, Gambia, East Germany, Grenada, Guinea, and Guinea-Bissau.

Also, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Laos, Lebanon, Libya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Poland, Portugal, Qatar, Rwanda, Sao Tome, Saudi Arabia, Senegal, Somalia, Southern Yemen, Soviet Union, Sri Lanka, Sudan, Syria, Tanzania, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, Yemen, and Yugoslavia.

The White House denounced the U.N. action, warning that the anti-Zionist vote "undermines the principles on which the United Nations is built."

Ambassador W. E. Waldron Ramsey of Barbados, in criticizing the resolution, stated:

The black man knows what racism is . . . the resolution is unworthy and perverted . . . It would divide the unity of the Third World and of the African Nations.

Editorially the New York Times on November 11, 1975, commented:

The vote of the United Nations General Assembly yesterday in condemnation of one member-state's national movement, Zionism, was offensive, spiteful and futile and stupid as well.

The Washington Post on November 12, 1975, said:

The resolution by the U.N. was an infamous act. Both the substance of the decision and its likely political effect must be thoroughly deplored.

Ambassador Chaim Herzog of Israel noted that—

The U.N. has been dragged to its lowest point of discredibility by a coalition of despotisms and racists.

The Chicago Tribune on November 13, 1975 commented:

The United Nations General Assembly's approval of a resolution calling Zionism "a form of racism and racial discrimination" has cast a dark and somber shadow over the future of the world organization.

In Pittsburgh, the Post-Gazette said:

The resolution itself had racist overtones in view of the long, dark history of anti-semitism, never more evident than in this century's Nazi era. Indeed, Centuries of anti-semitism in Europe spurred the Zionist philosophy of a national homeland in Palestine.

The Los Angeles Times, stating that "the U.N. Takes to the Alley" said:

The diverse motives of the 72 members . . . can be discerned and explained, but the moral malice and historical ignorance behind the vote cannot be excused.

Mr. Speaker, it is now incumbent upon Congress to influence the United Nations to reconsider its crude, outrageous denunciation, otherwise, the real victims would be the United Nations itself and all the countries which have a stake in the U.N. Assembly's viability and its goals for peace.

RETIREMENT OF HERMAN BRANDT

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. BELL. Mr. Speaker, I would like to take this opportunity to draw attention to the distinguished service of Herman Brandt in the South Bay area of Los Angeles County.

Mr. Brandt was a key figure in the formation of the South Bay Hospital and in 1955 was appointed president of the hospital board of directors.

In 1957 he was elected secretary-treasurer of the board and served in that capacity until 1969. Since that time he has remained as one of the five elected board members.

On October 15, Herman Brandt announced his retirement. Because of his years of dedication and leadership, his fellow trustees have named him board member emeritus.

This is fitting recognition for his two decades of effort in behalf of his fellow man.

I wish to express my appreciation, and that of the community, for the fine accomplishments of Herman Brandt. They will not be soon forgotten.

And, as a board member emeritus of the South Bay Hospital, we know that Herman Brandt will continue to provide wise and experienced counsel to the community and to the hospital which has grown so impressively, because of his work.

FREEDOM DIES IN ITS SLEEP

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. SYMMS. Mr. Speaker, it is easy to talk in vague generalities about the evils of big Government, and to make sweeping statements about the erosion of personal freedom by Government intervention. Most Americans would agree that there is far too much inference in their daily lives by Government at every level.

But, Mr. Speaker, how many of us have stopped to think about how very real and legitimate these concerns are? How many of my colleagues have paused to ponder over how deeply intertwined the Government has actually become in almost every aspect of our daily affairs?

Commentator Paul Harvey recently drove this point home in a very relevant and down-to-earth manner. His column, entered below, should raise the eyebrows of even the most arrogant advocates of "big brother" Government. His message is plain and simple—there are too many bureaucrats, too many laws, and too much Government. I commend it to my colleagues in hopes that they will take his observations to heart.

Big Government is a creature of our own creation, fathered by an obsession with passing more laws. It is therefore our responsibility in Congress to cut Government back down to size. Repeal. Repeal. Repeal.

The article follows:

FREEDOM DIES IN ITS SLEEP

(By Paul Harvey)

Michigan's Sen. Robert Griffin said it: "In the long course of history freedom has died in various ways. Freedom has died on the battlefield. Freedom has died because of ignorance and greed. But the most ignominious death of all is when freedom dies in its sleep."

Tom Jefferson said it 200 years ago: "As government grows, freedom recedes."

Russell Baker recently reminded himself of the extent to which government already inhibits his freedom.

He awakened this morning with a woman whom the government had licensed him to marry.

He rolled over on bedding certificated by a federal agency and turned on the radio to a station broadcasting only with government permission.

The electricity which powered that radio—and his shaving mirror light—is priced at rates established by the government and brought to him by a government-created monopoly.

Outside is his car—licensed by the government, registered with the government, built to government specifications. And taxed by the government. Each year. So that, in fact, he does not own his car, he rents it—from the government.

And this is true also of his house.

If you think you own yours, stop paying taxes and you'll see who owns it.

Nor is Mr. Baker free to drive his car faster than the government allows or to park it near a fireplug or a stop sign or in any space reserved for government officials.

He may park alongside a parking meter—if he makes a cash contribution to government.

Or he could leave his car at home and take a bus, which is owned by the government, runs on schedules established by the government at fares set by the government.

In an airplane he must submit his luggage and himself to search by the government, pay a further tax to the government to fly on an aircraft licensed by the government along routes authorized by the government, and in and out of government airports along skyways dictated by the government.

His clothes carry government labels. His breakfast foods are certified by government. He washes his dishes in water bought from government and heated by oil, the price of which is decreed by government.

And in this "land of the free" let him or you or I try to keep our schoolchildren out of schools which are required by government, in a building owned by government, to be taught by persons employed by government to teach whatever government wants them to be taught.

Before leaving the house he places his garbage outside to be picked up by government. He places a government stamp on an envelope and drops the envelope in a government mailbox.

And he hasn't even left for work yet.

Wait till he gets to work!

THE ARTS MAY BE OUR "RIGHT MEDICINE": REPRESENTATIVE HAMILTON

HON. PHILIP H. HAYES

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. HAYES of Indiana. Mr. Speaker, one of my colleagues from Indiana, Representative LEE H. HAMILTON, has written a newsletter about the place of the arts in America which was excerpted on yesterday's editorial page of the Washington Post. Mr. HAMILTON has very accurately, I believe, described the growing contributions which the arts are making, not only to our society but to the world as a whole. And he notes that not only are the arts good for our Nation's soul, but they also contribute to its economic well-being. I wish to share his views as they appeared in the Post by having them inserted in the RECORD at this time:

FOR THE RECORD

(From a newsletter by Representative Lee H. Hamilton, D-Ind.)

In part because of the active role the National Endowment for the Arts has played in the expansion of the arts, the United States is becoming aware that it is a major force in the arts and rich in cultural resources.

All of this represents a profound change in the relationship of government to the arts in this country. Over many years the government and the artists have eyed each other with suspicion, and patronage of the arts was not considered a part of government's role. A declining number of persons still feel that way. They fear the big hand of government could stifle and censor the arts, and they point to other pressing needs. But President Washington observed that "the arts . . . are essential to the prosperity of the states," and others have pointed out that a nation which refuses to spend a penny for the arts for every $500 it spends on defense may find it has much less to defend.

The arts still have their problems, of course. They tend to be the preserve of the white middle and upper classes in the country, and inflation and the recession have made the normally tough financial problems of the arts even worse.

But despite the current problems, the arts are an economic as well as cultural resource. Money spent on the arts influences the economy of an entire community and has a multiplier effect. The arts are an asset in the tourist industry, they attract business and industry, and they enhance real estate values.

People are more conscious of the arts today, a broad geographical and economic base of support for the arts has been established, and the unifying effect of the arts may be just the right medicine for a country which is more diverse than ever.

CONGRESSIONAL CERTIFICATE OF APPRECIATION AWARDED TO CHI KAP-CHONG, U.N. KOREAN WAR ALLIES ASSOCIATION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MURPHY of New York. Mr. Speaker, I invite your attention to the Certificate of Appreciation awarded by you for the Congress of the United States, and by me, as the chairman of the Delegation of Congressional Veterans of the Korean War, to a great friend of the United States and a distinguished citizen of the Republic of Korea, Mr. Chi Kap-Chong.

This is the first such award ever presented by the Congress to a Korean national, and because of the unique nature of this occasion, I request that the copy of the award be inserted in the RECORD in its entirety:

THE U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., November 12, 1975.

For outstanding service this certificate of appreciation is presented to Chi Kap-Chong, Director, Executive Board, the U.N. Korean War Allies Association, Inc.

In appreciation for his distinguished contribution to promoting better understanding and close friendship between the United States Congressional Veterans of the Korean War and Korean citizens who fought together for the defense of freedom and democracy.

His accomplishments were felt and greatly appreciated by all the United States Congressional Veterans of the Korean War. His devoted efforts to encourage the comradeship between the people of the United States of America and the Republic of Korea are noteworthy. Through his personal efforts and energy, and because of his imagination and leadership, the national interests of our two countries have been greatly furthered.

JOHN N. MURPHY,
Chairman, U.S. Congressional Veterans of the Korean War.
CARL ALBERT,
Speaker, U.S. House of Representatives.

1975 NOBEL PRIZE FOR ECONOMICS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. SYMINGTON. Mr. Speaker, recently the 1957 Nobel Prize for economics was awarded jointly to Tjalling C. Koopmans of Yale University and academician Leonid Kantorovich of the Institute of Economic Management in Moscow. The Nobel memorial prize in economic science was established in 1969.

As chairman of the subcommittee in the House which has legislative jurisdiction over the National Science Foundation, I was especially pleased to learn of the selection of Dr. Koopmans for this high honor. Like Profs. Kenneth Arrow, Wassily Leontief, and Paul Samuelson, American Nobel laureates in economics in previous years, Professor Koopmans' research has long been supported by the National Science Foundation's economics program under its Division of Social Sciences. From 1961 to 1963 Professor Koopmans also served on the Economics Panel of the Foundation. NSF support for his work began in the late 1950's and has continued up to the present. The fields he has pursued with this support, in which he has made major contributions, include the theory of economic growth and optimal resource allocation. For the past several years he has concentrated on problems associated with depletable resources in the context of economic growth. It is for his contribution to the theory of optimum allocation of resources that he has been awarded the Nobel Prize jointly with Kantorovich, who is being honored for his work in this area.

Born in the Netherlands in 1910, Professor Koopmans received his M.A. degree in economics from the University of Utrecht in 1933 and the Ph. D. in economics from the University of Leiden in 1936. He came to the United States in 1940, and has been professor of economics at Yale University since 1955. He has also served as Director, Cowles Commission for Research in Economics, formerly located at the University of Chicago, and later moved to Yale University where it was renamed the Cowles Foundation for Research in Economics.

For Members' further reference, the New York Times and Washington Post of October 15 contained further details on the work of Koopmans and Kantorovich.

ASIA IS REPORTED FREE OF SMALLPOX

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. FLORIO. Mr. Speaker, on various occasions in the past, I have taken the liberty of informing my colleagues of the accomplishments of, and the necesity for, the World Health Organization. I am most pleased to present a news item from the New York Times which requires no further elaboration except to say that it is certainly a tribute to the remarkable achievements of the WHO:

[From the New York Times, Nov. 14, 1975]

ASIA IS REPORTED FREE OF SMALLPOX FOR THE FIRST TIME IN HISTORY

GENEVA, November 13.—The World Health Organization announced today that Asia was free of smallpox for the first time in history.

Dr. Donald A. Henderson, head of the W.H.O. smallpox eradication unit, said that painstaking double-checking in house-to-house surveys by 12,000 health workers in 150,000 Bangladesh villages had failed to find a single case of the disease since the one recorded on Sept. 15 in the last Asian area where it was once endemic.

The intensive worldwide vaccination campaign launched by W.H.O. in 1967 has gradually confined the disease to a 75-square mile corner in a remote region of Ethiopia. By the end of next March the last case should be stamped out there so that the whole world can then be considered free of smallpox, Dr. Henderson said.

The last person reported to have had smallpox in Bangladesh was a 2-year-old girl, who suffered only a mild case because she had been vaccinated while the disease was still in the incubation stage.

A disease that causes high fever and leaves disfiguring pockmarks when it does not kill, smallpox is one of the few infectious that spread directly from human to human—by inhalation—without an indirect stage in an animal or insect. Neither is it spread by food or water.

Because of that, scientists maintain that by breaking the human-to-human chain the disease will die out once the last scab leaves the skin of the last patient.

Absolute certainty is not possible—there could be an isolated group of humans somewhere unreached by the doctors—but scientists believe that when the last case vanishes in Ethiopia, there will be a 99 percent certainty that the disease has disappeared.

A former United States public health worker, Dr. Henderson said that the disappearance of smallpox from the world would mark the "first time that any disease has been wiped out deliberately by a campaign."

The final attacks on smallpox have been greatly aided by the offering of cash awards to persons reporting previously unrecorded cases, Dr. Henderson told a news conference.

The form of the smallpox left in Ethiopia is of the mild type that is fatal to only 1 percent of its victims, Dr. Henderson explained.

In 1967 there were 10 to 15 million cases of smallpox in 43 countries with two or three million deaths, the WHO official said. This year there have been 18,700 cases, with about 3,000 deaths, with only four countries that were still harboring the disease. Three of these—Nepal, India and Bangladesh—have now been declared free of smallpox.

In Ethiopia about 60 cases are being found weekly. The final drive to eradicate the disease there is being conducted by a team of 500 Ethiopians and 14 international advisers who are using four helicopters and 70 vehicles in a systematic "search and vaccinate" campaign.

TEACHER TOOK THE LEAD

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. ROUSSELOT. Mr. Speaker, today I want to bring to the attention of this body an unusual example of teaching and patriotism that was brought to my attention by an editorial in the San Gabriel Valley Daily. In a day when the virtues of America and the pride in flag and country are often scoffed at as "old-fashioned" and "passé" I think it is fitting that we recognize and commend people who go out of their way to show their love of country and who try to share it with others. Following is a story about how one teacher provides an example of patriotism to his students while trying to teach them at the same time what America is all about.

[From the San Gabriel Valley Daily, Nov. 6, 1975]

TEACHER TOOK THE LEAD

Teachers often are unfairly the target of those who blame schools for faltering patriotism on the part of our young.

A story out of Shelton, Conn., tells of one teacher who went out of his way to instill a sense of patriotism in his science class students.

Paul Hatje stood to recite the pledge of allegiance in his homeroom during the opening weeks of school. He stood alone. After continued encouragement, three boys out of his 21 students joined in.

Then Hatje had an idea. "I remembered a book called 'America in Verse' and I took it to school hoping that it might help solve the problem." He proceeded to read from the book, starting with "Our Dream" by Thomas Wolfe. The students seemed to be receptive, so Hatje read on, delivering several selections of writings by President John F. Kennedy. "There wasn't a stir or the slightest murmur, so I kept going," he said.

Finally, he concluded with part of Wolfe's "The Promise of America:"

"So then, to every man his chance—
to every man, regardless of his birth, his shining, golden opportunity
to every man the right to live, to work, to be himself, and to become whatever his manhood and his vision can combine to make him
this, seeker, is the promise of America."

Hatje said as he turned to recite the Pledge of Allegiance, all but one of the students were standing with him.

"I was overwhelmed by the whole thing," he recalled. "I really choked up."

Hatje had good reason to be "choked up." As a Marine he served in the Korean War. Thirty-three thousand Americans died in that war, including 4,267 Marines, so that people in a strange land with a strange language might live in freedom.

Better than most, Hatje knew why it was important for his homeroom students to know why we salute the flag of the United States.

The story of Hatje's success in instilling pride in America and the flag for which it stands is inspiring. We would like to see it repeated in classroom after classroom across the nation. Whether it is depends in large part on the teacher in those classrooms.

DRAFT STATEMENT ON H.R. 5512, THE NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. FISHER. Mr. Speaker, as a cosponsor of H.R. 5512, I urge my colleagues to approve this legislation dealing with the management of the National Wildlife Refuge System and the jurisdictional authority over three particular game refuges, the Kofa Game Range, Charles Sheldon Antelope Range, and the C. M. Russell National Wildlife Range.

Previous laws enacted by Congress, such as the 1956 Fish and Wildlife Act and the 1966 National Wildlife Refuge System Act, have stressed protection and enhancement of our wildlife resources. The three game ranges specifically covered by H.R. 5512 have been under the joint administration of the Bureau of Land Management and the Fish and Wildlife Service for years. However, the arrangement has been an uneasy one, with each agency requesting sole jurisdiction over the refuges.

There is some debate as to which agency is more suited to the management of the wildlife refuges in the manner intended by Congress. The traditional orientation of the BLM is multiple land use management, stressing livestock grazing, timber production, and mining. In recent years the BLM budget has placed emphasis on activities aimed at developing energy resources available on our public lands. The law establishing the Fish and Wildlife Service specified that it would have responsibility over matters such as migratory birds, game management, and wildlife refuges.

The question is not whether the activities of the Bureau of Land Management are good or bad—what is at stake is whether the public is better served by the management of wildlife refuges by this agency or by the agency whose expertise is more focused on the protection of our wildlife resources. In my judgment the Fish and Wildlife Service is the appropriate agency to manage and protect the wildlife refuges.

Earlier this year, the Secretary of the Interior made the decision to grant sole jurisdiction over the three ranges to the BLM. The legislation before us today, H.R. 5512, is an outgrowth of strong congressional opposition to the Secretary's decision and serves to clarify further the intent of Congress that the Fish and Wildlife Service have primary responsibility over the National Wildlife Refuge System. The bill specifies that the refuge system shall be administered by the U.S. Fish and Wildlife Service, except for those areas such as the three refuges which would not be assigned to BLM as the Secretary of the Interior proposes but would continue to be jointly administered. H.R. 5512 would bar the transfer or sale of lands in the National Wildlife Refuge System as of January 1, 1975, without the explicit approval of Congress. It is not unreasonable that Congress participate in the crucial decisions related to the management of our refuge system and to the future management of the three refuges in question.

I oppose the proposed amendment to this legislation which seeks to remove from coverage of the bill the Kofa Game Range, Charles Sheldon Antelope Range and the C. M. Russell National Wildlife Range. I did not agree with the Secretary's original decision to place these areas solely under the BLM and believe that this amendment would distort the intent of H.R. 5512. I urge my colleagues to reject this amendment and vote for the final passage of H.R. 5512.

THE U.N. AND ZIONISM

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MAZZOLI. Mr. Speaker, on Tuesday I joined with a unanimous House of Representatives in voting for House Resolution 855, which condemned the United Nations' adoption of a resolution equating Zionism with racism. House Resolution 855 also called upon the United Nations to reconsider its unwise and unjustifiable action.

I concur in the views expressed in the House resolution, and those voiced within and outside this body concerning this reprehensible action of the General Assembly. As Secretary Kissinger has stated, the vote was "highly irresponsible, extremely unhelpful and can only lead to an increase in world tensions."

All who serve in this body are aware of the vocal minority in the country which bombards us with communications urging that the United States withdraw from the United Nations and expel the world organization from our shores.

This viewpoint has been abetted in recent years by the evidence that the United States sustains approximately one-fourth of the total U.N. budget. And, we can anticipate that opposition to our continuing membership in the U.N. will increase in the wake of this latest action.

Coming as it does at a time when tensions in the Middle East have been relaxed somewhat and hope rekindled as a result of the Sinai agreement, and, coming further as it does at a time when it seems a peaceful solution to the political differences in that region is possible, the U.N. vote is particularly unfortunate.

However, Mr. Speaker, it is most important, in my opinion, that while condemning this vindictive action by the General Assembly, we do not succumb to the temptation to withdraw our influence and support from the United Nations.

We must not lose sight of the importance of maintaining a viable world forum wherein all nations can present their grievances and seek their redress and in which differences between and among nations can be ventilated and resolved.

A withdrawal from the U.N. or a retaliatory cut in our financial support would be unwise, ill-considered and would play right into the hands of the critics of the U.N. who have spent years and millions of dollars trying to destroy this world forum.

THE LAUGHABLE TRAGEDY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. SYMMS. Mr. Speaker, the author of the following article is a constituent of mine and a fellow farmer in Canyon County, Idaho. Since Mr. Batt is also the majority leader of the Idaho State Senate, I am his constituent as well. From the perceptiveness into the budgetary problems of our Federal Government displayed in this brief essay, I feel I am ably represented.

I would like to commend Mr. Batt for an excellent article that is not only accurate in its conclusions but is also most appropriate for my colleagues and me during this time of consideration of fiscal year 1976 budget proposals.

I must say that I share the frustration Mr. Batt speaks of; for it amazes me how the Congress of the United States, in a society based on individual responsibility, has always managed to operate on a system that rewards fiscal irresponsibility. The "big spenders" seem to thrive on creating red ink budgets, and in so doing, establish the habit of "going along the most to get along the farthest." For this, they are rewarded with reelection by their constituencies who then wonder why it is that the U.S. Government was short $79 billion from income to outgo in this past year.

I insert the following article from the Lewiston Morning Tribune of November 2, 1975:

[From the Lewiston Morning Tribune, Nov. 2, 1975]

THE LAUGHABLE TRAGEDY

(By Phil Batt)

WILDER.—If it weren't for the tragedy of the situation, it would be almost laughable. Ninety five per cent of the politicians seem to be concerned about everything but solvency.

The President says his proposed $28 billion tax cut must be accompanied by a $28 billion reduction in federal expenditures. But only last year he was recommending a raise in taxes. The political winds have changed. The President and the Congress alike talk of deficits of only $50 billion to $100 billion per year. Yet they try to outdo each other in reducing taxes.

At least President Ford is willing to cut out some of the fat. Most of the Congress

will concede a cut in one place while protecting or advocating more in another. The hawks won't shave defense; the bleeding hearts won't knock undeserving recipients off welfare. The result is a dangerously bloated, uncontrolled budget.

Sen. Church uses some of the strangest logic. Because we have wasted money supporting tinhorn dictatorships and bailing out poorly-managed businesses, he now says that we should save New York City from its own profligate spending. It is like saying that if you lost half your borrowed money shooting craps, you should throw the other half in the river because it is no more foolish.

The public is disenchanted with all this political byplay. They want action. They want the farmer to quit raiding the treasury through subsidies. They want billion dollar cost overruns on fighter-bombers and post exchange boondoggles stopped. They want federal support of desert survival training for children ended, along with rent-a-tent programs and duplicating health planning agencies. But most of all they want food stamps and welfare taken away from those who don't need them.

The list is endless. The cry that most expenditures cannot be reduced is as phony as a three dollar bill. The public would also like a tax cut but I'll bet most would gladly forego this if it would get the government back in the black.

It is totally shameful that we are passing this huge debt on to our children and their children. Is it more important that we ride our deficit-propelled economy to another record high, or that we leave future generations a fighting chance to remain solvent?

COMPLETE NATURAL GAS DEREGULATION NEEDED

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. GRADISON. Mr. Speaker, I would like to report that my name has been erroneously listed as a cosponsor of H.R. 10616.

I am extremely interested in this bill as it contains the major provisions of the bill recently passed by the Senate, S. 2310 as amended. The partial natural gas price deregulation included in this bill is a significant step toward increasing our domestic natural gas production and eliminating the natural gas shortages we are now experiencing.

However, I do not believe this bill goes far enough to promote domestic production. I favor complete deregulation of natural gas, which would mean that as existing contracts expired, they could be renegotiated at an unfixed price. Price controls have led to widespread natural gas shortages, causing curtailments of service which has affected industry and ultimately unemployment. H.R. 10616 realizes the need for deregulation and moves in that direction, but does not take the final step to complete deregulation.

I regret that the mixup about my cosponsorship of this bill has taken place, and I wanted to take this opportunity to set the record straight about my position on natural gas deregulation.

SAN CLEMENTE POLICE OFFICERS CHECK IN ON ELDERLY

HON. ANDREW J. HINSHAW

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. HINSHAW. Mr. Speaker, I feel privileged to bring to the attention of the Congress and its Members a program of community service of outstanding merit that is being conducted with outstanding success by the San Clemente, Calif., Police Department. This program, I firmly believe, warrants consideration in other communities throughout our country, wherever we have older Americans residing alone, who too often wonder if anyone really cares what happens to them.

Called YANA—for You Are Not Alone—this public safety program for our older Americans was started several years ago by the San Clemente Police Department after its chief, Clifford Murray, had heard about a similar program in Florida.

This is how the YANA program works:

The older members of the community—usually 60 plus—who reside alone may sign up for the program at the police department to be called at the time of their choice once every 24 hours. This phone call assures that person that should they fall, become ill, or need assistance, they will be contacted by the police department sometime during each 24-hour period.

The phone calls are made by people on the police department staff, and are carried out during their workday schedule. No extra people have been hired. Furthermore, there is no charge to the elderly for this public service effort by the San Clemente Police Department.

Any telephone calls that may go unanswered within a 24-hour period are followed up immediately by an officer personally checking at their place of residence to determine why the phone call was not answered. Since the start of the San Clemente program some 25 older citizens have been assisted in one way or another.

The San Clemente service, as might be expected, provides a high point in the lives of many of these elderly people who find a call from police personnel a highlight of their day. It also frees these older citizens who reside alone from many of the fears they would ordinarily entertain of becoming ill with no one to assist them, or suffering because of no one being in touch with them.

Too often, good works go unattended. I am pleased that one of the Orange County newspapers, the Daily Pilot, took note of the San Clemente Police Department's program and published the following article under the headline:

NOT JUST A ROUTINE CALL—SAN CLEMENTE OFFICERS CHECK IN ON ELDERLY

(By Jack Chappell)

Old Age: Golden Years for some, but years of fear and the pain of loneliness for many others.

It can be a time of tragedy too as the infirm elderly struggle with the hazards and complexities of everyday living.

A minor fall can incapacitate a senior citizen and if unable to reach help, an elderly person living alone can be in real peril in his own home.

San Clemente is a city with a high population of elderly residents and to meet some of their special problems, the police department initiated a program called "You Are Not Alone," YANA for short.

People who sign up for the program receive a telephone call at a specified time each day either from the police dispatcher or the city switchboard operator Joann Sellers.

If the call goes unanswered, a police officer is dispatched to find out what's wrong.

The program was started less than a year ago after several tragic deaths. In one case an 80-year-old man fell, injured himself and starved to death before anyone found him.

Under the YANA program, several elderly people have been rescued from potentially dangerous circumstances, Police Lt. Albert Ehlow, program supervisor, said.

In one instance, an 82-year-old woman fell in her garage, broke her arm and lacerated her face. She couldn't get out of the garage or summon help.

When the woman failed to answer her YANA check call police officers were dispatched, found her and rushed her to the hospital.

In another case, an elderly couple became trapped in their bathroom. Officers freed them after their phone call went unanswered.

"Our YANA people have come to really like and accept the program. In fact, if there's a delay in our calling them, they call us," Lt. Ehlow said.

Forms on file with the department list the person's doctor, special medicines, person to be called in an emergency and other data.

The cost of the program is minimal. No extra persons were hired. The phone calls have just been absorbed into the normal work schedule, Lt. Ehlow said.

The only cost is that of an officer's time used when there is a false alarm, he said.

Mrs. Sellers said that beyond just being a public safety program, the YANA calls bring some variety and interest into the callers' lives.

"Almost all of them talk about the weather or about their family, if anybody has come to visit lately. They get very excited about visits," she said.

The department employees collect birthday cards and send them to their YANA family members on their birthdays. There are about 25 people in the group, all but four of them women.

"We have quite a few who come up here and drop off cakes and candy for us. At Christmas time, most of them stopped by and dropped off something like that. It was really sweet," Mrs. Sellers said.

"I have one little man, 92. Every morning when I call, he'll say, 'Good Morning Sunshine.'

"He cheers me up."

AMENDMENTS TO H.R. 10612, TAX REFORM ACT OF 1975

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. VANIK. Mr. Speaker, as a member of the Ways and Means Committee, which spent more than 5 months labor-

ing over the tax reform bill, I must confess little pride over the final product. The bill does little more than "reshuffle" tax loopholes and preferences. I support the measure primarily as a vehicle on which more substantial and meaningful reforms can be appended by the House of Representatives.

In its final form the bill promises to increase Treasury receipts by $750 million, a fourth-tenths of 1 percent increase in Federal tax receipts. It fails to meet the $1 billion in additional revenues mandated by the House Committee on the Budget. In the face of loopholes which are frequently estimated to range between $50 and $100 billion, it is an insignificant achievement by any standard.

I support the recommendation of Chairman ULLMAN for a rule which will make in order votes on several proposals which could raise additional revenues if finally enacted.

However, the really big loopholes still persist. The committee proposal leaves the foreign source income loophole practically untouched. In 1974, a year of unprecedented profits, the American oil companies doing business abroad paid nothing in foreign source income and very little in Federal income taxes. In the Tax Reduction Act of 1975, language was adopted to treat foreign oil dividends from domestic corporations as foreign source income. This language uniquely gave Aramco a $35 million tax break. By a close vote, the committee voted to extend the loophole. The House membership should have an opportunity to express its will on this issue.

The "reform" bill also extends the 10-percent investment credit for 5 years to 1981 at a cost of about $17 billion. The individual tax cut enacted in the spring of this year is extended for only 1 year through 1976. In the absence of legislative action next year, the individual tax cut will expire and individual taxes automatically increase at an average of almost 8 percent in 1977. If the Congress decides to extend the 1975 individual tax cut beyond 1976, it may be compelled to provide additional tax "breaks" for the business sector which already has the 10 percent investment credit "locked in" until 1981. The House should be permitted to keep the individual tax cut extension in tandem with the business tax cut extension so that the issue could be simultaneously debated and voted upon. I will urge the Rules Committee to adopt a rule modification to make a vote on this possible.

It is also my hope that the Rules Committee will make in order on the tax reform bill a proposal I offered in the Ways and Means Committee to provide a 100-percent unjust enrichment tax on the $1.7 billion in import taxes collected by early November under President Ford's import tax program. The import tax is currently under attack by the oil companies in the U.S. Supreme Court. The tax was collected from the consumers through higher prices. It would be a travesty of justice if this huge sum of money collected from American consumers would be paid over to the oil importers which have already demonstrated their capacity to escape taxes. I hope that the Rules Committee will make in order an amendment to return these import tax collections to the U.S. Treasury.

If the rules permit amendments of this type to eliminate loopholes and increase revenues, the bill can be made acceptable.

Following are the four amendments I would like the Rules Committee to clear for floor action:

First. Foreign source income-Aramco loophole:

AMENDMENT TO H.R. 10612 OFFERED BY MR. VANIK

Page 237, after line 24, insert the following new section:

SEC. 1036. CERTAIN DOMESTIC DIVIDENDS CURRENTLY TAKEN INTO ACCOUNT IN COMPUTING FOREIGN OIL RELATED INCOME.

(a) CERTAIN DIVIDENDS NOT RELATED TO BE TAKEN INTO ACCOUNT IN COMPUTING FOREIGN OIL RELATED INCOME.—Paragraph (3) of section 907(c) (relating to foreign income definitions and special rules) is amended—

(1) by striking out subparagraph (B),

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively, and

(3) by striking out "and dividends described in subparagraph (B)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 1974.

Second. Advancing termination date of business tax cuts to equal the termination date of individual tax cuts: Actually two separate amendments since two different titles of H.R. 10612 are affected:

AMENDMENT TO H.R. 10612 OFFERED BY MR. VANIK

Page 169, line 2, strike out "TWO YEARS" and insert in lieu thereof "ONE YEAR".

Page 169, line 6, strike out "TWO YEARS" and insert in lieu thereof "ONE YEAR".

Page 169, line 12, strike out "December 31, 1977" and insert in lieu thereof "December 31, 1976".

Page 169, line 14, strike out "January 1, 1978" and insert in lieu thereof "January 1, 1977".

Page 169, line 20, strike out "December 31, 1977" and insert in lieu thereof "December 31, 1976".

AMENDMENT TO H.R. 10612 OFFERED BY MR. VANIK

Page 155, line 6, strike out "SEC. 802." and insert in lieu thereof "SEC. 801".

Third. Unjust enrichment tax on possible oil import tax refunds to oil companies:

AMENDMENT TO H.R. 10612 OFFERED BY MR. VANIK

Page 295, after line 25, insert the following new title:

TITLE XII—TAX ON UNJUST ENRICHMENT WITH RESPECT TO CERTAIN ILLEGAL LICENSE FEES

SEC. 1201. UNJUST ENRICHMENT TAX WITH RESPECT TO ILLEGAL LICENSE FEES ON THE IMPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS.

(a) IMPOSITION OF TAX.—An unjust enrichment tax is hereby imposed with respect to any license fee on the importation of petroleum or petroleum products after April 30, 1973, if—

(1) the Supreme Court of the United States has held the imposition or collection of such fee to be unconstitutional, unlawful, or otherwise invalid, and

(2) the person—

(A) who is entitled to a refund of such license fee, or

(B) who was liable for such license fee but did not pay it,

establishes (in such manner and within such period as the Secretary of the Treasury or his delegate shall prescribe by regulations) that such person bore the burden of such license fee and did not or will not pass such burden on to any other person.

(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) with respect to any fee shall be 100 percent of such fee.

(c) PERSON LIABLE FOR TAX.—The person liable for the tax imposed by this section with respect to any fee shall be the person referred to in subsection (a)(2).

(d) ADMINISTRATION OF TAX.—Each provision of law applicable to the tax imposed by section 4081 of the Internal Revenue Code of 1954 (to the extent not inconsistent with the provisions of this section) shall apply with respect to the tax imposed by this section.

TAX REFORM

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. HARKIN. Mr. Speaker, on Monday of next week, the Rules Committee will be asked to grant a modified open rule on the tax bill, H.R. 10612. If granted, the full House of Representatives will have the chance to vote on several important reform amendments. I want to make clear to the Members of this body that I strongly support this request, and that I do so in the interests of tax justice and good government. H.R. 10612 makes improvements in the tax code, but it is obvious that major tax inequities remain intact. The Members of this body have the right to consider and determine these questions, and the people of this country have every right to know how each of us stands on the important issue of tax reform.

In a letter I have today sent to the members of the Rules Committee, I make this argument and I indicate my specific concern for the need to eliminate entirely the deduction for regular taxes paid. The text of my letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 14, 1975.

Hon. RAY MADDEN,
Chairman, House Committee on Rules
Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the Ways and Means Committee has reported to the House its Phase 1 Tax Reform bill, H.R. 10612, and the Rules Committee will be asked to provide a "modified-open" rule permitting amendments to strengthen the minimum tax, to apply the limitation on artificial losses to real estate, to restore the withholding tax on U.S. portfolio income of foreign investors, to restrict tax deferral of Domestic International Sales Corporation (DISCs), and to eliminate the refundable tax carryback for individuals' capital losses. I write to support the request and to urge you to grant a rule which will allow full House consideration and determination of these key provisions.

I am specifically concerned about strengthening the minimum tax by eliminating the deduction for regular taxes paid. The minimum tax was enacted when Congress learned in 1969 that, in 1967, 155 taxpayers with adjusted gross incomes of over $200,000 and 21

taxpayers with incomes over $1 million paid no federal income tax. In determining minimum tax liability, present law permits an individual to reduce his preference income by the amount of his taxes paid. This deduction, also known as the Miller Amendment, accounts for about half of the gap between the minimum tax's nominal rate of 10% and the effective rate of 4.4%.

H.R. 10612 makes improvements, but it does not provide the reform required. In its present form, the bill applies a 14% rate to preference income reduced by a deduction for 50% of regular taxes paid and an exemption of $20,000 which is phased out as preference income raises to $40,000. Fourteen percent is the rate applicable to taxpayers with regular taxable income of less than $1,000; and, it is obvious, the effective rate for many taxpayers subject to the minimum tax will be much less than this rate.

I am in full agreement with the Additional Views of Congressman Joseph Fisher and others, "No deduction should be allowed for regular taxes paid." The minimum tax is imposed on income which would otherwise be sheltered. The fact that a taxpayer might pay regular taxes on other income, just like everyone else, should not justify reductions in the taxpayer's minimum tax liability. To be effective in reducing the tax disparity between preference income and wages and salaries, the minimum tax should tax preference income regardless of regular tax liability.

Eliminating the deduction for federal taxes paid will increase federal revenues by an estimated $300 million each year. Adoption of all five amendments would increase revenues by an estimated $1.6 billion in 1976, and which would rise to $3.4 billion a year by 1981. In light of the nation's deficit and our Budget Resolution, we would be prudent and wise to consider and, if valid, adopt these revenue gaining tax reforms.

Thank you for your consideration of this very important matter.

With warm regards,

TOM HARKIN,
Member of Congress.

I sincerely hope that this time next week I can report to my constituents and we can report to the American people that the House of Representatives was willing to face up to the issue of tax reform. I hope we can tell them that the "executive suite loophole" was eliminated, and other tax reforms were adopted so that the wealthy can no longer shelter their income from taxation, and the wealthy will have to pay at least a minimum tax on all income regardless of source.

THREE WISHES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MAZZOLI. Mr. Speaker, I recently came upon some interesting observations made by my daughter, Andrea, in a composition she prepared for her seventh grade class at Queen of Apostles School, Alexandria.

I would like to share these observations—Andrea calls them wishes—with my colleagues.

I am particularly struck by her third wish which, while not perfectly phrased, is nonetheless a very perceptive observation on the state of things today in our chosen profession of public service:

THREE WISHES

(By Andrea Mazzoli)

If I ever had three wishes, I know what I would wish for. Number one wish would have to be, that I could take any trip in the world and that I could spend as much money as I could on anything that I ever wished for I know it sounds conceited, but you do have to admit that you would like it, too. I have never been out of the United States, and it would be a great adventure to visit other countries.

My second wish would be that our great country wouldn't have so many great problems. We have so many unsolved problems, that I hate to think of what's going to come next. This wish would also clean out all of the problems we have now, and make the ones that'll be coming up not so bad.

My third, and last wish has to do with our country again. I wish that people would understand the problems our government people face. They try to do what's right for the country. People think that these people can do everything, but that they're just not doing anything. Well, they're wrong. No one can do everything, including them. I'd hate to see them take up that leadership. If they did, they'd soon find out what it's like.

Those were my three wishes. I know that none of these can come true, but it would be great if they did!

AMNESTY FOR POLITICAL PRISONERS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. RIEGLE. Mr. Speaker, on Wednesday, November 12, Ambassador Daniel P. Moynihan, U.S. Representative to the United Nations, proposed a worldwide amnesty for political prisoners. As the Ambassador pointed out, the time for this amnesty is long past due. I would like to call to the attention of my colleagues a partial text of Ambassador Moynihan's speech to the United Nations Committee Three:

AMNESTY FOR POLITICAL PRISONERS

(By Daniel P. Moynihan)

Mr. Chairman, my delegation rises to address the Third Committee in a matter which may be the most important social, cultural and humanitarian proposal which the United States has made in many years and which we regard as one of the most important which this committee will ever have had before it.

In an address on the occasion of the 30th anniversary of the United Nations, U.S. Secretary of State Henry A. Kissinger took note that we are living at one of the rarest moments in the modern history of the world. For at this moment, in all of the world, there is not a single nation-state engaged in war against another nation-state.

It appears to the United States that such a moment invites—calls for—not less extraordinary measures of reconciliation not only between nations, but within them. To this end, the United States desires to propose a world-wide amnesty for political prisoners. It proposes a General Assembly resolution which:

"Appeals to all governments to proclaim an unconditional amnesty by releasing all political prisoners in the sense of persons deprived of their liberty primarily because they have, in accordance with the Universal Declaration of Human Rights, sought peaceful expression of beliefs and opinions at variance with those held by their governments or have sought to provide legal or other forms of non-violent assistance to such persons."

The United Nations has, in truth, already taken, at this General Assembly, at least two steps in this direction.

A draft resolution in the Special Political Committee entitled "Solidarity with the South African Political Prisoners," calls on "South Africa to grant an unconditional amnesty to all persons imprisoned or restricted for their opposition to apartheid or acts arising from such opposition. . . ."

The United States voted for this resolution.

A draft resolution in the Social Cultural and Humanitarian Committee, entitled "Protection of Human Rights in Chile," called for the government there to ensure "The rights of all persons to liberty and security of person, in particular those who have been detained without charge or in prison solely for political reasons."

The United States voted for this resolution.

Is there, however, any reason to stop there, to limit our concerns to only two members of the United Nations, when there are altogether 142 members?

THE APPEAL OF AMNESTY

Now it follows from these considerations that even as South Africa and Chile are obliged by certain standards concerning prisoners, for example, so equally are all other members of the United Nations. It is implicitly acknowledged, however, that it is for governments themselves to conform to international standards. And if some governments, then all governments.

Hence, at this moment, the singular appeal of amnesty. A moment of peace and of peacemaking, and a mode which allows governments to do what they ought without the appearance of coercion. All governments.

Universality in this matter is of special concern to the United States government—and we would hope to all governments. There are two grounds for this concern which strike us with special force.

The first is that the selective morality of the United Nations in matters of human rights threatens the integrity not merely of the United Nations, but of human rights themselves. There is no mystery in this matter. Unless standards of human rights are seen to be applied uniformly and neutrally to all nations, regardless of the nature of their regimes or the size of their armaments, unless this is done, it will quickly be seen that it is not human rights at all which are invoked when selective applications are called for, but simply arbitrary political standards dressed up in the guise of human rights. From this perception it is no great distance to the conclusion that in truth there are no human rights recognized by the international community.

A generation ago the British poet Stephen Spender came to this perception in the course of visits to Spain during its long and tragic civil war. He had first come to Spain out of sympathy for one of the sides in that heart-rendering conflict. He had returned to England to report what he had seen of atrocities committed by the other side. Thereafter he made several trips to Spain, over the course of which he was forced to realize that atrocities were not a monopoly of one side only; they were, indeed, all too common on both sides. At which point, to his great and lasting honor, he wrote: "It came to me that unless I cared about every murdered child indiscriminately, I didn't really care about children being murdered at all."

This is what the United States proposal is about. Unless we care about political prisoners everywhere, we don't really care about them anywhere.

Our concern about discriminatory treatment is not eased by scrutiny of the list of cosponsors of the draft resolutions on South Africa and Chile. The South African draft resolution has 60 cosponsors; the Chilean draft resolution was 33. The United States has broken down these respective lists according to "The Comparative Survey of Freedom," that great contribution to clear thinking and plain speaking which is the work of Freedom House, an American institution of impeccable credentials, which traces it beginnings to the first efforts of the United States to win support for the nations then engaged in the mortal struggle against Nazism and Fascism in Europe.

"The Comparative Survey of Freedom" ranks the levels of political rights and civil rights in individual nations on a scale of 1 to 7 and then gives a general summary ranking "Status of Freedom," by which nations are classified as Free, Partly Free, or Not Free. One of the melancholy attributes of a nation judged "Not Free" is that, in the opinion of the distinguished political scientists who carry out this survey, the nation is one in which individuals are imprisoned for political beliefs or activities of a noncriminal nature. In other words a nation with political prisoners.

What does "The Comparative Survey of Freedom" tell us about the cosponsors of these resolutions? It tells us that in its judgment, no fewer than 23 of the cosponsors of the draft resolution calling for amnesty for South African political prisoners, have political prisoners of their own. In the case of the draft resolution calling attention to the plight of political prisoners in Chile, it would appear that 16 of the cosponsors fall into the category of nations which have political prisoners of their own.

This leads to a particularly disturbing thought about the processes by which the United Nations has come to be so concerned about human rights in some countries, but not in others. This is that we tend to know about violations of freedom—know at the time and in detail—only in those countries which permit *enough* freedom for internal opposition to make its voice heard when freedoms are violated.

This is the case, is it not, in South Africa, where there are said to be over 100 political prisoners? For it is not necessary to *go* to South Africa to learn of violations of human rights there. One need only subscribe to the South African press, a press which while no doubt curbed in some ways, or even many ways, is nonetheless capable of frontal assault on the policies of the South African government.

Is it not also the case that the freedom of the press in South Africa—such as it may be, for we do not assert it to be complete—contrasts sharply with that of its neighbors? In the Monthly Bulletin of the International Press Institute of June 1975, Mr. Frank Barton, Africa Director of IPI, is reported as having told the assembly of that impeaccably neutral and scrupulous organization: "The unpalatable fact is—and this is something that sticks in the throat of every self-respecting African who will face it—that there is more press freedom in South Africa than in the rest of Africa put together".

And what of Chile, that troubled land, where at least one estimate states that there are some 5,000 political prisoners, and which is rated "Partly Free" by the Freedom House comparative survey?

Are we not forced to acknowledge the point made recently by Mr. Robert Moss, the editor of The (London) Economist's Foreign Report: "If the military regime in Chile, following the example of all self-respecting Communist revolutionaries, had flatly decided to shut out all foreign reporters and civil rights investigators for a period of, say, six months after the coup, our diet of horror stories from Chile would have been meager indeed."

It is not the purpose of this statement to be accusatory, or to arouse ill feeling. But is it not the case that this year we have seen any number of regimes completely or almost completely seal off their countries, barring or expelling foreign newsmen, so that at most rumor reaches the outside world as to what is going on inside.

Simple justice requires that the United States, for one, acknowledge that while we have supported the General Assembly resolutions critical of repressive practices of the government both of South Africa and Chile at this General Assembly, we have done so in the company of nations whose own internal conditions are as repressive or more so.

INSIDE ISRAEL

And what of Israel, a country rated "Free" by Freedom House, with high if not perfect scores in Political Rights and Civil Rights? Is it not enough to say that much of the case being made against Israel by other nations today, is made in the first instance by the fully legal opposition parties within Israel, including Arab-based parties, many of which have been quite successful in electing members to public office, and that this opposition is given notable expression in the Arabic language press in Israel which has been described as the freest Arab-language press in the world?

Thus we come to the second of the concerns which animate the United States at this point. This is the concern not only that the language of human rights is being distorted and perverted; it is that the language of human rights is increasingly being turned in United Nations forums against precisely those regimes which acknowledge some or all of its validity and they are not, I fear, a majority of the regimes in this United Nations. More and more the United Nations seems only to know of violations of human rights in countries where it is still possible to protect such violations.

Let us be direct. If this language can be turned against one democracy, why not all democracies? Are democracies not singular in the degree to which at all times voices will be heard protesting this injustice or that injustice? If the propensity to protest injustice is taken as equivalent to the probability that injustice does occur, then the democracies will fare poorly indeed.

And it is precisely this standard which more and more appears among us, albeit in various disguises. In 1971, for example, the World Social Report presented to the General Assembly was virtually a totalitarian document. The fundamental premise on which the assessment of social conditions in respective countries was made was that the absence of social protest indicated the absence of social wrong. Hence, without exception, the police states of the world were judged most in the right.

THE LINCOLN IMAGE

Americans, and those who have studied the history of the United States, will perhaps recall the memorable image which Abraham Lincoln once used in a speech given in 1858 which we have come to call his "Framing Timbers Speech." He was protesting what he judged to be the overall purpose being served by many seemingly unrelated legislative measures of the time "all the tenons and mortices exactly fitting . . . and not a piece too many or too few"—for the purpose of extending slavery into our Western territories. (For the history of freedom in the United States is hardly without blemish.) Lincoln spoke of a "concert" of behavior.

The United States makes no such assertion at this time. But it reserves the right to judge, in the months and years ahead, that there has indeed been a *"plan or draft"* involved in all the multifarious activities at the United Nations concerning human rights which with nigh inhuman consistency seem always, somehow, to be directed toward nations at least somewhat more free than most members of the UN, and which now most recently have been directed toward a democratic society that is unquestionably free. We reserve the right to learn that our worst suspicions have been confirmed. But in the hope that we will not be, we here and now declare what our suspicions are. Our suspicions are that there could be a design to use the issue of human rights to undermine the legitimacy of precisely those nations which still observe human rights, imperfect as that observance may be.

To those members of the United Nations who would allay our suspicions we make this simple appeal: Join us in support of our draft resolution calling for amnesty for all political prisoners. The list of known prisoners, a list assembled by organizations such as Amnesty International, is a sufficiently long and harrowing one. But there is far more horror to be felt at the thought of the names we do *not* know. It is time to free these men and women. The time for this amnesty is past due, and the path is long. Let us take the first step here and now.

A ZIONIST IS "SOMEONE WHO DOES NOT WISH TO SEE ISRAEL DROWNED"

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. DRINAN. Mr. Speaker, I make available to my colleagues a very perceptive and moving article in the Boston Globe for November 14, 1975, by Ellen Goodman, a regular and most creative feature writer of that daily.

Ms. Goodman's comments on the allegation that Zionism is a form of racism are compelling and unforgettable.

The article follows:

A SENSE OF IDENTITY

(By Ellen Goodman)

I was born in 1941, in Boston, the same year that the last of my father's relatives were rounded up to be murdered in Germany.

I knew that as a piece of family history, something I was told and something I read about but never lived through. On the whole, I have suffered very little discrimination. I remember being taunted and pushed home from the gym—once. I remember in college that certain clubs were "restricted." I remember Father Feeney. But like most of my generation I grew up relatively secure and comfortable, largely melted into the American pot.

But now I don't know.

I have never been a Holocaust Jew—one who justifies ethnic isolationism with a 30-year-old paranoia, one who insists that we remember in order to prepare for the inevitable. I have not seen a pogrom in every insult or an exit visa in every slight. A friend of mine who grew up in Dachau drives a Volkswagen, and next to him, the martyred posture of some other American Jews seemed fake.

My own adult brand of Judaism is a cross between my sense of humor and my sense of taste—jokes and bagels. What is left of my haphazard kosher upbringing (Chinese food on paper plates) is a strong aversion to drinking milk. What's left of my religious training is some prayers, some songs and some guilt that nothing more is left of my religious training.

If you pushed me hard on the question—and I'd rather you didn't—I would have to say that I'm an agnostic like my father's father before me. That's a Jewish agnostic, like my father's father before me.

But now I am worried.

I don't go to Temple. I can't read Hebrew. I have never been to Israel. I have wished it well and watched it. I have praised its energy and criticized its narrowness, the narrowness of a government that imposes orthodoxy on the unorthodox and has made many mistakes as, say France.

But now I feel threatened.

The United Nations has declared that Zionism is racism. I have to read that again. Zionism is racism. A statement like that requires the historical perspective of a lobotomized child. If Zionism is racism, what was Nazism: A Liberation Front? Maybe, on the other hand, it requires the historical perspective of an oil embargo. You see, I am becoming cynical.

What does the UN mean by Zionism? The Arabs have sworn that they will push Israel into the sea (Don't tell me that's rhetoric; everything is rhetoric until it is possible). Is a Zionist someone who does not wish to see Israel drowned? Then, I am a Zionist.

I discover that, having been born an American Jew, third generation, middle-class, college-educated and all the rest, I would feel less safe in my own country if there were no Israel. Let me put it this way: If the world opinion turns against Israel under the code phrase Zionism, it turn against "Zionists" in Russia and Brazil and everywhere—everywhere there is a Jew who has kept his traveling papers in order in some recess of his mind. Do I seem alarmed? Forgive me. No, I'm not looking for an attic, but I guess I think that it could happen.

I hear the UN resolution, and in some unknown corner of my memory (or is it my father's?) there is a click: "Oh, no, here we go again."

In a concentration camp, my snobbish German great-aunts were gassed along with what they would have considered the Polish "riff-raff;" the atheists were murdered with the orthodox; the children with the elderly. All the Jews were to be murdered. That is racism.

Until recently many American Jews, like Elie Weisel the novelist, sought to explain why the Nazi extermination—a catastrophe that ironically produced the United Nations. It was viewed as a moral aberration, an event so horrendous that it purged the world of anti-semitism. Well, we once believed that atomic weapons would purge the world of war—by making it too obscene to contemplate.

Now I am not sure.

DOUBLE BOTTOM TANK SHIPS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mrs. SULLIVAN. Mr. Speaker, at this time I would like to associate myself with the comments of Mr. MURPHY of New York which were contained in the CONGRESSIONAL RECORD of October 9, 1975, beginning on page 32628, with respect to the Office of Technology assessment report on "Oil Transportation by Tankers: An Analysis of Marine Pollution and Safety Measures."

In all the circumstances, I think that I must agree with Mr. MURPHY that the portion of the OTA report categorically stating that double bottoms will prevent most oil spillage is unacceptable. The report states:

From a technology standpoint, however, it is generally accepted that double bottoms will prevent most oil spillage which results from limited intensity hull ruptures due to groundings. . . .

The report goes on to say:

This report supports the finding that the double bottoms offer a significant degree of protection from oil pollution in the event of a grounding accident.

I concur with Mr. MURPHY's analysis of the OTA report and that these conclusions in the report are not based on strong evidence and rationale which can be found in the report, and certainly the report does not make any attempt at all to examine all the evidence which could lead to a contrary conclusion. It is almost as though this portion of the report was structured to reach a conclusion favoring double bottoms without any attempt to examine, or even present any of the evidence unfavorable to double bottoms.

In fact, the report was so biased and one-sided in the connection, as Mr. MURPHY points out, apparently three of the review panel members objected to the conclusions drawn with respect to double bottoms. In fact, additional material was provided in an attempt to correct the imbalance of this portion of the report and to give it some semblance of credibility.

During part of the August recess, Mr. Speaker, I visited major ports and shipyards in Northern Europe. At each yard, I made it a point to inquire into the feasibility of double bottoms and to ask how those European yards felt about the construction of double bottoms in tankers. The general consensus was that double bottoms would not prevent pollution in many types of incidents and did present problems. For example, the European yards indicated that double bottoms could be an added expense, running anywhere from 5 to 20 percent extra, depending upon the circumstances. In addition, it was explained that double bottoms could lead to trapping gases and possibly dangerous explosions, instability in the event of an incident and actually could cause more pollution in some circumstances. This information from the European yards agreed with the conclusions reached by the Coast Guard Subcommittee of the Merchant Marine and Fisheries Committee after its hearings on double bottoms in the 93d Congress. It also agreed with the conclusions reached by the Intergovernmental Maritime Consultative Organization—IMCO—on this subject.

Mr. Speaker, I was a strong supporter of the establishment of the Office of Technology Assessment, so I was very disappointed in the uneven treatment of the double bottom controversy by OTA in the report referred to above by me and Mr. MURPHY. OTA is presently working on several other matters of importance to our committee. I do hope that OTA's treatment of these matters will be more balanced and equal than its work and conclusions on the double bottoms issue.

UB SYMPHONY BAND TO PLAY AT CAPITOL

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. NOWAK. Mr. Speaker, the justly famed State University of New York at Buffalo Symphony Band will perform in Washington, D.C., on Monday, November 17, as part of the "Bicentennial Parade of American Music." There will be a concert on the Capitol steps at 11 a.m. and another in the Kennedy Center Foyer at 4:30 p.m.

I am inserting a Buffalo Evening News article which discusses the band's participation in the New York Day Bicentennial observances, and describes the background of our distinguished conductor, Frank Cipolla.

UB SYMPHONY BAND TO PLAY AT CAPITOL

(By Herman Trotter)

"Throughout history the band has traditionally been the stepchild of the orchestra," says Frank Cipolla, speaking of the musical discipline that has occupied his entire professional life.

Monday, however, Mr. Cipolla and his UB Symphony Band will have an unaccustomed but well-deserved moment in the national spotlight as the only concert band representing New York State in Washington, D.C.'s "Bicentennial Parade of American Music."

It's a continuing celebration which over the 20 months from May 1975 through the end of 1976 will feature musical organizations and soloists from each of the 50 states. Monday is "New York Day."

As its part of the day's festivities, the UB Symphony Band will give two concerts, one on the steps of the Capitol Bldg. at 11:00 AM and another at 4:30 PM at the John F. Kennedy Center for the Performing Arts.

The entire project was developed by the National Federation of Music Clubs, with substantial financial backing from Exxon U.S.A. One of its objectives is to highlight music written in, or having some strong connection with the home states of the various performers.

Thus, the UB Symphony Band's Washington program will include "George Washington Bridge" by William Schuman, "Variations on a Shaker Tune" by Aaron Copland and "the Prelude and Dance" by Paul Creston—all New York-born composers.

Also scheduled is "Spirit of the North" by the flamboyant Patrick Gilmore, who was for many years director of New York's famous 22d Regiment Band.

Though it has no connection with New York, the program will also include an interesting oddity, "Santa Ana's Retreat from Buena Vista," which Mr. Cipolla's research indicates is the only piece for band ever composed by the immortal Stephen Foster.

An additional Western New York touch will be added to the band's concerts, as the programs will be announced by Washington TV newsman Henry Tenenbaum, who formerly was a newscaster for Buffalo's Ch. 7 under the name Henry Lawrence.

Although Mr. Cipolla readily admits that bands still run a distant second to symphony orchestras with respect to the number of permanent organizations giving regularly-scheduled concerts, he is very happy with the progress that has been made in establishing a serious band literature.

"Important composers as far back as Cherubini and Mehul (late 18th Century) have written works for band," Mr. Cipolla explained, "but a mass movement towards building up a body of literature had to wait until the early 20th Century when a few English composers, notably Gustav Holst, took the lead.

"Still, it was really only after World War II that any great number of influential composers turned their attention to the band. The bulk of the literature used to be made up of orchestral works transcribed for band.

"But now we find men of the stature of Karel Husa writing important, large-scale compositions for band, and then on the basis of outstanding acceptance transcribing them for orchestra. That's a switch!"

Mr. Cipolla became director of bands at the State University of Buffalo in 1961. It was a homecoming for the Buffalo native who had graduated from Rochester's Eastman School of Music and then spent several years at the University of Missouri.

Much of his effort here has been aimed at stripping the band of that "stepchild" image. When the 75-member entourage of the UB Symphony Band boards the two specially-painted bicentennial buses this Sunday for the trip to Washington it will mark a major step in that direction.

It is with great pride that I welcome our talented symphony band to the Nation's Capital, and I am pleased to invite my colleagues to enjoy Monday's performances. It will be a rewarding experience.

VETERANS—THE GREEN BERETS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. McDONALD of Georgia. Mr. Speaker, I could not help but note that patriotic voices around the country could still be heard last November 11 when America took time out to pay tribute to its veterans—both living and dead. The voices of these patriots will not be stilled. I would like to pay tribute to one organization that will stand forever in commemoration of her fallen comrades, and that organization of the famed Green Berets is called the Special Forces Decade Association which will be soon redesignated the Special Forces Association.

The reason for forming such an organization was best described by one Bill "Pappy" Greer who was an officer of chapter No. 1 of this association—formerly located in Vietnam prior to Kissinger's retreat from victory.

"Pappy" Greer stated:

There is something about men who share hardships, adversity, tragedy and the good times together which enables them to form more close and enduring friendships with their compatriots.

Men like these—the Green Berets should know of such adversity and tragedy. They had the highest record for valor and men killed-in-action of any organization that operated behind the lines in Southeast Asia.

I pay special tribute to the survivors of that war who formed together to perpetually remember their fallen comrades. Memories run deep and it is indeed fitting that this association of Green Berets saw fit in their October 1975 issue of their publication called "The Drop," to render a fitting reminder for those who ran out on their country and their fellow soldier. I would like to share their remembrance with my fellow House Members:

AMNESTY

A—is for America, the country you have deserted.

M—is for Man, which you are not.

N—is for Nausea, which Americans feel when they think of you and Amnesty.

E—is for Eternal, may you have an everlasting stay wherever you are.

S—is for Sympathy, that we do not have for you.

T—is for Temper, which red bl..ded Americans will lose with Amnesty.

Y—is for Yellow, the color of the stripe running up your spine, which in "Old Glory" you will never find.

Amnesty—Never!

I could only add one sentiment to that expressed by an anonymous Green Beret. For that I would like to go back 2000 years to book V of Homer's "Iliad":

On the side of valor the odds of combat lie; The brave live glorious, or lamented die; The wretch who trembles on the field of fame, Meets death, and worse than death—Eternal Shame.

May, "those brave men of the Green Beret," continue the Special Forces Association in that tradition of esteem and sacrifice that is always looked on with the highest of favor by their fellow patriotic Americans.

USRA-CHESSIE DEAL WILL COST TAXPAYERS MILLIONS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. HEINZ. Mr. Speaker, on November 9, 1975, a new railroad was created as a result of what is considered the largest corporate reorganization in the history of this country. This reorganization was put into motion by the passage of the Regional Rail Reorganization Act of 1973 and went into effect last Sunday without a word of debate on the House floor.

I suspect that many Members were unaware of a deal between the United States Railway Association and the Chessie System which may wind up costing taxpayers millions of dollars. It is estimated that a deficiency judgment alone could cost the U.S. Treasury $145 million. I have grave concern about what appears to be a bargain sale that will take the taxpayers to the cleaners.

The fact is that the USRA allowed the Chessie system to pick up almost 2,000 miles of track from the bankrupt Erie-Lackawanna Railroad at the bargain price of $54.5 million. According to USRA, the Chessie transaction is essential to carrying out the final system plan and satisfying one goal of the 1973 law that set up the program to restructure the Northeast railroads. That goal is maintaining competition in the region. The Erie-Lackawanna places a total value of $492 million on all their property, 60 percent of which is scheduled to be turned over to the Chessie for less than scrap value. The alternative to the take it or leave it offer by Chessie, in what had to be considered a buyers market, was Unified ConRail, considered by many to be nothing more than a monopoly operation in some major markets in the Northeast and Midwest.

There is no doubt in my mind that Erie-Lackawanna will go to court to seek a deficiency judgment that will eventually come out of the taxpayers' pocket. At the same time, Chessie had considered closing down some of the Erie-Lackawanna operations that were included in the deal, such as the Meadville Car Shops. This would result in hundreds of employees on furlough who would qualify for the generous labor protection benefits established in the Regional Rail Reorganization Act and prompt an additional drain on Federal funds.

While USRA has generously accepted the Chessie offer, we in Congress must justify the use of these tax dollars to underwrite one of the Nation's richest railroads without any quid pro quo. In return for the bargain price granted to Chessie, I believe that the Congress might now consider requiring that Chessie continue such worthwhile Erie-Lackawanna operations as the Meadville shops and provide service over some or all of those contested branch lines which may otherwise be abandoned under the reorganization.

In the case of some 300 miles of contested branch lines scheduled for abandonment in Pennsylvania, it is estimated that some 5,000 people will be out of work when these lines are abandoned on Feb. 6, 1976. If the Chessie is going to get a multimillion dollar bargain, to me it only makes common sense that the Chessie should operate some or all of these contested lines. This will preserve valuable jobs in these times of high unemployment. It will also save taxpayers expected welfare and unemployment compensation bills.

Mr. Speaker, I urge my colleagues to closely scrutinize these aspects of the final system plan, so that we may take the necessary action to protect the interest of the taxpayers.

CHILD AND FAMILY SERVICES ACT

HON. RICHARD F. VANDER VEEN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. VANDER VEEN. Mr. Speaker, I would like to take this opportunity to include in the RECORD a copy of an editorial from my home newspaper. The Grand Rapids Press. The article deals with the inaccurate material that has been circulated concerning H.R. 2966, the Child and Family Services Act. The editorial follows:

CHILD BILL FRAUD

Despite the risk of lending unearned credence to one of the most specious and inflammatory leaflets to gain widespread distribution in the Grand Rapids area, comment must be made on a two-page publication entitled "Raising Children—Government's or Parent's Right?"

The material attacks U.S. House Bill 2966, commonly known as child and family services legislation. The proposal would expand a number of family services already provided to a limited number of persons. The proposal's stated purpose is to reduce infant mortality (the U.S. ranks 14th in this regard) and physical and mental impairments by authorizing prenatal and family health care assistance and to extend day care services beyond current Headstart programs.

Similar legislation was vetoed by President Nixon in 1971 largely on the basis of cost. At the time the Press found difficulty reconciling Mr. Nixon's demands that able persons on welfare must be made to work with his rejection of a bill which would have permitted day-care aid for a single parent who was forced to remain at home with young children.

The current legislation, similar in purpose to the 1971 bill, has been altered to meet previous criticism. First-year planning and operations would be scaled down considerably, funds would be authorized for personnel training and the bill, throughout, emphasizes and clarifies the voluntary nature of the program. Nothing in the bill makes participation mandatory, and much of the program would be directed by the parents.

The extent to which the federal government should involve itself in family services is a proper issue which can be debated responsibly. What is not responsible, however, is the distribution of emotional and patently false material which makes rational discussion all but impossible. It is the politics of fright.

The local situation is especially disturbing because the leaflet has been widely distributed in schools, churches and working places and has triggered hundreds of inquiries to Rep. Richard Vander Veen's office. It is also distressing to find that such obviously spurious information is taken seriously.

There are several elements in the two-page letter which should automatically raise doubts about the veracity. Nothing on the material identifies its source; that should be sufficient reason to discard any "fact" sheet. As proof of its allegations against the Child and Family Service Act, the letter quotes from the 1971 CONGRESSIONAL RECORD. The reference is not to the bill itself but to a speech by Sen. Carl Curtis of Nebraska who equated the legislation to a "Charter of Children's Rights."

The "charter" had been advocated, unsuccessfully, by two parties in Britain and bears no relationship to the particulars in the proposed U.S. legislation. The CONGRESSIONAL RECORD is a repository for any variety of outrageous claptrap deemed worthwhile by a Member of Congress. In this case Sen. Curtis used his privilege not wisely, not responsibly, but well enough, apparently, to suit his purposes.

Finally, the purported "facts" contained in the flyer are so outlandish and totally out of character for the bill's two respected sponsors—Rep. John Brademas of Indiana and Sen. Walter Mondale of Minnesota—that they should be discounted out of hand.

Those who have gone on record as supporting the intent of the legislation include the Salvation Army, the National Conference of Catholic Charities, eight national Baptist organizations, the National PTA and a dozen or so organizations representing handicapped persons.

Still, the concept of expanding federal aid to poor families with pre-school children must be debated intelligently. That cannot be done, however, when certain opponents to the bill deliberately obfuscate the issue with a layer of lies and emotions.

Rep. Garry Brown of Schoolcraft opposes the legislation but nevertheless felt moved to inform his constituents that the flyers, like those distributed in Grand Rapids, contained "false and misleading information."

Rep. Vander Veen, who said he will not decide how to vote on the bill until he sees its final form, has called the discrediting material "a deliberate attempt to mislead the public."

The congressman is much too kind. The flyer is a gross form of public deception which threatens to make legitimate debate on an important issue impossible. And unfortunately, those well-meaning persons who have innocently caused its dissemination have not advanced the cause of good government.

NEW YORK CITY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MICHEL. Mr. Speaker, bailing out New York City would do more to convince the people of middle America that their Government is irresponsible than anything since Watergate.

I think this is a time when we need to restore people's confidence in Government, not destroy it by subsidizing those, like the present and former city administrations in New York, who have been irresponsible in their conduct of their responsibilities.

A bail-out would make of the Federal Government an accomplice after the fact to New York's dereliction.

In my district, and I think in the vast majority of the country, that fact is appreciated. People there know that no solution for New York is possible unless the New Yorkers themselves are willing to make some sacrifices in order to get the job done.

That attitude is expressed in unmistakable form in an editorial in a recent issue of the Pekin Daily Times, a fine newspaper in my district. I insert this editorial, written by editor F. F. McNaughton, here in the RECORD:

THE EDITOR'S LETTER

(By F. F. McNaughton)

New York can come out of it.
Budget: $12,300,000,000
What are biggest expenses?
1st—Welfare and charity $3,400,000,000
2nd—schools $2,500,000,000
3rd—interest $1,600,000,000
Almost three-fourths.
What shall they do?

First, New York state now invites the destitute to come, by paying high welfare. It must repel. They could reduce the $500-a-month payments to poverty families until the New York City debt is reduced (then hike the payments again later).

Second, schools can be cut drastically. I went to a one-room school with 8 grades, and usually a teen girl as teacher. While I was a senior at college there was an influenza epidemic all over the land. A school board, miles away, telephoned to the college: "Can you get anybody?" They sent me, age 19. Sent me down by train. Every—I mean every—teacher was dead or down sick.

(Later the school board gave me such a boost that I got a principalship and also Cecille McMillan, a senior; but not till school was over. I was 20 then. That good pay ($900) sent me to get a Master's Degree in Columbia University. And this is the reason I'm taking so much interest in New York.)

I'm still writing about the $2,500,000,000 and what can they do about it. $17,000 teachers' pay average must be cut. And put 10 more students in classes. You know all of that.

But here's what's coming! Teachers, now wed, or resigned, or over 65 (probably the best) must step up and teach without pay; go without pay as substitutes.

Yes, without pay. Others 500,000 can turn in a day, each, without pay.

Under good management, all can do some work without pay. (New York City's high pay to labor has been a bone of contention across the land. We hear it; we see it in bold face type. So let's recruit enough free labor to do the whole deal. New York's budget could be cut in half.)

New Yorkers, write, phone, go to Mayor Beame to say: "I'm an auditor—free." "I'm off Monday; I'll come." "Here's a good cop for a night." "Hell's fire, I can sit a night for you at a firehouse." George Meany knows when to let this happen. The town where I had my first newspaper needed a recreation building for all; union men did it free. Here at Pekin, union men pitched in, donating labor to redo the park pool.

I'm thinking New York should strke a medal for those who step forth and contribute time and money to pull the city out of this mess.

BUDGET TARGETS AND THE DEBT LIMIT

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. FISHER. Mr. Speaker, adoption of the second budget resolution for fiscal year 1976 marks another step forward in the application of the new congressional budget procedures which provide targets for budget authority, outlays, revenues, deficits and the public debt. This action marks the completion of the "dry run" year for the new procedures. Next year the new congressional budgetmaking will be in full operation. For the first time, Congress will have the machinery for handling its budget responsibilities in a disciplined and comprehensive way.

The second budget resolution adopted this week sets binding totals for the items mentioned above at a slightly higher level than the first budget resolution adopted 6 months ago. These increases have not been the result of congressional actions, which have remained within the earlier guidelines, but have occurred because of the automatic increase in certain long-term programs that are affected by the continuing economic recession. Unemployment benefit payments, which go automatically to the large number of qualified unemployed workers, account for a large part of these increases. This highlights the point that unemployment and business recession are the real villains responsible for our budgetary difficulties. A 1-percent drop in unemployment would bring in around $15 billion of additional tax revenues with no increase in tax rates, and would reduce unemployment benefit payments by some $2 billion.

Outlays approved by the second resolution exceed those in the first resolution by some $7 billion, principally for people programs, such as income security, health, veterans' benefits and the like. In addition, new outlays have been approved stemming from the recent commitments made in connection with the Sinai agreements. Other national defense outlays are changed only very slightly.

With unemployment still a major

problem and with the need to restore the economy to a more prosperous condition, it seems to me that the fiscal year 1976 budget targets that have been adopted are realistic. I wish outlays could be less, revenues greater, and the deficit reduced. But restoration of the economic health of the Nation does not permit this at the present time.

Fortunately, there is evidence that the economy is beginning to improve, not smoothly and without hesitation, but still to improve. As this trend continues, it should be possible next spring to present a budget resolution for the following fiscal year in which the deficit will be considerably lower. With a better outlook for jobs and incomes, Federal revenues will increase and certain outlays will fall, notably unemployment benefit payments, certain veterans' and income security payments, along with a few others. In such circumstances, it should be possible actually to reduce the outlays for other programs which no longer can in part be justified as antirecession measures. I expect to vote increasingly for budget restraint and cuts. With an improving economy such votes will be responsible and needed. The real test of the new congressional budget procedures, therefore, will come next spring and next fall as economic conditions in the country make possible significant reductions in the budget deficit and, therefore, in the public debt.

This view is further strengthened by the likelihood that with an improving economy, inflationary forces may become active again, requiring restraint in budget outlays and reduction in budget deficit. The actual selection of budget outlays to be held back and, if possible, cut will not be easy. The Congress will have to try to select those which will have a maximum effect on restraining inflation and on eliminating remaining pockets of unemployment and recession.

Closely related to the budget resolution is the action also taken this week to increase the temporary debt limit through March 15, 1976, by $18 billion, to a total of $595 billion. It is deplorable that the debt limit has to be raised again. But, if this were not done, by the end of the week the Government would not have been able to meet its obligations and pay its bills. The debt ceiling is the result of appropriation and revenue actions taken previously by the Government. The way to prevent increases in the debt limit is to spend less money or raise more.

The principal issue considered by the House was not the debt limit by itself, but whether to attach to the debt limit bill a provision setting a ceiling of $395 billion on Government spending in fiscal year 1977 which begins October 1, 1976. The time to deal with the spending limit for the next fiscal year is not now in connection with a debt limit to extend only through next March 15, but in the normal and planned sequence established by the new budget procedures, which incidentally have been widely supported by House Republicans and Democrats alike. This means that once the President had submitted his budget next January, as scheduled, the new machinery for congressional budget consideration would begin to operate and there would be reported to the House the first budget resolution next March containing the preliminary targets on spending, revenue, debt, and so on. To set spending limits for fiscal year 1977 now not only would negate and perhaps destroy the promising new budget process, but would commit the Congress and the country to a budget expenditure program even before the President and the executive branch had submitted its budget. This would be a most unfortunate way to proceed and would invite further distrust of the Congress and doubt as to the seriousness of its intentions to deal with the budget in a disciplined and orderly way.

Having said this, I do think that next spring, and thereafter, the Congress would do well to establish limits on Federal outlays for fiscal year 1977 that would reflect the need to bring the budget under better control and to reduce as much as possible any prospective deficit. As I argued earlier, this will hinge largely on the state of the national economy. But assuming the economy continues to improve, it will be most important that 1977 outlays be held back so that with rising revenues, significant reductions in debt can be achieved.

These matters are too important to the country, to all the people, not to be dealt with in an orderly and an intelligent manner with a minimum of political posturing, jumping the gun, and trying to put the other side in a bad light.

REV. JOHN T. WEEDEN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. STOKES. Mr. Speaker, next month, a distinguished citizen and theologian of Cleveland will celebrate his 50th year as a minister of the gospel.

Rev. John T. Weeden, B.D., D.D., pastor of St. Timothy Baptist Church, has long been an active and devoted member of the Cleveland religious and civic community. He is beloved by his parishioners and revered by friends and associates in all walks of life.

For a half century, three churches have thrived under his able guidance: Bethany Baptist Church and Eastern Star Baptist Church, both in Indianapolis, Ind. And Cleveland's St. Timothy Missionary Church located at 7101 Carnegie Ave.

Dr. Weeden was born 75 years ago in Statesville, Tenn., son of the late Mr. and Mrs. Louis D. Weeden. His parents, both farmers, gave him a deeply religious up-bringing and instilled in him a strong motivation for education.

Dr. Weeden attended elementary school in Watertown, Tenn., and Roger Williams Bible College in Nashville. In 1916, he migrated to Indianapolis and matriculated at Manual Training High School, Indiana Central College and Butler University. He received his formal religious training at the Moody Baptist Institute in Chicago, Ill., and studied political science at Case Western Reserve in Cleveland.

Dr. Weeden has often said that everything good in his life always happened during the month of August. He experienced his natural and spiritual birth in August and another event equally special. Gladys Mae Evans became his bride on August 2, 1922, and together they raised nine children, five sons and four daughters. Dr. Weeden now boasts of a family that consists of 38 grandchildren and 14 great grandchildren.

Though busy with his church and family, the world has certainly been no stranger to this always curious individual. Dr. Weeden has traveled throughout Europe, Africa, Asia, the Near and Far East, and South America. In 1955, Monrovia College and Industrial Institute of the Methodist Episcopal Church in Liberia awarded him a doctor of divinity degree.

Other honorary degrees and associations include a bachelor of divinity from the American Academy of Professional Arts in 1967 and admission to the Knights of the Kingdom of God, Nassau, the Bahamas in 1960.

To name but a few of his illustrious affiliations: Past president of the Ohio Baptist Convention, U.S.A.; president of the Baptist Ministers Conference of Cleveland and vicinity; liaison of the 21st District of Congressman LOUIS STOKES and vice president of the Pastors' Division of the National Baptist Congress of Christian Education.

Also, board member of the National Baptist Sunday School Publishing Board; member of Cleveland Kiwanis Club No. 2; board member Brothers' Brother Foundation, National and International; past president of the Cleveland Missionary Baptist College of Biblical Education.

In addition to the above, Dr. Weeden is an executive board member of the National Baptist Convention, U.S.A.; vice president of the International Ministers' Alliance of Cleveland, executive board member of the Interchurch Council of Cleveland, and trustee of the Forest City Hospital of Cleveland, Ohio.

Dr. Weeden is keenly interested in concerns of young people and worked closely with the local Y.M.C.A.'s. He has also been an active participant and consultant to the Cleveland Chapter of the National Association for the Advancement of Colored People, and the Cleveland Urban League.

I am sure that all of my colleagues in the Congress extend congratulations to Dr. John T. Weeden and the St. Timothy Missionary Baptist Church.

We all wish you much success and many more years of valuable service to your church and community.

THE U.N. ANTI-ZIONIST RESOLUTION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. BINGHAM. Mr. Speaker, the United Nations General Assembly resolution condemning Zionism as a form of racism has brought the United Nations

to the lowest point in its history. By this vote, the U.N. General Assembly has made a public declaration that does violence to history, logic, and commonsense; it has perverted the U.N. role as a peacekeeper into that of a peace-preventer; and—most reprehensible of all—it has fanned the flames of that oldest, most virulent, and most destructive form of racism, the foul disease of anti-Semitism.

How cruel are the ironies of history. Who can forget the world into which the United Nations was born 30 years ago; the United Nations, a ray of hope and light after the darkest night in man's history? And who can forget what preceded that bright day? Who can forget Auschwitz, Buchenwald, Dachau, and Treblinka?

Out of the ashes of World War II there arose the United Nations; and out of the dark night of Hitler's "final solution" arose, phoenix-like, the State of Israel. Andrei Gromyko, along with Harry Truman, welcomed Israel into the United Nations; he proclaimed Zionism "the national liberation movement of the Jewish people." It was—and is—that; but it was more. Hand in hand with the United Nations, the State of Israel's existence symbolized the failure of the most extreme racist episode in all history; and its support by the United Nations was a loud rejection by the community of nations of all racist persecution. When the flags of Israel and the United Nations flew proudly side-by-side, we saw a proclamation: Never Again, the flags proclaimed. Never Again to any people.

What a cruel dashing of hope the recent U.N. resolution is. What breaking of human, and humane, solidarity. What a break with the best in our past, and what an affirmation of the worst. What a cowardly act. What a lie

Sadness today must envelop all lovers of peace, and anger all those who love truth. This week 72 member states of the United Nations struck a blow against both peace and truth.

But it is not enough for us to be sad—and angry. The question that confronts us is: What do we do about this shameful resolution?

It is easier to say what we should not do than what we should do. Clearly we should not take any action which, in the short run or in the long run, will hurt the interests of the United States or of Israel.

In my judgment this means that we should not withdraw from the United Nations, tempting as that course may seem at the moment. We must remember that the General Assembly is only one of the organs of the United Nations. There is also, very importantly, the Security Council. The Security Council has not adopted the anti-Zionist resolution, nor could such a resolution have been adopted in that body. For the United States to withdraw from the Security Council would be highly dangerous to American and Israeli interests. The Soviets learned this lesson very dramatically in 1951 when they had "taken a walk" from the Security Council at the time of the North Korean attack on South Korea and thus were not present to veto the Security Council's resolution providing for United Nations resistance to that aggression.

Another important organ of the United Nations is the Secretariat, headed by the Secretary General. The Secretariat is responsible for operating the U.N. forces that are currently in the Sinai and on the Golan Heights and which Israel very much wants to have remain there. These essential U.N. operations, it is universally agreed, have been carried on in an impartial manner. And the Secretariat had nothing whatsoever to do with the passage of the anti-Zionist resolution. So it would make no sense to withhold funds from the Secretariat.

Should we perhaps withdraw, at least temporarily, from the United Nations General Assembly? Again this is a tempting course. But again I believe such action would be a mistake. The General Assembly will be taking up many other matters in the coming weeks. As to these matters we want our voice to be heard and our influence, such as it is, to be felt. Even as to matters affecting the Middle East, should we leave the field of battle to the enemy? I think not.

Does this mean that we are helpless to do anything in the face of this horrible action engineered by the PLO and the radical Arab States? Certainly not.

First of all, I believe we should start now a campaign to reverse the position taken by the General Assembly in the 1976 session. To that end, we should, first, consult with those 34 nations that voted with us and with at least some of those who abstained. Second, we should seek means to make as many as possible of those countries who supported the resolution regret their action. This can be done both through citizen as well as Government action. I understand there is an organized movement underway for Jewish groups to stay away as tourists from such countries as Mexico and Brazil. I say good for them, and I will stay away too. Other citizen boycotts are in order. In our governmental dealings with such countries, also, we should seek ways to make them feel our fury, and we can find such ways if we look.

Finally, I believe the friends of Israel, including the Government of the United States, should embark on an educational campaign as to the true meaning of Zionism. We have not done enough to offset the poisonous propaganda of the radical Arabs that Zionism connotes an expansionist Israel, as President Sadat said to me the other day; we must effectively pin down as a lie the myth, widely circulated in the Arab world, that the ideal of Zionism is expressed in an inscription on the Knesset wall: "To a greater Israel, from the Nile to the Euphrates." We must make it understood to the governments and peoples willing to listen that Zionism is an expression of the yearning for a return to Jerusalem that is at the heart of the Jewish faith; we must make them understand that they cannot be anti-Zionist and at the same time not be anti-Jewish, as they claim.

I am hopeful that these things can be done. The sky is dark, but there is light on the horizon, if we have the wisdom and the determination to reach it.

GUN CONTROL

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. RUPPE. Mr. Speaker, it appears that the Congress will soon begin to deliberate possible gun control legislation. I am aware of the tremendous emotional feelings which this issue arouses both pro and con. I urge my colleagues to debate the matter calmly and rationally so that we do not write a bill which is directed against innocent and law-abiding parties. For in dealing with the issue, we might inadvertently restrict one of our basic freedoms, and also end up not solving the basic problem.

After 9 years in Congress, I must report that there is no change in my basic position regarding firearms legislation. Northern Michigan residents have steadfastly indicated their opposition to gun control bills and I concur with their views. Hunting, fishing, and outdoor sports are an integral part of life in my district, and I can see no reason to write restrictive legislation to, in effect, punish thousands of honest constituents. I must therefore, express my opposition to the current efforts of the House Judiciary Committee's Subcommittee on Crime to restrict the private ownership of handguns. If such a bill is enacted, it will leave the ordinary citizen bereft of any protection for his family. Writes one northern Michigan resident:

> Let's not disarm the private individual and leave him at the mercy of the armed criminal.

Further, I would oppose any type of Federal legislation which would mandate the registration of firearms. Such action would only create another unnecessary bureaucracy in Washington and would be ineffective in dealing with the more immediate problem of crime. New York City, which has a strong firearms law on the books, seems to be rife with illegally held weapons. The cost of a registration program would be staggering, especially at a time when our budget deficits are so high. If handguns are banned, I could foresee the development of a vast underground traffic dealing in illegal weapons, and I doubt these traffickers would be law-abiding citizens.

The Congress, instead of trying to remove guns from the private citizen, should address the problem of writing a strong bill which punishes the criminal instead of the honest man. I have become a cosponsor of legislation which would provide mandatory sentences for felonies committed with a firearm, in addition to the penalty provided for by law. Criminals should be put on the alert that if they use a gun during the commission of a crime, they will be penalized and not released.

I would like to address one final aspect of the gun issue. For years, the Saturday night special has been an integral element of the urban street crime scene. These small, malicious weapons are easily obtained by the criminal, used in robberies and assaults, and then quickly

disposed of. They are cheaply made, generally unsafe, and have no place in the home of the sportsman or hunter. If the House Judiciary Committee is able to write legislation carefully defining the Saturday night special, I would consider supporting a ban. In my 1975 questionnaire results from 11th District residents, over 70 percent responding favored a ban on the special. But I would not support restrictive legislation aimed in any way at the average citizen.

All too often in the past, we have turned to the Federal Government as the one body which can solve a problem quickly through the passage of legislation. But we must realize that the enactment of an all-encompassing gun control bill would not make the streets safe again. The Congress must realize that the war against crime must be fought against the criminal, not the gun owner. The thrust, therefore, of any bill must be toward the illegal elements in this country, and not punishment of all gun owners and hunters for the misdeeds of a small criminal minority.

THE RECORD OF JUSTICE DOUGLAS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. RODINO. Mr. Speaker, the voice of Associate Justice William O. Douglas no longer will be heard from the Supreme Court bench, but I earnestly hope that it will be heard in other forums for years to come.

Mr. Justice Douglas is uniquely American. During the most difficult periods of this Nation's recent history, his wisdom and courage helped mark the trail of freedom and justice. There is need for this man and the special insight he brings to the basic principles on which America stands.

Mr. Speaker, one does not merely summarize the accomplishments thus far of a man like Mr. Justice Douglas. One can only point to special achievements that stand above the excellence that for him is routine. His devotion to the first amendment and to the principle of dissent are two that warrant special attention. For him, the right of the individual to be heard is paramount, inviolable. An individualist himself—some say almost a recluse—he nonetheless has fought harder for the right of every man and woman to speak what is in their minds and hearts than anyone in this century.

Closely related is his adherence to the principle of dissent, fostered by such Justices as Harlan, Holmes and Brandeis. Mr. Justice Douglas has not only continued this tradition, he has enlarged upon it and left it stronger than when he came. Our Nation, our law, and our freedom are the better for his work.

Mr. Speaker, I include the Washington Post editorial of Friday, November 14 on Mr. Justice Douglas at this point in the RECORD.

THE RECORD OF JUSTICE DOUGLAS

As a long-time admirer—and occasional critic—of Justice William O. Douglas, we profoundly regret his departure from the Supreme Court. But we deeply respect the courage and good judgment which impelled him to make this hard decision when his health no longer permitted him to continue. And we welcome the opportunity his retirement gives us to say some of the things about his long and illustrious career that newspapers normally don't get around to saying about great figures and old friends until after they are gone.

Justice Douglas is always so insistently himself—so intensely individualistic—that he has attracted violent detractors as well as ardent admirers in his long career, most of it spent in sevice on the Supreme Court of the United States. Physically rugged, an outdoorsman by inclination, gifted intellectually, temperamentally lonely and independent, he is as indigenously American as Uncle Sam. He loves his country passionately—its mountains and rivers and wild places if not its crowded cities—as he loves its great traditions and its ideals of personal freedom and opportunity.

Justice Douglas has his own ideas of decorum and propriety as he has his own strong convictions about the meaning of the Constitution; and it was on the basis of these ideas and convictions, unmoderated by popular standards or conventions, that he patterned his private conduct and his public judgments. He believes that judges should be in the main streams of life, not isolated or insulated from popular feelings; and so he has expressed his personal views freely about matters of foreign policy such as the Vietnam war and about domestic affairs as well. He has lectured and written books and magazine articles on a wide variety of non-judicial subjects—a practice which his critics condemned as unbecoming to a Supreme Court Justice. For a time, while on the Court, he served as the salaried president of a not altogether savory private philanthropic foundation—which led to an abortive attempt to impeach him in 1970. Perhaps, as some critics have contended, these extracurricular activities by the Justice resulted in some impairment of his prestige and influence. At worse, however, they were indiscretions growing out of his aloof indifference to the opinions of others. He has marched only to the fanfare of his own trumpet and followed only his own star.

In his service on the Court, Justice Douglas was commonly called an "activist." This is to say that he allowed his interpretations of the laws and the Constitution to be infused in some measure with his system of ethical values. He cared about justice no less than about the law; and he believed that judicial restraint in its true sense entailed a deference to the great constitutional assurances of individual rights and liberties rather than a deference to the judgments of legislatures. In this attitude, he was allied closely in innumerable cases with Hugo Black; together and individually, often in dissent, sometimes in opinions for the Court, they produced some of the noblest and most moving expressions of faith in the irrepressible freedom of the human spirit.

Like Justice Black, Justice Douglas believes in a preferred position for the First Amendment as the guarantor of a freedom indispensable to the functioning of any self-governing society. He moved from an early acceptance of Justice Holmes' clear and present danger doctrine to a later attitude of absolutism respecting the protection of speech and of the press. "The First Amendment," he wrote in one of his books, "The Right of the People," "was a new and bold experiment. It staked everything on unlimited public discussion. It chose among conflicting values, selecting the freedom to talk, to argue, and to advocate as a preferred right. It placed us on the side of free advocacy, come what may." This view has made him an uncompromising foe of every sort of sedition statute, of every limitation on efforts to gather and disseminate news or opinion and of censorship in any form, whether in relation to politics or to esthetics.

Behind Justice Douglas' philosophy regarding the First Amendment lies a conviction that the Bill of Rights was intended, above all else, to impose a check upon the headstrong passions and prejudices of majorities. "A great risk in any age, he once wrote, is the tyranny of the majority. Freedom of expression is the weapon of the minority to win over the majority or to temper the policies of those in power." It may well be that Justice Douglas' most significant service to his country lies in his role as a nay-sayer to popular enthusiasms. He resolutely resisted the tyranny of majorities at a time in the nation's history when demagogues were recklessly exploiting popular fears and anxieties regarding "subversive activities" and a supposedly overwhelming "Communist conspiracy." He kept his head—and his faith in freedom.

But the country has a manifold indebtedness to this exuberantly prolific and energetic man. His ability to master complex problems and to write about them swiftly and incisively enabled him to carry a heavy share of the Court's load in the handling of difficult economic and fiscal cases as well as in the defense of civil liberty. From his early years on the Securities and Exchange Commission, he was an inveterate challenger of business and banking threats to a free economy. Over and over again, by admonition and by example, he reminded the country of the importance of its physical environment and its dwindling natural resources. He has produced no fewer than 17 books.

William O. Douglas has a stature not often equalled in public life. His retirement takes from the Supreme Court one of its most powerful and dramatic figures—one of those who help to make the Court, as it should be, a coequal and effective partner in the operation of a political system of divided powers—and a bulwark of human liberty.

FOOD STAMP PROGRAM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MICHEL. Mr. Speaker, the Senate Subcommittee on Agricultural Research and General Legislation has recently concluded its first set of hearings on reform of the food stamp program, and I want to call to the attention of the Members the particularly cogent and comprehensive testimony on this subject by Mrs. Connie Armitage, president of the National Federation of Republican Women. Speaking as a representative of one of the Nation's largest volunteer groups, as a college professor, and as a consumer, Mrs. Armitage highlighted a number of the growing problems with the food stamp program. Her complete testimony follows:

TESTIMONY OF CONNIE ARMITAGE

Mr. Chairman and distinguished members of the Agriculture Committee. My name is Connie Armitage. I am currently completing my fourth year as President of the National Federation of Republican Women which, both in terms of numbers and effec-

tiveness, is the nation's largest political organization of women. And, we're all nonpaid volunteers.

Members of federated clubs in every state have carefully studied the Food Stamp program this year from two perspectives.

First, in Club meetings through research materials, speakers and discussions, our members have examined the legislation enacted as the Food Stamp Act of 1964 and its goal of insuring proper nutrition for all Americans. Then, they have looked at the way the program has been administered and at the incredible growth of the Food Stamp caseload and cost to the taxpayers of the nation.

But the other perspective our members have observed the food stamp program from, Mr. Chairman, is unique from that of most Members of Congress and from that of the witnesses I am aware have testified at these hearings. That perspective is from the check-out counter lines of the grocery stores and supermarkets throughout the United States.

From both perspectives, our members and local clubs and State Federations of clubs have emphatically called for immediate reforms. Via letters, resolutions, petitions and other forms of expressing themselves to you and to the public, Republican women insist that the food stamp program must be brought under control, confined to the truly needy, and reformed so as to eliminate the gross abuses and eligibility loopholes that exist today.

Other witnesses prior to me this week have given detailed, statistical evidence of these loopholes and abuses. You have before you the best available facts, testimony, numbers and other proofs necessary to establish the convincing need for sweeping reform. It is therefore not my purpose to dwell at any length on trying to convince this distinguished Committee of the need for change. From the reports and remarks I have heard, it seems you are convinced. I hope a sufficient number of your colleagues are equally convinced.

Moments ago, I mentioned the grocery stores where, without benefit of all the charts and statistics and testimony you have access to, every thinking housewife, consumer and taxpayer knows that the food stamp program is not functioning properly.

First, we see the people for whom the original food stamp legislation was written—the non-voluntary poor. Through unemployment, disability, the demands of child-rearing and other circumstances, these Americans do benefit from the financial leverage that Food Stamps provide at the food marketplace. I know of no one who seriously objects to our tax dollars being spent to help insure an adequate and wholesome diet for these poor families.

In fact, there are few sadder experiences than to witness a poor mother at a check-out counter with insufficient stamps and money to purchase the food she needs for her family. Many of us have seen such scenes. Actually, the only thing sadder than to see such a person's agony is to be in her shoes.

Accordingly, few would oppose increased Food Stamp benefits for those who are genuinely in need through no lack of effort on their own part.

I submit, however, that under the current Food Stamp operation, these cases of genuine need for increased benefits are the exception, not the rule.

More often, again from the perspective of being behind the market basket, we witness abuses to the system that are obvious, that are an insult to our sensibilities and a cause for resenting the way in which we see our taxes spent.

While I, as a college instructor, can appreciate the ingenuity and resourcefulness of college students in cutting corners, making budget ends meet, and saving money for priorities more enjoyable than food purchases, it is a distortion of the intent of the program for students to receive Food Stamps in the "Carte Blanche" way they now can.

In counties around the nation with large numbers of college students, high percentages of food stamp recipients who are not on public welfare turn out to be college students. For instance, we are told that—

In Champaign County, Illinois, home of the University of Illinois, 85 percent of all food stamp recipients not on public welfare are students;

The figure in February, 1973 was 78 percent in Jackson County Illinois and it was 75 percent in DeKalb County of the same state.

In Santa Clara County, California, home of Stanford University there were 15,000 food stamp recipients in October a year ago. At the same time, the University of California at Berkeley had 15,000; the University of Florida had 3,000, the University of Michigan had 2,100 and other colleges had similarly high percentages of food stamp recipients.

This is a difficult problem, but the central issue is that students have chosen higher education and become voluntarily unemployed for a period and at a time when others may not be able to make that choice. To require the working taxpayers, including those the same age who have not been able to attend college for lack of tuition or other resources, to support such voluntarily unemployed persons is a terrible inequity and is one that must be eliminated.

Mr. Chairman, it is my firm belief that voluntary unemployment, for whatever reason, should not entitle a person to qualify for tax-supported living. This is clearly the unanimous opinion of the Republican women throughout the nation whom I represent here today. They have expressed themselves on this at every level of our organization beginning with their local clubs and climaxing with our recent national convention.

Other forms of voluntary unemployment include the striker and those who otherwise terminate their employment without good cause.

Another common occurrence in our super markets and other stores accepting food stamps is to see them used to pay for the type and grade and quality of foods, particularly meats, that hardly indicate that the purchaser is poor. I understand you heard testimony yesterday that when a shopper was told that food stamps could not be used to purchase dog food, which is not an eligible purchase, she promptly substituted top grade steak for her dog's dinner because food stamps can be used for that. Such incidents have done more to expose the inequities of the Food Stamp program to the average taxpayer than have the reports of fraud, theft, counterfeiting, black marketing and other illegal activities.

Observing shopping habits and incidents at the market is a real education. I was pleased to learn of the first hand testimony of Pennsylvania Congressman Edwin D. Eshleman and Robert Walker of his staff as a result of Mr. Walker's experiences in Lancaster County as a bagger of groceries. Typical bags of groceries purchased with food stamps contained sweets, soft drinks and expensive convenience foods instead of the low cost, high nutrition foods one would expect to find there.

My final observation from this unscientific but nevertheless valid perspective is simply that almost across the board, the wrong people are turning up at the cash register with food stamps. By the wrong people I mean those who, by any stretch of the imagination are not in need of nutritional assistance. Most of us know people who are "taking advantage" of the loose eligibility requirements and other deficiencies in the food stamp program.

All of this has done considerable damage to the average citizen's concept of and respect for government and the law. The prevalent attitude today among too many of our countrymen is that government programs, such as the food stamp program, are *intended* to be abused by the clever; that you're a fool if you don't partake of "free" government paychecks, food, training, transportation, health care, and other social services.

Thinking Americans know, however, that these abuses to our tax-supported programs are bankrupting the nation. By allowing these inequities and loopholes to continue to exist, we are hastening the day of ultimate collapse of the very economy which has been able to pay for them in the first place.

The skyrocketing rate by which the number of taxpayees is increasing in comparison with the shrinking precentage of taxpayers threatens to topple our entire economy and transform us into another bankrupt, whimpering socialist state incapable of economic progress and leadership in the world.

This Committee in this Congress can take affirmative action to straighten out this situation now on one issue—the food stamp program. If you will now have the courage to confine this one program to the needy by responsible eligibility definition and say "no" to the cheaters, the indolent and the opportunists who do not deserve food stamps, you will have taken a major step in the right direction.

The Legislative Committee of the National Federation of Republican Women and thousands of us as individuals have examined the various proposals for legislative reform of the food stamp program. We have compared the provisions of the major bills now being considered by this Committee and have watched for the Administration's various pronouncements.

First, we strongly believe eligibility for food stamps must have a specific ceiling. We feel the appropriate level of this ceiling should be the official federal poverty indices established and defined by the Office of Management and Budget. With such realistic limits, persons with high incomes and assets will not qualify and thereby drain resources from a program that is designed for the legitimately needy.

We favor a $25 monthly income deduction under this program for the elderly, recognizing their plight of living on fixed, limited resources in an economy where inflation and rising prices hurt them most. We also favor substituting the Low Cost Diet Plan for the Economy Diet Plan, thus raising coupon allotments by 29%.

Our organization feels that the food stamp formula should be simplified by basing it on family size, income range and responsible estimates of what average families in these categories spend on food, instead of the present patchwork of complex deductions and exemptions.

We insist that loopholes which permit the voluntarily unemployed to receive food stamps and otherwise to manipulate the system be eliminated.

Instead of eligibility being based on variations of "net" income after deductions and exemptions, we believe gross income figures should be used.

After examining all of the available legislative proposals, the National Federation of Republican Women urges enactment of the National Food Stamp Reform Act (S–1993) as sponsored by the distinguished Senator from New York, Mr. Buckley, and U.S. Congressman Robert Michel from Illinois, and cosponsored by many other Members of Congress from both political parties.

We reject as dangerous and irresponsible the concept of eliminating the purchase requirement in this food stamp program. To do so would totally strip this nutrition program of its accountability and purpose and turn it into simply another federal handout, tantamount to a guaranteed annual income.

Mr. Chairman, in support of this statement, I am pleased to submit to you a copy of an official resolution, adopted unanimously by the delegates to the 18th Biennial Convention of the National Federation of Republican Woman in Dallas, Texas on September 13, 1975.

On behalf of all Republican women, our member clubs and our half-million member campaign force throughout the country, the NFRW Convention urges "immediate enactment of the National Food Stamp Reform Act in the current session of the 94th Congress."

I thank you for your attention and have appreciated this opportunity to express the concerns and frankly, the anger, of our members who are taxpayers, consumers and community leaders throughout the nation.

THE NATIONAL FEDERATION OF REPUBLICAN WOMEN RESOLUTION ON FOOD STAMP REFORM

Whereas:

Expenditures for the Food Stamp program have grown by over 14,000% in the last 10 years, the Food Stamp program has spiraled in the same period to the point where one in eleven Americans receive food stamps and one in four may be eligible; by no stretch of the imagination are one in four Americans in need of tax-supported government nutritional assistance;

There have been instances of food stamps being sold by authorized recipients;

Among the explanations for the massive program growth are a defective eligibility formula and loopholes that permit non-needy persons to qualify, examples of such loopholes exist in the fact that there is no maximum income limit, no minimum age, no prohibition against the transfer of property to qualify; additionally ownership of an expensive home and sending a child to private school actually helps one to qualify;

College students and strikers often rely on food stamps when, in fact, they are voluntarily unemployed and need not meet work requirements that should be central to any welfare system, while persons at the lowest end of the economic spectrum with no other outside income find food stamp allotments insufficient to meet their need, the National Food Stamp Reform Act has been introduced by Senator James Buckley of New York and Congressman Bob Michel of Illinois, as S 1993 and HR 8145 with 94 bipartisan co-sponsors in the Senate and House;

The National Food Stamp Reform Act contains forty-one separate provisions which would reform the eligibility and bonus value formula, close numerous eligibility loopholes, curb the receipt of food stamps by the voluntarily unemployed; eliminate numerous administrative complexities; improve cash and coupon handling methods; sharply curtail opportunities for criminal activity; and increase coupon allotments for the truly needy;

Now, therefore, be it resolved:

That the National Federation of Republican Women urge immediate enactment of the National Food Stamp Reform Act in the current session of the 94th Congress and the signature of such act by the President of the United States, to bring immediate reform to the burgeoning food stamp program;

That the governing laws of this program make the resale of food stamps illegal, and

That copies of the resolution be sent to the President of the United States, the Vice President of the United States, the President Pro Tempore of the Senate, the Speaker of the House, the chairman and ranking minority member of the Senate Agriculture Committee, the chairman and ranking minority member of the House Agriculture Committee, and Senator James Buckley and Congressman Bob Michel.

ENERGY BILL

HON. JACK HIGHTOWER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. HIGHTOWER. Mr. Speaker, with only one vote next week each of us will exercise our responsibility to determine whether our Nation will continue to have an abundant supply of energy. How we vote will long be remembered because every American will be affected by it in their daily lives for years to come.

Dolph Briscoe, the Governor of the State of Texas, addressed himself to our situation last Monday in a statement delivered before Vice President NELSON ROCKEFELLER and other administration officials during a White House Public Forum on Domestic Policy in Austin. I would commend his remarks to my colleagues as we near a congressional decision on the conference-approved energy bill:

You are here today to learn first hand what concerns this part of the nation. I won't mince words. I will speak quite frankly.

This part of the country is concerned to the point of alarm over the lack of progress in addressing the energy problem. It has now been more than two years since the beginning of the Arab oil embargo and yet we are no closer to achieving the goals of Project Independence now than we were in October of 1973. In fact, our dependence on foreign oil is greater today than it was two years ago because of increasing demands and declining domestic production.

Foreign oil now accounts for 40% of total United States consumption.

Our crude reserves of oil and gas will last only ten years at present rates of production and consumption.

We have more coal than any nation on earth.

We have more shale reserves now than our original continental petroleum supply.

We have vast untapped reservoirs of oil and gas off our coastline. As a matter of fact, approximately only 2% of the Continental Shelf and offshore areas have been developed. Yet this 2% produces 18% of the oil and 22% of the gas used in America today.

Despite these facts, we become more dependent on foreign oil every day.

It isn't as though the energy crisis caught us by surprise. It isn't as though it happened suddenly when the Arab oil embargo went on two years ago.

A generation ago, the late Ernest O. Thompson, chairman of the Railroad Commission of Texas, who has been called the father of oil and gas conservation, made this statement:

"Let's not quibble about words. The facts are real. We are up to our necks in oil. We cut and the importers take the field. It is not fair dealing. Unless the trend is reversed we shall face a dwindling oil supply for national security. We must not allow our imports to supplant our own oil here at home and cripple our defense. We must never be at the mercy of foreign oil."

And yet that's exactly what has happened.

The eastern states chose unreliable foreign imports rather than being served by their sister states—and rather than developing natural resources within their boundaries and off their shores.

In my judgment, the beginning of the end of energy self-sufficiency in the United States commenced with the disastrous 1954 Supreme Court Decision allowing the Federal Power Commission to regulate natural gas at the well head. As I told the Midwestern Governors' Conference in Rapid City, South Dakota, on July 9, 1973: "Natural gas is today our cleanest and most desirable fuel, and this unnatural restriction of price by governmental control has resulted in lavish and wasteful use which now threatens to exhaust the supply. If the government required that Cadillacs and Chevrolets be sold for the same price there would doubtless be few Chevrolets sold and they would soon be out of production. In effect, this is what federal price control has done in the use of natural gas as opposed to coal and oil."

As bad as the problem is, we know it can be solved. We have but to look to those dark days of World War II when this great nation was under attack from all sides and we had our backs to the wall—we had an energy crisis then; but we solved it. After our entry in the war it became apparent that we could not move the vast petroleum resources of Texas to the northeast coast by the use of sea transportation. Technology, hard work and determination on the part of the petroleum producers, the pipeliners and the federal government enabled the old time pipeliners to build what we now know as the Big Inch Pipeline from Longview, Texas to the East Coast—a distance of 1,400 miles—in 11 months and 16 days. Texas furnished 75% of the petroleum products consumed by the entire allied war effort. It has been aptly observed that the allies floated to victory on a sea of Texas oil.

Texas did its part then.

Texas has always done its part.

From the time the Railroad Commission started keeping records, until December 31st of last year, there were 620,599 wells drilled in Texas. 373,731 of those wells produced oil, 35,643 produced gas, 202,869 were dry holes, 975 of those holes were offshore in federal and state waters. Texas has been drilling offshore since 1939, and in a major way since 1950.

Texas has developed its resources.

Texas has taken the environmental risks so that the entire nation would have an abundant supply of oil.

I can take you to communities in this State that have producing oil wells in residential areas, on town sites and church yards. And you would find those communities as clean and as fine as any you will ever see.

For taking these risks, for producing the oil—and I might add, for warning the nation for a quarter of a century about the dire consequences our national policies would have—we have been accused of profiteering and we have been called domestic Arabs. We have been the guys in the black hats to the other parts of the nation. Free enterprise has been given a black eye. But history tells us that the free marketplace works when we let it. From 1920 to 1938 the price of gasoline, before taxes, was cut in half—under the free enterprise system. At the same time the average octane rate of gasoline increased by ten points. This was done without federal regulation.

Texas has done its share. But Texas can no longer go it alone. The other states must now do their share as well. The other states must drill off their shores. The other states must mine their coal and develop their shale, wherever possible and without delay. And federal regulations need to be written to encourage them to do it, not to discourage them to do it.

But we need still more. We need a national energy policy to put an end to our current state of indecision and inaction in this vital area.

I believe the first element in a national energy policy must be the removal of price

controls on oil and gas at the wellhead. If oil and gas prices are allowed to reflect the relative scarcity of these fuels, alternate energy sources and additional oil and gas supplies will be developed without massive federal intervention. There is not a man or woman—in or out of government—who is smart enough to make price controls work.

The removal of artifically-low oil and gas prices will also provide incentives to conserve energy and produce energy-efficient appliances and vehicles—again, without the specter of government edict.

Decontrol should be accompanied with the removal of import tariffs. Imported oil is expensive enough without the addition of tariffs.

We must also guarantee a reasonable return on investment for the expensive processes—shale oil production and coal gasification and liquification—if we are to expect their development.

Similarly, the federal government should continue to provide financial support for research and development projects in areas which are not commercially attractive but do hold forth the promise of long term success. Particular emphasis should be placed on nondepleting and environmentally acceptable sources such as nuclear fusion and solar generation of electricity.

A national energy policy must recognize the fact that 75 percent of our energy needs are met by oil and gas. Consequently, we must continue to discover new oil and gas supplies and increase our recovery of petroleum from known reservoirs.

Additionally, we can afford to delay development of the vast oil and gas resources believed to exist in the federally-owned Outer Continental Shelf lands.

Our national energy policy must provide for realistic environmental standards especially in the area of coal mining and utilization.

A national energy policy must provide for an accelerated licensing and environmental review process. We must distinguish between valid environmental concerns and obstructionist delays.

A national energy policy should not preempt traditional areas of state responsibility. Likewise, state governments should be given the opportunity to participate in the decision-making process regarding energy and national resource policy.

In short, I believe a national energy policy must be adopted immediately. This policy must embrace the overall concept of permitting the market place to allocate supplies and determine demand. It is precisely our deviation from this philosophy which is the root cause of current over-demand and under-supply.

It is time we stopped playing political football with the energy crisis. It is time we stopped using the energy crisis as an issue in the 1976 presidential sweepstakes. It is time we stopped blaming each other for our collective inability to agree on a policy.

The American people are not interested in hearing who is at fault. They are tired of hearing the Administration blaming Congress and the Congress blaming the Administration. Energy is not a Republican issue; it is not a Democratic issue; it is an American issue which affects the lives of all of us.

Another embargo would cripple this nation. An embargo in time of national emergency would devastate both our ability to protect this nation against aggression and our ability to sustain our domestic economy. The facts are that simple and that urgent.

We are all joined together in a common peril and the time has come to join together in common purpose.

I believe that a truly effective energy policy will be impossible to achieve until we all agree to divorce it from partisan politics.

I believe the time has come to say that the energy issue will not be an issue in the 1976 campaign at any level—local, state, congressional or presidential.

In the perilous and uncertain days following World War II, when partisan sniping threatened to wreck this nation's foreign policy, the late Senator Arthur Vandenberg rose above the ranks of party affiliation and called for a bi-partisan approach to foreign affairs. He called for us to speak with a single voice to the rest of the world: not a Democratic voice, not a Republican voice, but an American voice. He called for us to remove foreign policy bickering from our campaigns, and from our campaign rhetoric. And because other leaders from both parties were wise enough to follow Senator Vandenberg, we were able to survive a dangerous era as a united people with a common policy. For an entire generation, politics stopped at the water's edge.

Can we do the same in the field of energy?

Can we agree when the solutions are obvious—and disagree not as Republicans and Democrats, but as Americans?

Can we come together, in just this one area, and forge a truly strong and effective energy policy?

I believe we can if we try.

And I believe the consequences of our failure are too great a peril for the American way of life.

SULTAN OF SMUT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MICHEL. Mr. Speaker, the current issue of Reader's Digest contains a remarkable and hard-hitting investigative article by George Denison which discusses the shameful and sordid career of Mike Thevis, the pornography king whom Denison aptly calls "the Sultan of Smut."

I read the article with a mixture of embarrassment and pride—embarrassment to think that such activities could make a man so rich, and pride at learning that the authorities have at last been able to catch up with him, and put him behind bars.

The trend toward permissiveness has, I think, finally turned the corner. Recent court decisions, and many new local ordinances passed in their wake are making it possible, for the first time in recent years, to put some controls on the pornography rackets, as the downturn in Thevis' career evidences.

I insert Mr. Denison's article in the RECORD.

SULTAN OF SMUT

(By George Denison)

In New York's Times Square a panel truck circulates among dozens of "adult bookstores" where the driver unloads cartons filled with slick-paper magazines graphically depicting every imaginable sex act. Within minutes, clerks have piled row after row of the magazines on display shelves.

In Nashville, Tenn., a mailman enters a sleazy bookstore across the street from the Grand Ole Opry and hands the owner a packet of 8-mm. film canisters. The proprietor walks to the rear of his shop and inserts the new films in several of his peep-show vending machines. Soon, customers are popping quarters into the machines to see the latest hard-core sex movies.

In Atlanta, Ga., more than 300 workers arrive each morning at a complex of buildings and warehouses covering a full city block. There they spend the day at long tables sorting and packing thousands of sex publications and artificial penises and vaginas to be sent all over the country.

Behind each of these scenes of the nation's largest pornography network has been the power and influence of a single man—bearded, balding, 43-year-old Michael George Thevis, America's sultan of smut.

But federal, state and local police officials report that Thevis is more than a giant of pornography; he has been spreading his empire into dozens of new enterprises, ranging from trucking to music publishing, here and in 15 other countries. Thevis' legitimate businesses have included an automobile dealership, a furniture-manufacturing company, a liquor store, and mail-order cheese and fruit clubs. Among his real estate holdings are a luxury 24-story apartment building and 208 townhouses in Atlanta. During 1973–74, he poured more than $8 million into a record company, GRC, with offices and studios in Hollywood, Atlanta and on Nashville's Music Row.

The basis of Thevis' estimated $100-million wealth, however, remains the pornography racket. And a top-level police intelligence report concludes that "Thevis is backed, and ultimately controlled, by the nation's organized-crime structure." Cautions U.S. Attorney Gerald Gallinghouse of New Orleans: "In view of the record established in several trials, it would be inaccurate to classify Mike Thevis as a mere smut merchant; law-enforcement authorities have traced his continued role in a variety of criminal activities."

Riding the Boom. Born in Raleigh, N.C., Thevis was strictly brought up by his Greek-immigrant grandparents. At 17, he left home and hitched a ride to Atlanta. There he began working nights at a newsstand, going to high school by day. Two years later, he had graduated and, with $2000 in savings, opened his own newsstand. At first, Thevis built his business through the sale of newspapers and greeting cards. But soon he discovered far greater profits could be made by offering sex-oriented materials.

By the early 1960s, Thevis was publishing and distributing his own erotic books and magazines (he prefers to call them "adult materials"), and his pornography conglomerate spread from the South to the West Coast. "I rode the boom to its crest, and I made a lot of money," he says. "I'm not sorry for it."

Meanwhile, Thevis paid a price for his skyrocketing wealth. By his own admission he has been arrested 88 times by Atlanta police. Yet batteries of attorneys and a fortune in legal fees kept him out of prison until the federal government went after him in 1970. Then, within a six-month period, U.S. Attorneys in Jacksonville, Atlanta and New Orleans obtained four separate convictions of Thevis for shipping obscene materials across state lines and through the mails. Following the New Orleans trial, federal judge Herbert Christenberry clamped Thevis in jail—where he spent 15 days until his lawyers got him released pending appeal. Until late last year, that was Thevis' only stint behind bars. Then, following lengthy appeals, he began, in the first week of December 1974, a federal prison term which could total eight years.

Throughout his legal battles, Thevis, who prides himself on being a good family man sought desperately to win respectability and social acceptance. In 1970, he used front men to buy into the most fashionable area of northwest Atlanta. He put together a 27-acre tract and also shelled out $1.2 million in cash to build a 30-room mansion. The Thevises

entertained frequently, and threw one party whose bill for flowers alone reached $10,000. He turned over his estate and swimming pool to visitors from orphanages, backed the Little League and helped finance the Atlanta symphony and Metropolitan Opera appearances in the city. His publicists saw to it that Thevis' charitable, civic and religious activities received wide press coverage. Operating his business from a posh office in downtown Atlanta, he drove a Mercedes and supplied the highly paid executives of his far-flung subsidiaries with Continentals.

The Family in Charge. Even as Thevis moved into "legitimate" businesses, police authorities were tracing his involvement with the Mafia. Crime experts have linked two Cosa Nostra families—those of Carlo Gambino in New York and Sam DeCavalcante in New Jersey—to Thevis through his dealings with such firms as Star Distributors, a New Jersey smut conglomerate run by veteran pornographer Robert "Debe" DiBernardo.

Evidence of Thevis' links to still another Mafia family was uncovered in February 1969, when FBI agents raided a Brooklyn warehouse run by the Cangiano brothers, pornographers for Mafia don Joe Colombo. There the agents seized $550,000 worth of hard-core sex material that the Cangianos planned to ship to outlets in some 12 states. Discovered were records showing that one customer for the erotic films was Mike Thevis.

Nothing better illustrates the sinister force surrounding Thevis than an incident that occurred six years ago in Las Vegas. There, attending a convention of smut distributors, Thevis was feeling expansive. He claimed that he owned 90 percent of the sex-film vending machines in the United States. This brought a sharp retort from Debe DiBernardo. "Don't forget, Mike," he said in a soft voice, "you *manage* those machines. The family is in charge!"

Thugs in Pornland. The pornography trade has been marked consistently by gangland-style violence. Police records in several states reveal a chilling pattern of strong-arm tactics, even murder, directed at those connected with smut. While authorities cannot say just how directly Thevis is tied to such crimes, consider what has happened to these people known to have associated with him in pornography traffic:

Kenneth "Jap" Hanna left Thevis' smut operations in 1969 and went into business with a New York Mafia pornographer. Their specialty was plagiarizing sex magazines, films and photographs produced by others. Early on the morning of November 13, 1970, Hanna attended what his wife later described as an "urgent" meeting with Thevis. Two hours later, someone drove Hanna's gold-colored Cadillac into the parking lot of the Atlanta airport. Stuffed in the car's trunk was Hanna, shot four times at point-blank range. The case remains unsolved.

In September 1973, James A. Mayes, Jr., a former Thevis bodyguard who had gone into the pornography business for himself, walked out of his peep-show shop on Atlanta's Peachtree Street and switched on the ignition of his truck. A dynamite blast blew the 40-year-old Mayes through the roof.

Prior to his imprisonment for burglary in 1974, Clifford "Sam" Wilson regularly carried out strongarm tactics under direct orders from Thevis' top lieutenant. Wilson testified in federal court in the fall of 1974 that he organized burglaries of pornographic bookstores owned by men forced to do business with Thevis, and shipped the books and films to stores in other cities for resale. On one occasion, Wilson said, he burned down a large smut warehouse owned by a Thevis competitor in Louisville, Ky. Afterward, he phoned the warehouse owner to warn: "This is your last chance. The next time we have something to say to you, it is going to be the children, your home."[1]

On February 3, 1974, Orlando Fla., police arrested Rodney Smith and two other Thevis henchmen for beating a former Nashville, Tenn., theater operator with a lead pipe. The three charged that the victim had skipped out with $6000 in receipts from a Thevis-owned sex theater. They pleaded guilty to kidnapping and assault with intent to commit murder.

Still in Control. As he fought to avoid prison in late 1974, Thevis waged a full-scale legal and public-relations campaign. Highlighting this effort was a bizarre press conference he held in the immense living room of his hotel-size Tudor mansion on September 19. "I want people to think better of Mike Thevis," he announced before a battery of newsmen and popping flashbulbs as his two-year-old son snuggled next to him. Thevis then offered to donate his $5-million estate to Atlanta for use as a school and to spend some $3.3 million restoring a historic Peachtree theater for public benefit.

Since the U.S. Supreme Court denied the final appeals on his obscenity convictions in July 1974, attorneys for Thevis have urged that his jail sentences be eliminated for "humanitarian" reasons. They claimed, first, that injuries sustained in an August, 1973, motorcycle accident left him so badly crippled that he could not withstand the rigors of prison life. Additionally, they maintained that Thevis had sold all his pornographic enterprises and was engaged only in legitimate businesses.

At hearings to consider reductions in Thevis' sentences, prosecutors presented solid evidence to refute both these claims. FBI agents and other witnesses testified that they had seen Thevis walking with a cane, driving a car and conducting his business in normal fashion. Despite his contention that he was physically unable to come to New Orleans and Jacksonville for court hearings, Thevis had traveled widely on business, including several visits to his offices in Nashville.

Federal agents, posing as pornography dealers in New Orleans, were recently told by Thevis associates that he still controls the area's sex outlets. Thevis himself testified that he sold all of his smut businesses in July 1974; but the so-called buyer turned out to be one Laverne Bowden, a long-time official in the Thevis operation, and authorities believe the sale to be a sham. Thevis admits that he still owns buildings in which pornographic businesses are being conducted.

As Thevis lieutenants operate the business while the smut king awaits parole from prison, his empire faces a new barrage of legal challenges. Earlier this year, Peachtree National Distributors, a Thevis company, was found guilty in federal courts in Jacksonville and Atlanta of "knowingly transporting obscene material by common carrier." Moreover, Thevis and two of his companies are being sued for $8.3 million by eight persons who claim they were defrauded in a complicated franchise scheme to manufacture tape cassettes.

Clearly, Mike Thevis has not reformed. His story is that of a man who has pried every advantage from permissive laws to enrich himself while victimizing his fellow citizens. Although he is now finally behind bars, the criminal, often violent pattern of his rise to wealth and power is a story that should concern and shame every one of us.

[1] Thevis is awaiting trial as a co-conspirator in this case.

HOW TO GET OUR ECONOMY AND SOCIETY MOVING AGAIN?

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. JOHN L. BURTON. Mr. Speaker, one of my constituents, Mr. Steve Tyson, has sent me a communication setting forth his views on how we can get our economy and society moving again. I am placing this communication into the CONGRESSIONAL RECORD because I am sure our colleagues will find it provocative and helpful:

Congressman John Burton: One of the models that economists use is the Robinson Crusoe economy where a person makes everything he uses. We live in a capitalist society where one must have cash to pay for the things he uses. One cannot live off the land as Robinson Crusoe did unless, of course, you happen to own the land. We live in a society where 90% of the wealth is produced by capital and 10% by labor, and we have a situation where the concentration of wealth is in relatively few hands. Now suppose one finds oneself without money, or capital in any form, what is one to do? You can't evaporate or quit eating just because you have no cash.

It seems to me that at present middle class people are just poor folks dressed up on government money. Given the concentration of wealth, one of the functions of government is to take from the rich and give to the poor, but to give in such a fashion that the people receiving the money do something that makes them feel that they are earning the money and that they do some work that hopefully benefits society. Under the present system there are three ways to get money from the government: the lowest is "welfare" where they will give you just enough to keep you alive and that's about all; second is to go to work for them in some capacity and they will pay you an average wage; and the third way is to contract with them and hit them for a bundle. Even the cops and robbers are working for the government. The government will spend $10,000 a year to keep a person in the slammer and then when he gets out what do they give him? Nothing, so all he knows how to do is hold ups, so he gets caught again and is back in jail.

Now it's tough to be a capitalist with 50¢ in your pocket but that's the system. They don't teach "Survival in a Capitalist Society" in school. Automation puts over a million people out of work a year; but that's what we want isn't it, for the machines to do the work? If we are better off as a people working 8 hours a day rather than 12 or 16, then doesn't it follow that we would be better off still if we worked 5 hours a day? Naturally there must be some point where we can go no lower in hours worked, but it is getting lower and lower as the machines do more and more of the work.

The problem is to get the cash to the people who are capitaless so that they can buy the goods that the capital produces, and that we, as a people, are capable of producing. There is also what I like to call the air conditioned Pontiac notion of reality, wherein somehow we have gotten to the point that we believe that if he does not own or aspire to own an air conditioned Pontiac, there must be something wrong with him. Americans have reached a point that life has become continuous transport; we are either driving around in a car and being transported physically or we are behind the television set being transported temporally.

Pedestrian life in America has almost vanished, except in the cities. I'm sure that you have heard the expression "Get your feet back on the ground." My point here is that I don't believe that the government ought to try to put everyone into a Pontiac with high wages. Robinson Crusoe could not have done as well as he did without the tools that he salvaged from the wreck of the ship, and like him, we must have the tools of life to survive to produce the goods of subsistence and the goods of civilization.

What I suggest is a subsistence allotment for each and every citizen that would be adequate to provide food and shelter based on a national average, and adjusted accordingly to increased productivity of the country as a whole and to inflation. Additional consideration must be provided to account for the tools of life.

I also feel that each and every American should receive a Medicard every month that would provide for complete health care. The money for this should come from the Department of Defense on the grounds that America's first line of defense is a healthy people.

Will you please put these sentiments into legislative form and present them to the Congress.

STEVE TYSON.

ILLEGAL DISCHARGING OF UNION ORGANIZERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MILLER of California. Mr. Speaker, I am submitting into the RECORD today an article which appeared in a recent issue of the Nation magazine which deals with a critically important issue under consideration by the Subcommittee on Labor-Management Relations. That subcommittee, which it chaired in extraordinarily able fashion by our colleague, FRANK THOMPSON of New Jersey, is considering legislation which would curtail the outrageous practice by which some unscrupulous employers fire workers engaged in union organizing activities.

Despite the provisions of the Wagner Act which declared such firings illegal over 40 years ago, the practice has continued to the present day. There are annually over 20,000 cases involving illegal discharges which are brought before the National Labor Relations Board. By 1980, the committee estimates, that figure could double.

The sad fact is that many employers engaged in such practices would rather breach the law than recognize their workers' legal union actions. The present grievance route for an injured worker takes so long that few can afford to wait to see whether the case will ultimately be resolved in his or her favor. Only 25 percent of the workers illegally discharged are ever reemployed. And although most do receive back wages, guilty employers frequently do not even mind this penalty as it is deductible as a business expense and is often cheaper than permitting the wage increases which would have resulted from unionization.

The legislation under consideration by Congressman THOMPSON's subcommittee will remedy this situation by providing more direct legal and administrative remedies for an aggrieved worker, and by increasing the costs to an employer who undertakes such illegal actions against his workers. I am grateful for the opportunity to serve with Mr. THOMPSON on this subcommittee, and believe that all workers should recognize the very great benefit which this legislation would bring, to each individual, and to the labor movement throughout the Nation.

The article follows:

[From The Nation, Oct. 25, 1975]

THE NLRB DOWN SOUTH—HOW 7,041 GOT FIRED

(By Ed McConville)

DURHAM, N.C.—People just won't believe Bruce Lemmond when he tells them he was fired for union activity. At first he didn't believe it, either. Like most of us, he had learned in school that a federal law protects the rights of workers to join unions without fear of reprisals from their employers. Specifically, Section 8(a)(3) of the National Labor Relations Act (NLRA), passed in 1935, states: "It shall be an unfair labor practice for an employer, by discrimination in regard to hire or tenure of employment . . . to encourage or discourage membership in any labor organization. . . ." Yet, forty years after passage of the Wagner Act supposedly granted workers the "right to organize," the evidence is overwhelming that Bruce Lemmond and thousands like him are still being fired for their union activities.

In 1973, Lemmond, 28, was working as a truckdriver at the Florida Steel Corp. plant in Charlotte, N.C. The United Steel Workers of America was meeting fierce resistance in its attempt to organize the Tampa-based company, which has plants in Florida, both Carolinas and Georgia. Lemmond became active in the organizing campaign; he encouraged others to attend union meetings with him and even admitted to management that he favored the union. He says his immediate supervisor tried frequently to dissuade him from supporting the Steel Workers (itself violation of the NLRA).

"Everybody up there told me they'd get rid of me for union activity," Lemmond says, but he had more faith in Florida Steel's fairness. "I never thought I'd get fired because I'd never done anything wrong." And, he reasoned, even if the company did consider doing anything rash, there was always that law.

One Thursday in June 1973, some steel fell off the back of Lemmond's truck as he drove through the plant gates. He stopped at the guardhouse to ask for help reloading it. Five men lifted the steel back onto the truck while Lemmond stood chatting with a supervisor. The work completed, he drove away, thinking nothing more about the routine mishap.

He was given a written reprimand for allegedly refusing to help load the steel back onto the truck and for talking to union organizers through the fence when he should have been working. Lemmond swears, to the satisfaction of the National Labor Relations Board (NLRB) officials, that he was not asked to help by the supervisor, who "stood there and talked to me the whole time." He acknowledges that union organizers were present outside the gate, but says he did not speak to them, realizing that "talking union on company time" would get him in trouble.

After reading the reprimand, Lemmond asked what would happen if he refused to sign it. "We can fix another one up for you real easy," he recalls a supervisor saying. "So what could I do?" asks Lemmond. "It really made me mad, but I signed it."

Upset, he asked his dispatcher if he might take the rest of the afternoon off, and the man said yes. "See you Monday," he smiled gratefully. "See you Monday," replied the dispatcher.

But when Lemmond returned to work on Monday morning, company officials contended that he had quit in anger Friday. As he tells it, "I said, 'No I never quit,'" but a supervisor answered, "It's too late now. We've already turned your vacation time in."

"There wasn't anything I could do," says Lemmond. "They'd fired me."

"It was unreal," he recalls. "When they first did it, I told my wife, 'They're crazy. There's no way they can get away with this. I might be out of work a week before they have to take me back.'"

But it has been more than two years since Lemmond and twelve other employees were discharged from Florida Steel's Charlotte operation—and seventeen months since the firings were judged illegal by the NLRB. Yet to date none of them has received any redress from the company, the NLRB, or the courts.

Their predicaments are not isolated instances of a practice that died out after the turbulent 1930s. In fiscal 1974 alone, NLRB regional offices awarded $8.4 million in back pay to 7,041 employees "discharged for union activity."

Several times that number of workers, fired for highly questionable reasons during organizing campaigns, have been unable to meet the rigorous standards of evidence required by the NLRB and the courts. For example, an NLRB trial examiner ruled against twenty-two J. P. Stevens and Co. employees dismissed en masse in 1973 for trying to ask questions during an anti-union speech given in the plant during working hours. He held that, since the twenty-two were being paid for the time they spent listening to this "captive audience" speech, they were guilty of insubordination serious enough to warrant their dismissal. Many more discharged workers never file charges with the NLRB, and countless other union supporters are harassed to the point of quitting. The NLRA does not cover employees "forced to quit," only those formally fired.

A disproportionate number of these firings occur in the largely unorganized South, particularly in the aggressively anti-union textile industry. The most notorious offender has been J.P. Stevens, the nation's second largest textile manufacturer. Over eight years. Stevens has been forced to reinstate 289 illegally fired workers, with back pay awards totaling more than $1.3 million. The NLRB has found the company guilty in thirteen separate firing cases, and none of the decisions has been overturned by the courts. Additional cases are pending. The U.S. Court of Appeals held Stevens in contempt in 1972 for refusing to comply with the court's decrees prohibiting further unfair labor practices.

While not nearly as large as Stevens, the Florida Steel Corp. has begun to amass an imposing legal record of its own. It is involved in eleven separate unfair labor practice cases, six of which entail firings for union activity. In three of these six, Florida Steel has been ordered by the NLRB or its trial examiners to reinstate eighteen illegally fired workers. It settled another case out of court, with back wage payments to five fired workers, and decisions have yet to be rendered in the two remaining cases.

Firing for union activity has increased dramatically since the early 1960s, according to Congressional reports. Why has this primitive labor relations practice again become prevalent? Basically, because it works. Labor leaders and government officials agree that

getting rid of a union's more active supporters can have a chilling effect on other workers, leaving them too frightened to support the union overtly or covertly. Employers feel free to flout the NLRA's prohibition against illegal discharges because it is backed by enforcement provisions that are both too little and too late.

The Act permits the NLRB, when it finds a worker has been fired for siding with a union, to order two basic "remedies." It can order the company involved to reinstate the fired employee in his former job or a "substantially equivalent" one and it can direct that the discharged employee be reimbursed for the back wages he would have earned had he not been fired.

According to Daniel Pollitt, one of the South's leading labor lawyers, Southern textile executives laughingly refer to NLRB back pay awards as the "hunting license" they need to engage in illegal union-busting activities. Pollitt says Southern corporations willingly pay these relatively small sums time and again to avoid eventually having to pay the much higher costs of a union contract. In a 1972 decision finding Stevens in contempt of its order to stop firing union sympathizers, a U.S. Court of Appeals found that "the record here strongly justifies the inference that the company deliberately took their chance in ignoring our decrees because they thought it profitable for them to do so."

A closer look shows why the companies thing that way. Back pay awards are tax-deductible as a legitimate business expense. And if a fired employee is able to find work before being reinstated, his earnings during the period are subtracted from what the company must pay him.

Why, then, doesn't the NLRB use stronger measures to prevent illegal discharges? The board points out that, as written, "That Act is not a criminal statute. It is entirely remedial. It is intended to prevent and remedy unfair labor practices, not to punish the person responsible for them." But how can the Act effectively prevent unfair labor practices if it cannot punish those responsible? As early as 1961, a Congressional subcommittee chaired by Rep. Roman Pucinski (D., Ill.) recommended that "the knowing commission of an unfair labor practice be made penal, punishable like any other federal crime." Like many other sound suggestions to strengthen the NLRA, this proposal has been largely ignored from that day to this.

Technically, a federal Court of Appeals can impose jail sentences for contempt of its decrees enforcing board orders, but NLRB officials and labor lawyers cannot recall a single instance in the forty years of the Act's existence where a corporation executive went to jail for illegal firings.

Several amendments designed to provide the NLRA with more effective deterrents have been put forward. The Pucinski committee and later the Special House Subcommittee on Labor, chaired by Rep. Frank Thompson (D., N.J.), have recommended that government contracts be denied to employers who repeatedly violate the Act. Union leaders have pointed out that companies practicing racial discrimination are disqualified from receiving government contracts and that, in the words of a Textile Workers Union of America resolution, "It is just as serious a violation of a worker's civil rights to fire him because he exercises his right to join a union under the law.'

Such a prohibition would give potential labor law violators much greater pause than do existing back pay awards—the Act's most habitual violator, J. P. Stevens, received $10.6 million in contracts from the Defense Department alone in fiscal 1974. The $104 million in government contracts which Stevens has received since 1968 is eighty times greater than the $1.3 million it has lost in back pay awards since 1967.

The Textile Workers Union of America has proposed that chronic labor law violators be ordered to pay triple damages, as now provided for violators of the antitrust laws, or punitive damages, as now provided for willful violators of certain other laws. Both the Pucinski and Thompson subcommittees advocated amendments authorizing individuals fired for union activity to sue their employers in civil court for triple damages. At present the NLRA does not allow employees to initiative private suits for damages resulting from the loss of their jobs, although it does permit employers to sue unions for damages arising from secondary boycotts.

Besides providing a deterrent that amounts to little more than a slap on the wrist, the Act furnishes "relief"—which usually comes years too late to do the fired workers any good. Dismissed employees must wait until all appeals in their cases have been exhausted before they can return to work and collect their back pay—and confirmed labor law violators almost always appeal in NLRB trial examiner's adverse decision to the five-member board in Washington and then to the federal courts.

Some 90 per cent of the unfair labor practice rulings against employers in fiscal 1974 were made at the trial examiner level, but Southern companies like Stevens and Florida Steel have appealed every adverse firing decision to the full board and the courts. According to a penetrating Thompson subcommittee report which has been allowed to gather dust since 1968, company appeals in these discharge cases are often "merely an excuse for delay." A U.S. Circuit court has ruled that most of Steven's grounds for appeal "are entirely frivolous; all are without merit."

Pollitt, who currently serves as counsel to the Thompson Special House Subcommittee on Labor, says it takes a minimum of two and a half years from the time a worker is fired to get his case through the Fourth Circuit Court of Appeals, the circuit in which most Southern textile companies are located. He estimates that, by the time their cases are settled, only about a quarter of the workers entitled to reinstatement and back pay can even be located.

"There's very few people who will need the money years later," says Lemmond angrily. "By then they've found something else. They need it when they get fired. I needed it then. I needed it bad." Lemmond was out of work for three months, and is still paying back the money he had to borrow then from his brothers to support his wife and daughter. At that, he suffered less than did most of his fired co-workers at Florida Steel. "I was lucky, because I was younger and could drive a truck. Some of 'em weren't so lucky."

In April 1974, ten months after he was fired, Lemmond was informed that an NLRB administrative judge had found that he and twelve other workers at Florida Steel had been illegally discharged for union activity. The company appealed this decision to the full board, which upheld it in October 1974, sixteen months after Lemmond had lost his job. It then appealed the board's ruling to the Fourth Circuit Court.

During oral arguments before the court last April, a company attorney said he had just learned that a former Florida Steel supervisor, whose confession of his role in setting up union sympathizers to be fired was crucial to the trial examiner's finding, had accepted money from the union. His evidence? The statement of a company official that the supervisor in question had casually admitted this to him at the time of the NLRB hearings. A highly unlikely proposition, vehemently denied by the supervisor in a signed statement. NLRB attorneys opposed the company's request that the court send the case back to the board to adduce further evidence on the supervisor's motivation for testifying against his former employers. Nevertheless, this June, two full years after Lemmond's firing took place, the court remanded the case back to the board for further testimony. "I can't believe the court bought it," said an NLRB official privately. In his opinion, "the company was just bluffing at the last minute to gain time."

In any case, the hold of additional hearings before a trial examiner, the issuing of another board decision and the rendering of a final court ruling is certain to consume at least another year, by which time Lemmond and his co-workers will have been waiting at least three years for relief.

"I can't understand why the courts are so slow," said Lemmond. "I wish I had a pile of money and could hire smooth lawyers to stall for me like the company. The labor board proved they were wrong, but they're a big corporation, so they're not wrong, they don't have to pay. If they had sued me for three months' pay and won, how long do you think the judge would give me to pay?"

While Lemmond says he would risk his job again to fight for a union, some of the Florida Steel employees fired with him are not so sure. "I'm still in favor of unions," said Eric Swanson, an articulate 29-year-old college dropout, "but if I was put in the same position again, where I was forced to lose another job, and to lose this amount of time and money, and to undergo this degree of disappointment, I doubt that I would take the same chance again."

Much attention, but little action, has been devoted over the years to the inadequacies of the Act's remedies for illegal discharges. In 1959 a panel of legal experts advising then Sen. John F. Kennedy on labor law reform, commented that: "In labor-management relations justice delayed is often justice denied. A remedy granted more than two years after the event will bear little relation to the human situation which gave rise to the need for government intervention."

Representative Thompson has worked conscientiously for the last decade to overcome Congressional indifference and hostility to any measure that would put teeth in the Act. In 1968 his Special House Subcommittee on Labor suggested several thoughtful legislative solutions to the problem of delay, none of which aroused much enthusiasm in the full House. One proposed amendment would have reinstated any employee, pending appeal, after a trial examiner had determined that he had been fired for union activity. That would keep an illegally fired person out of work for about six months—an unhappy prospect, but better than three or four years. Another proposal would have made an NLRB trial examiner's decision in a firing case final within the agency, though still subject to appellate court review. The full board would have reviewed a case only if at least two of its members thought the decision contained serious procedural errors. Yet another amendment would have created a "subsistence fund," from which the government would lend a fired worker money until his case was settled.

Encouraged by the election of a liberal majority in last November's Congressional elections, the Thompson panel is again holding hearings on the NLRA's inadequate protections for fired workers. It plans to report out two bills incorporating some of the proposals discussed here, to make the Act's deterrents more effective and to bring quicker relief to illegally discharged workers.

The bills face an uncertain future this session, with other, better publicized measures claiming higher priority among legislators. But whether the situation receives attention from the media or not, the fact remains that many American workers still are

not free to make an uncoerced choice about whether or not to join a labor union—a right the National Labor Relations Act supposedly guaranteed forty years ago.

LOCKS AND DAM 26—A VIEW FROM THE WATER CARRIERS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. OBERSTAR. Mr. Speaker, one of the many great debates which has confronted Congress in the past, and will again—possibly next spring—is the question of whether or not to replace the locks and Dam 26 at Alton, Ill., on the Mississippi River.

I think it is not too early to begin getting this debate on record, letting all sides in the controversy present their views in reasoned and factual, if spirited, debate.

To this end, I am including for the RECORD the remarks of John W. Lambert, of the Upper Mississippi Waterway Association, to the Ohio Valley Improvement Association, presenting the case of construction of the new facility.

I invite, encourage, and will place in the RECORD, the views of other groups on this complex project, so each Member will have all the facts, all the viewpoints, on which to make a judgment before the issue reaches the House floor.

The article follows:

STATEMENT BY JOHN W. LAMBERT BEFORE THE OHIO VALLEY IMPROVEMENT ASSOCIATION

There is today a great battle raging over the reconstruction of Lock 26 at Alton, Illinois. But, Lock 26 is not the real issue, it is just the pretext for the war of attrition that is coming. The opening battle could just as easily have been joined at Gallipolis.

The gut issue here is the survival of water transportation as a highly efficient and economic competitor to rail transportation.

Let there be no question that waterborne commerce has become a critical factor in the movement of essential commodities. This success has apparently been our one failure.

In a study recently completed by the Upper Mississippi Waterway Association, it was shown that 56 percent of the export grain moving from the Upper Mississippi Basin is transported by barge, 14 percent by the Great Lakes, and the remaining 30 percent by rail. (Note that the inland waterway system moves 70 percent of our export grain from the Basin.) Over 40 percent of all the fertilizer moving into this agriculturally rich region is moved by barge, 28 percent of all refined petroleum products (70 million barrels) move by barge, with pipelines being the primary carrier at 60 percent of the total. The railroads barely count in this latter category.

The barge industry also is responsible for transporting 58 percent of the coal consumed by six Basin public utility systems serving five million people—over a third of the the Basin's population. The logistical need and the economic importance of this waterway mode is self-evident.

Our Study further proved that the river mode is predominant over rail in several other vital comparisons:

1. We are less energy intensive. River commerce moves at a level of over 400 ton-miles to the gallon of diesel fuel, while railroads achieve slightly over 200 ton-miles to the gallon.

2. A comparison of safety records shows the waterways to be infinitely safer for employees and the public.

In 1973, rail accidents reached a 16-year high and increased by 24.7 percent over the number of accidents in 1972. The statistics are grim: 1,916 dead, and 18,234 injured.

U.S. Coast Guard statistics for the same year show incidents involving just over 500 vessels operating on the Western Rivers with only 68 accidents resulting in 26 deaths and 16 injuries.

The National Transportation Safety Board calculated the six-year average of freight transportation fatality rates for 1963–68—the most recent figures available. They found that per billion ton-miles, railroads had 2.5 deaths, while marine transportation had .31, and petroleum pipelines had .011. Federally regulated highway transport topped the list with 10.9 deaths per billion ton-miles.

In the area of accidental pollution, the railroads again win the prize. Data on file for all liquid spills reported in 1973 indicates that spills from tank barges were 1,500,000 gallons or 7.6 percent of the total. Railroads accounted for 450,000 gallons or 1.8 percent. Considering that pipelines move the largest majority of liquid products, with water carriers a strong second, and rails a poor third or possibly fourth, the record of the nation's tank barge operators is obviously far superior to the railroads.

A recent intensive study by the Arthur D. Little Company concluded that the waterway industry was the best regulated from a safety standpoint, and the movement of hazardous commodities by water was substantially safer for the public and the environment.

3. The UMWA Study also reviewed the capital efficiency of barge vs. rail, and the railroads came up short again. The Study proved that the barge is 285 percent more capital cost efficient per ton of carrying capacity. And steel resources devoted to barge construction permits 61 percent greater cargo carrying capacity per ton than steel resources devoted to rail.

Now that we have completed the first phase of embarrassing the railroads, let's discuss Lock 26. Never has so much misinformation been doled out in such great quantities and with such evangelistic fanaticism. Winston Churchill must have been talking about the Western Railroad Association, The Sierra Club, and the Izaak Walton League when he said, "A fanatic is one who can't change his mind and won't change the subject."

The reconstruction plan of the Corps of Engineers proposed an 18 foot sill depth. This was not a design criteria arrived at casually or through some plot, but rather it was based on the hydraulic engineering requirements for displacing sufficient water to pass a 15-barge tow and substantial ice through the chambers with maximum efficiency and minimum risk from ice damage.

This sill depth measurement has been the thread from which the environmentalists and the railroads have woven the hysterical fable of a 12-foot channel all the way to Minneapolis—a distance of 650 miles.

In the first place, the Corps of Engineers themselves, at the request of Congress, completed a study of the feasibility of a 12-foot navigation channel on the Upper Mississippi and the Illinois Waterways. This 1972 Study concluded that such a project was not economically justified. They did find economic justification for a 12-foot channel on the Illinois Waterway.

But, quite apart from what any study might show, the decision to build or not to build any structure or any project is solely in the hands of the Congress of the United States. And the appropriation of funds is also their sole prerogative. The attempt by the Sierra Club and the Western Railroads to convince the public that the Corps and a handful of barge operators are going to sneak a 12-foot channel into the Upper Mississippi is nothing short of an outrageous absurdity.

Even if some clandestine plot like this were in the works, how do we extract the funds from Congress? And if it takes 10 years to rebuild each lock on the Upper Mississippi, our devious scheme will unfold in 250 years. Even if we "conspirators" could take over the government and cut the construction time in half, my goal would be realized when I am 196 years old.

One of the other "big lies" that the railroads and their pals are using (and to great advantage, I might add), is the line that "we don't need a new Lock 26—just patch up the old one for about a fourth the cost. Now, this is a very compelling argument to a Congress and an Administration inundated with appropriation demands and fighting an ever increasing Federal deficit.

What the Congress, the shipper, and the public do not understand is the engineering uncertainties and the incalculable time frame for total traffic disruption involved in rehabilitation. (And I am compelled to say to my friends at the Corps that they have done a poor job of articulating this matter.)

The rehabilitation of old Lock 26 is like a job of exploratory surgery. First, they would have to immobilize the patient. In this case that means driving a sheet pile cofferdam around both chambers. You can't cofferdam one chamber at a time. That is an accepted engineering fact.

So, once the patient is made non-functional, the chambers are dewatered so that the true extent and nature of the physical disability can be ascertained. Only then can the Engineers make a proper assessment of the cracks, leaks, scouring, and the shifting and tilting of those mountains of concrete. Just arriving at that point of assessing the repair job will take months.

If the rehabilitation is then deemed to be reasonably simple, the effects on commerce could still be devastating. Lock 26 might be closed for a year. If the rehabilitation is extensive, it might be closed for up to three years. No one knows the cost of that patch-up job, it could be as little as $100 million, but it could just as easily be $250 million or more. But even if it makes fiscal sense to do a $250 million repaid job rather than a $400 million reconstruction of a new lock, what has been the cost of the closure of two river systems, the Upper Mississippi and the Illinois, and the residual effects on the rest of the river systems?

I wonder if we could properly weigh the effect on the shipping public, the loss of jobs, the dislocations in energy and agriculture? And even if all that counts for nothing, as it does by Sierra Club methods of accounting, what will have been achieved in the final analysis is the rehabilitation of a bottleneck.

The railroads have been the architects of the "big lie" that a new Lock 26 will seal their financial doom. If they have been dealt a mortal blow, it came long before this and the fatal wound was largely self-inflicted. They have just been slow bleeders. They have conducted a veritable exposition of business mismanagement.

While average car capacity has increased from 46.3 tons in 1929 to 70.5 tons in 1973, the size of the car fleet has shrunk from a peak of 2.6 million cars in 1929, and near 2 million as early as 1958, to 1.7 million in 1973. Gross carrying capacity of the fleet is, therefore, virtually unchanged over 44 years.

As the car fleet has dwindled, so has the trackage covered by the railroads. From a

high of 386,000 miles in 1939, total railroad trackage in the U.S. has been reduced to 328,000 miles in 1973, a 15 percent reduction. Current plans offered by the U.S. Railroad Association call for the abandonment of over 6,000 miles of additional lines unless they are subsidized.

A lack of demand has not been the cause of the rails' financial plight. Revenue ton-miles for Class I railroads has increased by 37 percent from 1963 to 1973. Gross freight revenues over the same period increased by 69 percent. But, skyrocketing labor costs, losses on passenger operations, and long deferred maintenance of right-of-ways and equipment took an inevitable toll from profits of rail operations. Gross after-tax income peaked in 1966 and, after a precipitous decline in 1970 recovered, but was still 14 percent lower in 1973 than it was 10 years previously.

Despite a steady decline in the financial condition of the railroad industry as a whole, it is interesting to note that cash dividends have remained at roughly the same high level for years. Over $409 million was paid out in 1972 and $405 million in 1973. While it is true that the rate of return has declined, the dollar amounts of dividends are enormous and raise a question as to the prudence of management, which maintained dividend levels at the expense of allowing plant maintenance to fall below needed levels.

It was not competition that brought the railroads to their present predicament, but largely their own mismanagement, misuse of depreciation, executive opulence, customer indifference, and a refusal to adjust to the changing needs of shippers and markets.

Many of the railroads didn't have to be good transportation managers, they could rely on their endowment—the land grants. It's a little like marrying a rich woman. The pressures for excelling at business are far less compelling.

I know there is great gnashing of teeth among railroad executives and their apologists when the subject of land grants is raised. They say they paid that bill many years ago. They argue that the land was only worth about $500 million and their favored rates to the government for many years paid the cost twice over. If that is so, isn't it strange that in 1974, just that one year, 13 major railroads had extra pre-tax net income from sources other than rail transportation business of almost $500 million.

In truth, their land grants have been an endless gusher of wealth, and the benefits have run into the billions. The railroads paid for those land grants about as equitably as we paid the French for the Louisiana Purchase or as we paid the Czar for Alaska.

The railroads should quit feeling so self-conscious about the land grants. They don't have to continuously justify being given a 130 million acre gift and all the timber, minerals, oil, gas, coal, and real estate business that went with it. Those grants were necessary in their time to stimulate the national economy and provide a right-of-way that private capital could not have built.

In exactly the same fashion the government, with the acquiescence of the public, built an interstate freeway system. The trucking industry couldn't have financed it. Similarly, the government built and financed the U.S. Airways System, a network of navigational and air traffic control complexes that commercial aviation could not possibly have financed. And with the same fundamental logic, the government created a system of inland waterway transportation. And the citizens of the U.S. use those same public right-of-ways to drive their millions of cars, fly their 140,000 private aircraft, and boat, camp, fish, and hunt, in the case of the waterways.

In short, Congress, in its wisdom, and with the clear mandate of the public, has chosen at various times in our history to subsidize one or another form of transportation "to advance the aims and purpose of government."

Now comes Mr. William T. Coleman, Jr., the new Secretary of Transportation. His talent for making incorrect decisions based on improper facts is positively uncanny. He is absolutely undaunted by his lack of historical or technical perspective in the matter of transportation. Like the comedian, Professor Irwin Corey, Mr. Coleman could bill himself as "The World's Foremost Authority." The Wall Street Journal calls him the "Wild Man of Transportation." And they quote a railroad executive as saying, "Fortunately, he's our wild man."

Now I know that Mr. Coleman is a distinguished lawyer, has served as a United Nations' Delegate, has been a member of several commissions and investigative groups. And I am certain he is a good American and a fine upstanding citizen. But nothing in his background has prepared him to attack the nation's complex transportation policy problems in the biased, free wheeling, hip-shooting fashion he has exhibited.

Almost at the outset of his administration of DOT, last Spring, Mr. Coleman showed his amazing lack of objectivity. When asked by the Senate Public Works Committee to conduct an advisory study on the Lock 26 problem, he responded to Senator Magnuson that he would have his staff hop right to it, but said that he was confident the railroads could handle all sorts of river tonnage because they had so much excess capacity. He had arrived at the conclusions before the study had commenced.

I was one of those individuals who was summoned to Washington, D.C., to be questioned by a lot of theoretical economists and railroad agency bureaucrats who were doing this so-called study. Here is the product of that 120-day exercise. It has all the polish of a crash course in brain surgery.

The summary arrived at in the DOT study, of course, had to track with Mr. Coleman's pre-ordained conclusion. Hence, the summary contains some extraordinary findings. Time doesn't permit me to regale you with all of them.

First of all, there is a criticism of the Corps of Engineers' water-rail grain rate differential evaluation on the ground that "prior and subsequent movements by truck are often ignored." If that seems confusing, your thought process is functioning perfectly. It is an irrelevant and meaningless criticism. How in the hell do those heavy thinkers at DOT think any grain gets off the farm, whether to a rail sub-terminal or a water terminal, if not by truck.

And is there the slightest awareness at DOT that there is more grain now being stored on the farm than in commercial elevators? Do they know that more grain is being trucked then railed to the river and the head of the Lake's terminals? Do they know that this situation is being forced on the agricultural community by the relentless abandonment of rail branch lines? Do they know that the railroads are concentrating their efforts only in the areas of highest traffic density, so that they might maximize their efficiency, thereby abrogating their competitive right to vast amounts of export grain traffic?

The DOT summary again criticizes the Corps for attempting to forecast traffic flows 50 years in advance. Now there is a brilliant statement coming from a lot of people with master's degrees in economic forecasting. Apparently, the new slogan at DOT is "think small."

The DOT summary says that increased waterway capacity is "contrary to a basic principle of our National Transportation Policy." Indeed. Where is that written? I believe it is a matter of law that Congress will establish the National Transportation Policy.

The DOT review of rail and water carriers fuel effectiveness was so inept that they could not even properly present the various studies in one table. The entire subject was apparently so confusing to them (and generally uncomplimentary to the rails) that they said "...intermodal comparisons of energy intensiveness are at best, inconclusive. At worst, they divert attention away from the more significant intermodal economic issues." In other words they didn't like the results, so this particular issue of energy intensiveness became unimportant.

Most of the remaining conclusions and recommendations of the DOT summary relate slyly or directly to the burden of the waterways on the poor taxpayers. And as a matter of fact, when we were being interrogated by the authors of this alleged study, they weren't seeking to be informed. They were jousting with us over user tolls, and that was the theme from start to finish.

While seeking billions in aid for the railroads ($16 billion by 1980, according to the plan embodied in the R. R. Revitalization Act), Mr. Coleman is assailing the highway and water transport industries for having some sort of unfair advantage because of Government investment in our public right-of-ways. And while actively pursuing the deregulation of railroads as an act of economic efficiency, there seems to be a concerted plan at DOT to impose more layers of regulation on the waterways—the safest of all modes. We hear rumblings of monstrous systems of vessel traffic control, vast computer networks, and great fleets of 4–5 million dollar jet planes. With all of this, the U.S. Coast Guard will direct every twitch of water commerce, even though it is unnecessary, unwanted, and outrageously extravagant.

Mr. Coleman's plan, in a nutshell, is pretty simple. It consists of bringing all modes of transportation to the same level of mediocrity, removing all inherent advantage, removing all incentive for competition, and letting the shipping public suffer the effects in high cost or logistical breakdown.

From the exquisite isolation of the Nassif Building, I wonder if Mr. Coleman and his merry men know that there are already grain car shortages in the Midwest? I wonder if they know that grain is being piled in the open for lack of rail cars—not a lack of barges? Do they comprehend that there is an energy crisis and that just in order to keep up with the nation's normal growth problems, our various transportation systems are going to have unprecedented demands made on them in the immediate future? I believe that Mr. Coleman has his mind made up and doesn't want to be confused by any facts to the contrary.

Ladies and gentlemen, if you are informed or stirred by the speakers you will hear at this great convention, then I beg you: don't savor that feeling of fervor, like a cold beer on a hot day, go share it with your Senators and Congressmen. There are a lot of good people on Capitol Hill wanting to be informed and desperately desiring to make the right decisions for the future. They can't make those policy decisions in a vacuum or based on the views of one party to a dispute. And make no mistake, this battle for a transportation monopoly or a balanced competitive system will be won or lost in the Congress of the United States.

OUR VIOLENT SCHOOLS—PART II

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. BIAGGI. Mr. Speaker, I am pleased to insert the second in a three part series in the New York Daily News

on the problems of school violence in the city of New York. The article today focuses on violence against teachers by students and the basic lack of protection they have to prevent it.

The article discusses a little known but very serious contributor to the school violence problem, namely the inability of school officials to accurately know in advance which of their students might have a history of violence outside of the school. The reason by law family courts are not allowed to reveal the outcome of juvenile cases.

Another problem facing school administrators is lax record keeping within the board of education where school records containing reports on children involved in school violence are not transferable from school to school.

Finally, the article discusses the city's 18 special schools for problem students known as the "600" schools. In these facilities, students involved in school violence receive extensive counseling and psychological help. The problem is that the schools only can take care of a total of 7,500 students far below the numbers of children that are actually involved in school violence.

It is imperative that this Nation begin to address itself to this national problem. Efforts should be made to adequately fund the Juvenile Justice Act of 1974 and place special emphasis on providing reevaluation to students engaged in acts of school violence.

Mr. Speaker, the quality of education in this Nation is deteriorating due to school violence. Many qualified teachers today shun assignments in our major cities because of their fear of violence. It is a grave situation. I hope my colleagues will give this article their closest consideration and develop suggestions on ways to end the problem of violence in America's schools:

[From the New York Daily News, Nov. 11, 1975]

THE BATTERED TEACHERS

(By Judson Hand)

She seemed a quiet, friendly girl. And Sheila Gutter, the dean at John Adams High School in Queens, liked her. One day Mrs. Gutter asked the girl to write out an account of a classroom fracas in which the girl had taken no part.

"She went all to pieces," says Mrs. Gutter. "With a policeman standing by, she wheeled and smashed me with the heel of her hand, breaking my cheek bone and injuring my nose and eye. I had been taken completely by surprise."

What Mrs. Gutter did not know was that the girl had twice been transferred out of other schools because of disciplinary problems—once for assaulting another teacher. When the girl arrived at John Adams, school records of her past violence did not accompany her; so Mrs. Gutter had no way of knowing she was dealing with a deeply disturbed student.

Nor did Susan Hutchner, who suffered cracked vertebrae when she was pushed hard into a metal chalk tray by a third grader with a history of violence.

Such mix-ups are all too common in the city's public schools and are a major reason for the continued rise of violence in the class-rooms.

Instead of the psychological help and discipline they need, the problem kids frequently get transfers to schools which are not geared to coping with their disruptive ways. Too frequently, the kids repeat their pattern of violence in the new schools.

KEPT IN THE DARK

In addition, there are students who have relatively clean records in school but histories of violence out of school. In dealing with such cases, the schools are, more often than not, kept in the dark by Family Court procedures.

By law, Family Court is not allowed to reveal how juvenile cases are disposed. Therefore, teachers are often not told that they have a young mugger or robber in their classrooms.

Furthermore, once a kid does get violent in school, it's difficult, if not impossible, for a principal to act decisively. After he has given the kid two five-day suspensions, he must arrange a superintendent's hearing if he wishes to take more drastic action. Since these hearings involve lots of paperwork and red tape and since the accused student is entitled to counsel at such a hearing, principals prefer to have the disruptive kid quietly transferred to another school.

"This game of musical chairs solves nothing," comments Dr. Delius Wilson, principal of Boys and Girls High School in Brooklyn, which is currently experiencing a wave of violence. Dozens of teachers have been attacked or threatened, a girl has been stabbed and fights between students have become commonplace.

If a kid is charged with a crime in school and turned over to the police, chances are he won't be put away for long. About half of the juveniles arrested are, in effect, able to cop pleas and have their cases adjusted or dropped before they ever come to Family Court.

As a result, points out Jeremiah McKenna, formerly general counsel of the New York State Select Committee on Crime, many young killers and practically all of the juvenile rapists, robbers, burglars and drug offenders have been released by the courts back into the school system.

One alternative is for a principal to arrange to send a disruptive kid to one of the city's 18 special schools for problem students, the so-called "600" schools. In such schools, classes are small and students receive extensive counseling and psychological help. They are closely watched, and even escorted, in some instances, to subway stops to forestall trouble.

"Kids do learn at 600 schools," contends Ruben Birnbaum, who teaches science at one of them. "We concentrate on reading and the other basics while we attempt to help students straighten out their heads."

The catch, however, is that these special schools enroll only about 7,500 children. They are far too small to accommodate today's bumper crop of violent and deeply troubled kids. And other programs which are designed for disruptive kids are also woefully inadequate. Furthermore, many such programs have been sharply reduced or discontinued altogether because of recent cuts in the school budget.

In a dim hallway at Boys and Girls High School I talked to a former troublemaker who said that "hard times" and not special programs were what had turned him into a serious student.

"See that?" he asked, displaying a report card in which he had been given satisfactory marks in all subjects, including English, math and social studies. "You'd never know I practically never went to school at all in junior high."

He said he and small groups of other truants used to threaten smaller kids on their way to school, sometimes with a pocket knife, and extort their lunch money from them.

"We wanted the money," he explained. "Besides, it was exciting and, in a group like that, you don't feel guilty. We never did get caught. It was easy."

"We never really hurt anybody," he added with a laugh, "but we sure shook up some kids."

Now, said the youth, he's worried about getting a good job in today's recession "and so I figure I'd better learn something at last."

DON'T THINK AHEAD

When asked if he thought some of his confederates in the rip-offs might reform, too, he said: "Naw. Most people won't think five minutes ahead. They need something special to open their eyes, know what I mean?"

Some school violence can be prevented with greater school security. Some young thugs can be reformed in special programs. A few, like the youth at Boys and Girls High, may reform themselves. But the basic question would remain unanswered: What has caused the increase in school violence?

It is a question for which there are almost as many answers as there are shades of opinion. However, at U.S. Senate hearings last summer on U.S. school violence, these trends were evident:

Teachers tended to blame much of the violence on a lack of parental discipline.

Parents tended to divide into two camps. One group said teachers were too rigid. The other said they were too lenient.

Many parents and teachers agreed that some of the school violence is the inevitable consequence of social ills outside the schools, such as poverty, the drug culture and crime on the streets.

Parents and teachers alike kept referring to the prevalence of violence on TV as a possible incitement to violence for impressionable kids.

Whatever the cause, most parents would agree with Mrs. Gutter of John Adams High School, who says: "It may take some time to remedy the environmental causes of violence. Meanwhile, life and school must continue. We have to do the best we can with what we've got."

To Mrs. Gutter and others, this means finding alternative ways to educate disruptive children with a high potential for violence, beginning in the earliest grades and continuing until these children can fit into regular classes.

"We have no choice but to compensate for the life these problem children live outside the school," she says.

The problem with Mrs. Gutter's kind of solution is that it requires money, lots of money, at a time when school budgets are shrinking so drastically that regular school programs can be maintained only with difficulty.

IGNORING COMMUNIST BLOODBATH IN SOUTHEAST ASIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. CRANE. Mr. Speaker, while the United Nations speaks harshly about Zionism and Israel, and regularly condemns such countries as Taiwan, Rhodesia, and South Africa, world opinion remains almost completely silent about those real flights into barbarity which are taking place in today's world.

South Vietnam is today being victimized by a brutal Communist regime which does not hesitate to slaughter all those who do not fit into its own scheme for the future.

The British journal, Weekly Review, recently reported that:

According to information received from South Vietnamese intelligence officers still operating underground in the Saigon area, more than one million South Vietnamese are expected to be executed before the bloodbath ends. Communist counter-intelligence and security personnel are now preparing the groundwork for a massive liquidation to be carried out in the Saigon area. The targeted people will be quietly collected and executed at designated locations outside Saigon.

Columnist Ernest B. Furgurson notes that the world has completely ignored reports about "land reform" which is now taking place in South Vietnam. He writes that:

In South Vietnam now, as in Russia, China and North Vietnam before, genuine land reform is a legitimate, indeed desperately overdue process. The bland announcement from Saigon that such a program has begun may mean no more than what it says. The negative reference to "Vietnamese traitors" who received land under previous gestures toward reform may merely mean they are being stripped of their rice patties. Or it may class them together with the kulaks of Russia and the landlords of China—classes that ceased to exist.

Mr. Furgurson laments the world's double standard and notes that:

Either way, it is nothing to get excited about—hardly anything to squeeze into the paper. Just history, taking another step. Occasionally it steps on people.

The American people sacrificed thousands of men and billions of dollars in an effort to prevent tyranny from taking over South Vietnam. Now, neither Americans nor others in the world seem concerned about the unfortunate fate of the South Vietnamese people. We who live in freedom forget that the bell, in the long run, tolls for us as well.

I wish to share with my colleagues the thoughtful column, "Communist 'Land Reform': Dare We Say 'Bloodbath'?" as it appeared in the November 2, 1975 issue of the Baltimore Sun and insert it into the RECORD at this time:

COMMUNIST 'LAND REFORM': DARE WE SAY 'BLOODBATH'?

(By Ernest B. Furgurson)

WASHINGTON.—It made barely a blurb on the wire, and did not squeeze into any of the papers read here. One reason is that it was phrased in officialese. It avoided the word "bloodbath," which excited so much hard feeling last spring when Saigon was falling.

Instead it said objectively that the "Communist government in South Vietnam has begun new land reforms . . . the local government of Huong Thuy district near Hue has redistributed land to more than 10,000 farmers and confiscated that occupied by 'Vietnamese traitors'" who received it under the Thieu regime.

There was no stated connection between that dispatch and the one a few hours earlier, one that did get brief shrift in the local journal. It was attributed to "intelligence reports," which is not a very fashionable source in Washington this year. Those reports, it said, "indicate that repressive measures against dissidents in South Vietnam are more intense now than at any time since the Communist takeover. . . ."

"Officials here," which could mean a desk officer at the CIA or somebody's favorite lieutenant colonel in an inner ring of the Pentagon, reportedly had no clue about just how many persons had been affected by these "repressive measures." "But they say there has been a marked increase over the past month in reports of executions, of dissidents killed in 'automobile accidents' and of persons not returning from Communist re-education classes."

Easy, of course, to brush off such a report as just another scare story by spooks or hawks trying to justify their earlier propaganda. There was no provable bloodbath immediately after Saigon fell, and now the cold warriors are trying to invent one six months later. Possible. But consider history.

In the course of Communist revolutions and civil wars in this century, the elimination of undesirable elements in the population has not normally come with or directly after military success. It is not a spontaneous undertaking. It takes months often years, to decide systematically just who is a traitor, a capitalist, an undesirable element. Seeing that they inspire no further trouble comes under the heading of "consolidation of the revolution."

In Russia, it came in growing waves, first the repression of the kulaks (richer peasants) between the Revolution and the Civil War of 1921–22, then the huge condemnation of peasants to execution or concentration camps during the collectivization of agriculture in 1928–32, then Stalin's excesses during the purge years of the later 1930's. At the height of the purge, 1936–38, some 8 million were arrested, of whom about a million were executed and perhaps another 2 million died in prisons.

In China, estimates of the dead run from 2.8 million to 10 million. Those were village leaders, members of landlord families, Nationalist party members, industrial and commercial bureaucrats, and assorted others. The catch-all word to describe their fate is "liquidation."

In North Vietnam, one estimate projected from executions at the village level is that about 5 per cent of the total population died in the process of land reform. The figure is not checkable, and very likely is high. But one aspect of it is true to precedent: "Land reform" has been so inevitably accompanied by mass arrests, executions and repression that it can be read almost as a synonym for those measures.

In South Vietnam now, as in Russia, China and North Vietnam before, genuine land reform is a legitimate, indeed desperately overdue process. The bland announcement from Saigon that such a program has begun may mean no more than what it says. The negative reference to "Vietnamese traitors" who received land under previous gestures toward reform may merely mean they are being stripped of their rice paddies. Or it may class them together with the kulaks of Russia and the landlords of China—classes that ceased to exist.

Either way, it is nothing to get excited about—hardly anything to squeeze into the paper. Just history, taking another step. Occasionally it steps on people.

A BILL TO BAN INTERLOCKING DIRECTORATES AMONG LARGE CORPORATIONS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. HARRINGTON. Mr. Speaker, in 1912, a congressional committee reported:

When we find common directorship in banks and other businesses located in the same area and representing the same class of interests, all further pretense of competition is useless.

Two years later, in an attempt to preserve competition among major American corporations, Congress passed the Clayton Act. Section 8 of this legislation provides that—

No person at the same time shall be a director in any two or more corporations . . . if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that the elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws.

However, this narrow provision does not forbid indirect ties among competing corporations. For example, it is perfectly legal for two competing firms to each have a director on the board of a third business entity which has business ties with both of them. The effect of these interlocks may inhibit competition among all three companies.

In fact, in 1969, a Federal Trade Commission report on corporate mergers maintained—

The existing law on interlocking directorates is inadequate, and interlocks among our great corporations are especially inimical to competition because the economy has become increasingly concentrated among a few hundred corporations.

The gregarious nature of American industry is well demonstrated by the extent of indirect interlocks among major petroleum companies.

Another FTC study released last year claimed that the U.S. eight largest oil firms are, to some extent, "commonly rather than independently owned." For example, the FTC pointed out that the Chase Manhattan Bank, through various nominees, is both the largest shareholder in Atlantic Richfield and the second largest shareholder in Mobil. The FTC reasoned that it is certainly not in the interest of Chase Manhattan to promote vigorous competition between these firms.

The practice of having directors of oil companies serve on the boards of directors and advisory committees of our American financial institutions is widespread.

For example, "Interlocking Oil: Big Oil Ties With Other Corporations," a study authorized last year by Angus McDonald of the Center for Science in the Public Interest, found the major, integrated oil firms to be sharing 163 indirect interlocks—in which, theoretically, competing entities have members sitting as directors on the corporate boards of third parties.

McDonald discovered the following:

The Bank of America, largest in the United States, has a total of 16 directors, 4 of whom are oil men. Another oil executive is a member of the bank's advisory committee. The individuals are:

E. Hornsby Wasson, director of Standard of California;

John G. McLean, director of Continental;

Chauncey J. Medberry, III, chairman of Getty Oil;

Robert DiGiorgio, director of Union Oil;

Prentiss Cobb Hale, director of Union Oil.

Chase Manhattan, the second largest bank in the United States, has a total of 25 directors, four of whom are oil men. Another oil man is a member of Chase Manhattan's advisory board. The individuals are:

John Kenneth Jamieson, chairman and chief executive of Exxon;
William P. Tavoulareas, director of Mobil;
William A. Hewitt, director of Continental;
Robert O. Anderson, director of Atlantic Richfield;
John E. Swearington, chairman of Standard of Indiana.

The First National City Bank, third largest in the United States has a total of 26 directors, three of whom are oil men. The individuals are:
Albert L. Williams, director of Mobil;
William I. Spencer, director of Phillips;
William G. Gwinn, director of Shell.

The Morgan Guaranty Trust Company, fifth largest in the United States, has a total of 24 directors, four of whom are oil men. Another oil man is a member of the advisory committee. The individuals are:
Bert S. Cross, director of Exxon;
Emilio G. Collado, director of Exxon;
Elmore C. Patterson, director of Atlantic Richfield;
Thomas G. Gates, director of Cities Service;
J. Paul Austin, director of Continental.

The Chemical Bank of New York, sixth largest in the United States, has a total of 22 directors, four of whom are oil men. Five members of the advisory committees are also oil men. The individuals are:
Ralph Warner, Jr., chairman of Mobil Oil;
James G. Riordan, director of Mobil Oil;
T. Vincent Learson, director of Exxon;
Howard W. McCall, director of Texaco;
Monroe Edward Spaght, director of Shell;
H. I. Romnes, director of Cities Service;
William C. Renchard, director of Amerada Hess;
William S. Boothby, director of Getty Oil,
Joseph A. Thomas, director of Getty Oil.

In all, 132 of the 450 oil firms interlocks, McDonald found, involve banks, and another 31 involve insurance companies, which has especially ominous implications for competition.

In order for a company to enter the petroleum industry, or any highly capital intensive business, enormous amounts of capital are required. As I have indicated, financial institutions capable of funding such endeavors share common concerns with the large vertically integrated oil firms. Hence, for these banks to finance a new corporation interested in competing in the petroleum industry would not at all be in their best interests. Thus, as the independents find it increasingly difficult to get the requisite financial assistance, the prospects of increasing competition become increasingly limited.

Management interlocks are not limited to the oil industry. Neither are the anticompetitive implications of such interlocks. In 1965, the House Antitrust Subcommittee conducted a study on interlocks in American corporations generally. Although this study is 10 years old, its findings and conclusions undoubtedly suggest the magnitude of our current problem. In 1965, the 26 directors of General Motors Corp. held management positions in 22 banks and financial institutions, 4 insurance companies, and 32 industrial-commercial corporations. Through its directors, General Motors has two ties each with Melon National Bank & Trust Co., Canada Life Insurance Co., A.T. & T., International Nickel Co. of Canada, Ltd., and Gulf Oil Corp. In addition, it had single interlocks with United States Smelting, Refining and Mining Co., Gillette, Rail Trailer Corp., Gar Wood Industries, Harshaw Chemical Co., and Jones and Laughlin Steel Corp.

The study indicated that the Ford Motor Co. had 19 directors who took part in the management of 12 banks and financial institutions, 3 insurance companies, 38 industrial-commercial organizations, and 3 other companies which included a link with the New York Stock Exchange. Among the banks and financial institutions, members of Ford's management participated in two interlocks each with Morgan Trust Co., One William Street Fund, Inc., and there were three interlocks with Federal Street Fund. Three of Ford's directors served with General Foods Corp., and two with Continental Can Co. Other companies linked with Ford's management were Owens-Corning Fiberglass Corp., Trans World Airlines, Pan American World Airways, B.F. Goodrich Co., and Sears, Roebuck & Co.

In general, interlocks generate several potential problems according to the House study:

The impairment or elimination of competition between firms which use interlocking directorates as effective liaisons;

Preferential treatment in the supply of material and credit to favored companies;

Withholding of capital and credit from "outside" competitors;

Where an individual serves in the managements of differing corporations, his conflict of interest may result in "inside dealing" for his personal gain, at the expense of either or all of the corporations he serves. In a broader framework, his loyalties to the stockholders of each of the respective corporations are divided;

Finally, by means of interlocks, control over the major part of American commerce could be concentrated among the hands of so few individuals "that the normal social and political forces relied upon to maintain a free economy would be ineffective to control abuses."

It is important to note that the Holding Company Act of 1935 prohibits both direct and indirect interlocks in utility holding companies. While the Federal Trade Commission staff recommended several years ago that indirect interlocks be prohibited in industrial corporations as well, no law has yet been passed making them illegal.

In an attempt to correct this shortcoming in law, I have introduced legislation prohibiting:

First. Interlocks between competitors achieved by means of directors of one company acting as officers of another, and directors of one company being large stockholders in another;

Second. Interlocks between potential competitors;

Third. Vertical interlocks between buyers and sellers, including industrial firms and various kinds of financial institutions providing lending or investment services;

Fourth. Indirect interlocks achieved through third-party organizations of any form—whether partnerships, proprietorship, associations, or corporations.

After years of investigation by such groups as the Federal Trade Commission, the Federal Power Commission, the Judiciary Committees of both Houses of Congress, and private research organizations, it seems imperative that we learn from our recent bitter experience in the energy area and correct these anticompetitive abuses.

I introduced this bill on March 6, and will soon be seeking cosponsors.

BUFFALO MAN ENDS 57-YEAR RAILROADING CAREER

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. NOWAK. Mr. Speaker, with all the unhappy news that barrages us daily from around the world, it is always refreshing to read an item in one's local newspaper that accents the positive, the bright side of life.

Such was the case on October 30, 1975, when the Buffalo Courier-Express contained an article on the retirement of Mr. John Demicke, who had a 57-year career in the railroading business.

Mr. Demicke is a member of a long-established family in South Buffalo, which is the site of a large portion of my city's immense railroad network.

When asked if he would recommend railroading as a career today to young people, the newspaper account quoted Mr. Demicke as replying:

Only if they really like it.

As a young person studies the alternative career opportunities before him, Mr. Demicke's advice would serve well as a principal criterion in making a choice of what field to pursue. It is simple principle that too often, unfortunately, is overlooked.

I would like to share with my colleagues the following newspaper article and join Mr. Demicke's many well-wishers for a fruitful retirement:

VETERAN CONDUCTOR HANGS UP LANTERN

(By Ray Dearlove)

When the Lehigh Valley Railroad's Apollo I freight train pulled into Buffalo from Sayre, Pa., Wednesday afternoon, it meant the end of a 57-year railroading career for its conductor, John Demicke of 129 Bloomfield Ave.

The freight cars of Apollo I, a fast-freight piggyback train, were left at the Tifft Junction near Harlem Rd., and the train crew rode into the Lehigh Valley's Tifft Terminal off Tifft St. east of Fuhrmann Blvd. in the cab of Engine 320, the lead engine of a three-engine power package.

A lot of hot coffee and yard personnel were on hand as Demicke stepped down the engine ladder for the last time.

STARTED IN 1918

Demicke, 76, started his rail career when he was 19 years old and looking for work in 1918. He was in East Buffalo one day and landed a job as an apprentice in the shop of the Lehigh Valley Railroad.

After one winter in the shop, Demicke became a brakeman and continued in that post until 1936, when he was promoted to conductor. He fell in love with the conductor job,

a love that only his age prevents him from continuing.

"I liked being a conductor because they are in charge of the train, along with the engineer," said Demicke. "It's a lot of responsibility, and I loved every minute of it."

Demicke had the Buffalo-Manchester, N.Y., run from 1936 until 1972, when it was changed from Manchester to Sayre, Pa. His last crew included Michael Ternisky of Manchester, engineer; Roy Batchelor of Corfu, fireman; William Penque of Niagara Falls, head trainman, and John Wall of Lake View, flagman.

NEVER A SCRATCH

"I've had several train accidents occur over the years while on duty, but I never got a scratch," recalled Demicke. "Years ago it was nothing to work a 16-hour day, but now they have a maximum of 12 hours."

Demicke said he will keep busy visiting "15 or 16 grandchildren and a lot of friends." A widower, he also keeps a large vegetable garden behind the house he owns on Bloomfield Ave.

When asked if he would recommend railroading as a career to young people today, he said he would, but "only if they really like it." He said railroading "must be in your blood, and you must live for it and by it."

Demicke said freight trains are longer nowadays, some reaching two miles in length. As he said it, he looked down the Lehigh Valley tracks and one got the impression that John Demicke would be a regular visitor to Lehigh Valley's Tifft Terminal.

$200,000 PER DAY, AND THE TAXPAYER SHOULD PAY?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mrs. SCHROEDER. Mr. Speaker, with reference to section 103 of H.R. 3474, the bill to authorize funding for the Energy Research and Development Administration, and specific reference to the proposals which the Senate added to this bill to authorize a guaranteed loan program for synthetic fuels such as oil from oil shale and synthetic gas from coal, I want to share with my colleagues an article from yesterday's Oil Daily.

I believe the article speaks for itself, as follows:

$200,000/DAY COAL GAS INFLATION CITED

LOS ANGELES.—"The nation's growing shortage of gas supplies is the result of two basic causes, both of which lie squarely in the lap of governments," Joseph R. Rensch, Pacific Lighting Corp. president, told a meeting of the Americanism Educational League.

He identified these causes as federal wellhead price regulation of natural gas moving in interstate commerce, and the "inordinately long delays in governmental approvals required for the development of new gas supplies.

"We have the sublime contradiction—political leaders who are all too ready to shout 'crisis,' but who at the same time help perpetuate a system of delays and obstructions which only deepen the crisis," he charged.

He noted his company's many programs to acquire gas supplies from new sources and mentioned particularly its coal gasification project in New Mexico and a major pipeline project to bring Alaskan North Slope gas to southern California.

The loss of time in getting these projects, underway, penalizes the consumer, Rensch pointed out. For example, he said, inflation had increased the cost of the coal gasification plant $200,000 for each day of delay.

According to Rensch, when political leaders formulate a national energy policy, they are first responsive to pressure groups such as the more militant environmental organizations and self-styled consumer advocates.

"But these minority group advocates share a common characteristic: they do not have to accept the responsibility in later years for the adverse consequences of their acts," said Rensch.

Another phenomenon accompanying the formulation of energy policy by politicians, he said, is a perpetual attack on the major energy suppliers, typically the oil companies.

"For example," he said, "any objective evaluation will show that deregulation of wellhead gas prices is clearly in the long-term interest of the consumer. But a great deal of the reluctance of Congress to face up to this stems from the fact that oil companies—those popular whipping boys—are also viewed as the beneficiaries of deregulation."

CONGRESS MUST TAKE BLAME FOR OSHA

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. SYMMS. Mr. Speaker, one of my constituents in Weiser, Idaho, sent me a letter that I received this morning in which he addressed the problem of excessive bureaucracy and specifically the Occuppational Safety and Health Administration—OSHA. He pointed out that politicians do not like to take responsibilities for agencies like OSHA. Nevertheless, those in the producing end of the economy that pay the taxes to run this place back here must bear the burden of an agency like OSHA that has 100 word definitions of "ladder" and "exit" to help people understand their regulations; that has a 122-word definition of "means of egress."

Businessmen who have no legal or scientific training are unable to understand OSHA regulations; this is especially true of small businesses who cannot afford a team of lawyers or special interpreters of Government regulations. Equally unnerving is the sheer volume of the regulations—thousands of them for one operation. And all of this adds to consumer prices.

In some cases the practices of OSHA have terminated small businesses. For example, in Boise, Idaho, a small granite shop—owned and operated by two men—received OSHA fines and penalties totaling several thousand dollars. The necessary modification would cost a lot more, and they did not have the means to fight this case in the courts. So what does someone in this position do? These men had never had accidents in their shop. They were the sole employees and operators of their business, so why should it be the business of the Federal Government to investigate their working conditions, deem them unsafe, and saddle them with fines and repair orders to the point where they could no longer operate their business.

I think that this is an example of just what is wrong in this country today. It is this type of activity by the Government—this excessive power of Government—that is driving the American people to the point of political revolution against big government. This is why I have introduced a bill, H.R. 1086, to repeal OSHA.

TORMENTED GUN VICTIMS ASKS WHY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MAZZOLI. Mr. Speaker, the criminal justice system in the United States focuses largely on the criminal—his punishment and rehabilitation. Recently, more emphasis is being given to the prevention of crime before it happens.

But both of these approaches omit consideration of the most tragic aspect of any crime—the victim. This omission is even more unfortunate in view of the prolonged mental and physical suffering the victim must endure, often simply because he or she happened to be in the wrong place at the wrong time.

I am pleased to note that the House Subcommittee on Criminal Justice, under the capable leadership of Representative WILLIAM HUNGATE, is holding hearings on legislation to provide compensation for victims of crime.

Already 11 States and several nations have similar programs. In my judgment it is time we created a program on the Federal level to aid victims of crime.

I am also pleased that Representative WILLIAM MANN, chairman of the District of Columbia Committee's Subcommittee on Judiciary will, in due course, be undertaking action on legislation to compensate D.C. crime victims like Sally Ann Morris, whose sad plight is detailed in the following article from the Washington Post of October 29, 1975.

[From the Washington Post, Oct. 29, 1975]

TORMENTED GUN VICTIM ASKS WHY

(By Ron Shafer)

"The thing that bothers me, and always will, is why they shot me. You just don't shoot someone in the back like in a western movie. I didn't pose any threat to them, I was running away . . ."

Sally Ann Morris, 26, is still asking herself why she was the one shot by robbers four months ago while on a Saturday night date in Georgetown. That chance encounter left her wounded, necessitated a traumatic operation and required weekly visits to a psychiatrist to survive the life left to her. She still walks with a cane.

Compounding all this is the fear that the ordeal is not yet over and that her assailants may return and kill her. Four suspects arrested in the case, who were released on personal recognizance, pending trial, promptly disappeared and are at large today.

Morris, a claims adjuster for an Alexandria insurance company before the Georgetown shooting last June, decided to tell her story but insisted that her present whereabouts be kept secret.

"I don't want people to feel sorry for me, but just for them to know that it can happen in one second. They should know what can

happen," she said recently during an interview at the home of a friend.

Sally Morris' misfortune occurred June 28 on her way to a dinner urged on her by her boyfriend because she was so morose over the recent death of her father.

It was about 10:30 p.m., she recalled. She and her boyfriend, Henry Miller, were walking down 33d Street, heading for an M Street restaurant. They were talking about the cobblestone sidewalks and the stately trees in the area when two men approached.

As they passed the couple, one of the men pulled out a gun, cocked it and stuck it in Sally Morris' back. "I knew right away they were going to fire it because you just don't cock a gun without a reason," Morris said.

Instinctively, Miller grabbed her and they started to run. After a few steps, she said, she heard gunfire and felt a slap at her back. "It felt like a burning needle that went through me real quick. It sort of numbed me."

An ambulance was called and people began to gather, some on the run, asking what had happened. Someone suggested that she lie down.

"I am a self conscious person and I hate to be stared at," Morris said. "All of a sudden I became two people: one was lying on the sidewalk, the other was looking down at me, saying, this isn't real, you've got just gone to a play. I kept thinking, why can't you just faint and you'll be out of it."

The ambulance took 40 minutes to arrive, Morris said. "Then things really started to hurt. They are rough. I should have taken a taxi," she said, chuckling as she told her story, her long red hair framing a youthful freckled face. She smoked one cigarette after another.

At Georgetown Hospital, a nurse probed her midsection, asking "if my stomach always stuck out here," said Morris, who separated from her husband in 1972 and has a 5-year-old daughter. "I said, lady, all I've had is a Cesarean. If there's anything else there, I didn't have it when I came in here."

"Then," Morris recalled the nurse saying, "that's where the bullet is."

The bullet hit Sally Morris in the small of the back, ripped through her intestinal tract and lodged in her lower abdomen. It fractured her hip so that she still cannot walk without a cane.

Doctors had to perform a colostomy, rerouting the undamaged intenstinal tract to a substitute opening surgically created in her lower abdomen. This type of operation allows body waste to be passed into a disposable plastic bag attached to the new opening.

"It's kind of embarrassing, like when you go out and it (the plastic bag) starts to bloat like a balloon," she said. "People stare, like what's going on down there? And it makes noises. You're supposed to say, oh, my stomach's growling. And there are a few other problems, like sometimes it'll decide to leak . . . or you'll empty it out and miss the toilet and you just stand there and cry."

When Morris recently showed the waste contraption to her 5-year-old daughter—"She asked to see . . . and I showed her because I thought she would understand"—the daughter said, "Mommy, I don't want to sleep with you anymore."

Since the operation, Morris has lost her job with the Safeco Insurance Co. of America in Alexandria. She faces further surgery next month—hopefully to eliminate the need for the colostomy—and her employers felt they had to replace her.

"We were willing to wait longer if we could see light at the end of the tunnel, but neither she nor her doctor could," said Tom Davis, Morris' boss at the insurance firm. Morris has not returned to work since the shooting four months ago.

Morris has also given up her third floor apartment because she said she can no longer walk up the stairs. Now she faces medical bills she cannot pay and finds herself consumed with fear.

"It's my charade, pushing real emotions in back and trying to be cheerful outside." Morris said. "But I still go into a lot of depression, and I have nightmares."

According to police, the four suspected assailants of Morris have been identified as James Andrew Weeks, 29; Roy Weeks, 25; Terry Ann Stewart, 23; and Eunice Walker, 25, all District residents. Police said the two men had been committing armed robberies in Georgetown for several weekends before the Morris shooting, escaping by hiding in the back seat of a getaway car driven by the women.

The frustration growing from the aftermath of that night in Georgetown ultimately caused Morris to beg for financial help—apparently without success—in a letter to President Ford. Near the end of her hospital stay she wrote to the President: "I know the physical loss can never be replaced, but to be in debt—why?"

She said the White House informed her by telephone that a law clerk would look into her case, but she has heard nothing since.

Maryland has passed legislation to allocate money to the victims of crimes. The District and Virginia has not. Congress has also failed to approve federal legislation that would provide funds for crime victims.

Health insurance will pay 90 percent of the $10,000 Morris has accumulated in medical bills, but she must still live on $200 a month in welfare payments and has no money to pay the rest of her medical and psychiatric expenses, she said.

"I have also lost a lot of feeling about people and I'm trying to get that back," she said. Miller, her boyfriend of three years, "treats me like a china doll; he doesn't let me go anywhere by myself." But she finds herself not caring about him like she used to.

"For the first week I blamed him. I thought why couldn't it have been him, he could have taken it better. Why me? Isn't that just terrible to think like that? . . . And then I spent a long time thinking: if it had just taken longer to park, or if we had gone down another street . . ."

NEW YORK METRO AREA POSTAL UNION RESPONDS TO PRESIDENT FORD

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following advertisement published in the New York Times of November 11, calling upon the President to put aside political differences in dealing with the New York fiscal crisis:

AN OPEN LETTER TO PRESIDENT GERALD R. FORD

(By Moe Biller)

Dear Mr. President: I have the honor of being president of the largest Local Postal Union in America. Our 26,000 members are Blacks, Hispanics, Jews, Italians, Irish—you name it.

If we are anything, collectively, we are New York City. If New York City is anything, New York is America. Yet, from Yugoslavia to Detroit you personally, Mr. President, have been preaching the gospel that New York City is something less than America. In fact, it would be surprising if your audiences have not come away with the idea that New York is "Sin City."

What are the sins? Unemployment . . . a crippling recession . . . spiralling inflation . . . poverty . . . deprived minorities . . . these are the "sins" of New York. But, Mr. Ford, we New Yorkers did not create unemployment or the recession or inflation; we did not invent poverty. We have more minority problems than the rest of the nation because we embraced our brothers and sisters from other states, not because we have deprived them.

If the Beautiful Lady in our Harbor has been a symbol for America she has been more than that for New Yorkers. She has been a "love affair." What she stands for, we practice: compassion, refuge, opportunity; equality and hope—hope denied in other doom-and-despair areas of our own country and other parts of the world.

"Blessed are the poor" said the prophet. Who but New Yorkers seek to bless them? "The wretched refuse of your teeming shore," wrote the poet. Who but New Yorkers accept them?

"Let him who is without sin cast the first stone" reads the Testament. Who but Gerald Ford casts the first stone? Mr. President, where is this middle-America ethic that you supposedly epitomize? Is the smile for which Gerald Ford is famous really a smirk? Has "Mr. Nice Guy," the never offending "Mr. Nice Guy," now decided that in order to win reelection he can and must offend the nearly 8 million Americans who live in New York City?

And, worse, have you decided this selective genocide is preferable to defeat at the polls? New York City has not asked you for a handout, Mr. President. Nor do we want one.

We are head to head with a monumental fiscal crisis. Your answer is to abandon or emasculate the social programs and institutions and traditions that have made this the greatest city in the history of civilization. Our answer is a simple Federal guarantee of our obligations to bridge us through this critical period.

We are tough. We are resilient. We are determined.

And we can and will survive. The only thing that can destroy it is a continuation of the National policy authored by you, aimed at our destruction.

If we go down, Mr. President, New York State does down. If the Empire State goes down, can the Nation survive? The National crisis, of which New York City is just one victim, also has been prostituted into the most vicious anti-Civil Service Union crusade in history.

Because our Unions have been the most dynamic and effective in the last decade, you seek to visit on us the blame for all the ills of the world.

There is still time for you, Mr. President, to put aside your political time table and to reassume the mantle of morality with which you seemingly were cloaked on assuming the Presidency. You cannot hope, Mr. President, to find the Pearly Gates open if you have slammed shut the Golden Door.

ONSITE CONSULTATION BILL TO HELP SMALL BUSINESSES

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Wall Street Journal recently carried an informative article on the problems facing millions of small businessmen and women. The Manpower,

Compensation, and Health and Safety Subcommittee has become keenly aware of many of the difficulties of small business owners through 31 days of oversight hearings on the Occupational Safety and Health Act of 1970.

It is therefore timely that I bring this article to my colleagues' attention, as the House of Representatives on Monday, November 17, will be considering H.R. 8618, a bill to amend OSHA to provide Federal onsite consultation to employers. The committee is aware that small businesses may not have the resources to retain private consultants to counsel on applicability of OSHA standards. Accordingly, H.R. 8618 gives preference to small businesses and to hazardous industries.

I believe this bill will be of great assistance to this Nation's small businesses, and I urge my colleagues to support this amendment.

Text of the article follows:

[From the Wall Street Journal, Nov. 13, 1975]

THE NEW FORGOTTEN MAN

(By Irving Kristol)

It was about a hundred years ago that the American social theorist William Graham Sumner coined (or popularized) the phrase, "the forgotten man." He was referring to the average taxpayer, not poor enough to be the object of official compassion, not rich enough to remain basically unaffected by official depredations. There never was any popular animus against such a person; the political process simply ignored him, even as it afflicted him.

The phrase caught on, and those of us of a certain age can well remember the standard cartoon, on the editorial pages of the more conservative press, in which a naked John Q. Citizen, his nudity concealed only by a barrel, pathetically clutched the last few dollars of his after-tax income and desperately pleaded that attention be paid to him.

During the years of the post-war boom, 1945–1965, this image rather faded from the popular imagination. Taxes grew steadily in this period, to be sure, but incomes rose even faster, and the average citizen was not perceived to be suffering much, nor did he himself seem to feel any particular distress. In the late '60s, of course, all this began to change, as inflation took hold, economic growth slowed down, and the spirit of a taxpayers' rebellion began slowly to intrude itself into the political consciousness. The average taxpayer, a relatively small minority of the population in Sumner's day, is now the overwhelming bulk of the citizenry. He may remain, in 1975, an unduly afflicted being, but no one can say that he has been forgotten. The level of taxation has become a major political issue, which even the most spendthrift of politicians has to take account of.

Meanwhile, however, a whole new class of forgotten men has emerged. Like his counterpart of yesteryear, today's forgotten man is—if the opinion polls are to be believed—a fairly respected and well-regarded citizen. No one is leading a crusade against him, and it is probable that no one really wants to. He is merely being chivvied, harassed, ruined, and bankrupted by a political process that takes him for granted and is utterly indifferent to his problematic condition. I refer to the small businessman.

AN INVISIBLE FIGURE

It is astonishing and dismaying how little interest there seems to be in the condition of small business in the United States today. Big business is in the spotlight to such a degree, and is the focus for such passionate concern (pro or con), that the smaller businessman is an invisible figure, offstage somewhere.

One can understand why and how this has happened. Big business is certainly far more important today, economically and politically, than it ever was. Economically, because the overall health of the economy, in terms of investment, economic growth, employment, hinges very much on the health (or lack thereof) of big business. Politically, because the struggle for control over the decision-making process of the large corporation—which is what "regulation" is all about—will certainly have a profound effect on the ultimate status of the private sector vis-a-vis the political sector, in our still-mixed economy. Both our collective prosperity and individual liberty, therefore, are very much at issue in the current controversies over the ways in which big business should be organized and operated.

But if small business is of lesser economic significance than it used to be, its economic role is still terribly important. And the fact that the future of the large corporation involves the future of our private sector should not obscure the more basic fact that small business preeminently is the private sector.

Economically, small business plays a critical role in the process of innovation. When one surveys the new products and new processes of the past 25 years, it is extraordinary how many of them were introduced by aggressive entrepreneurs or smaller business firms. The Xerox copier, the Polaroid camera, the mini-computer, high-fidelity recordings, frozen foods, wash-and-dry clothing, etc.—the list is long and impressive. Nor is it only product innovation that small business is so good at. It also rates high marks for conceptual innovation, for coming up with a new way of organizing older services. Containerization; the discount store; the motel; franchising the sale of hamburgers, fried chicken, and other food products—these, among others, were ideas in the head of an individual that proved fruitful and beneficial because our economic system permitted them to compete with existing ideas as to how things should be done. Obviously, not all the innovations of entrepreneurs succeed; indeed, most of them fail, as they are bound to, in a high-risk, high-payoff situation. But this brash willingness to risk failure is itself one of the major merits of a system of "free enterprise."

The large corporation may be the end-product of "free enterprise" but it is not its quintessential representative, either in theory or practice. It is true that, in the United States as compared with the Soviet Union, the large corporation is relatively innovative, does preserve an entrepreneurial aspect. (To the degree that government gets involved in decision-making, it is always the avoidance of risk that will take priority.) But even at its best, the large corporation will never be as enthusiastic about innovation as its tiny competitors. It has a huge investment in existing products and procedures that it would prefer not to write off too quickly. It usually makes more economic sense for it to seek marginal improvements in productivity rather than to concentrate on a new product that may or may not sell, or a new process that may or may not work. And its vast bureaucracy is always, to some extent, a conspiracy against innovation: layer upon layer of experts—lawyer, engineers, marketing men—are at hand to point out all the things that can go wrong. These objections will have both merit and force; a corporate officer will have to take them seriously. Only the entrepreneur, with little to lose, can boldly ignore them.

But small business is even more important politically than economically. It is integral to that diffusion of power and wealth, and to the economic and social mobility which are the hallmarks of a liberal society. It is the small businessman who builds up those large fortunes which then sustain the not-for-profit sector—the universities, foundations, philantropies—which is so important a buffer between the public and private sectors. (Corporate executives almost never accumulate that amount of capital, despite their high salaries.) It is the successful small businessman who maintains his roots in a local community, becomes a visible symbol of success to everyone, gives the politicians in our smaller towns and cities their own access to funds (and therefore a greater independence from national organizations), supports all those local activities—social or cultural—which keeps community morale high. And it is in the small business sector that those who are discriminated against, whether it be for their politics, race or religion, can find, and have traditionally found, sanctuary.

Indeed, when we talk about "liberal capitalism," we are talking specifically about a political-economic system in which *small* business is given the opportunity not only to survive, but to prosper. If Yugoslavia or Russia were, tomorrow, to permit their major nationalized industries to sell shares to the public, in order to raise capital, it would not involve any grand reformation of their systems. On the other hand, if they gave entrepreneurial freedom to small business, it most certainly would. Then, and only then, could one talk seriously about "liberalization."

Similarly, in the "capitalist" countries the very largest of our corporations are already, and will surely remain, "quasi-public" institutions. That is the way they are described in all the business-school texts; that is the way they are referred to casually by politicians and the media; and, in truth I have yet to hear the chairman of a major corporation publicly insist that what he commands is a species of private property, in the traditional sense of that term. (The exact meaning of "quasi-public," of course, is nuclear, and its definition is what the fighting is all about.)

DIFFERING ATTITUDES

Small business, in contrast, even where there is public ownership of shares, is still generally perceived to be a species of private property and to possess the legitimacy which most Americans are still willing to concede to private property. In this respect, the United States is very different from Western Europe. Here, it is only big business that public attitudes are likely to be hostile to. There, all business falls under a shadow of distrust and disfavor. Popular opinion there is inclined to be antibusiness per se—i.e., anti-capitalist. We are still, in principle and to a large degree in actuality, a liberal-capitalist society. And it is small business that makes it so.

It is therefore all the more paradoxical that, in our taxation and regulatory policies, so little attention is paid to the needs of small business. I note that the House Ways and Means Committee has just decided to continue a lower tax rate on the first $50,000 of corporate income, after which the full 48% rate applies. What a pitiful gesture! Why shouldn't the corporate income tax be far more graduated than this, so that the full 48% rate applies only when a firm reaches, say, the $2 million income level? *That* would make a difference. Why doesn't a Republican administration, concerned about the survival of liberal capitalism, press for such a reform? Why does it persist in trying to lower the tax ceiling for all corporations—a proposal which Congress will certainly ignore, while it just might be willing to give smaller business a break? The answer, I suggest, is that it is so concerned—we are all today

so concerned—about "macroeconomic" phenomena that the economic and sociological and political importance of the smaller businessman or smaller business firm has simply been overlooked.

One also may properly wonder why no greater efforts are made to protect smaller businesses from the horrendous burden which the newer regulatory agencies impose on them. Big business finds it difficult enough to cope with all the expensive changes required to meet new rule governing air pollution, water pollution, noise, safety, etc. But, in the end, big business has the resources to survive this experience, harrowing as it is. Small business will not survive it, and is not. All over the nation, smaller firms are being pushed into liquidation of mergers by their inability to cope with these new burdens. They need more time, more generous (albeit temporary) exemptions. Why don't we hear more voices, and louder ones, demanding that they receive such differential treatment?

If small business is going to survive in this country, it is going to have to organize itself more effectively so that its interests are respected. Just why it has so far failed to do this, I do not know. But I do know that unless it does, it will perish from neglect. And much that is precious to the American way of life will perish with it.

FARMING—A WAY OF LIFE

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. WAMPLER. Mr. Speaker, a recent editorial in the Virginia Farm Bureau News, points up a serious financial situation that exists on many farms all across America. It makes me ask the question: What is keeping the American farm family down on the farm?

Because of the gravity of this situation and the faith all of us place on the American farmer to provide each of us with our basic daily requirements for food and fiber, it occurred to me that each Member of the House might desire to examine the points raised in this editorial. The text of the article follows these remarks:

[From the Virginia Farm Bureau News, November, 1975]

A WAY OF LIFE

At a recent press conference a member of the VFBF Women's Committee stated, "We could be much better off financially to sell our farm and equipment and live off our investment."

This farmer's wife was talking about a $600,000 farm operation. Her statement drew the unasked question, Why not?, and she continued with "We're farming because we enjoy it."

Farming is a business, but it is also a way of life. In recent years many farmers have had to leave the farm because of high taxes, transfer of estate losses, government policies or crop losses due to acts of God.

Profit motivation in farming is a matter of survival, but there is more to it than that. There is the love of the land, and the satisfaction of making a contribution to mankind.

If farming were just a business, giant corporations would take over. There are some large farm operations run by corporations, but it amounts to less than one per cent of all the farms in the U.S.

One reason for the failure of giant corporations in agriculture is it is hard to find a 40-hour-per-week employee to attend the midnight birth of a calf, or cut the lights on a tractor or combine and drive half the night.

Because of higher food prices at the supermarkets there is a myth about the financial situation of American farmers. The truth is that in some cases it is critical.

With the cost of living rise of 14 per cent in 1974, the farmer's cost of production climbed 22 per cent. And the prices they received for their production fell 15 per cent.

At a time when the cost-price squeeze is so severe, it's frightening to think that government decisions are being made to weaken the farmer's chances of survival.

Now is the time government should be making farming a more attractive way of life. Instead, government made attractive market promises to get all-out production. Farmers gave all-out production, only to see more restrictions placed on foreign markets.

FOOD STAMP REFORM

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. HEINZ. Mr. Speaker, I regret that official business prevented my being present yesterday during the consideration of the Findley amendment to H.R. 10647, the supplemental appropriations bill, which would have denied food stamp benefits to households having aggregate annual incomes exceeding the official poverty level. I wish to go on record in opposition to this amendment.

As the sponsor of the Food Stamp Reform Act of 1975, H.R. 10467, which proposes a major overhaul and reform of the entire food stamp program, I am concerned that this amendment represents an unworkable, piecemeal approach to a highly complex problem—providing adequate nutrition to this Nation's needy.

The Findley amendment, which establishes food stamp eligibility for a family of four at $5,050 in annual aggregate income, actually provides a disincentive for work, and places a severe hardship on the working poor and the recently unemployed.

Mr. Speaker, it is clear that we must take immediate steps to improve our food stamp program, and make it more responsive to the wishes of the American people and to the needs of the poor. The legislation which I have proposed, H.R. 10467, would remove an estimated 1.5 million unneedy households from the food stamp rolls, while saving an estimated $350 million per year in administrative costs. In addition, this legislation would:

Provide an eligibility limit of $7,776 annual cash income for a family of four, with a standard deduction of $125 per month—$150 for the elderly;

Establish a standard benefit ratio;

Eliminate the current food stamp purchase requirement which discriminates against the poorest of the poor; and,

Eliminate categorical eligibility.

H.R. 10467 will put food stamps out of reach of people who should not be eligible, while leaving them within the proper reach of the poor. I believe that this type of overall reform—rather than a piecemeal approach—will restore the food stamp program to its original purpose: insuring that all individuals, regardless of income, receive adequate nutrition.

REGULATING BUSINESS OUT OF BUSINESS

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. ABDNOR. Mr. Speaker, distinguished colleagues, many words have been written and spoken about the need for governmental reform. The calls for responsive government and noninterference have resounded through these halls.

With all due respect for my distinguished colleagues, none has written or spoken so eloquently or forcefully as a letter I received recently from a constituent, Mr. Bruce Hodson of Martin, S. Dak.

Though his letter was initiated in response to proposed Federal Trade Commission regulations on "credit practices," his letter is testimony to the effect of Government regulations on all of our citizens. I include his letter to be placed in the RECORD, and I ask that my colleagues take note of it as an eloquent statement of the average frustrated American:

BLACKPIPE STATE BANK,
Martin, S. Dak., October 28, 1975.

Hon. JAMES ABDNOR,
Member of Congress, Second District, South Dakota, Longworth House Office Building, Washington, D.C.

DEAR JIM: Your letter of Oct. 20th, with enclosure of the proposed regulations by the Federal Trade Commission on "Credit Practices", at hand . . . I took it home last evening to study, since I am too busy during the day with farmers and ranchers to do that during the office day.

To say that I am particularly surprised, would be a misstatement. After I spend the time required with Federal and State Examiners. . . . File the pension reports required. Sell the Government's Series-E Bonds and cash them. . . . Check the premises for compliance with OSHA. . . . Make the required study on the Safety and Security Act. . . . Take an extra few minutes on each loan to see if we are complying with the Fair Housing Act. . . . That we do not treat unfairly the minority or the Females. . . . Comply with Wage and Hour. . . . Fill out some Credit Reports making sure to comply with the Fair Credit Reporting Act. . . . Explain one more time to a customer why we must take down currency info to comply with the Financial Record Keeping Act. . . . Cash hundreds of welfare checks at a financial loss. . . . Get raked over the coals for not making a loan where the party can't possibly repay . . . etc., etc. . . . All this while I try to keep my head down during this Indian War, I sure as hell don't have much time left to digest another regulation.

Jim, I am very much upset. . . . As you know, Dad started this bank in 1919. . . . He struggled through a severe depression . . . the Drought. . . . The grasshoppers and morman crickets. . . . Bad prices and winter storms . . . I now have some sons of my

own working to take over. . . . We give people good service for cheaper interest than they can get anywhere. We don't use discount interest, add-on interest, fees or charges. . . . We loan any quality borrower (and a few who aren't) money to meet their needs. . . . We charge interest only when they return the money, and then only at simple interest rates. . . . We pay all the legal fees on real estate closures and filing fees at the courthouse. . . . No gimmicks, just plain simple understandable business with common ordinary, simple, honest, hard working country people . . .

Jim, it takes the full time salaries of two people in our small shop to handle free government chores . . . Chores that we have already paid taxes for someone else to do. . . . If we make an error the loss is ours. . . .

We buy and sell Series E bonds. . . . The Bank collects Withholding and Social Security Taxes for IRS. . . . The re-imbursement was supposed to be the use of an account called 'Treasury Tax and Loan Account'. . . . The balance of which is to be withdrawn occasionally, but with some balance left for the banks loan use to local people. . . . Now they talk about making us pay for that account, when the joke is they have been withdrawing the balance to the penny, as often as twice a week. . . . Thats a compensating balance?

At yearend we are required to prepare in triplicate a tax form indicating the sum of interest paid to all customers, and mail to each customer and the government. . . . Again we pay the postage.

We cash thousands of dollars worth of 'food stamps' every week, and wait about a week to get our funds back, but the government won't even furnish us stamped envelopes. . . . We do the work, advance the money, and are taxed for it by stamps. . . .

We are considering discontinuing selling Series-E bonds, and let the postoffice handle them again. . . . They get better pay and less hours anyway.

We have been forced to print thousands of dollars worth of 'newly required forms' over the last few years, only to find that they are soon thrown away, because they no longer comply. . . .

There are hundreds of people in government, willing to legislate every moment of my life and know all about how to run a country bank, but have never worked in one. . . . They like to deal in "overall" best interests". . . . I deal with individuals, in overalls, with problems. . . .

This new legislation implies that I am a dishonest banker, out to beat the public. . . . If so, why isn't there another bank across the street taking away my people?

I have concluded one thing, the government no longer wants people like me in business. . . . They have the legislative powers to make it impossible to survive. . . . They can't seem to write a law that is directed at the real problem maker . . . Why?, for fear of what and whom? If they really don't *mean* people like us, as they like to tell us at meeting, then why in hell don't they spell that out in the regulations, and leave me alone? . . .

When prime interest rates went above 14 percent, we never rose above 8 percent. . . . We use "slave labor"—I work the wife and family members to give that service to friends with whom we have a common interest, to survive in this rural community that we all believe in.

However, Jim, I have come to a definate conclusion. . . . I am doing my sons no favor by passing along such a headache . . . I am throwing in the towel. . . . We have discontinued the pension plan, because I can't cope with the extra work. . . . I have voluntarily paid in all the money, without any requirements upon the employees. . . . But thats being dropped. . . . .

We soon intend to tell IRS to collect their own taxes, and the Postoffice to sell their own Series E bonds. . . .

And as a clincher, we intend to sell out and leave banking. . . . I have no idea what country America will do without all country banks, but thats the trend, and I may as well join in before they put us out of business, anyway.

This last set of regulations is the straw that broke the camels back. We resent the implication that we "rip-off" our friends. . . . And thats who we deal with, many, old time family friends, whom we have served for 3 generations, on a first name basis. If some other lending agency can tend to their needs with any more compassion then we have, and give them better service, for less than we have, then we don't belong here anyway.

I apologize Jim for the length of this rambling letter, I honestly did not intend that it be this long, and I'm sure that to read it all you also may have to "take home some homework" as I do. But I assure you that it comes from the heart, and in my small way I had to protest this callous indifference by big brother government. It sure as heck isn't what I thought I was enlisting for and spent a number of years fighting for in the forties.

Thanks again for the opportunity to speak out. A reply isn't necessary, use your time to fight these injustices.

The fine wet snow over the weekend was the answer to our prayers!

Respectfully yours,

B. B. HODSON, *Cashier.*

AMBASSADOR MOYNIHAN DEFENDS U.S. PRINCIPLE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, much has been said this week on the floor of the House about the outrageous action of the United Nations in adopting a resolution equating Zionism with racism.

I wish to call to the attention of my colleagues an editorial that appeared in this morning's Wall Street Journal citing the strong position adopted by our distinguished U.N. Ambassador Daniel P. Moynihan. As the editorial points out, this Nation has a vested interest in the preservation of the principles that form the very fabric of American democracy. These principles include a sense of fair play, especially as it applies to smaller nations who are struggling valiantly to preserve the concept of democracy in a world overly enamoured with the siren song of socialism.

Our distinguished Ambassador has raised a clear and strong voice in opposition to this rash U.N. action, and has come forth with a counter-resolution urging amnesty for political prisoners.

This resolution confronts our detractors with the reality of their own political hypocrisy. Those who have cast the stone against Israel now find their own glass house in jeopardy.

Mr. Speaker, I commend the Wall Street Journal editorial to my colleagues, and I hope they will join with me in congratulating Ambassador Moynihan for his forthright stand on this issue.

The editorial from the Wall Street Journal follows:

A NATIONAL INTEREST IN PRINCIPLE

Ambassador Daniel P. Moynihan has found just the right rhetoric to deal with the UN's hypocrisy, notably the recent vote equating Zionism with racism. He retaliates by calling on all its members to live up to the principles they apply so one-sidedly. His latest proposal, excerpts of which are reprinted nearby, is a world-wide amnesty for political prisoners.

The Zionism vote and amnesty proposal are definitely related, in that both are strong Americal stands on principle. Their consistency gives them a force that simple propaganda could never achieve. And we would be quite satisfied with the American side of things if we could be sure that everyone in Washington really understood what their semi-autonomous UN Ambassador is up to.

Unfortunately, we suspect that the professional diplomats at Foggy Bottom don't really comprehend the strength of Ambassador Moynihan's strategy. Of course, he was appointed by President Ford and Secretary Kissinger, and presumably they approve of his work. And in the Zionism fight, it probably was wise to delegate leadership to European governments. Still, we hear disturbing reports that in this campaign the State Department's backing was tepid, that it was slow in carrying the fight outside of the UN halls, and if left to itself the department probably would have ignored the whole issue.

We are worried by these reports since they seem so typical of that bureaucracy. The bias at State is to define American interest in terms of narrow tangibles on one hand and soupy generalities on the other. So in our foreign dealings we compromise our devotion to the principles of the Constitution and Declaration of Independence in return for trade agreements, and try to compensate by windy talk of world peace and human brotherhood. Often, as the Ambassador sees, this talk is turned not against the worst offenders, but against those where some chance of redemption still exists. It is hard to realize that while we do have national interests, it is also true that a bonafide moral principle is a precisely definable entity, demanding specific action, and that when it is compromised we pay a discernible price.

And it is precisely because Ambassador Moynihan does understand this truth that his brief career at the UN has been so spectacular. He is making a remarkably consistent defense of our political values, which would have been gravely compromised by silence on the Zionism issue. His amnesty proposal is simply his latest effort to show that the United States does stand for something.

Since we believe that principles, and the lack of them, shape events, we believe that this country can draw great benefits from Mr. Moynihan's course of action, just as the United Nations may yet pay a heavy price for its own. But we hope the folks at State agree.

ANALYSIS ON PROPOSED PROCEDURAL RULES FOR ENFORCEMENT OF CIVIL RIGHTS LAWS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Ms. SCHROEDER. Mr. Speaker, it has come to my attention that proposed consolidated procedural rules for the enforcement of civil rights laws would have the effect of removing a guarantee from

HEW insuring investigation of individual complaints, eliminating the fall annual survey on discrimination and, in essence, refusing to establish, for the implementation by the Office of Civil Rights, priorities in the area of sex discrimination.

These proposed procedural rules would have negative consequences on title IX of the Education Amendments of 1972, title VI of the Civil Rights Act of 1964, and other applicable civil rights laws. In order to best expose the full extent of the impact of these proposed rules, I submit for the record a section-by-section analysis. It is my hope action will be taken to reject the items at issue in order to further secure civil rights for women in accordance with the true intent of Congress.

COMMENTS ON THE PROPOSED CONSOLIDATED PROCEDURAL RULE

SUBPART B—COMPLIANCE INQUIRIES

Sec. 81.4—Compliance Information

Sec. 81.4(a) lists the kinds of data recipients must maintain. The list should include the participation of students in extracurricular activities.

Sec. 81.4(b) requires that data be preserved for 3 years, and that information concerning grievances and the effectiveness of grievance procedures be retained for three years from the time the case is closed. Since HEW has allowed civil rights cases to drag on for more than three years (e.g., the Berkeley case under Executive Order 11246), five years is a more realistic period.

Sec. 81.4(c) requires recipients to furnish data at the request of the Director. OCR should collect basic data annually, and this should be specified here.

Sec. 81.5—Submission of information and Sec. 81.6—Treatment of compliance information

This section would replace the existing regulation's provision for the submission and investigation of complaints. Sec. 81.5 provides that any person or organization may submit information suggesting possible noncompliance to OCR in writing.

Sec. 81.6 provides that OCR will consider all compliance information, regardless of source, in setting enforcement priorities. It also provides that OCR will notify those submitting compliance information as to whether the Department expects to conduct a compliance review covering the matters raised within 12 months. OCR will also notify the sender about grievance procedures and any other public agencies with authority to deal with the problem.

As discussed in greater detail elsewhere, we strongly oppose the inclusion of this provision as a substitute for the existing complaint enforcement mechanism. Procedures should provide for the submission of complaints, acknowledgement of the complaint within 30 days, and prompt investigation.

Sec. 81.7—Compliance reviews

This section provides that the Director will periodically review recipients' practices and policies, and notify the recipients of the result in writing. OCR wil decide where and on what schedule reviews will be made using all data available and "taking into account priorities and available resources."

Procedures should not provide for the use of "priorities" without specifying the priorities. Nor should "available resources" be included as a factor, since this is simply license to use lack of resources as an excuse for inaction.

Sec. 81.7(b) should specify that the complainant as well as the recipient will be notified of the results of a compliance review.

Sec. 81.8—Determination of Compliance

Sec. 81.9—Preliminary Finding of Noncompliance

Sec. 81.10—Determination of Noncompliance

These sections specify that based on a compliance review or other information the Director will notify the recipient in writing that it is in compliance or that it has failed to comply. The recipient will be notified that possible noncompliance exists and will have 30 days to submit further information. If the Director finds a failure to comply, the written notice must state the reasons. This section should cover complaint investigations as well as compliance reviews.

The Director should be required to notify the complainant as well as the recipient in each situation. In addition, we oppose the inclusion of Sec. 81.9 and the preliminary finding of noncompliance with a 30-day response period. This is an unnecessary procedure whose only result will be delay of at least 30 days, and probably a much longer period.

The Director should also notify the complainant in advance of the date of the compliance review or complaint investigation in writing, and the regulation should specify that complainants will be afforded an opportunity to submit additional information during the compliance review or complaint investigation. In addition, access to all records involved in the investigation should be afforded the complainant.

Finally, time limits are essential to making this system work. The regulation should specify a time limit for completion of the review or investigation and for notifying recipient and complainant after the completion of a review or investigation.

Sec. 81.11—Voluntary Compliance

This section requires a recipient, within 90 days of receiving a notice of noncompliance, to either comply fully or submit a plan specifying a time by which it will comply fully. Under unusual circumstances, the recipient may take 90 days to submit to the Director a commitment to submit a plan.

We applaud the 90-day time limit here but oppose the "unusual circumstances" loophole. We see no reason why it should take three months to submit a commitment to submit a plan. This loophole would permit indefinite inaction on the part of the recipient.

In addition, the rule should place time limits on the period over which a plan may operate. Without that, the rule would permit 10, 20, 30 year plans: permanent noncompliance with a law (in the case of Title IX) already three years old.

SUBPART C—ENFORCEMENT ACTIONS

Sec. 81.12—Procedure for effecting compliance

This provides that if the Director finds that a recipient has failed to comply with the statute or any of the requirements of regulations under the statute, compliance may be effectuated by final termination or other authorized means.

The word "may" in this section appears to make enforcement action optional. We believe it is illegal for the Director not to act once a determination of noncompliance has been made. The word "shall" should therefore be substituted for "may" wherever it appears.

Sec. 81.13—Termination of or refusal to grant or to continue Federal financial assistance

This section provides that an order suspending or terminating federal aid will not take effect until HEW notifies the recipient, has failed to secure voluntary compliance, makes a finding on the record after opportunity for a hearing that the recipient has failed to comply, and notifies Congress of the action to be taken. The section also specifies the scope of a termination order and the circumstances under which it can be made.

Again, we urge that time limits be set for each stage of the process, and that notice to the complainant be required.

Sec. 81.14—Hearings

This section provides for notice to the recipient that a hearing may be requested or that it has been set. It also allows for waiver of a hearing and the submission of written arguments instead. It provides for notice in the Federal Register of hearing actions and decisions on appeal. Sec. 81.14(f) allows interested persons to petition the administrative law judge for permission to participate as amicus curiae.

As we have already stated in our comments on the Title IX regulation, we believe that the victims of discrimination should have the same procedural rights as the institutions charged with discrimination. Therefore, this section should provide for notice to complainants that they may request a hearing. Complainants should be allowed to submit written arguments and the opportunity to take part in a hearing as a party to the case rather than as amicus curiae.

Sec. 81.15—Deferral of consideration of applications

The Director may defer action on applications while administrative proceedings are underway.

Again, we urge that "may" be changed to "shall".

Sec. 81.16—Decisions and notices

This section provides for notice to the recipient and *amicus curiae* of the law judge's decision, and provides for appeal of such decision at the request of the recipient or HEW.

Again, the rights of the complainant and the recipient should be identical. The complainant should have the right to appeal, receive notices, present oral arguments, and so on.

Sec. 81.17—Post-Termination proceedings

This provides for restoration of federal funds if the recipient corrects its noncompliance.

This section should provide for notice to the complainant that such a proceeding is being initiated and opportunity for the complainant to examine the relevant documents and comment to the Director on the recipient's plan for compliance. This section should also contain time limits to assure the recipient prompt consideration.

Sec. 86.20—Intimidatory or retaliatory acts prohibited

This forbids recipients from intimidating or discriminating against anyone who has assisted in an investigation under this regulation.

This provision has no teeth and provides no real protection from the many kinds of serious harassment to which complainants are frequently subjected. HEW should include stiff provisions for immediate action to stop intimidation: authority to go to court for an injunction, with attorney's fees and court costs going to the institution attempting intimidation, a provision for the immediate deferral of applications, an assurance that HEW will act on an intimidation complaint within 30 days, and so on.

Allowing harassment to continue unchallenged undermines the entire system of civil rights guarantees, since it makes individuals afraid to exercise their rights. The regulation should require swift action to stop this insidious process.

SUBPART E—RULES OF PRACTICE FOR CONDUCTING HEARINGS

This subpart spells out detailed provisions for hearings. Once again, we simply urge that

complainants have precisely the same due process rights as recipients.

LIBERTY'S LIBERTY BELL

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 14, 1975

Mr. WILSON of Texas. Mr. Speaker, throughout the United States a tremendous momentum is developing in honor of our country's Bicentennial celebration. The spirit of 1976 is providing Americans everywhere with the opportunity to review and appreciate the heritage of the past and to accept the challenge of the future to renew national harmony and solidarity in an effort to fulfill the ideals of the American Revolution.

In the many Bicentennial communities throughout the United States, our forefathers' principles and inspirations are being reaffirmed by the individual initiative of Americans to celebrate the Bicentennial in their own communities and in their own special ways. Nowhere do people have any more special reason to celebrate the Bicentennial than in Liberty, Tex. The citizens of Liberty have been given their very own liberty bell and as their Bicentennial gift to the Nation will construct an authentic "ringing bell tower" from which the bell will be displayed and rung on appropriate occasions.

Liberty's liberty bell is the first true replica of the original Liberty as it was first cast for the province of Pennsylvania in 1752. It was cast by the same Whitechapel Bell Foundry of London, England, in the same moulding shop using the same form used in casting the original Liberty Bell. The bell is 47 inches in diameter and weighs 2,016 pounds. The headstock, supporting straps, clapper, clapper staple, and 7 foot in diameter wheel are all as they were with the original bell.

Liberty's liberty bell was cast in 1960 through the efforts of KTRK–TV of Houston, which as a public service interested a group of Texans, who were benefactors of the Liberty Muscular Dystrophy Research Foundation, Inc., in providing the necessary funds and in commissioning this replica to be cast as a symbol of "liberty from dystrophy."

The Liberty Bell replica was brought to Texas aboard the steamship *Letitia Lykes* through the courtesy of the Lykes Steamship Co. and was unveiled at the Port of Houston in a public ceremony on August 19, 1960, led by Roy H. Cullen and Claude B. Hamill of Houston. It was formally dedicated to Sallie and Nadine Woods in a public ceremony held on the courthouse square in Liberty, Tex., on September 13, 1960, in recognition of their pioneering efforts in establishing on March 20, 1950, the first organized effort to promote research of the cause and cure of muscular dystrophy. Lloyd Gregory of Houston was master of ceremonies for this occasion and the late Wright Morrow, former Democratic National Committeeman of Houston, delivered the principal address. The bell was rung 16 times on that occasion by movie actor John Wayne—the only time the bell has ever been rung. In the years following the bell has stood as the silent symbol for the Liberty Muscular Dystrophy Research Foundation, Inc.

On July 12, 1971, the board of directors of the Dystrophy Foundation, acting on the recommendation of Ben Rogers of Beaumont, president, delivered custody and control of the bell to Sallie and Nadine Woods with the authority to make permanent placement of the bell. Because the support of their fellow citizens in Liberty first enabled the Woods sisters to launch the muscular dystrophy movement, they have chosen to give their bell to Liberty. Upon the Woods sisters' request, John Middleton and Charles W. Fisher, Jr., of Liberty agreed to serve as cochairmen of a committee to cause this bell to be brought to Liberty and erected in a suitable tower.

In honor of our country's 200th anniversary, the Bicentennial Commission of Liberty has joined the efforts to provide an appropriate bell tower from which the liberty bell will ring to celebrate patriotic occasions and at such times as a cure for muscular dystrophy and other afflictions of mankind may be discovered.

The Liberty Bell Tower will be located on the grounds of the Geraldine D. Humphreys Cultural Center as the focal point for the development of a lovely park plaza designated by the city of Liberty to be preserved as a green area within the heart of the city. Formal dedication and the ringing of the ball are scheduled for April 24, 1976, the date of Liberty's all-day Bicentennial celebration.

The Liberty Bell has long been our Nation's symbol of freedom. Since the long-silent Philadelphia bell can no longer proclaim its glad message, what more fitting spokesman can it have than its own first true replica? When the liberty bell in Liberty, Tex., rings forth, its peals will indeed bring new hope to the horizons beyond 1976 and new life to the bells' inscription "Proclaim liberty throughout all the land unto all the inhabitants thereof."

SENATE—*Monday, November 17, 1975*

The Senate met at 12 meridian and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Hear the words of the 92d Psalm:

It is a good thing to give thanks unto the Lord, and to sing praises unto Thy name, O Most High:

To shew forth Thy loving kindness in the morning and Thy faithfulness every night. Psalms 92: 1, 2.

Make ready our hearts, O Lord, for the coming festival of thanksgiving that neither exalting in our successes nor magnifying our failures, we may simply rejoice in Thy goodness to this people from generation to generation.

We lift our praise to Thee singing:

"Not alone for mighty empire,
Stretching far o'er land and sea;
Not alone for bounteous harvests,
Lift we up our hearts to Thee.
Standing in the living present,
Memory and hope between,
Lord we would with deep thanksgiving
Praise Thee most for things unseen."

—REV. WILLIAM P. MERRILL, 1911.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 17, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DALE BUMPERS, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BUMPERS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, November 14, 1975, be dispensed with.

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

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, with the exception of unobjected-to measures, be dispensed with under rule VIII.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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