will proceed to debate the override of the Presidential veto of Senate Joint Resolution 121, with an automatic rollcall vote to occur on the override at no later than 2 p.m.

Upon the disposition of that vote, the Senate will resume consideration of the now pending measure and the then unfinished business, S. 2371, provided final action has not occurred thereon prior thereto. It is hoped and believed that final action will be completed on S. 2371 with additional rollcall votes on amendments and motions related thereto and on final passage tomorrow.

It is the hope of the leadership that by the close of business tomorrow there can be laid before the Senate, at least, and made pending the bill S. 2662, a bill to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act.

Also, it will be the intention of the leadership, upon the disposition of the pending measure, S. 2371, to proceed as soon as possible to the consideration of S. 1640, a bill to provide for the establishment of the Santa Monica Mountains and Seashore Urban Recreation Area in the State of California; and also to take up and dispose of H.R. 5512, an act to amend the National Wildlife Refuge System Administration Act of 1966.

Also waiting in the wings are the following: House Joint Resolution 549, joint resolution to approve the covenants to establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America, and the copyright legislation, S. 22.

Then the Senate will hopefully proceed to consider Senate Resolution 356, a resolution relating to the Oklahoma senatorial contest election. Of course, that will surely come up following the Senate recess.

So there will be several rollcall votes tomorrow, Mr. President, and there will be rollcall votes on Thursday and on Friday.

ADJOURNMENT UNTIL 9 A.M.

Mr. METCALF. Mr. President, I move, in accordance with the previous order, that the Senate adjourn until 9 o'clock tomorrow morning.

The motion was agreed to, and, at 5:15 p.m., the Senate adjourned until tomorrow, Wednesday, February 4, 1976, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate February 3, 1976:

CIVIL SERVICE COMMISSION

Georgiana H. Sheldon, of Virginia, to be a Civil Service Commissioner for the remainder of the term expiring March 1, 1977, vice Jayne Baker Spain, resigned.

DEPARTMENT OF STATE

J. Owen Zurhellen, Jr., of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Surinam.

EXTENSIONS OF REMARKS

TRIBUTE TO A DISTINGUISHED PUBLIC SERVANT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. DOWNEY of New York. Mr. Speaker this week Amityville's chief of police, William Kay, retired, ending a 36-year career. The following article from Newsday is only one of many that gives evidence of Chief Kay's extraordinary career. I wish to join in the tribute to Chief Kay, who has served his community well, and has been a wonderful example of selflessness and dedication for all citizens of his community.

[From Newsday, Jan. 19, 1976]

AMITYVILLE CHIEF ENDS 36 YEARS ON THE FORCE

(By Dallas Gatewood)

AMITYVILLE.—Chief William Kay sat at the desk in his small office at the rear of the Amityville police headquarters yesterday and approved 15-minute change in schedule for a village school crossing guard.

On his desk was a pen with the motto "service and courtesy" printed along its length. "We've always pushed service and courtesy," said Kay, 62, who is retiring from the department Wednesday after a 36-year tour of duty. Kay broke from the routine tasks yesterday and recounted a few of the tales that make up the high points of his career.

Kay's career began in 1939, when he was appointed substitute patrolman at the rate of $5 a day. A few months after he began work, Kay rescued a dog who had fallen through ice in the Great South Bay. For his efforts, Kay fell through the ice himself, receiving a freezing bath and subsequently a commendation from the American Humane Society.

In 1957, George [the Eel] Larned led a notorious crime spree across Long Island that included the shooting of an Amityville man during a burglary. When Kay arrived at the burglary scene, "I could smell the pungent odor of gunpowder," he said. But Larned eluded capture until, after holdups and shootouts with police on Long Island and in New York City, he was crippled by a policeman's bullet during a holdup attempt in Manhattan. "He was a real bum," Kay said.

In the days of Larned, the Amityville department participated in investigations, but in 1960 the Suffolk County police department was formed and took over all felony investigations from villages in western Suffolk. In November, 1974, after Ronald DeFeo was accused of killing his father, mother and their four other children in their Amityville home, Kay was on the scene. But he had to stand by as the county police conducted the investigation leading to DeFeo's arrest and conviction. It was the biggest crime committed in Amityville during Kay's career.

"Of course you like to keep your bailiwick to yourself, but the smaller department can't spend the money when it comes to investigations that a big department can," Kay said.

Kay will be replaced as head of the 26-man force by his second-in-command, Lt. Edward Lowe. "I'll miss the work, no doubt about it," Kay said. "But I feel happy to be free."

OUTRAGEOUS REMARKS OF WILLIAM M. KUNSTLER

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. YOUNG of Florida. Mr. Speaker, an article in the Washington Post on Thursday, January 29, 1976 carried the headlines "Kunstler: JFK, RFK 'Dangerous' ". The Associated Press reported in this article that Attorney William M. Kunstler stated—

I don't disagree with murder sometimes, especially political assassinations, which have been a part of political life since the beginning of recorded history.

In addition, Mr. Kunstler was quoted as saying, ". . . two of the most dangerous men in the country were eliminated," and that he was not entirely upset by the assassination of the Kennedys.

How long, Mr. Speaker, must we tolerate statements like this coming from an officer of the court who is sworn to uphold our system of justice in this country? This is not the first time Mr. Kunstler has made derogatory remarks about public officials, nor do I think it will be his last. Assassination of any person, whether a public official or a private citizen is contrary to the basic principles on which our country was founded. It is unbelievable to me that anyone in his right mind could state at a News Conference his praise for the assassination of two well-loved American leaders. While I did not always agree with President Kennedy or his brother, Senator Robert F. Kennedy, I cannot condone the deranged attitude that assassination is the proper way to express such disagreements. Mr. Speaker, the moral fabric of our society is endangered by Mr. Kunstler's shocking support of murder as an answer to those with whom we sometimes disagree, and I believe that any bar association—of which he is a member—should immediately institute appropriate reprimands in connection with conduct unbecoming of one who holds a position of trust and respect as a member of the bar. He has continuously showed his disrespect for the position he holds, and has a history of disruption in courts in which he is either present or representing a client.

The article follows:

KUNSTLER: JFK, RFK 'DANGEROUS'

DALLAS, Jan. 28.—John and Robert Kennedy were two of the most dangerous men America ever produced and "I'm not entirely upset" by their assassination, lawyer William M. Kunstler said Tuesday.

"Although I couldn't pull the trigger myself, I don't disagree with murder sometimes, especially political assassinations, which have been a part of political life since the beginning of recorded history," Kunstler told a news conference.

"I'm not entirely upset by the Kennedy assassination. In many ways two of the most dangerous men in the country were eliminated," he said. "It is hard to tell what the glamour of Kennedy could have done.

Kennedy elicited adulation. And adulation is the first step toward dictatorship."

Asked by a reporter whether he felt his remarks might encourage assassinations, Kunstler replied: "No, deranged people aren't made possible by my feelings that . . . maybe we're better off without the Kennedys than with them. Deranged people are going to operate whether William M. Kunstler says one thing or another."

Kunstler, here to address a political seminar at Southern Methodist University, was the defense counsel for the Chicago 7, charged with disrupting the 1968 Democratic National Convention. He also is chief counsel for Symbionese Liberation Army members William and Emily Harris.

DEMOCRATS' REPLY FALLS SHORT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. DERWINSKI. Mr. Speaker, in a very thoughtful editorial commentary in their January 24–25 edition, the Chicago Daily News, in my judgment, properly analyzed the answer of the Democratic congressional leadership to President Ford's State of the Union message. I insert the editorial in the RECORD as a commentary from mid-America that deserves attention.

DEMOCRATS' REPLY FALLS SHORT

The Democrats' response to President Ford's State of the Union and budget messages was disappointing in that it centered on broad philosophical issues rather than advancing specific counterproposals.

Sen. Edmund Muskie (D-Maine) was selected by the Democratic leadership to reply to Ford's message. Muskie referred to a vague "need" for a wage-price council, decried the lack of an antitrust policy and criticized Ford because he "offers no new jobs." It was clear from the substance of the speech that while the Democrats enjoy an arithmetic majority in Congress, they are far from one mind on specific goals and programs.

Muskie did stress, however, his belief that U.S. corporations "each year grow more wealthy and more powerful," and his context clearly implied that profits were excessive. This canard serves only to play upon the public's belief that corporations are wallowing in profit margins upwards of 50 per cent as one recent poll of college students showed.

But a recent report by Standard & Poor's shows that the average corporation makes a profit of about 5 cents from every dollar of sales it generates, and several industries—like apparel and retail stores—make far less than that.

Part of that nickel profit must be divided among stockholders in dividends, and a portion must be retained by the company to pay for the new factors and equipment essential for a healthy economy.

Few would agree that that level of profitability is excessive, and a good case could be made that a 5-per cent profit margin eventually will undermine U.S. business strength, rather than enhance some ill-defined power that Muskie contends is growing.

There is plenty of room to debate Ford's budget and his over-all goals as stated in his address. But to be meaningful, the debate should turn on specific proposals with specific price tags, and avoid such roundhouse punches as Muskie threw at American business.

THE POOR LOSE UNDER SECTION 235

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. HARRINGTON. Mr. Speaker, as I am sure most of my colleagues are aware, the Department of Housing and Urban Development, faced by congressionally initiated legal proceedings recently reactivated the section 235 home ownership program; a program which was originally designed to spur new housing construction at affordable levels for low- and middle-income families.

Predictably however, HUD, prior to releasing the long-impounded funds, made substantial changes in the regulations governing the program; regulations which subverted the program's original intent. The original program was designed to bring middle- and low-income individuals into the homeowner market, yet, recent changes such as the raising of the mortgage interest rate have virtually insured the elimination of low income participation and made it more difficult for middle-income families to gain any tangible advantage from the program.

The original impoundment of 235 funds, and the more recent tampering with the program's regulations serve as still further examples of the administration's attempt to subvert congressional efforts to help low-income families raise their living standard and become more self-sufficient.

The inadequacies of the 235 program as it is presently constituted are explored more fully in the following article which appeared in the October–December 1975 issue of Trends in Housing, published by the National Committee Against Discrimination in Housing.

The text of the article follows:

POOR LOSE UNDER 235—REVISED PROGRAM RAISES INTEREST, DOWN PAYMENTS

The recast version of the Section 235 home ownership program, recently announced by the Department of Housing and Urban Development (HUD), "casts out" low-income families for whom Congress enacted the program in favor of those whose incomes are described as "moderate." (In most metropolitan areas "moderate" means an annual income of $12,000 or more. In the Boston Metro Area, for example, the figure is $12,667.) Thus, minority access to Sec. 235 housing is expected to be substantially reduced under the revived program.

Those are the overriding conclusions of an NCDH analysis of the conditions under which HUD is reactivating Sec. 235, and will release impounded funds for construction of a projected 250,000 housing units. Sec. 235 was halted in January 1973 when the Nixon Administration imposed a moratorium on federally subsidized housing and community development programs.

The NCDH analysis, which charges the new Sec. 235 violates the intent of Congress, points to the following changes HUD has decreed:

Most structurally-sound existing housing will be eliminated, since only buildings to be extensively rehabilitated will be included.

The minimum interest rate on mortgages will be raised from 1% (enacted and re-enacted by Congress) to 5%.

The minimum down-payment will be raised from a flat $200 to $750 plus closing costs.

HITS MINORITIES

Racial minorities constituted more than 30% of the home buyers under the original Sec. 235 program. The revised version, according to HUD, is designed to serve "families who traditionally have been successful homeowners but are now priced out of the new home market because of high interest rates and escalations in housing costs." But traditional buyers of new homes have been overwhelmingly white. In 1973, blacks occupied only 6% of the new housing units built since 1970, a period when that small percentage was boosted by the existence of the Sec. 235 program.

RACIAL STEERING

Another serious deficiency in HUD's new plan is the lack of safeguards against racial steering, an abuse that characterized the earlier program, as was documented by the U.S. Commission on Civil Rights in its report, Home Ownership for Lower Income Families: A Report on the Racial and Ethnic Impact of the Section 235 Program (June 1971). The Commission's report, based on an investigation conducted in four metropolitan areas found that:

Most new 235 housing in two of the areas was located in the suburbs and nearly all was purchased by whites. In the other areas, most new 235 housing minorities were able to buy was located in sub-divisions reserved exclusively for minority families.

In all four areas, most existing housing under the program was located in central city ghettos or "changing" neighborhoods and almost all was sold to minority families.

Minority buyers bought older, cheaper housing and received less in assistance payments than their white counterparts.

HOUSING/SCHOOLS

Despite the change in focus HUD has imposed, NCDH points out that the manner in which the recast Sec. 235 is administered has obvious implications for school desegregation. The analysis states that if HUD adheres to statutory requirements that its programs be administered "in a manner affirmatively to further" equal opportunity, the projected 250,000 new housing units could be used to reduce the need for busing to achieve racial balance in schools.

"Most units are likely to be either single family homes built on relatively inexpensive land in urban fringe areas or condominiums, cooperatives, or extensively rehabilitated in the inner city," NCDH forecasts. "Left to the dual racial market in real estate, whites will occupy the fringe area units and minorities the inner city units. HUD's insistence upon affirmative fair marketing based on occupancy goals for target populations could, however, result in significant increases of minority enrollment in suburban schools and increases of white enrollment in inner city schools. But affirmative marketing is not mentioned in HUD's rather comprehensive description of the new 235 program."

ECONOMIC IMPACT

Finally, NCDH questions the feasibility of the new 235 program as an inducement to homebuilders. It notes the limitation of 235 units to 30% of any one-family housing development or multi-family building. Furthermore, since the median price of new housing in 1974 was $38,600, Sec. 235's mortgage ceiling of $21,600 per unit ($25,200 in certain high cost areas, with an additional $3,600 for families of five or more in any

area) is apt to limit the program's single-family house construction to small cities and towns in non-metropolitan areas, except possibly in parts of the South and Southwest, where lower costs might permit some use in metropolitan regions.

TRIBUTE TO OUTSTANDING PUBLIC SERVANT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ANDERSON of California. Mr. Speaker, it is with personal sadness and yet with great happiness for my friend, that I announce that my administrative assistant, Mr. Harry R. Anderson, is retiring and will be leaving Capitol Hill.

As every Member of this great body knows, no man or woman alone can adequately represent the citizens of his or her congressional district. The people of the 32d District of California have been fortunate to have a public servant like Harry Anderson assisting their representative in Washington. Harry has done a tremendous job of listening to the needs of the people of California, and working aggressively and effectively to find solution to their problems.

Harry Anderson graduated from the University of California at Berkeley in 1934, with a degree in business administration. In 1941, he married Miss Merle K. Kueny, and a short time later entered active military duty as a second lieutenant in the U.S. Army. Harry served with the 98th Combat Wing in Europe during World War II, for which he was awarded six campaign ribbons and a bronze star.

My first contact with Harry Anderson came while I was serving on the Ways and Means Committee in the California State Assembly. Harry was a member of the team that presented Gov. Earl Warren's budget to the State legislature. I was immediately impressed with this man's working knowledge of State finances, and in particular the complex finances of California.

Later, during my tenure as lieutenant governor of California, Harry Anderson served in the administration of Gov. Pat Brown as deputy director of the California Fish and Game Department, a position which he held from 1960 until 1965.

In 1965, President Johnson summoned Harry Anderson to Washington as Assistant Secretary of the Interior. His responsibilities as Assistant Secretary included the administration of public lands, U.S. territories, and the Bureau of Indian Affairs, among others. Harry served in this position until the end of the Johnson years.

The above highlights of Harry Anderson's public service do not do his career proper justice. But this varied and intense background provided Harry with tremendous knowledge concerning the needs of the people of California, especially the 32d Congressional District with its complex industrial, and fish and wildlife makeup.

No "thank you" to Harry Anderson would be complete without an additional "thank you" to the woman who made Harry complete—his wife Merle. Through 34 years of marriage she has been the kind of wife that most men dream of—his best friend, his most enthusiastic supporter, a wife who speaks those encouraging words when most needed, and a mother to their daughter, Bettina Beau. Bettina is now married to Mr. Steven Sims, and they have provided Harry and Merle with the special blessing of their first grandchild, Steven Anderson Sims.

While Harry has chosen to retire from public service in an official capacity, we that know him well, realize that a true public servant of Harry's caliber never really retires.

In behalf of my wife Lee and our entire family, my staff, and the citizens of California: we say, "thank you" Harry Anderson for being a friend and a dedicated public servant.

DIABETES: A NATIONAL AND PERSONAL TRAGEDY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Ms. ABZUG. Mr. Speaker, last year the House authorized the creation of the National Commission on Diabetes. At that time we reviewed some aspects of this insidious disease. Recently the Commission released its first report to Congress. An immediate conclusion that can be drawn from this report is just how little we knew about the problem 11 months ago. In defining the magnitude of diabetes in America the Commission has taken the first step in finding a cure.

The record is frightening: only heart disease and cancer claimed the lives of more Americans last year. Women are 50 percent more likely than men to have diabetes: non-whites one-fifth more likely than whites, and persons with incomes of less than $5,000 a year are three times more likely to have the disease than persons with a higher income. Because of the genetic connections of this disease, there has been a geometric, rather than an arithmetic, increase in the incidence of diabetes. Between 1965 and 1973 the number of known cases rose by more than 50 percent.

These statistics point out the need for a far greater commitment to eradicating this disease than our Government has made to date. I have recently received a letter from one of my constituents whose own experience with diabetes speaks more clearly than any statistical data. Mr. Speaker, I would like to share this mother's letter with my colleagues as we review the Commission's recommendations.

DEAR CONGRESSWOMAN ABZUG: I am writing to you as your constituent and as the devastated mother of a 16 year old diabetic son. For three years I have watched Peter inject himself 730 times a year. Two insulin injections a day. Hardly different from the way a diabetic had to treat himself fifty years ago. Man on the moon, technological advances beyond our comprehension, wars galore, but never any real attention, any respectable sums of federal funds for diabetic research. Why, Mrs. Abzug? Why?

As you can see from the findings of the National Commission on Diabetes, dreadful complications hang over Peter's beautiful head.

I am not good at figures, but I am sure that no more than a half cent, if that much, of my husband's tax money (and how hard he labors) goes into trying to find a cure for his son. Surely the most important thing in the whole world.

Spending two-three billion dollars more on armaments, Mrs. Abzug, will this assure peace on this planet? Spending a few billion less means certain death for all of us? There is something mad about this that I do not understand. Because those few billions for research could possibly mean a cure for a host of ailments, including diabetes.

I go around begging for pennies for research in the face of a hundred billion dollar budget for killing power. I shouldn't have to do this. I know it is called defense. How about defending my child from a world of darkness, from failing kidneys, from insulin injections, insulin reactions, coma, from a life filled with fear of the complications of diabetes?

Mothers like myself silently scream through the night for help and all we hear from Washington is screams for more guns.

Please, Mrs. Abzug, scream for life, not death. Help turn this madness around.

Peter must be cured and by Peter I mean all people who are afflicted with one disease or another.

Thank you,

Sincerely,

ISABELLA LEITNER.

JIM THORPE ATHLETIC HALL OF FAME

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ENGLISH. Mr. Speaker, I would like to take this opportunity to correct an apparent error which has taken place recently.

Over the past year, I have been contacted by many Oklahomans who have felt that it would be a fitting honor to a great Oklahoma athlete, Jim Thorpe, to charter a national Jim Thorpe Athletic Hall of Fame.

As a proud Oklahoman, I am happy to support this principle, and I share this feeling with those proposing such a memorial.

Unfortunately, it appears that my support for the concept was interpreted, without my knowledge or consent, to be an endorsement for a specific legislative proposal—which I did not see until yesterday.

Mr. Speaker, I would like to state clearly for the record that neither I nor my staff had the opportunity to examine or approve for cosponsorship a draft of H.R. 10575 prior to its introduction in November of 1975. Had I had the opportunity to do so, I would not have agreed to be listed as a cosponsor. Much to my surprise and dismay, H.R. 10575 includes

a provision which would appoint me to serve as an adviser to the Atlethic Hall of Fame.

While I support the concept of a National Athletic Hall of Fame in Oklahoma, I cannot and will not be part of any legislative effort which might be self-serving.

For these reasons, I feel obliged to ask the distinguished member from Florida, Mr. CHAPPELL, to reintroduce H.R. 10575 without the inclusion of my name as a cosponsor or adviser to the Athletic Hall of Fame.

Thank you, Mr. Speaker.

THE PUBLIC HEALTH CANNOT BE SACRIFICED

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Washington Post today carried another article on the continuing saga of industrial giants attempting to intimidate workers and communities by threatening to close their doors rather than comply with laws designed to protect the environment. This argument has a familiar sound—the Subcommittee on Manpower, Compensation, and Health and Safety which I chair has listened for many years to similar representations from industries opposed to the Occupational Safety and Health Act and standards promulgated to protect American workers.

I believe that the public health cannot be sacrificed as a requirement of doing business in these United States. My subcommittee recently held a hearing in Hopewell, Va., concerning the Kepone poisoning of workers. This hearing has convinced me that we in Congress cannot give an iota of credence to the view that production is more important to this Nation than the health of its people. We can no longer sacrifice the public well-being in the name of corporate profits.

Text of the article follows:

[From the Washington Post, Feb. 3, 1976]

ARSENIC: A DARK CLOUD OVER "BIG SKY COUNTRY"

(By Bill Richards)

ANACONDA, MONT.—Like a perpetual smudge across the famed Montana Big Sky, the thick clouds of smoke roll night and day from the mouth of the world's largest smokestack here.

The red brick stack, rising 585 feet above the Anaconda Co.'s giant copper-smelting works, is visible from 20 miles up the Deer Lodge Valley against a picture-postcard backdrop of the snow-covered northern Rocky Mountains.

To the 10,000 people who live in this aging and soiled little mountain city the sight of the fleecy clouds of white smoke drifting across Anaconda's rooftops is a reassuring one. Anaconda is a one-company town whose economy would stop cold if the smoke ever stopped belching from the smelter's stack.

"Let's face it," said Del Shepart, the bargaining agent for Steelworkers Local 6002, which represents 1,100 smelter workers. "Without the smelter this town couldn't support two cowboys and a saloon."

In the last year, however, concern has been growing among federal and some state health officials that the innocuous-looking puffs of smelter smoke may be responsible for an alarming death rate here from lung cancer and other respiratory diseases.

In a massive study of 3,021 U.S. counties by the National Cancer Institute's epidemiological branch last year, Deer Lodge County, which includes Anaconda and another 10,000 persons scattered up the valley, ranked ninth in lung cancer death rates around the nation.

The cancer researchers fixed the county's death rate at 65.2 deaths annually from cancer for every 100,000 persons. That figure is nearly twice the national average and more than three times as high as the expected rate for a rural county such as this one.

Another study by the Montana Department of Health and Environmental Sciences released last summer showed county death rates also well above the national average for emphysema, asthma and bronchitis.

A third report published last July in The Lancet, a British medical journal, by two National Cancer Institute researchers found an above average rate of lung cancer—though not as high as the one here—in all 36 U.S. counties with smelters.

In each case, the researchers reported, the ore involved in the smelting process contained arsenic—an element strongly believed by most medical researchers to cause cancer in humans.

More ominous, the researchers found high lung cancer death rates not only in men—who are often exposed to arsenic on their jobs inside smelters—but also among women who generally never went inside smelters and were not previously believed to have been exposed to arsenic.

"The most likely explanation for the increased lung cancer mortality," the researchers concluded, "... is neighborhood air pollution from industrial sources of inorganic arsenic."

However alarming those figures may have been to the medical and industrial sectors on the outside they have stirred virtually no reaction or complaint among the people who live here in Anaconda.

The concern here these days is about jobs, not pollution from a substance that takes 20 years to cause cancer after a person is exposed to it.

In the squat cinderblock union hall here, nobody talks about pollution except for an occasional dig at "those environmentalists" who it is feared would rather see the plant shut down.

"What bothers me is not what happens 20 years from now, but how I feed my kids tomorrow," said Natt Strizich, the president of the union local and a truck driver at the smelter.

Like most people here, Strizich said he would rather not think about the prospect that the smelter may some day lead to cancer.

"So the studies are right, what are my options?" he asked, tilting a chair back against the wall under a picture of John F. Kennedy nailed into the cinderblock wall. "I'm 42 years old, I've got six kids and a high school education. If the plant closes what do I do?"

Last November, Strizich's union local joined forces with Anaconda city officials and company representatives opposing an effort by the Environmental Protection Agency to stiffen the state's air pollution laws for sulfur dioxide. The chemical is another pollutant given off by the smelter and is suspected of being responsible for some respiratory problems here.

Anaconda has fought bitterly against the proposed federal standards, contending that it already is spending $50 million on pollution control and can't afford to meet the tougher standards.

Anaconda company officials have hinted that they would sooner shut down the smelters than try to meet the EPA standards. That prospect is enough to send shudders through the state from here to the capital at Helena.

Anaconda says nearly 5,000 of its workers in Montana would be out of jobs if the smelter closed down and another 15,000 jobs would be affected. The company's payroll in Deer Lodge County alone amounts to nearly $20 million annually.

But while the federal and state laws on sulfur dioxide are fairly clear, there are virtually no regulations covering arsenic emissions. Federal occupational safety experts testified last year at hearings in Washington, however, that arsenic emissions are considered so dangerous that workers who are exposed to them risk developing cancer.

Anaconda officials said during a recent interview that the Smelter emits about 12 tons of arsenic through its smoke stacks here each day.

Since 1971, when Anaconda lost its sales market for arsenic and stopped trapping and collecting it, the smelter's stack emissions of arsenic have jumped nearly 100 per cent, according to the Anaconda officials.

Jack McCoy, the manager of the Anaconda smelter, said the American Smelting and Refining Co. (ASARCO) stopped buying Anaconda's arsenic in 1971 after reports that it was a potential carcinogen (a cancer-causing agent). "ASARCO was the first to feel the pressure about arsenics," McCoy said.

Anaconda claims that under its pollution abatement program arsenic emissions will drop to only a few pounds an hour later this year.

A spokesman said the smelter plans to dig a huge hole near the plant and bury the arsenic collected by the pollution-control equipment while studies go on to determine whether any commercial use can be found for the chemical.

Anaconda officials do not deny that the plant has been giving off arsenic. But they said that the pollution equipment should solve the problem. "There were a lot of problems in the past," said George MacArthur, Anaconda's director of environmental affairs. "There are a lot of people who are working hard to do better now."

According to figures collected by the Montana health department, however, the smelter is still raining a steady shower of arsenic particles on the city of Anaconda. Readings taken by the state's air quality division at Anaconda Junior High School in 1971 showed there were up to 5.4 micrograms of arsenic in each cubic meter of air. The school is two miles from the smelter.

The amount of arsenic being put into the air today by the smelter is now twice as high as in 1971, company officials said.

By contrast, air samples collected by the Department of Health, Education and Welfare in 22 of the most heavily polluted cities in the U.S. showed that in Akron, Ohio, where arsenic readings were the highest, the levels were still 100 times less than the amount in Anaconda's air now.

Benjamin F. Wake, director of Montana's Environmental Sciences Division, which is responsible for overseeing the State's air quality, said he tried as far back as 1967 to get the state to set levels for arsenic in the air outside of plants. "No one in the legislature was interested," said Wake. "I just wasn't able to get it through."

Wake said he had contacted Anaconda officials about the possibility that the smelter's arsenic emissions might be dangerous. "Their reaction was what you might expect," he said. "They said they didn't feel it was any problem. Apparently they still don't."

RADICAL LEFT AND BICENTENNIAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. DERWINSKI. Mr. Speaker, Bill Anderson is an outstanding columnist for the Chicago Tribune. In a column which appeared in the Tribune on January 22, 1976, he properly calls our attention to the so-called Peoples Bicentennial Commission, which is, in my judgment, a deliberate attempt by the radical left to interfere with the legitimacy of our Bicentennial observance.

PEOPLES BICENTENNIAL COMMISSION IS SLICK, AS IN SLIPPERY

(By Bill Anderson)

WASHINGTON.—A glaze of ice covered the area this week, causing out-of-control skids of cars and people.

The slickness was like the actions of a group identified as the Peoples Bicentennial Commission. This so-called commission is a small but vocal organization engaging in shrill, blunderbuss attacks on corporations and establishment politicians while calling for a "revolution" on July 4 instead of a celebration.

It rips through institutions like an accident—but one skillfully planned to play on the misgivings and fears of the young, the poor, and the old.

Through either ignorance or libel of history, the group takes grains of truth to heap tons of abuse. A tabloid publication with the nonsense name of "Common Sense" is marketing the hyperbole.

Some observers have suggested that if the P.B.C. was just ignored, it would go away. But similar organizational attempts in the past, coupled with the growing commercialization on the Bicentennial theme, indicate the group is attracting a following.

The P.B.C. has a headquarters here. Last year it spent $14,500 out of a proposed $350,000 budget for a national poll seeking reaction to the present United States economic system. Not surprisingly, the P.B.C. reported the poll showed "the American public has clearly lost confidence in our economic system . . ."

The announced goal of the organization is to encourage 250,000 Americans to demonstrate here in "the largest economic rally in American history." Meanwhile, its backers are coldly capitalizing on American economic [and political] imperfections, real and perceived, to promote the "revolution."

For example, "Common Sense" in the current issue devotes 40 pages of trying to invoke the names of John Adams and Benjamin Franklin and other patriots as a device to castigate almost everything from the Freedom Train to Exxon.

Under a heading, "I pledge allegiance," P.B.C. editorialized that "a new monarchy has grown up in America. Today's royalists—America's giant corporations—make King George look like a petty tyrant."

It was charged that the corporate symbols of Exxon, G.M. and I.T.T. "have replaced the American flag in cities and towns across the country. Our political leaders have allowed the giant corporations to take over our country without so much as a whimper of protest . . .

"Most of the men running for the Presidency in 1976 have held major political office for a decade or more. During those years, they fiddled while the giant corporations set fire to our way of life and turned our dreams to ashes."

The slippery partial-truths suggest that none of the candidates know what it is to work for a living, meet a home mortgage payment, or provide for a family. This massive indictment included George Wallace and Fred Harris, the two original "poor boys" in the race, along with Humphrey, Jackson, President Ford, Reagan, and Sanford—all of whom started with humble or Depression-day backgrounds.

P.B.C.'s corporate drum beating the fat cats neglects to mention its own big-spending publicity drive fueled with foundation funds and books sold through the capitalistic system. It is super-slick, like the ice that finally melted here this week.

Postscript—Violence-prone radicals melding into idealistic political youth groups helped create the disorder at the 1968 Democratic Party Convention in Chicago. Now many police across the U.S. are concerned that radical terrorists will attempt to play on the emotions of those participating in legitimate Bicentennial demonstrations. Extra police will be put on duty here at costs estimated at above $4 million.

ARKANSAS WAGONS ROLL INTO THE BICENTENNIAL

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ALEXANDER. Mr. Speaker, when the Bicentennial Wagon Train Pilgrimage sets out from various points around the country toward Valley Forge this July, it will have Arkansas Village in Jonesboro, Ark., to thank for its wagons.

As far as we can tell, this small family-owned business in Jonesboro is the only place in the country that turns out buggies, stage coaches, and fringe-topped surries like those that graced the streets of America in days past.

Arkansas Village is constructing a train of covered wagons, one for each of the 50 States, that will converge in Valley Forge, Pa., on July 4.

I would like to share with my colleagues an article from the January-February Arkansas Industrial Development Commission publication, This Is Arkansas, concerning these Arkansas-made wagons.

THE WAGONS ARE ROLLING AGAIN

During the eighteenth and nineteenth centuries, an endless procession of covered wagons, loaded down with hopeful pioneers and their meager possessions, ambled across the Allegheny Mountains and headed towards the sunset. The sounds of wagon wheels moving west held a promise of a better life.

Now the wagons are rolling again. Except this time they have turned around and are going east—back to their heritage and a joyous birthday party that celebrates 200 years of history. Conestogas, Prairie Schooners and Chuck Wagons are once again rolling across the continent in search of a dream.

Called the Bicentennial Wagon Trail Pilgrimage, the trek is history in reverse. A train of covered wagons, one for each of the 50 states, will cross the country from several different routes and converge in Valley Forge, Pa., on July 4, 1976, to rededicate a faith in principles that inspired the nation's forefathers.

When the organizers of the pilgrimage began to formulate plans for this ambitious project, they ran into a problem: with 20th century automation and high geared technology, where could they find a manufacturer with the long forgotten skills to construct 50 covered wagons? In the entire nation, they found only one.

"As far as I know, we were the only ones who bid on the wagons, so I guess we are the only ones who still know how to make them," said Charles Barnett, president of Arkansas Village at Jonesboro. The small family-owned business turns out buggies, stage coaches and fringe-topped surries like those that graced the streets of America in days past.

The Jonesboro Company is constructing wagons for the pilgrimage guided by authentic 18th century blueprints provided by the bicentennial committee. Three basic designs were requested by the committee—the Conestoga, Prairie Schooner and Chuck Wagon.

Constructed of oak, pine and hickory, the wagons are surprisingly small. The Conestoga wagon, the most popular with early pioneers because it had more "give" to it, measures 12 feet long at the bottom and 16 feet at the top, and a width of 36 inches at the bottom and 42 inches at the top, giving it a curved appearance.

"That curved body makes the Conestoga look more like a sea-going ship," Mr. Barnett explained. "The curve allows the wagon to take ruts in the road better than a flat-bed wagon."

Prairie Schooners are also shaped like a ship but are not curved as much as the Conestogas. They are 12 feet long at the bottom and 13 feet long at the top and have the same width dimensions as the Conestogas. The Chuck Wagons are basically 12 feet long and 42 inches wide. They come equipped with a food storage unit in which the wagon train is carrying food and supplies.

Wheels for all three wagon styles are built the original way with only a few modifications. "They used to make hubs that were all wood," Mr. Barnett, said, indicating the wheel center which resembled a small barrel. "We put steel barrings in there to add some more durability."

The wheels themselves are constructed of hickory, as in days past, because of its durability. However, rubber rims have replaced steel tires to take the wear of modern asphalt highways and make the ride a little smoother for present-day pioneers.

Bolts and rivets hold the wagons together. One major difference in the bicentennial wagons and their predecessors is construction time. Power tools and other 20th century gadgets have greatly speeded up the process of riveting the lumber.

"These wagons had to be riveted," Mr. Barnett said, giving a wagon a hard shake to test its soundness. "Just bolts and nails wouldn't keep it together very long."

Each wagon comes equipped with the same extras enjoyed by earlier buyers—nothing. "We did add springs to the seats to make them a little more comfortable, but these wagons are in the same condition as people received them a long time ago," Mr. Barnett said.

Even though blueprints and the original plans for building the wagons were provided, many of the instructions that were common knowledge to the early builders were not included. Mr. Barnett explained, "It took us a couple of weeks to put the first ones together because we spent quite a bit of time worrying over the design. But now that we have it figured out, we put together several a week and hardly ever look at the blueprints."

This is not to say that modern automation and rapid assembly lines are used to put the wagons together. Each one is constructed separately, by hand. As two workers struggled to fit a tailgate onto a Conestoga, Mr. Barnett said, "You can see that it would be almost impossible to build these with a machine."

Every piece of lumber that goes into the wagons has been kiln-dried in a specially heated room to extract all moisture, and to prevent warping. The wheels, which are

soaked to make them pliable, are the most rigorously dried.

"We have to be very careful to get the wheels thoroughly dried before we attach the rims," Mr. Barnett warned. "If that wood doesn't have every bit of moisture out, as the weather changes, it will swell and then contract and the rim will come rolling off."

Arkansas Village modified the design of the brakes for the wagons and added a steel collar to improve the system over the old wooden brakes. The new brakes were so effective in slowing the wagons that the State of Washington Train, which began its long trek last July 1, burned out nearly all its brakes trying to get over the Rocky Mountains and had to re-order before it could continue.

The Washington Train will be following the old Oregon Trail and Missouri Road as it heads towards Valley Forge. There are six separate main trains in all, with branch trains that will converge into one long train outside of Valley Forge. The pilgrimage trains will follow, as closely as possible, many of the old trails west, including the Wilderness Road, the Sante Fe Trail and the Great Wagon Road.

In March, the Arkansas wagon will join the Southern Train which will originate in Texas and follow the Wilderness Road across the Appalachian Mountains to Pennsylvania. As of November, the Arkansas Bicentennial Committee had not decided whether to order a Conestoga, a Prairie Schooner or a Chuck Wagon. However, Mr. Barnett said it would not take long to construct Arkansas' contribution once the decision is made.

All the wagons are stained a deep blue, as were many of the original models. The "covers" are made of white canvas and the wheels are left the natural wood, having been treated only with a protective oil.

When it finishes making the bicentennial covered wagons in November, Arkansas Village will go back to the business of making anything that a horse can pull. Since 1874, the Jonesboro company has been constructing horse-drawn vehicles under the name Huntingburg and Laymon. In 1969, the name Arkansas Village was adopted when the Barnett family took over the business.

"Most of our business is from restoring old buggies and carriages that people have had in their families for generations," Mr. Barnett said, leading the way to a room where three restored carriages were parked. The carriages were of exquisite design and detail, upholstered in leather and featuring two gold-colored lanterns on the sides. "These were probably the Cadillacs of that era," he said.

According to Mr. Barnett, working with the old vehicles has made him feel more a part of history. Although his employees did not know how to build buggies when they came to work, they now possess skills that are nearly extinct. And the demand for carriages is rising.

"There are more horses in this country today than there were when automobiles were introduced," he said. "Most of these horses are for pleasure and there is no greater pleasure than taking an afternoon buggy ride."

The Bicentennial Pilgrimage Wagon Train was designed to make people remember their past and the heritage that was left to them. Arkansas Village spends each day reliving and preserving a part of that history.

EXPLANATION OF ABSENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. GILMAN. Mr. Speaker, due to yesterday's ice and snow which closed down all of New York's airports, I was unavoidably detained at LaGuardia Airport and, consequently, was absent during call number 30, a quorum call.

A REPORTER AT LARGE: ENERGY—I

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. RONCALIO. Mr. Speaker, I include the article, which I referred to early today, for the further information of the members.

The article follows:

[From The New Yorker, Feb. 2, 1976]

A REPORTER AT LARGE: ENERGY—I

(By Barry Commoner)

In the last ten years, the United States—the most powerful and technically advanced society in human history—has been confronted by a series of ominous, seemingly intractable crises. First there was the threat to environmental survival; then there was the apparent shortage of energy; and now there is the unexpected economic decline, which has made for high rates of unemployment and inflation. These are usually regarded as separate afflictions, each to be solved on its own terms: environmental degradation by imposing pollution controls; the energy crisis by finding new sources of energy and new ways of conserving it; the economic crisis by manipulating the federal budget, taxes, and interest rates. But each effort to solve one crisis seems to clash with the solution of the others—pollution control reduces energy supplies; energy conservation costs jobs. Inevitably, proponents of one solution become opponents of the others. Policy stagnates, remedial action is paralyzed, and the stagnation and paralysis add to the confusion and gloom that beset the country.

The uncertainty and inaction are not surprising, for this tangled knot of problems is poorly understood not only by citizens in general but also by legislators, administrators, and even the separate specialists. It involves complex interdependencies between the three basic systems—the ecosystem, the production system, and the economic system—that, together with the social and the political order, govern all human activity. Given these dependencies—the economic system dependent on the wealth yielded by the production system, and the production system dependent on the resources provided by the ecosystem—it would appear that the economic system ought to be designed to conform to the requirements of the production system, and the production system to conform to the requirements of the ecosystem. This is the rational ideal. In reality, the relations between the three systems are the other way around. The environmental crisis tells us that the ecosystem has been disastrously affected by the design of the modern production system, which has been developed with almost no regard for compatibility with the environment or for the efficient use of energy. Gas-gulping cars pollute the environment with smog; petrochemical factories convert an unrenewable store of petroleum into nondegradable or toxic agents. In turn, the faulty design of the production system has been imposed by the economic system, which invests in factories that promise increased profits rather than environmental compatibility and efficient use of resources. The relations between the great systems on which society depends are upside down. What confronts us is not a series of separate crises but a single basic defect—a fault that lies deep in the design of modern society.

Energy plays a decisive role in the interactions between the three systems. Energy radiated from the sun drives the great ecological cycles. Energy derived from fuels powers nearly every production process. Most of the increases in the output of the production system and in the rate of economic growth are due to the intensified use of energy to power new, more productive machinery. The intensified use of energy is responsible for the rapid drain on fuel supplies and for much of the present environmental pollution. And the intensified application of energy to production processes is closely associated with three of our main economic difficulties: unemployment, inflation, and the less visible but equally dangerous shortage of capital. The energy crisis is so tightly linked to the crucial defects of the system as a whole as to offer the hope of leading us out of the labyrinth of interwoven crises—if we can understand it. And we do not. This has been made painfully evident by the rapid, unperceived onset of the energy crisis. For decades, the United States and most of the rest of the world employed energy as though it were a freely given resource, its availability and uses as clearly understood as those of water or air. But suddenly the availability of energy can no longer be taken for granted; the energy shortage has become a huge problem, strongly affecting almost every aspect of society. In the last few years, energy-supply problems have disrupted daily life; they have triggered an economic recession; they have led to a bitter confrontation between Congress and the President; they have altered the political relations between the industrialized countries and the developing countries; they have generated lightly disguised threats by President Gerald Ford and Secretary of State Henry Kissinger to use military force against oil-producing countries.

The energy crisis illuminates the world's most dangerous political issues as it wrenches into open view the brutality of national competition for resources, the festering issues of economic and social injustice, and the tragic absurdity of war. The crisis forces us to make long-avoided choices. If we must give up present energy sources and find renewable ones, curtail the wasteful uses of energy and the blind replacement of meaningful human labor by energy, where and how will the necessary decisions be made? Can these decisions be made, or even debated, without reexamining the precepts of the economic system that now govern how energy is produced and used?

There are no simple answers to these questions. But there is one way to begin to look for them, and that is to recognize that the problems will not be solved by technological sleight of hand, clever tax schemes, or patchwork legislation. The energy crisis and the knot of technological, economic, and social issues in which it is embedded call for a great national debate—to discover better alternatives to the deeply faulted institutions that govern how the nation's resources are used.

And to begin that debate we need to understand how the ecosystem captures energy, how the production system uses it, and how the economic system governs what is done with the resultant wealth. To penetrate the chaos that surrounds the subject of energy, there is one essential tool available to us—the science of thermodynamics. This tool is complicated and difficult, but none of us—for we all need to understand and do something about the energy crisis—can any longer indulge in the luxury of evading a science on which the future of the world has come to depend.

Perhaps the most important role of

thermodynamics in the structure of science is that it establishes a link between our everyday awarenss of the one-way passage of time and the laws of physics, which generally do not distinguish between past and future. In establishing this link, thermodynamics also gives un enormously valuable means of determining the ways that energy can be most effectively used to serve human needs. How does energy relate to the direction of time? Consider a teacup in two possible positions: resting on the floor or several feet up, in say, a waiter's hand. Now, if we watch the cup on the floor, even after a very long time nothing will happen. Certainly it will not fly up into the waiter's hand. In contrast, our experience tells us that the elevated cup, if released from the hand, will spontanously fall to the floor. Of the two events, only one—the cup falling—can happen by itself; the reverse event does not, and the cup, once fallen, lies there on the floor.

A simple experiment shows that the downward flight of the cup—or of any other object—is in theory entirely reversible, and in practice nearly so. Let us attach a thread to the cup and, hooking it over a friction-free pulley (perhaps obligingly held by the waiter), attach to the other end a weight about equal to that of the cup. Now as the cup falls it will raise the weight, and with a little encouragement the raised weight can then be made to fall and lift the cup. Carried out with more scientific sophistication, such an experiment tells us that as long as the cup is in motion there is nothing about its downward movement that cannot be undone—reversed. However, once it crashes on the floor and irreversible. It can no longer lift a counterbalancing weight, and cannot leave its resting place on the floor unless some outside agency intervenes. There is such an agency—the application of energy, which can generate the force required to lift the cup.

Various other external agencies might raise the teacup. A person could simply pick it up, using muscles to do the work, the required energy coming from the combustion of bodily fuel—sugars and other food substances. Or he could lift the cup on a little elevator hoisted by a motor-driven reel, the requisite energy coming from a battery or from electric lines, and ultimately from a power station fuelled by oil, coal, or perhaps uranium. In the one-way world of real life, in which teacups and other objects do not spontaneously move upward once they crash to the floor, they can be made to move upward, but only by doing work through the expenditure of energy. Technically, "work" is defined as force exerted through distance, and the flow of energy is the agency that produces work. "Power" is the technical term for the rate at which work is done—the work accomplished per unit of time. Or, at least, the energy *seems* to be expended. The muscular energy exerted to lift the teacup is certainly no longer available to do more work. (By lifting enough teacups, a person could, after all, eventually exhaust his ability to work if he failed to restore his metabolic energy by eating.) Or, if the teacup were to be hoisted by a battery-driven motor, it would certainly turn out that the battery could do less work than it could originally—that some of its stored energy was spent.

But in fact the loss of energy is only apparent. This is something that was learned about energy in the eighteenth and nineteenth centuries. With the development of the first steam engines, at the end of the seventeenth century, it became clear that heat could be converted into mechanical work and employed to pump water out of a mine and, much later, to drive a locomotive. Heat was at first regarded as a special kind of substance ("caloric") that had no fixed relation to the amount of mechanical work it generated. However, by measuring the heat produced during the boring of a brass cannon, Count Rumford (the American-born physicist Benjamin Thompson, who had been ennobled by the Elector of Bavaria) showed that it resulted from the friction generated by the motion of the drill, and not—as was widely believed at the time—from "caloric" squeezed out of the brass.

Such experiments suggested that heat and mechanical motion are expressions of the same sort of thing—which we now call energy. Methods were developed to measure both, and it was found that the amount of energy involved in the mechanical motion of a machine (such as the cannon-boring machine) is precisely equal to the energy represented by the heat produced by the resultant friction. This notion was eventually embodied in the First Law of Thermodynamics: energy can be neither created nor destroyed. When it is transferred from one form into another—in this case, from motion into heat—no energy is lost or gained. Energy is conserved; the amount that the universe possesses is fixed.

If we now return to our teacup, we are confronted with a new problem: Where is the energy that was seemingly lost—for example, by the electric battery—when the cup was lifted from the floor? If the law of energy conservation is true, this energy cannot be lost; it must be somewhere. Initially, the energy exerted to lift the cup off the floor must be somehow contained in the teacup's new location. Any weighty object elevated above the earth contains a form of energy—gravitational potential energy—that can be got out of it by letting the object fall. In falling, the object exhibits this energy in the form of motion—kinetic energy. So far so good. The teacup experiment seems to obey the law of the conservation of energy; the energy removed from the agency that lifted it is contained in the elevated cup. But in falling to the floor the cup loses both its kinetic and its potential energy. Now, where has the energy gone?

From Rumford's experiment, we know that as motion is countered by friction its energy is converted to heat. We can suspect, then, that when the movement of the falling cup is halted by the collision with the floor, its kinetic energy is converted into an equivalent amount of heat. After striking the floor, the cup—or its fragments—and the floor itself should be a little warmer than they were before. While this measurement cannot readily be made on a fallen teacup, it can be and has been made on more massive objects falling a good deal farther. For example, the water at the bottom of Niagara Falls is an eighth of a degree Centigrade warmer than it is at the top. A computation shows that the energy represented by this extra heat is exactly equivalent to the potential energy of the water at the top of the falls. The energy is conserved.

All is well, then. We can assume that the energy used to lift the teacup is not destroyed and can be fully accounted for, after the fall, as heat. The First Law of Thermodynamics—the conservation of energy—works with the falling of a teacup as well as it does with the boring of a cannon. But this logical triumph is short-lived. With a little further thought, a strange inconsistency appears. Since the energy needed to lift the teacup in the first place reappears as heat when it falls to the floor, why not use the energy represented by that heat to lift the teacup once more? But if that were possible, then the crash of the teacup would be a readily reversible process, and we would have the experience of teacups falling to and rising from the floor with equal ease.

Clearly, we are in some kind of logical trouble. The discovery of the First Law has solved one problem but created another. While the First Law closes the door on machines that purport to do work by creating energy—perpetual-motion machines—it appears to tolerate, and even to encourage, machines that are almost as miraculous in their freely given power. Consider another version of the teacup situation: a ship floating on the sea, which—like the floor—contains energy. The amount of heat energy in a given amount of seawater of known temperature and its relation to the amount of energy needed to drive the ship are easily calculated from the First Law. It turns out that the needed energy could theoretically be obtained from the four inches of water immediately surrounding the ship's hull by cooling that water a little. A ship equipped with a device that continuously extracted heat from the surrounding water could, in cooling the water by one degree, obtain from it enough energy to sail the sea, using no fuel, forever. The same marvelous device sitting at the bottom of Niagara Falls and extracting enough heat from the water to cool it by an eighth of a degree could obtain sufficient energy to drive the water back to the top of the falls. Such a device would be a perpetual-motion machine—which, far from being forbidden by the First Law, in a sense seems to be suggested by it.

If such a machine could actually operate, it would not only levitate teacups and reverse the direction of Niagara Falls but also wipe out the passage of time. We can look at it this way. We are aware of the passage of time because events happen: the hands of a clock move; sand runs down the hourglass; water flows down Niagara Falls. Each of these events is a spontaneous, irreversible process, in which the energy of motion is converted to heat. If a perpetual-motion device could indeed recapture the heat energy and, with no loss, use it to reverse the original process, the clock's hands would move backward as fast as they moved forward; the sand and the Niagara River would run upward as fast as they ran downward. The forward and backward motions would cancel each other; nothing would occur; time would stand still.

Since none of these events happen, it appears that this type of perpetual motion, in which energy is not "created" but simply gathered up from the vast reservoirs of heat on the earth's surface, is also impossible. The relevant principle is that energy occurring only as heat stored in a single reservoir, no matter how plentiful the amount of the heat, cannot be used to do work. This is one way of stating the Second Law of Thermodynamics, which involves the nature of heat—in particular, its intensity, or temperature, and its relation to other forms of energy, such as motion.

But why is it that the conversion of the kinetic energy of bulk motion—the teacup smashing against the floor or the water of the Niagara River crashing at the bottom of the falls—into heat makes that energy no longer available to reverse the spontaneous fall? In a sense, most of the science of thermodynamics is built around efforts to answer this question. To deal with it, we need to wander deeper into the thicket of abstract thermodynamic ideas and consider two more subjects: order and probability.

The kinetic energy of the water flowing over Niagara Falls is represented by the downward motion of huge numbers of molecules. All these water molecules fall together—as a random, jiggling crowd, it is true—with the same overall direction and speed. In this respect, the bulk downward motion of the water—its kinetic energy—is a regular, coherent motion. When the water hits bottom, the energy represented by its bulk motion is converted into heat; the water molecules jiggle more fiercely, raising the temperature by an eighth of a degree. Their movements are random—on the average, equally intense in all directions. Compared with their earlier, coherent downward motion, the molecules' motion is now dis-

ordered, in the sense that all possible directions of movement are equally expressed. Now, in bulk, the water as a whole goes nowhere; on the molecular scale, the motion has no recognizable pattern; it lacks the order of the falling water. In the conversion of the kinetic energy of the falling water into heat—an event that is crucially linked to the irreversibility of the process and to the one-way direction of time—order gives way to disorder.

In thermodynamic terms, disorder is represented by a situation in which the outward appearance of an object is consistent with a large number of different possible internal arrangements of the constituent parts, and order is increased if the overall appearance will permit fewer arrangements. Thus, various heaps of lumber can have the same outward shape with the separate boards arranged internally in thousands of different ways. If the same pieces of lumber are to have the outward appearance of a barn, however, the number of possible internal arrangements is much reduced. In other words, the overall structure of a barn will tolerate fewer different internal arrangements of boards than will the structure of a heap. Thus, in the thermodynamic sense order is a measure of the degree to which the overall properties of a physical system dictate the selection of a particular internal arrangement of its parts. Order expresses the relation of the properties of the whole (the barn) to the properties of its parts (the boards). Order signifies that the properties of the whole are not a simple summation of the properties of the parts but are strongly affected by the relations among them—in particular, by how these relations are limited or constrained. The whole, therefore, constitutes a system whose behavior is strongly affected by its internal design.

Spontaneous, irreversible processes are the events that signal the one-way passage of time, and the affected systems end up with less order than they had when they began. In each case, some random, reversible, time-independent processes generate disorder in a system that began with some degree of order. And so we can account for the universal experience that, with the passage of time, more and more disorder is observed in the world, if we assume that the world was once a more ordered system than it is now. It is the earlier existence of order that gives us a way to sense the passage of time. A barn can be seen to decay with time because it was once a perfectly formed barn. A clock tells time because it was once wound up. This shift from order to disorder is the foundation of the Second Law of Thermodynamics, which, together with the First Law, governs the outcome of every energetic process. The Second Law asserts a single cosmic fact: that the universe is constantly, irreversibly becoming less ordered than it was. It is this behavior of the universe that accounts for the one-way direction of events and the irreversible passage of time.

Since an ordered arrangement will, in time, spontaneously become more disordered, it follows that an improbable situation will tend to become transformed, with time, into a more probable one. This is yet another way of stating the Second Law of Thermodynamics: "Every system which is left to itself will, on the average, change toward a condition of maximum probability." Stated this way, the Second Law does not claim that a system will certainly change into a more probable configuration. It claims only that this will happen on the average. Any particular change might go the other way, but with a low probability. What this feature of the Second Law tells us is that we cannot be absolutely certain that, say, the teacup (or its fragments) will not spontaneously leap upward. But the probability of this event is fantastically small. In "The Anatomy of Science," published in 1926, Gilbert N. Lewis, a brilliantly iconoclastic chemist, who liked to be accurate about such things, computed the actual probability that an object weighing one one-hundred-millionth of a gram, if looked at once a second, will ever be found one ten-millionth of a centimetre above a supporting surface. On the average, the object will be found in this position 6.32 times every million years. The probability that an object as large as a teacup will rise several inches off the floor is so small that it would take a lifetime of writing zeros to record the number of years in which it might happen even once. A reasonable estimate of this probability is never. When we lift the teacup, this otherwise enormously improbable event does occur. In other words, work can powerfully increase the probability of an event. Work suitably done on a disordered heap of lumber can produce the more ordered, less probable state known as a barn.

The framework of the Second Law of Thermodynamics binds together a fundamental body of knowledge—about the spontaneity and irreversibility of natural processes, the degree of order and disorder in the universe, and the meaning of probability and information. The central assertion of the Second Law is that the spontaneous processes that are the actual events of the real world always lead to states that are less ordered and more probable and that represent less information than the states in which they began. This means that every spontaneous process irreversibly decreases the order of the universe and brings it to a more probable state, which contains less information than before. Whatever happens in the world leads in this downhill direction. The Second Law also tells us that such a natural process can be reversed by the application of energy but that this reversal can be accomplished only at the expense of further decay in the overall order of the universe.

In these ways, the Second Law of Thermodynamics lays out the grand scheme of what happens in the world: what events (a teacup falling, a river crashing down falls, a sand castle crumbling into shapelessness) are likely to happen spontaneously, on their own; what events (the cup or the river water raised to its original heights, the castle organized from the jumbled sand of the beach) are vanishingly improbable unless they are made to happen by doing work. Thus, every event, everything that happens in the universe, is fundamentally connected with energy. And in this relation we can begin to see the strong links between the abstract, cosmic aspects of thermodynamics and its prosaic uses in industry and everyday life.

The chief practical purpose of thermodynamics is to learn how energy can best be harnessed to work-requiring tasks. These tasks—the work that people do—are all intended to generate order from disorder (building barns from heaps of lumber or skyscrapers from piles of sand, cement, and metallic ores); to produce events that in nature are enormously improbable (teacups lifted from the floor, rockets shot toward the moon); to create new information (the designs of the barns, skyscrapers, and rockets). What people do, then, is to use energy to reverse, in highly specific, localized ways, the decay of the universe toward disorder, increased probability, and loss of information. We cannot, of course, change the fate of the universe; overall, the spontaneous downhill process continues. But human activity does create, for a time, local islands of order, improbability, and information—barns, skyscrapers, rockets, and all the other trappings of civilization. The practical value of thermodynamics is that it can teach us how to mobilize this energy and most effectively use it to generate the activities of civilized life.

The junction point between the splendid, arching abstractions of thermodynamics and its powerful, concrete achievements was first arrived at by a young French physicist and economist, Sadi Carnot. This is contained in a pamphlet he published in 1824, when he was twenty-eight (he died in a cholera epidemic eight years later), under the title "Reflections on the Motive Power of Fire, and on Machines Fitted to Develop That Power." Carnot was interested in improving the efficiency of steam engines, because engines of the time had low efficiencies; only a small per cent of the energy applied to them as heat was recovered in the form of mechanical work. Carnot worked out general principles that govern the operation not only of steam engines but of "all imaginable heat engines" as well.

The basic outcome of Carnot's formulations was the idea that any engine that can absorb heat to do work, or can use work to absorb heat, must be hot in one place and cold in another. The amount of work that can be got out of a given amount of heat as it flows from the engine's hot place to the cold reservoir depends on the difference between their temperatures. (Temperature measures not the amount of heat energy but, rather, its intensity—the special quality of energy that tells us how well it can yield its most valuable product, work.) Although the energy content of the whole system is constant (in keeping with the First Law), a particular quality of the energy—its availability to do work—is diminished as the energy flows from its hot, entering status to its cooler, final status. Carnot showed that there is an absolute limit to the efficiency of a heat engine. Only part of the energy that enters it as heat can be converted to mechanical work; the rest is rejected into the surroundings as low-temperature "waste" heat. The work that can be produced by the operation of the engine is equivalent to the loss of the energy's work capability as it flows through the engine. Thus, although no energy is lost in the operation of a heat engine, something associated with that energy—its ability to do work—is irretrievably lost.

Carnot's pamphlet became the starting point of thermodynamics, which created a series of mathematical relations that connected the efficiency of heat engines to measures of the work available from energy, and to measures of disorder, probability, and information. There emerged a new concept—entropy—which was mathematically related to all these thermodynamic properties. Entropy is a measure of the unavailability of energy for work, of disorder, of a high degree of probability, of a loss of information. When the entropy of a system increases, its energy is less able to do work. In any irreversible process, in which entropy necessarily becomes larger, the total energy is conserved but some of the work that can be got from it is lost.

A kind of paradox seems to lie at the heart of a good deal of the confusion about the theoretical and the practical meanings of the energy laws. The laws of thermodynamics tell us that while energy cannot be lost, merely possessing it is of no value. Energy is valuable only insofar as it is used to generate work, to produce power. But in that process some of its ability to do work is necessarily lost. What inevitably diminishes is not the world's stock of energy but its ability to do what we value—work. The scientific knowledge that is symbolized by the laws of thermodynamics gives us the ability to measure both of the basic attributes of energy—its amount and its ability to do work. The First Law gives us the basis for measuring amounts of energy regardless of their form or their availability to do work. It enables us to count up our stores of energy—the amount represented by a tank of gasoline or by the huge beds of coal in the Western states. Applying these meas-

ures, we have begun to worry about budgeting the use of these stores. We have begun to think about "conserving" energy—saving so many B.T.U.s of energy by home insulation and so many by driving at fifty-five miles an hour. But the Second Law tells us that it is not energy that needs to be conserved; what needs to be conserved is a certain quality that is associated with energy but that different forms of energy possess in differing degrees. This quality—the available work that can be obtained from the energy—is not conserved; it is irretrievably lost whenever energy is used to produce work. The science encompassed in the Second Law, if we would use it, is specifically designed to show how we can maximize the amount of work—the value—that can be got from using a given amount of energy. It is not the First Law that ought to govern the campaign to conserve energy but, rather, the Second.

Yet most of the present measures of energy efficiency and the resultant conservation efforts are based only on the First Law. Indeed, the pioneering comprehensive effort to show how the Second Law might be used to measure and maximize the work yielded by energy in transportation, industrial processes, and home heating was made by a group of American physicists, under the auspices of the American Physical Society, in the summer of 1974, and the results were published last year under the title "Efficient Use of Energy." The analysis showed that in some instances the efficiencies measured according to the precepts of the Second Law are about eight times as low as the efficiencies measured by applying the First Law. Because we have thus far failed to use the appropriate (Second) law of thermodynamics to judge the efficiency with which the limited stores of fuel that drive the production system are used, we have been misled into the illusory belief that we are many times as well off as we really are. The Second Law of Thermodynamics is perhaps our most powerful scientific insight into how nature works. A hundred and fifty years have elapsed since it was discovered; it may well be time for us to begin using it to govern the ways in which energy is employed.

Science has social value because it can provide useful answers to important questions. But science also has the more basic capacity for asking the right questions. The science of thermodynamics is a rich source of both answers and questions, but we have used it chiefly to find answers rather than to propound questions. Thermodynamics has given us numerous valuable answers; it is the foundation of the design and construction of every modern instrument of agricultural and industrial production, of transportation and communications. But the energy crisis and its attendant environmental and economic problems tell us that there is something seriously wrong with the ways in which the automobiles, power plants, and factories that are the practical fruits of this science meet human needs. Yet among these devices there are relatively few that are purely technological mistakes; most of them work fairly well.

What, then, has gone so wrong? The answer, I believe, is that we have failed to use thermodynamics to ask the right questions. As a result, we are burdened by powerful and overbearing answers to the wrong questions, or to questions that no one has bothered to ask. For example, one reason some people are so enthusiastic about nuclear power is that they assume that one of its products, electricity, is an essential and unquestioned good. However, behind this assumption lies an unasked question: What is electricity good for? Thermodynamics can answer that question; but, even more important, thermodynamics requires that the question—and others, equally important—be asked.

Oil epitomizes the energy crisis. It is the dominant source of energy for most of the world. Oil, together with the closely related natural gas, provides three-fourths of the national energy budget in the United States. Oil is the basis of the two industries—automotive and petrochemical—that, with the petroleum industry, make up nearly a fifth of the total United States economy. And apart from their economic effects, the oil-based industries have done a great deal to set the pattern of national life. Oil powers the horde of cars, the vehicles of the urban diaspora that has scattered people's homes, and the places where they work and shop, over wide, once rural areas. The intensive use of petroleum-based fertilizers and pesticides has nearly transformed the farm from an outpost of nature into a branch of the chemical industry.

Because of the enormous importance of petroleum in the American economy, an assured supply of oil ought to be among the highest of national priorities. Many people were shocked, therefore in the fall of 1973 to find that the petroleum supply was far from assured; that nearly half of it came from abroad; and that the embargo imposed by Saudi Arabia and other Mideast oil producers—to express their displeasure over the American attitude toward their conflict with Israel—appeared to create serious shortages of gasoline and fuel oil. On the East Coast, gasoline was so hard to find at times that motorists spent hours in long lines (their idling engines uselessly burning gasoline) waiting to buy a few days' supply. Heating oil was also scarce, and farmers were forced to pay premium prices for the propane that they needed to dry harvested grain before it rotted.

The 1973 oil embargo set off a sharp rise in the price of gasoline, heating oil, propane, and the numerous chemicals—especially fertilizers and pesticides—that are made from petroleum products. The gasoline shortage depressed the sale of cars, and the automotive industry went into a steep decline; within a year about twenty per cent of its plant capacity and more than a hundred thousand of its workers were idle. The increased fuel costs raised rents, and the rising cost of agricultural chemicals contributed to inflated food prices. Suddenly energy problems were problems of inflation and unemployment; energy had become firmly enmeshed in the deepening economic crisis.

The oil companies were quick to respond to the nation's ordeal; they sharply stepped up their advertising budgets. Oil-company advertisements sought to explain the sudden onset of the energy crisis. They blamed the environmentalists for delaying the construction of offshore wells, of refineries, of power plants, and Congress for its failure to enact tax concessions that would give the industry the "incentive" to produce more domestic oil. Yet, despite the advertisements—or perhaps because of them—some public-opinion polls showed that more than half of the American people blamed the oil companies for the energy crisis.

The ensuing debates and discussions—including the interminable and largely fruitless haggling by Congress and President Ford over the control, or lack of control, of the price of oil and natural gas—have been seriously hampered by the shortage of an essential ingredient: the facts. During the 1973 crisis, no one knew exactly how much oil the country had or needed. The oil companies claimed that the long lines at gasoline stations were caused by a severe shortage of crude oil resulting from the embargo. When all the data were in, however, it was learned that at the end of 1973, when the embargo had been in effect for about two months, the available stocks of gasoline were only about one and a half percent below the amounts available a year earlier, and that at the end of February, 1974, nearly three weeks before the embargo was lifted, gasoline stocks were five percent higher than they were a year earlier. When congressional committees tried to investigate such discrepancies, they discovered that nearly all the original information about the production and availability of petroleum was in the hands of the oil companies and their organizations. Few hard facts about the oil situation reached the arena of public debate in a form that the participants could understand. In their absence, sharp disagreements broke out, and suspicions flourished.

Was the country really "running out of oil" or were the oil companies promoting that idea in order to justify a price rise? Was the failure of the American petroleum industry to meet the rising demand for oil and its derivatives caused by the depletion of a limited resource or the result of deliberate oil-company policies? Where were the missing facts? Ironically, the sought-for data were hidden—perhaps unintentionally but nevertheless effectively—by a modern bureaucratic version of the wonderfully simple method made famous by "The Purloined Letter." All the facts needed to delineate, in stark and frequently embarrassing terms, the role of the oil companies in the oil crisis were and are available. They are laid out in great detail in reports published by the Federal Energy Administration and other government agencies and by the National Petroleum Council, an official arm of the oil companies established to advise the Department of the Interior. These reports make up thousands of heavily documented pages; one report on the availability of oil and gas in the next decade is more than seven hundred and fifty pages long and contains six hundred and eighty-eight tables and a hundred and fourteen illustrations and graphs. We can learn a good deal about the origin of the oil crisis from these informative but rarely discussed reports.

Petroleum fuels are used, in the main, for two energy-requiring tasks in America. About fifty-four per cent of the petroleum is used to drive transportation vehicles, and about twenty-one per cent is used to warm up the places where people live and work—that is, to provide "space heat"—and to heat water for washing. In view of the enormous amount of petroleum used for these purposes—the per-capita consumption is about three and a half gallons a day—and the considerable trouble that results from consuming more petroleum than we produce, it seems sensible to find out how much of it is wasted. Waste or its converse—efficiency—can be looked at in several ways. The most obvious way to waste a resource such as petroleum or natural gas is to lose it before it can be used. Oil spills and pipeline fires fall into this category; the amount of petroleum lost in such events is tiny compared to the amount used, and can reasonably be neglected.

A resource can also be wasted *when* it is used, in the sense that some of it is frittered away in the process and does not end up where it is wanted. In the case of petroleum, this kind of waste is moderately large but not overwhelming. Consider a familiar example: the amount of heat wasted as an oil-burning furnace system delivers heat to the rooms that it is supposed to warm. One way to compute efficiency of such a furnace system is based on the First Law of Thermodynamics. This tells us that the energy produced by burning a given amount of fuel must be conserved as it flows from the furnace to the rooms. Therefore, the amount of energy wasted is equal to the amount produced in the furnace less the amount that reaches the rooms. (The difference might represent heat that goes up the smokestack or leaks out of the house as it is transferred.) This First Law efficiency can then be expressed by the ratio of the amount of heat delivered to the rooms to the amount that is generated when the oil is burned.

Measurements of such efficiencies were for

a long time ignored by everyone except heating engineers. But in the last few years, as the need for conserving fuel has become painfully apparent, such data have been reported in the growing literature of energy technology. By all accounts, the efficiency of furnaces computed in this way is moderately good. A typical efficiency for an oil-burner supplying warm air to a home at 110° F. when the outside temperature is 32° F. is sixty to sixty-five per cent. This suggests that there is some room for improvement but not a great deal. Even if the oil-burner system were made one hundred per cent efficient (impossible in practice), by this measure the amount of fuel used would be reduced by forty per cent or less.

Nearly all the current estimates of possible energy savings are made in this way, using the First Law to find out where energy is lost and how to stop some of the losses. The general outcome is a possible saving of no more than thirty or thirty-five per cent. However, the First Law, as we have seen, is only the initial building block of the science of thermodynamics, which in the subtleties of the Second Law becomes vastly more revealing. The Second Law reminds us that energy in itself has no value unless it can be used to produce work by flowing from one place to another; that every spontaneous, irreversible event, such as heating a home, involves the loss of available work; that the value of energy is measured by the work it can do; and that the efficiency with which energy is used ought to be measured by how closely the amount of available work used to accomplish a task corresponds to the minimum amount that the task requires.

These basic precepts define the Second Law efficiency proposed by the American Physical Society's study. To compute this efficiency, one begins by determining the minimum loss of available work that is entailed in accomplishing a particular task—in this case, to warm a home by delivering air at 110° F. while the outside air is at 32° F. The next step is to compute the work that is available from the amount of energy that is actually used to accomplish the task—in this case, the available work that is consumed when the oil is burned and the heat transferred to the rooms. The Second Law efficiency is the ratio between these two measurements, or (to quote the A.P.S. study) 'the efficiency is equal to the ratio of the least available work that could have done the job to the actual available work used to do the job." When such a Second Law efficiency is computed for the oil-burner system, it turns out to be eight and two-tenths per cent. According to the First Law, the oil-burner system wastes a little less than half of the energy that it uses; according to the Second Law, it wastes all but about eight per cent of the work available from the energy that it uses. The Second Law efficiency tells us that there is much more room for improvement than the First Law suggests.

In a sense, the two procedures take an opposite approach to the efficiency problem. The First Law approach focusses on the energy content of the fuel and computes how much of it fails to get where it is supposed to go—to the rooms. It ignores alternative ways to heat the home and is concerned only with how well a particular method works. The Second Law approach focusses on the *task* and determines how much work is needed to get it done. It then seeks out whatever method does the job with the least available work. The Second Law approach makes the most of that quality of an energy source that gives it its value—the work available from it. This is the quality that, unlike energy itself, is always consumed, and the Second Law efficiency aims at finding a way of using as little of it as possible in getting the task done.

It turns out that the most efficient way to warm a house is often not by burning the fuel but by using it to run a kind of refrigerator. In its familiar sense, a refrigerator is a heat engine that uses mechanical work (the motion of a motor-driven pump acting on a compressible gas) to cause heat to flow from a colder place (inside the refrigerator) to a warmer place (the kitchen). The same kind of device (now called a heat pump) can be used to bring heat into a house by extracting warmth from the colder out-of-doors. The heat pump cools the out-of-doors in order to warm the house, just as the refrigerator warms the kitchen in order to cool its own interior. But Sadi Carnot's work reminds us that the engine used to drive the heat pump—for example, a diesel engine—cannot convert all the energy of its fuel into such a mechanical work. Some of it must be rejected into the environment as waste heat. Since this waste heat is at a suitably low temperature, it can readily be used to help warm the home (through an appropriate heat exchanger). According to the A.P.S. study, with a heat-pump arrangement a diesel-driven home-heating system could operate with a Second Law efficiency of about twenty per cent. This is more than a twofold improvement over the conventional furnace—something that would appear to be impossible if the efficiency were computed by the First Law, at sixty-five per cent.

Considerations of the same sort can be used to effect substantial improvement in the Second Law efficiency of transportation, which is only about ten per cent. Since transportation accounts for more than half of the petroleum that is consumed, such an improvement could do a great deal to reduce the enormous waste that is revealed by thermodynamic analysis. What is so shocking about this waste is that petroleum is an irreplaceable resource. This is evident from what we know about its origin. There is persuasive geological evidence that underground deposits of petroleum, natural gas, and coal are the residues of fossil plants; hence the term "fossil fuels." As the plant remains were buried, their organic compounds were subjected to variable pressures and temperatures. Depending on local conditions, the ensuing chemical reactions produced the hydrocarbons of petroleum and natural gas or the nearly pure carbon of coal. All these fossil-fuel deposits represent energy originally delivered to the earth as sunshine and converted into chemical form by photosynthesis.

Oil deposits are now generally found at depths ranging from a few hundred feet to about twenty thousand feet. The only way to know if oil lies below a particular point on the earth's surface is to drill down. The amount of oil in a given geological area, or field, can be estimated by drilling enough exploratory wells into it. Since drilling to such depths is expensive, an effort must be made in advance to find where oil can be expected to occur. This is done by geophysical exploration—for example, by monitoring the echoes of shocks from explosive charges in order to map out the reflecting contours of underlying structures. An experienced geologist who examines such an underground-contour map can judge what areas are most likely to contain oil. The judgment involves some guesswork, so the results are uncertain. In any case, the most promising sites are chosen, and exploratory wells are drilled. These usually fail to find oil. In 1973, even after the best available geophysical exploration, about eight out of every ten exploratory wells drilled in the United States were "dry holes." Finding oil is very much a hit-or-miss geological proposition and a risky economic one.

The immediate outcome of a successful exploratory effort is the discovery of a certain amount of crude oil "in place." This term refers to the size of the underground reserve of oil that has been discovered, only part of which can be brought to the surface, or "produced." As of 1970, an average of about thirty per cent of the oil in place was actually produced, but, owing to improved recovery methods, this is expected to increase to about forty-two per cent over the next twenty-five years. The amount of oil discovered, corrected for the recovery rate, constitutes the crude-oil reserve—that is, the amount of oil that is known to exist underground and that can actually be brought to the surface. It represents the nation's stock of available oil, as it is known at the time. Two processes affect the size of this stock. One of them is discovery of new oil in place, which adds to the reserve. The other process is the rate of production of oil, which, of course, diminishes the reserve.

Until 1959, the size of the American crude-oil reserve gradually increased, because the rate of new discoveries exceeded the annual rate of production. For several years, beginning in 1959, the size of the reserve remained roughly constant. Then, in 1967, the reserve began to decline progressively. We were consuming more oil each year than was found, and the notion arose that we were beginning to "run out of oil." This idea plays a powerful role in the current arguments over oil policy, and needs to be closely scrutinized. One reason for the falling reserve in recent years is that the rate of petroleum production has increased in order to try to meet a rapidly growing demand. The annual rate of production of domestic crude oil increased by forty-three per cent between 1953 and 1969, reaching a peak of slightly more than nine million barrels a day in 1970. Over the same period, the rate of finding new oil—the amount found each year—decreased by some thirty-five per cent of its 1953 value.

The decline in the rate of oil discovery that began rather abruptly in 1957 has continued. It has brought on an equally abrupt decline in the ability of the petroleum industry to meet increasing domestic demand and led to the now lamented dependence on imported oil. Between 1954 an 1957, oil imports increased only slightly, from fourteen per cent of total domestic consumption to nineteen per cent. Imported oil amounted to twenty-two per cent in 1965 and forty per cent in November of 1974. Thus, the gap between American oil consumption and domestic oil production, and its grave economic and political consequences, can be traced to a rather sudden decline after 1957 in the rate at which oil was discovered in the United States. If we are to make any sense out of the confused debate over oil policy, we need to find out why this decline occurred and whether there is any hope of reversing it.

The issue that we must examine is to what extent the falling rate of new oil discovery in the United States is due to the physical depletion of accessible oil deposits (an irremediable situation) and to what extent it results from conscious decisions on the part of those engaged in the search for oil to hunt less diligently. Suppose it to be true that the rate of finding new oil in the United States is declining because we are running out of oil. Then, as new oil fields are found, and the number remaining to be found is thereby reduced, each additional new field would become increasingly more difficult to find. A familiar analogy might be the matter of trying to find all the beads scattered from a broken necklace. The first few beads are easy to find, but the task becomes increasingly difficult as progressively fewer beads need to be spotted, in widely dispersed places.

In the same way, if the number of accessible but as yet undetected oil fields in the United States is now being appreciably reduced by current discoveries, then the effort needed to find each new field should be increasing. If we chose not to increase the exploratory effort, then the amount of oil found per year would decrease. And if the

amount of oil discovered per unit of exploratory effort remained constant with time, it might be concluded that there was still a good deal of oil left to be found. As in the hunt for scattered beads, the rate of discovery of new oil can be used as an indicator of the phase of discovery process. A year-by-year record of the effort made to find oil and the rate at which it is found can tell us where we are at the moment in the inevitable process of exhausting the discoverable fields of oil.

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Much of the controversy among oil experts regarding the potential oil reserve in the United States and what fraction of it we have consumed thus far results from the different ways in which they obtain and analyze this record. Unfortunately, the way in which the analytical method influences the results is not usually made clear. This is one reason that policymakers and the public are confused by the disagreements on how much oil remains to be found in the United States. The unexplained disagreements have seriously hindered the effort to develop a sensible petroleum policy.

One of the curious aspects of these disagreements is how sharply they divide oil companies and government agencies. A recent summary by the Department of the Interior lists five oil-company estimates of as yet undiscovered recoverable petroleum, which future exploration is expected to discover: 168 billion, 90 billion, 89 billion, 55 billion, and 24 billion to 64 billion barrels. Also listed are four United States Geological Survey estimates: 458 billion, 400 billion, 200 billion to 400 billion, and 72 billion barrels. Even more curious are the separate estimates of onshore and offshore reserves made by the Geological Survey and Mobil Oil Corporation. For onshore reserves, including Alaska, the Geological Survey estimates are 135 billion to 270 billion barrels of oil. The Mobil Oil Corporation estimate is much lower: 34 billion barrels, or thirteen to twenty-five per cent of the Geological Survey estimate. However, the offshore estimates are in much better agreement; Mobil's estimate (54 billion barrels) is within forty-two to eighty-four percent of the government's (64 billion to 130 billion barrels). Perhaps by coincidence, the disparities between the two sets of estimates parallel the interest of the oil companies in developing offshore deposits rather onshore ones.

Such disagreements—and the resulting confusion—can be considerably reduced by sorting out the factors that influence the rate of finding oil. Both geophysical oil exploration, which seeks to find geological deposits that may contain oil, and the drilling of exploratory wells are carried out by people—geologists, geophysicists, drillers—who are in the hire of oil companies. (The federal government does little or no exploration itself.) The decision to employ these people and to direct them to look for oil is, of course, made by the oil-company management, so one element that affects the rate of oil discovery is simply the company's policy on how hard to look for oil. In addition to these administrative decisions, physical factors arising from the actual depletion of deposits will, naturally, affect the discovery rate.

The combined effect of the administrative and physical factors can be measured by the rate of discovery—the amount of new oil found per year. This method of measurement does not distinguish the relative influence of the two factors. Its main practitioner is a well-known oil geologist, M. King Hubbert, formerly with the Shell Oil Company and now with the Geological Survey. Hubbert's estimates, based on the variations in the amount of oil discovered per year, start in 1860, shortly after the first American oil well was brought into production. Despite the dual factors involved in these measurements, his estimates lead him to conclude that "the discovery of crude oil in the coterminous part of the United States and its adjacent offshore areas has passed its culmination and is well advanced in its decline—which means that the ultimate amount of oil recoverable in the United States is about 175 billion barrels. Since about 107 barrels had already been consumed by 1974, this would leave about 68 billion barrels available for future use. With oil now being consumed at the rate of about six billion barrels a year, we are indeed "running out of oil."

Hubbert acknowledges, in effect, that his conclusion takes account of the influence of company decisions on how hard to seek oil, for he states, "When a given amount of exploratory effort per year in a given area yields over a long period of time continuously diminishing returns in the amount of oil discovered, the inference can hardly be avoided that the pond is about fished out." The phrase that I have emphasized is critical. To go back to the bead analogy, it is certainly true that for "a given amount of exploratory effort" a declining rate of finding beads would mean that there are few remaining ones to be found. But if you stop looking for a while the amount of exploratory effort is no longer "given," and the resultant slow rate of finding beads means not that most of the beads have been found but that you have become less interested in finding them.

Another geologist, the late Alfred D. Zapp, who was also on the staff of the Geological Survey, proposed a different way to measure the rate of oil discovery. His method diverged sharply from Hubbert's both in its assumptions and in its results. Zapp's method eliminated the influence of company decisions by comparing the amount of new oil discovered in a given period with the amount of exploratory drilling actually carried out (as given by the total length, in feet, of the exploratory wells). Where Hubbert plots the amount of oil discovered per year for successive years, Zapp plots the amount of oil discovered per foot of exploratory well for successive cumulative lengths of wells drilled. In this way, Zapp's method, unlike Hubbert's, really does measure the amount of oil found for "a given amount of exploratory effort." It reflects only the frequency with which a purely physical effort—the probing of the earth by a given length of exploratory well—manages to hit upon an oil deposit, and records the amount of oil in it. Hubbert has acknowledged this difference in methods, stating that Zapp's results are "less subject to economic and administrative influences."

To return to the bead analogy, Zapp would record how many beads are found per unit of effort, perhaps measured by the amount of floor space covered in order to find one bead. In contrast, Hubert would measure the number of beads found per minute. This measure would include the effects of "administrative" decisions, such as deciding to hurry the search for a time or to give it up temporarily in favor of some more attractive pursuit. Using his method, Zapp estimated that the potential recoverable oil in the United States amounted to about six hundred billion barrels. And the estimates by other government geologists, also based on the Zapp method, were in the range of four hundred billion barrels of recoverable crude oil, all of them well in excess of the estimates made by Hubbert and the oil companies.

Hubbert's rejoinder to these estimates has been to reanalyze Zapp's data in an effort to show that the amount of oil found per foot of exploratory well has actually been decreasing since about 1935, as one would expect if oil deposits were becoming scarcer. Some evidence of such a decline can be seen in the data, but it is sporadic; instead of following a smooth curve, as Hubbert's hypothesis would require, the decline actually occurs in two rather sudden drops—one around 1945 and the other around 1953. This suggests that the decline is the result of some gradual process, such as the progressive depletion of accessible oil deposits, but of some more abrupt event, such as a change in drilling procedures.

In any case, Hubbert's own figures for oil discovered per foot of exploratory well drilled, which he computed by applying Zapp's method, show that since 1953 there has been no sign at all that the Zapp ratio has fallen as exploratory drilling has continued. Far from declining, the ratio has increased slightly. This is a crucial fact, for it is precisely in the post-1955 period that the amount of oil found per year (that is, in the Hubbert type of measurement) has steadily decreased. Between 1956 and 1969, the amount of oil discovered per year decreased nearly thirty per cent. Thus, Zapp's method shows that in this critical period there has been no decrease in the physical efficiency of discovery (measured by the amount of oil found per foot of well drilled), while Hubbert's method (which includes policy decisions as well as the physical-efficiency factor) has it declining sharply. It follows, then, that the reason for the decreased rate of oil discovery per year is not that the returns have diminished as the stock of oil is depleted but that the oil companies have been making progressively less effort to look for oil.

This explanation is confirmed by the records of the number of exploratory wells drilled annually between 1950 and 1971. In 1950, about ten thousand wells were drilled; the number increased to a peak of about sixteen thousand in 1956 and then dropped sharply, declining to just under seven thousand in 1971. The number of months spent in the field by geophysical crews also dropped between 1956 and 1971—from about eight thousand to twenty-seven hundred. Thus, there is in fact no discrepancy between Hubbert's results and Zapp's. Indeed, with respect to the crucial events since 1957 that have led to the heavy foreign oil imports, the two sets of results lead to the same conclusion: The declining rate of oil discovery per year is a result of company decisions to cut back on exploration efforts, rather than a result of the depletion of accessible oil deposits. We are not so much running out of domestic oil as running out of the oil companies' interest in looking for it.

Why did American companies that had been organized to produce oil decide after 1957 to reduce their effort to find it in the United States? The officially published reports provide the answer. In July of 1970, the Committee on Possible Future Petroleum Provinces of the United States of the National Petroleum Council, in response to a request from the Department of the Interior, published a summary of a detailed study of the nation's potential petroleum reserve. (The study itself, "Future Petroleum Provinces of the United States—Their Geology and Potential," was published the following year, in two thick volumes, by the American Association of Petroleum Geologists, with funds provided by the National Petroleum Council.) The study committee was headed by the chairman of the board of the Standard Oil Company of California; the members included officers of large, integrated oil companies and a number of the independents. Leading geologists from universities, government agencies, and industry serves as advisers. The actual work was done by eleven regional subcommittees comprising a total of a hundred and forty-one geologists drawn from oil companies and the federal and state geological surveys. Obviously, the group was in an excellent position to consider the geological aspects of the problem of finding new petroleum in the United States and to estimate the potential size of the reserve.

The summary completely supports the conclusion I have drawn from the Hubbert-Zapp controversy—that the recent decline in the oil-discovery rate was caused by deliberate company decisions. The reasons for those decisions are spelled out explicitly. A sharp distinction is made between oil-company practices before and after 1957. Before 1957, the ratio of company expenditures for the exploration and development of new oil fields to barrels of crude oil produced increased steadily, rising about two hundred per cent between 1942 and 1957. After 1957, there was an abrupt change; instead of increasing, the exploratory expenditures per barrel of crude oil poduced fell—by some twenty-five per cent in the next ten years. This trend is in keeping with the post-1957 decline in the footage of exploratory wells drilled and in the rate of geophysical exploration.

This reversal in the trend of exploration expenditures was foreshadowed by changes in the oil companies' income. While the price of a barrel of crude oil increased by more than a hundred per cent between 1942 and 1952, it increased by only eleven per cent in the next five years, by only four per cent between 1957 and 1962, and after 1962 it even declined slightly (until, of course, the recent sharp rise, beginning with the 1973 embargo).

On the analyses of the potential petroleum reserve in the country's geological regions, the summary remarks, "None of the 11 regions has been adequately explored," and it asserts that the potential recoverable oil reserve of the United States "may exceed 432 billion barrels." With a hundred and seven billion barrels already consumed as of 1974, according to this estimate there would remain about three hundred and twenty-five billion barrels available for future use. This is more than four times Hubbert's estimate of sixty-eight billion barrels of crude oil available after 1974. Finally, the summary reaches an unmistakable conclusion about the cause and the consequences of the declining rate of oil discovery:

"The trend in the last decade of devoting a declining percentage of producing revenue to finding and developing production of crude oil and naturals gas has resulted in a drastic decline in exploratory and development drilling which together with deemphasis of the onshore of the coterminous United States is inimical to the development of the country's enormous petroleum resources.

"To the extent that policies of industry and government militate against accelerated exploration, particularly drilling, a high percentage of the petroleum resources of the United States is immobilized."

The evidence provided by this distinguished group, uniquely qualified to estimate the effect of both geological and economic factors on discovery rate, appears to be irrefutable. The failure of the oil companies to keep up with the increase in domestic demand since 1957 is the result of their decision to reduce exploratory efforts following a period of disappointing economic returns on the domestic oil produced. It was this decision that led to lower production of domestic oil, to the growing gap between domestic production and domestic demand, to the increased importation of oil to make up the difference, to the nation's vulnerability to an oil embargo—and to all the economic troubles that followed.

The motivation for this historic shift in the status of the nation's oil supply is not hard to find. Between 1947 and 1956, the profitability of the domestic petroleum industry dropped from a return of about fifteen per cent on equity to fourteen per cent. In that same period, the profitability of foreign operations by American petroleum companies increased from a return of about fifteen per cent on equity to a return of about twenty-eight per cent. The lesson was not lost on the oil companies. This was made clear in 1966 by an explanation that Howard W. Blauvelt, then vice-president (and now chairman) of the Continental Oil Company, gave of why his company, which in 1950 operated almost entirely within the United States, "decided to go abroad." In a paper published under the refreshingly frank title "How to Become a Foreign Oil Company," he cites three reasons for this move:

"First, there was the need to maintain and increase our sources of low-cost oil. . . . Only the low-cost operator can survive and earn a reasonable profit. The cost of finding and developing a barrel of crude oil in the U.S. was revealing a stubborn upward trend. . . . The discovery of prolific reserves in the Middle East, beginning prior to World War II . . . had made it evident where the large fields of low-cost oil could be found."

A second reason was the simple fact of economic competition; a producer of purely domestic oil would find it all but impossible to compete with companies whose foreign operations enabled them to sell oil in the United States at a lower price. Finally, Mr. Blauvelt tells us:

"A third consideration important in our decision was the apparent profitability of foreign oil operations. As overseas crude output rose, profits also grew rapidly, and the rates of return earned by U.S. companies from their international operations proved considerably higher than the returns from their U.S. operations alone."

Mr. Blauvelt also notes that his company's actions were not unique:

"The decision taken by Continental in the fifties to go abroad was in line with similar decisions by other U.S. oil companies [so] the number of U.S. oil companies operating abroad rose from 13 in 1945 to over 200 at present."

Thus, we have the direct testimony of an officer of a major United States oil company on why the decision was made in the nineteen-fifties to divert to foreign countries the effort to find and produce oil. It can fairly be summed up in one word: profit.

But all this is past. If we are to benefit from our understanding of the recent history of American oil resources, that knowledge must be used to develop a more rational oil policy. We now know that there is no physical reason for the failure of the petroleum industry to keep up with domestic demand, a failure that made the country dependent on foreign oil and set the scene for the 1973 oil crisis and the ensuing economic difficulties. Despite confusing disagreements among oil geologists, it is now evident that some three hundred and twenty-five billion barrels of domestic crude oil are available to us. At the present rate of oil consumption, this amount would take care of the total national demand for oil, without any imports, for fifty or sixty years. There is good reason to believe that in that time nearly all our present reliance on oil could be replaced by energy from our one renewable source—the sun.

What would be a rational, prudent response to these facts? Clearly, there is no need to act as though we were now running out of oil, for we are not. On the other hand, there is a limit to the accessible supply of domestic oil, which, if it is not approached in fifty years, is likely to confront us in the following half century. This physical fact alone is a persuasive reason to plan for a transition from our present heavy dependence on petroleum to renewable sources of energy. There are strong economic reasons as well. And it is essential that the transition be an orderly one; this is obvious from the disastrous economic consequences of the chaotic response to the 1973 embargo. Given that there is enough domestic oil to support us during the expected development of renewable resources, the fundamental problem is to discover what it will cost to produce the available oil and how these costs can be met. A task force of Project Independence Blueprint (an effort by the Federal Energy Administration to discover how the United States might become independent of imported oil) has made a detailed study of this problem, based partly on an earlier one conducted by the National Petroleum Council. The task force concluded that it should be possible to reach an annual production of total petroleum liquids (crude oil plus a small amount of liquid petroleum derived from natural-gas production) of eight billion one hundred million barrels per year. This is more than the total quantity of petroleum liquids (including imports) consumed in 1974, which was about six billion barrels. Thus, if some steps are taken to control the rate of increase in petroleum consumption, it should be possible to produce—if we wished to—all or nearly all our needed oil from domestic sources over the next decade. We could then readily sustain our energy needs during an orderly transition to alternative sources; there would be no necessity for shortages, rationing, or panic over future energy supplies.

The task force also computed the capital that would be needed to meet the cost of reversing the present trend toward reduced domestic exploration and production. In 1974, in order to produce about three billion eight hundred million barrels of domestic petroleum liquids, the industry invested about a billion three hundred million dollars in capital. In order to increase domestic production from that level to about seven billion three hundred million barrels in 1985 and to eight billion one hundred million barrels in 1988, annual capital expenditures would need to rise to about nine billion one hundred million dollars in 1980 and remain at a level of about eight billion dollars per year thereafter. (These and the following dollar values are cited in 1973 dollars to eliminate the effect of inflaton.) In 1974, the productivity of the invested capital—that is, the amount of oil produced per dollar invested—was about three barrels. In contrast, to produce a total of about eighty billion barrels between 1975 and 1988, about a hundred billion dollars of capital would be needed, representing a capital productivity of about eight-tenths of a barrel per dollar. In increasing the annual rate of oil production, the productivity of invested capital—the efficiency with which capital is converted into oil production—would fall by seventy percent.

This considerable increase in the cost of producing the extra oil must be met in some way. The task force has computed that in order to provide the capital needed to support such a high rate of production a barrel of oil would have to be sold at a minimum price of eleven dollars. The price early in 1975 averaged about seven dollars. Thus, the United States can become essentially independent of imported oil *if* there is a sharp increase in the price of domestic oil. This, of course, represents the oil companies' demand for higher returns, to provide "incentives" to invest enough capital to produce more oil. If we meet this demand, how much more oil can we expect to get in return for paying such a high price for it? According to the task force, if the price were held to seven dollars a barrel, total production between 1975 and 1988 would amount to only about seventy billion barrels; this means that to finance the production of that much oil, the public would need to pay a total of four hundred and ninety billion dollars for crude oil. If the price were allowed to reach a minimum of eleven dollars a barrel, the industry would produce about eighty billion barrels of oil, and the total cost to the public would be eight hundred and eighty billion dollars. So in order to finance an increase

of about ten billion barrels in national oil production, three hundred and ninety billion dollars additional would be paid for the oil; this means that the price per barrel of this additional oil would be about thirty-nine dollars. In other words, the price of oil must rise disproportionately more than the increase in production that the price is supposed to finance; for each additional dollar spent to meet the oil industry's demand for higher prices, the nation would receive progressively less return in the amount of oil produced. The law of diminishing returns is at work.

Why is increased oil production so closely linked to higher prices? Here we can turn to the National Petroleum Council report that provided the method of calculation used by the F.E.A. task force. It was by computing what income the oil companies would need in order to sustain a specified rate of return on their investment that the N.P.C. report determined the price per barrel of crude oil required to support various levels of domestic crude-oil production. The report showed that the price of crude oil in 1970 was equivalent to a fifteen-per-cent return on net oil-company assets. It noted, however, that if the price of oil were to remain constant, as measured in 1970 dollars, "in 1985, the rate of return on net fixed assets would decline to a completely unacceptable level of about 2 per cent." Accordingly, the report explained "the projections indicate the need for significant price increases, a strong reversal of prices being required if the industry is to attract the venture capital required."

This study, which was completed in 1972, showed that to maintain the current rate of oil production from the forty-eight contiguous states, the price per barrel of crude oil, which had declined slightly in real dollars betwen 1955 and 1970, would need to increase slightly at first but rather sharply beginning in 1973. This is an impressive demonstration of the accuracy of the council's computations. In advance of the 1973 oil embargo, the council predicted, from the requirements of the oil industry for a satisfactory rate of profit, that in 1973 the price of crude oil, which had declined slightly during the preceding decade, would need to rise. And it did rise. This reflects a remarkable gift of economic prophecy; or perhaps the industry's prophecy was somehow self-fulfilling. It appears that we can again quite fairly sum up the factors that govern the price the oil industry demands in return for producing, from oil reserves that clearly exist, the amount of oil that the nation needs in a single word: profit.

Nearly all the discussions of the size of oil-company profits since the 1973 oil embargo have been cast in moral terms: How large a profit should the companies be allowed to enjoy? How much profit is "excessive"? In fact, until recently American oil-company profits, which, of course fluctuate from year to year, depending on current economic conditions, have not been appreciably different from those of other industries. Here we are concerned with a quite different aspect of the profit issue: How does the expected rate of profit influence the companies' decision to find and produce domestic oil? Despite the apparent complexity of this question, the answer turns out to be readily at hand—in the deliberations of the F.E.A. task force that studied the factors that might influence the future production of domestic oil. The report states:

"Future oil production is mainly a function of its anticipated profitability compared to other opportunities for investment, the amount of exploratory drilling undertaken and its success, and the extent of constraining policies that limit profitability or the availability of land favorable for exploration and production."

Of these operative factors, the controlling economic consideration is the relative profitability of producing oil—the profit that it is expected to yield compared to any other investment that can be made with the available capital. According to Blauvelt, this is precisely why some American oil companies hastened in the nineteen-fifties to take the profits they had earned in this country and invest part of them in the development of foreign oil production. That decision was mandated not by the absolute size of the industry's profit rate, which at the time was not very different from the profit rate of the rest of American industry, but by the difference between that rate and the profit that might be had elsewhere—in this case, the Mideast. It is this principle—that the profit differential will determine where investments are made—which accounts for the recent tendency of oil companies to invest their capital in chemicals. According to a January 1975, report in *Chemical & Engineering News*, "the renewed interest in chemicals by [oil] companies that took a beating in chemicals just a few years ago is due to the enormous profit gains in basic petrochemicals in the past year." It also explains why in 1974 the Mobil Oil Corporation spent eight hundred million dollars to purchase a majority interest in Marcor, Inc., a company formed in 1968 by the merger of Montgomery Ward, the nation's fourth-largest general-merchandise retailer, and the Container Corporation of America, the largest domestic producer of paper-board packaging.

Clearly, then, the oil companies' interest in producing domestic oil is not governed by devotion to the national need for oil, or even by an insistence that their effort to meet that need be rewarded by an equitable rate of profit. Rather, the oil companies' decisions are governed by their insistence on being free to invest their capital in whatever activity promises the greatest profit. This position is explicitly confirmed by statements from oil-company officers, of which a recent example, from John J. Dorgan, an executive vice-president of the Occidental Petroleum Corporation, is typical:

"It doesn't mean a thing to say to a private company that there's a great need for oil. You have to have incentive. If it turns out that phosphate rock is more profitable, we'll put our money there."

Apparently, then, the oil companies are not a reliable vehicle for the production of American oil, since they seem to be interested less in producing oil than in producing profit. Like a poorly trained bird dog distracted by the appearance of a stray rabbit, an oil company is likely to drop one project for another whenever there is a hint of larger profits. Another oil-company official—George C. Hardin, Jr., formerly vice-president for North American oil and gas exploration of the Kerr-McGee Corporation and now president of the Ashland Exploration Company, a division of Ashland Oil, Inc.—confirmed this inference as it affects the direction taken by oil-exploration efforts. In a paper entitled "Economic Parameters in Prospect Evaluation," which was presented at a West Texas Geological Society symposium in 1966, Hardin said:

"Although modern oil and gas exploration is based on geology and related sciences, the goal is economic. . . . The goal of any exploration program should be to find oil and gas at a profit."

Apart from their unreliability as orderly vehicles for the development of the nation's oil resources, the oil companies, like most of the United States economic system, must operate according to the principles of private enterprise. Therefore, not only their willingness to undertake a new productive operation but also their ability to do so depends entirely on whether or not their own private efforts are sufficient to produce the requisite amount of capital. From the data available, it is evident that the productivity of capital will decline sharply in future efforts to find and produce more domestic oil, and thus that very large and rapidly increasing amounts of capital will be needed if the expansion is to take place. The question arises, therefore, of whether the industry will be able to raise these large amounts of capital by its own efforts out of accumulated profits and borrowing power.

A recent article in the Oil & Gas Journal carries the headline "U.S. Oil Industry Falling Far Shy of Capital Needs" and opens with this statement:

"Will the U.S. oil industry be able to raise enough money to make the investments required to meet future energy demand? That's a question causing increasing worry among oil executives."

Current (1974–75) earnings of American oil companies are much higher than they were for most of the post-war period—an average of about fifteen and a half per cent after taxes. Nevertheless, William T. Slick, Jr., a senior vice-president of the Exxon Company, U.S.A., has said, "Current earnings aren't adequate to generate the necessary capital." The annual net income of the eight largest American petroleum companies over the period 1951–71 was not very different from those of all manufacturing companies. The petroleum companies earned a net income of eleven and a half per cent and all manufacturing companies ten and a half per cent on stockholders' equity after taxes. But this rate of return, or even the present rate, may be insufficient to raise the industry's needed capital. A Gulf Oil official has said:

"Unless the industry can earn a 15–20 percent rate of return after taxes, it will neither be able to generate the needed funds internally [out of profits] nor will it be able to borrow them at attractive rates."

This appears to be a worldwide problem in the industry, for a March, 1975, survey by the Chase Manhattan Bank reports that—assuming a ten-per-cent rate of inflation—of the eight hundred and forty-five billion dollars in profits needed for world petroleum production between 1970 and 1985 only seven per cent had been accumulated by the end of 1974. This makes the situation quite plain: Unless the oil companies are allowed to earn a rate of profit that considerably exceeds the rate of profit of corporations generally—and their own average rate of profit in the postwar period—the industry will not be able to generate from its own productive activities the capital needed to maintain, let alone expand, domestic production of oil in the United States.

Like oil, coal is the product of the singular burst of photosynthetic activity that, some billion years ago, produced all the fossil fuels the earth now possesses—and the oxygen needed to burn them. But there are striking differences between the problems of using hydrocarbon fuels—oil and natural gas—and those of using coal. The known reserves of coal are about ten times as large (measured by their energy content) as the known oil and gas reserves. There seems to be general agreement among geologists that the accessible deposits of coal, in the United States and worldwide, can last from four hundred to six hundred years at the present rate of use. There is no short-term problem of "running out of coal;" the United States does not import coal but exports it; there is no threat of a "coal embargo." While there are huge reserves of coal, using them (for example, during a transition to renewable energy sources) involves two difficult problems. One is how to use coal for transportation, which represents about a quarter of the national energy budget. The other is the effect of coal production and use on environmental quality and health, for the hazards include water pollution caused by acid seepage from underground mines; the gross ecological disruption brought about by strip-

mining; the damage to the health of underground miners; and the danger of cancer.

Coal was once the main source of energy for transportation: until the nineteen-twenties, coal-fired railroads and ships carried most of the freight and passengers. Since then, petroleum-driven cars, trucks, and airplanes have been displacing the railroads. And after the Second World War the railroads themselves gave up coal; the coal-driven steam locomotive has given way to the diesel engine to the point of becoming a museum piece. One reason for these shifts is that by weight hydrocarbon fuels contain nearly fifty percent more energy than coal. Another reason is that they can be used in internal-combustion engines, while coal is restricted to externally heated devices, such as steam engines. The most efficient internal-combustion engine, the diesel, has a thermal efficiency (the efficiency with which heat is converted into mechanical work) about forty percent greater than that of a steam engine. In addition, internal-combustion engines have a considerable weight advantage over steam engines. The weight of a diesel engine is significantly less than that of an equally powerful steam engine, and the weight advantages of gasoline and jet engines are even greater. Coal, therefore, cannot directly meet the enormous needs for energy to fuel vehicles. There is one outstanding exception: electrified railroads, which can be very efficiently operated on electric power produced by a coal-fired power plant.

However, coal can be chemically converted into either liquid or gaseous hydrocarbon fuels that can be used in engines now run on petroleum products. A similar process produces oil from certain shale deposits. The problems of producing and using the synthetic hydrocarbon fuels made from coal and shale are similar. Under the impetus of the notion that we are "running out of oil," there has been a recent upsurge of interest in the production of such synthetic fuels. One of the most recent manifestations is the hundred-billion-dollar corporation—originally proposed by a task force headed by Vice-President Nelson Rockefeller and subsequently embraced by President Ford—that would use public credit and public funds to finance the development, by private corporations, of synthetic-fuel processes and other energy sources. In October of 1975, Senator Paul J. Fannin, Republican of Arizona, introduced a bill to carry out the purposes of this scheme by establishing an Energy Independence Authority that would provide a hundred billion dollars in guaranteed loans to private companies engaged in the development of new energy sources. The bill is still in committee, and an effort to legislate a six-billion-dollar guaranteed-loan program for synthetic-fuel production—similar to one of the provisions in the E.I.A. bill—has already failed. The proposal, reduced to two billion dollars, appears in President Ford's new budget as an "off-budget item," on the ground that the funds to be spent are reimbursable loans; however, twenty-five billion dollars in expenditures for the E.I.A., which are not to be secured by reimbursable loans, are nevertheless included, also "off-budget." Still, the existing reserve of domestic natural petroleum could readily take care of our total needs for such fuels for a period of fifty years or more, in which time they could be replaced by renewable fuel sources. There would be no need to develop coal conversion or shale-oil production. Nevertheless, in the absence of such a rational energy program, the production of synthetic fuels from coal and shale is often put forward as a viable substitute for imported oil, and—leaving aside for the moment the serious hazards to health and environment—we need to consider how well it might serve that purpose.

Coal is largely composed of carbon. Like oil, it can be burned at high temperatures, and is therefore a source of high-quality energy. Coal now provides nearly a fourth of the total energy consumed in the United States. In order to determine how efficiently it is used, we need to loook at the jobs to which it is applied. In 1968, fifty-four per cent of the coal was used to generate electricity, about twenty-four per cent to provide heat for industrial processes, and about eighteen per cent to provide industrial steam. Coal is well suited to each of these tasks, since they all need relatively high temperatures (ranging up to 3000°F.). The Second Law efficiencies for these tasks, computed on a national average by the American Physical Society study, are twenty-five to thirty per cent—much higher than the efficiencies for the main uses of petroleum: transportation, space heat, and hot water. Thus, in sharp contrast to petroleum, coal in the United States is fairly well matched, thermodynamically, to the energy-requiring tasks it performs.

If we look more closely at what is done with the electricity that is produced by coal-fired power plants, however, at least one very wasteful practice turns up—the use of electricity for space heat and hot water. When high-quality electrical energy is used to provide such low-quality heat, even by First Law computations about two-thirds of the energy content of the ultimate energy source—the fuel burned by the power plant—is wasted. The Second Law efficiencies are very much lower—for example, only one and a half per cent for electrically heated water. Of the electricity generated by coal-burning power plants, about ten per cent is devoted to such thermodynamically mismatched uses. Almost all the energy expended in these wasteful ways could be saved by using low-quality energy sources instead.

One obvious way to do this is to recognize that a home using electricity for hot water or space heat is simply hooked up to the wrong energy output of the power plant. Every power plant produces two kinds of energy, which are very different in quality—electricity (high quality) and rejected heat (low quality)—and for maximum efficiency these two sources should be matched to thermodynamically appropriate tasks. Electricity should be used for tasks that are mechanical (driving a train or a washing machine) and for other tasks requiring high-quality energy, such as illumination. The low-quality rejected heat should be used for low-temperature heating (of a home or of the washing machine's hot water)—tasks that can be done with precisely that kind of low-quality energy (Air-conditioning offers an interesting option. Common air-conditioners are driven mechanically by a compressor and are efficiently run by electricity. However, there are less common heat-operated air-conditioners that could be run by the power plant's rejected heat, saving the electricity for tasks that must use it.) To achieve such a thermodynamically efficient match between energy sources and energy-requiring tasks, the power plant and the homes (or commercial buildings) that it supplies must be linked into an integrated system—by wires to conduct electricity, and by steam or hot-water lines to conduct low-temperature heat. The Second Law efficiencies of such combined electricity-and-heat systems are very high, ranging from forty-four to forty-nine per cent. If the same fuel were used to provide electricity and heat (and heat-operated air-conditioning) separately, about thirty to seventy per cent more fuel would be needed to obtain the output of the combined systems. Such "total-energy systems" are also effective on a much smaller scale, and small-scale systems have been installed in apartment and commercial building complexes. Some buildings in New York and many in Moscow are supplied with waste heat from local power plants.

Thermodynamic considerations make it appear that the task to which coal can be most efficiently applied, apart from producing electricity to drive domestic appliances and industrial equipment, is the one for which it is used least—ground transportation. Only about two-tenths of one per cent of coal is now used for that purpose. Electricity can be converted with nearly one-hundred-per-cent efficiency to the motion of a train. What is more, an electric train can neatly prevent one of the main thermodynamic inefficiencies in transportation—the heat dissipated when friction is used to brake a vehicle to a stop. Suitably equipped, an electric train can be stopped by a switching arrangement that converts the train's motor into an electric generator, which transforms the train's forward motion into electricity that can be fed back into the power system while the train slows down. A large power network receiving electricity from coal-fired plants and used to run electrified railroads would be an ideal way to make efficient thermodynamic use of coal. Though transportation now accounts for about a fourth of the total United States energy consumption, only about one per cent of the required energy is obtained in this thermodynamically sensible way.

In contrast, the notion of converting coal into a liquid fuel to run vehicles flies in the face of thermodynamics. For one thing, by the time the fuel has been produced, about a third of the coal's original energy content has been used up to run the liquefaction process. Then, when the fuel is used to run cars and trucks, most of it is wasted, because these vehicles operate with a Second Law efficiency of about ten per cent. The waste heat that their engines produce is spewed into the environment and cannot be applied to any useful tasks. Thus, while the present uses of coal are well matched to thermodynamically suitable tasks (the production of electricity and of industrial heat and steam), there is an as yet unexploited opportunity to extend its use to transportation and to combined electricity-and-heat systems.

Coal, coal conversion, and shale oil, among others, have been suggested as alternatives to oil and natural gas. It is appropriate, therefore, to compare the environmental and health effects of these fuels. Apart from the aesthetic effects of oil derricks, the environmental impact of land-based oil and gas operations is less than that of underground coal mines, and very much less than that of stripmining or shale-oil production, both of which involve the displacement of huge amounts of material. The main environmental effects of oil production (excluding the refining and use of fuels) are in the ocean. Belatedly, the industry has begun to develop methods for cleaning up oil spills, but these still occur frequently and place an ecological burden on the marine food cycles that is thus far poorly assessed. If oil pollution were to seriously affect the photosynthetic activity of marine algae, it might turn out to be a global catastrophe. Another major environmental question about oil production is the impact of offshore operations. These are just now in the process of being assessed. The oil industry claims that with newly developed precautions the sort of disastrous blowout that fouled miles of beaches around Santa Barbara, California, in 1969 can be avoided. However, it is too soon to tell whether they will work, and the danger must be regarded as still grave.

Air pollution is probably the most serious environmental problem associated with the use of coal. Certain types of coal contain sulphur. These, when burned, release sulphur oxides, which are particularly pernicious pollutants, for they tend to interfere with the self-protective mechanisms in the lungs that help to reduce the effects of dust and other pollutants. As a result, the health effects of

other air pollutants may be intensified in the presence of sulphur oxides. Certain fuel oils are also high in sulphur content and contribute significantly to the sulphur-oxides problem. When coal is burned, it also tends to produce fine ash particles, some polycyclic aromatic hydrocarbons (including at least one that is carcinogenic), and mercury and other toxic metals. Precipitators that significantly reduce the emissions of ash are widely used. The Environmental Protection Agency and the utility industry have been battling over the feasibility of stack devices that remove sulphur oxides. Recent developments tend to support the E.P.A.'s contention that they are technically and economically feasible, but they are not widely used as yet. On balance, the air-pollution problems created by the burning of coal are more serious (and therefore more costly to control) than those resulting from the burning of oil. Of the three fossil fuels natural gas is clearly the most environmentally benign and coal the worst.

In general, the main advantage of coal production over oil and natural-gas production in a future energy program appears to be that, unlike petroleum, coal production can be expanded without a reduction in capital productivity. However, this advantage immediately disappears if coal is to be converted into liquid or gaseous fuel. Such conversions are technically complex processes, in which large amounts of coal go through a series of carefully controlled chemical treatments. In a typical coal-liquefaction plant, the coal is made into a paste with oil, and then treated with hydrogen gas in a reactor at high pressure and high temperature. The crude hydrogenation product is subsequently separated into a series of different liquid products, some of which are further purified before being shipped. Such a conversion plant is comparable to an oil refinery in technical complexity, so the capital costs are high compared with the cost of producing coal itself. For example, in 1970 a strip mine produced per year per dollar of capital invested coal representing about two million B.T.U.s of heat energy. In contrast, if that coal were liquefied, the amount of fuel produced per dollar of invested capital would represent only about two hundred and fifty-four thousand B.T.U.s of heat energy—a reduction of more than eighty-seven per cent in capital productivity. Similarly, coal gasification involves a reduction of ninety-two per cent in capital productivity compared with direct production of strip-mined coal. In shale-oil production, only about four hundred and twenty thousand B.T.U.s of heat energy is produced per dollar of capital invested. Thus, if coal or shale is used to replace oil or natural gas, it would be impossible to escape the same problem—escalating capital costs—that makes the expansion of crude-oil production so difficult. This is reflected in the estimated price of synthetic fuels—about twenty-six dollars per barrel, or well above the highest expected price of natural crude oil.

Of course, the problems with capital costs are not the only ones associated with coal conversion. A 1974 National Cancer Institute survey of cancer deaths in the United States showed that for the years 1950 to 1969 death rates among males from lung, liver, and bladder cancer are significantly higher in the one hundred and thirty-nine counties in which the chemical industry is most highly concentrated. The scientific study of environmental cancer had its origins in Percivall Pott's classic account, in 1775, of the occurrence of cancer of the scrotum among chimney sweeps. More than a century later, it was discovered that skin cancers can be caused by certain chemical substances found in soot and coal tar. More than two hundred different chemicals have been identified in the output of one coal-hydrogenation plant in West Virginia, including many polycyclic aromatic hydrocarbons. The workers' health record at this plant during the years 1954 to 1959 stands as a sombre reminder that the chemistry of coal conversion may produce powerful carcinogens. The plant, designed as a large-scale pilot plant with a potential capacity of three hundred tons of coal a day, began operation only after seventeen years of extensive research. But it was not until late in 1952, after the plant was already in business, that the company toxicologist reported that some of the chemicals used in the hydrogenation process caused cancer when applied experimentally to animals. The plant medical director noted, "This stimulated the introduction of protective measures for workmen who would be exposed." The plant's medical department set up an elaborate program of education, hygiene, and frequent medical examinations in order to prevent exposure and to detect skin cancers as early as possible. Examination of three hundred and forty-two workers in the plant with nine months or more of exposure between 1954 and 1959 found five cases of verified skin cancer, eleven cases of probable skin cancer, and forty-two precancerous skin lesions. The incidence of verified and probable skin cancer in this group was sixteen to thirty-seven times as high as the incidence in similiar populations outside the plant. The medical director's report concluded that despite intensive hygienic precautions, "Heavy exposures to coal-hydrogenation materials, even those of relatively short duration (less than ten years), are capable of producing cutaneous tumors—both precursors and neoplasms," or actual cancers.

Despite all these difficulties, the Ford Administration is actively pressing for the development of coal conversion and shale-oil production. These schemes are economically feasible only if the price of the product that they are supposed to compete with—natural crude oil—is very high. When, following the 1973 embargo, the price of crude oil began to rise, seemingly without any foreseeable limit, commercial interests started to develop several experimental and pilot-plant operations. However, when the price of crude oil failed to rise sufficiently, some of these projects were abandoned, because it was evident that their products would be unable to compete unless the price of crude oil increased further. At this point, the federal government tried to come to the rescue. President Ford and Secretary of State Kissinger, despite their earlier efforts to persuade the OPEC countries to reduce oil prices, now attempted (unsuccessfully thus far) to persuade them to agree to a floor for crude-oil prices. In a speech to the National Press Club, in Washington, in February of 1975, Mr. Kissinger proposed to "insure that the price for oil on the domestic market does not fall below a certain level," so that investors in alternative energy sources such as coal conversion and shale oil would not be discouraged. In March, a New York Times dispatch from Paris where the Kissinger plan was adopted by a conference of oil-consuming countries, stated:

"Countries with large domestic energy reserves, such as Canada and the United States, need a price floor to safeguard capital investments in the development of new energy sources such as oil shale and coal gasification. . . . The United States might preserve the floor by imposing a tariff or quota system on the imported oil or setting a special tax."

It seems to me that not only these efforts but also Mr. Ford's persistent attempts to raise the price of domestic oil by imposing a tariff on imported oil or by lifting price controls may be motivated less by the hope of reduced consumption (as he claims) than by his interest in making the synthetic-fuel industry a safe investment for private capital.

Against this background, the pessimism regarding the future of coal conversion which was exhibited at a coal conference held in Chicago in mid-1975 is understandable. It was reported that the cost of coal-conversion plants is so high that their products would need to be sold at a price equivalent to twenty-six dollars per barrel of oil. Since such plants could not possibly compete with oil production on their own, potential operators were looking to the federal government for help. However, a government representative reported that plans for a demonstration coal-conversion program were uncertain because it was doubtful whether the industry could raise its one billion two hundred and fifty million dollars of the total capital of two billion eight hundred million. The account closes with the observation of some conference participants that "more funds to encourage domestic gas exploration might do more for our energy budget than would the big and expensive coal-conversion plants."

Now Mr. Ford has discovered how to make up for the inability of private companies to assume these risks. He is offering them public funds. This, after all, is the real meaning of the proposed hundred-billion-dollar corporation designed to provide government guarantees against the risks of investing in synthetic-fuel production. If this move succeeds, it would eliminate one of the main barriers that have thus far held back the unnecessary, hazardous, and enormously expensive enterprise—the unwillingness of private entrepreneurs to risk their own funds. In addition, the new scheme has a special kind of irony. It proposes to use public funds to guarantee an enterprise that would burden the people of the United States with higher fuel prices if it succeeds and with higher taxes if it fails.

CONGRESS ACTS ON JOBS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. DOMINICK V. DANIELS. Mr. Speaker, I wish to commend to my colleagues two editorials which appeared in the January 28 and February 1 editions of the New York Times.

These editorials contend the administration is intent on institutionalizing developing any effective solutions to the Nation's No. 1 problem—unemployment.

I have watched in dismay as the President has vetoed one jobs-creating bill after another. Can it be that the administration is intent on institutionalizing joblessness in this country?

What the President is making quite clear in his anti-jobs position is that millions of Americans must suffer the humiliation and frustration of being unable to find a job in order that our economy can be maintained at a relatively "cool" level. This means that the rest of us who are fortunate enough to have jobs will suffer less erosion of our earnings through inflation.

Mr. Speaker, this approach to solving the problem of inflation is not vastly different from Marie Antoinette's approach to solving the problem of starvation among the poor in 18th century France, and it is equally inhumane.

I can understand the administration's problem in coping with the duel dilemma of inflation and recession occurring simultaneously. This complex problem

defies standard textbook solutions. There has been a chorus of conflicting advice from economists of all persuasions. It is easy to understand how effective administration action might well have been delayed while all these various arguments were being weighed for merit and policy applicability.

It has now been over a year since Congress enacted the emergency public service jobs legislation which I authored. Since that date our unemployment rate has steadily increased, yet the administration continues to deny that we have any real problems.

Today over 310,000 Americans have been placed in public service jobs under title II and title VI of the Comprehensive Employment and Training Act. During House debate on the bill, I stated that the legislation was not designed to be a panacea for all the Nation's unemployment ills—but it was designed to be the first step in a positive direction.

Unfortuantely, our unemployment rate is still far above levels that prudent economists view as "acceptable"—and I must admit that I have trouble accepting a factor of permanent joblessness at any level.

The administration's response has been directed primarily in the direction of providing the private sector with additional economic advantages. Supposedly, the private sector will suddenly become an altruistic force in job-generation on a massive scale.

Ideally, the private sector should provide the lion's share of jobs in the country. However, current economic conditions are far from ideal, and the President's policies are further retarding the economic recovery essential to any positive private sector initiatives in this direction.

Mr. Speaker, the administration fails to perceive the human dimensions of our unemployment problems and additionally fails to understand the intrinsic relationship between continued high rates of unemployment and economic stagnation. This is a self-perpetuating economic circle that can only be broken by putting people back to work.

I am not an economist, but I certainly understand this basic economic fact of life—unemployed people do not provide the goods and services upon which economic vitality is measured.

Unemployment drains our national economic resources, and saps the vitality from the very core of our industrial society.

Unemployment, for all its economic dimensions, extracts the cruelest toll of all from the most precious resource this country has—its people. Extended unemployment is a frustrating and terrifying experience. One has only to look at the sobering statistics on increasing divorce rates, and rising rates of alcoholism and suicide, to understand what kind of impact unemployment is having on our society.

Sociologists also link rising crime rates with unemployment, citing the disproportionate rate of joblessness among youth and minority groups.

Mr. Speaker, the Education and Labor Committee has reported out legislation which I authored, H.R. 11453, extending and amending title VI of CETA. If this legislation is enacted by the Congress and fully funded, there will be approximately 280,000 additional public service jobs making a total of 600,000 jobs available to the Nation's unemployed by the end of this fiscal year.

The committee action underscores my conviction that Congress must take the lead in the vital effort to reduce unemployment.

The administration has amply demonstrated its insensitivity to the unemployment problem.

Congress has already taken the initiative in getting jobless Americans back to work, and I hope that this vital momentum will be continued through the passage of my CETA legislation.

Mr. Speaker, I include at this point in my remarks the two editorials from the New York Times which commend the initiatives taken by Congress to address the serious problem of unemployment:

ECONOMICS FOR PEOPLE

The economic model of a nation is an abstraction with no particular virtue of its own. The economy must function to serve people; the needs of people cannot be manipulated to serve the interests of an abstract economic model. The only reason for restating these truisms is that the Ford Administration's economic policy skirts dangerously close to turning a seemingly obvious priority on its head.

The President's annual Economic Message to Congress only confirms the apparent tendency of his earlier budget and State of the Union messages to sacrifice the goals of individual well-being upon an altar of economic abstractions—and a rickety one at that. Paying lip service to the "social hardships and economic waste associated with the current level of unemployment," the Council of Economic Advisers nevertheless throws in the towel on serious efforts to reduce the plague of unemployment very significantly this year, next year, and probably on through the rest of the decade.

Hidden in the figure of seven percent unemployment is the dismal fact that the jobless rate will be far higher among minority groups, particularly in the cities, among young people and women—segments of the population already most disaffected with the political system as it has operated over recent years.

These groups, the Administration seems to be saying, must pay the price for orderly economic growth without inflation. But they are the people least equipped to pay additional price for anything. The rate of inflation in the President's model will still hover around six percent, a toll upon everyone's purchasing power but upon the limited resources of the poor most of all.

By deliberately holding down the rate at which the economy can pull itself out of stagnation, the President's policies would cost the nation some $150 billion annually, the output of real goods and services lost in the model of "moderate" economics.

The Economic Report is certainly correct in warning against policies "that promise short-term benefits but risk interfering with our long-run goals." At least President Ford cannot be accused of proclaiming a policy of the quick fix to make the economy feel better by Election Day. The spectre of rekindled double-digit inflation is on everyone's mind—Democrats in Congress as well as Republicans in the Treasury and White House.

One way of suppressing inflation—a wasteful and inhumane way—is to suppress the whole economy, maintain a "safety valve" of unused capacity and unemployment. The seven million Americans involved, and their families, find little safety or satisfaction in this approach. Another way, which Congress will presumably continue promoting, is to stimulate the economy into a more rapid recovery, providing the budget surpluses and national savings needed, for noninflationary growth—without punishing people in the process.

CONGRESS ACTS ON JOBS

Behind the bombast of President Ford's renewed rejection yesterday of emergency jobs for the jobless is the reality that his own program promises them nothing more than year-after-year unemployment. The emptiness of the Administration program was precisely what impelled Congress by an overwhelming majority last week to disregard President Ford's veto threat and vote a public works bill aimed at generating at least 600,000 jobs and providing extra cash for states and cities caught in a fiscal squeeze resulting from the economic slump.

Some such action was made inescapable by the President's own admission that, if his economic plans were followed, unemployment would hang on at 7 percent or higher for the next two years and stay above 6 percent for a couple of years after that. Nearly half the Republicans joined the Democrats in deciding that they preferred not to face the electorate on a protracted-joblessness platform of that kind.

The long, dim unemployment forecast of the President and his economic advisers helps to negate the White House argument that the bill should be rejected because public works projects take a long time to get started. Idle time is the one thing the Administration seems ready to give the jobless plenty of.

Nevertheless, with so much unemployment and slack in the economy, the sensible course is to make the stimulus of this bill take effect as soon as possible. Providing help quickly can be done by accelerating distribution of the $1.5 billion in countercyclical revenue sharing to state and local governments. This could help not only to create but to save many jobs in hard-pressed cities and states, of which New York City and State are only the most conspicuous examples.

It would have been wiser if more of this emergency program had taken the form of revenue sharing, since there is likely to be unnecessary waste tucked into the long list of new public works projects, including sewers, water-pollution plants, offices, libraries, playgrounds, roads and other construction authorized by the bill. The extra $1.4 billion added to the bill for wastewater-treatment plants and other projects in rural areas appears to have been aimed more at broadening rural support for the bill than in meeting immediate needs.

Though this public-works bill has faults, Congress made the right decision in giving priority to the problems of joblessness and the fiscal plight of the cities and states. Mr. Ford's utterly relaxed program for dealing with the personal and social hardship caused by a mismanaged economy is no conscionable alternative.

200 YEARS AGO TODAY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. WIGGINS. Mr. Speaker, 200 years ago, on February 1, 1776, the Continental Congress debated a committee report for the improvement of postal service in the colonies. Congress returned the re-

port to committee for further consideration, and directed Postmaster General, Benjamin Franklin, to inquire of the postmasters in the colonies the terms under which carriers would deliver the mail.

The previous year, Congress had acted to provide adequate mail service throughout the colonies by authorizing the establishment of a line of posts from Falmouth—now Portland, Maine—in New England to Savannah in Georgia.

THE BASIS OF CIA OVERSIGHT

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. TREEN. Mr. Speaker, the House voted 246–124 last Thursday to uphold the agreement between the President and the House Select Committee on Intelligence regarding the publication of classified information. It was refreshing, thereafter, to read that the Washington Post, which itself has published classified information from time to time, approved of the House's action.

I urge my colleagues, who have not already done so, to read the following January 30, Washington Post editorial, which concluded that "the right to conduct some national security affairs in secrecy must be upheld."

THE BASIS OF CIA OVERSIGHT

Mr. Pike's position on the report of his House intelligence committee is, in brief, untenable. He agreed last September in accepting certain classified information from the Executive branch that the White House would be the final arbiter of what part of it would be disclosed. To claim that his pledge applied to the receipt of information then but not to the reporting of it now is to make a mockery of his pledge and to undermine the basis on which any future intelligence oversight committee could ask for confidential information. That the information at issue describes "atrocious and horrendous things," in Chairman Pike's characterization, does not dissolve his obligation to keep his word. Nor is it a suitable alibi that much of the information had leaked already. That merely raises the question of whether the Pike committee was living up to its obligation to maintain confidentiality in the period before the release of the final report became an issue.

Fortunately, the Rules Committee was of a mind to preserve the integrity of the House by holding up release of the report until the full House had acted on it. And the House followed suit last night by voting overwhelmingly to delay disclosure. Mr. Pike has insisted that he would release the full report or no report at all. We cannot believe, however, that the House will be guided by his stubbornness in the matter. Enough has leaked from the report to establish that there is much of legitimate public value in the sections of it likely to be approved by the President. Chairman Pike's cry of "cover-up" will only become reality if he is allowed to make it so.

The whole episode in fact underlines the difficulties of countenancing and controlling a secret agency in a democracy—even an agency whose ostensible purpose is to protect that democracy. Mr. Pike, not alone, went at the intelligence establishment determined to root out the abuses of secret power which had transpired over the years. Those abuses were real and frightening, emperiling not only the liberties of American citizens but, in some cases, the very security which the agencies were meant to uphold. It is true, too, that to the extent that power continues to be wielded unaccountably, there can be no firm guarantee that it will not again be abused. It is a fair question whether the costs of secrecy outweigh the claimed benefits, which in the best of circumstances are likely to be difficult to confirm. Mr. Pike has no corner on honest concern.

The opposite risk is, of course, that too little weight will be given to the "fact" that the world remains a menacing place and that it would be tempting fate to go over to an open security system which would deny the country and, within it, the Executive branch the flexibility needed to cope with what the President and his advisers perceive to be grave national threats. This is, we think, the trap into which Mr. Pike has fallen. Disclosure of the particular secrets which he would now like to tell may or may not be as harmful as the administration claims. The point is, nonetheless, that the right to conduct some national security affairs in secrecy must be upheld.

There can be no congressional oversight unless the President takes the Congress into his confidence. But the President cannot take the Congress into his confidence if secrets are to be betrayed. Just how oversight should be conducted and to what extent Congress should be empowered to veto operations which its overseers disapproved are questions being addressed in the proposals for reform offered yesterday, for instance, by a majority of the Senate intelligence committee. We intend to return to these and other such proposals. If there is not a modicum of mutual confidence and trust between the Executive and Congress, however, it becomes foolish even to consider reform. The security of the country and the liberty of its citizens can best be pursued—we are tempted to say, can only be effectively pursued—when there is respect for the procedures agreed on between the two branches. That is why it is so important for both of them to keep the agreements they do manage to work out with each other.

SUCCESS OF THE 30TH ANNUAL HULA BOWL CLASSIC AT ALOHA STADIUM—A TRIBUTE TO MACKAY YANAGISAWA

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. MATSUNAGA. Mr. Speaker, I would like to call the attention of my colleagues to a recent sporting event that took place in the State of Hawaii. I refer to the 30th annual Hula Bowl classic football game, held this year for the first time at Honolulu's new Aloha Stadium.

A record crowd of 45,458 attended the game, the largest crowd ever to witness a sporting event in Hawaii. In addition, this was the first time the Hula Bowl game was broadcast live on national television, via satillite. All-America players from more than 41 different colleges participated in the East-West classic, more All-America's than in any other game.

The Hula Bowl is sponsored by the Frank E. Gannett Newspaper Foundation, a charitable organization. Proceeds from the game are distributed to various charities in Hawaii through the Hawaii Newspaper Agency Charities. This year, more than $100,000 will be given to educational, civic, cultural, health, philanthropic, and other tax-exempt groups.

Of special sentimental interest to me, personally, was the fact that the 30th Hula Bowl classic was played at the Aloha Stadium, under the management and directorship of my good friend of over 30 years, Mackay Yanagisawa. I take great pride in the little known fact that I helped Mackay Yanagisawa to draft the first contract he signed with America's greatest football players for the first of what is now one of the Nation's greatest sports events of the year. I shall never forget the young dreamer of sportsdom who struggled to make ends meet, never giving up, at times with only hope for the future to live on—Mackay Yanagisawa, without whom there would be no Hula Bowl Classic today.

One of the amazing things about Mackay Yanagisawa is that even during his struggling years, he contributed a major portion of the proceeds from the annual game to charitable institutions. He is truly a native son of Hawaii imbued with its spirit of Aloha. No recognition of the Hula Bowl Classic is complete without a tribute to its founder, Mackay Yanagisawa. I therefore congratulate him by this means.

The Gannett Foundation is also to be congratulated for taking over the sponsorship of the annual sports-spectacular and converting it into a wholly charitable endeavor.

The truly remarkable aspect of this year's event is that 90 percent of the work of preparation, entertainment, and general organization was done by volunteers. By way of congratulating them, I submit the names of these persons for insertion in the RECORD:

LIST OF VOLUNTEERS

Buster McGuire, Managing Director; Yoshio Yanagawa, Vice-Director; Charles Bessette, Coordinator; Ray Tanaka, Game Pageant; Douglas Sakamoto, Administration; Jack Dawson, Transportation; Earl Galdeira, Public Relation; Robert Hamasaki, Awards; Tom Hugo, Liaison; John Johnson, Player Personnel; Abe Kauhane, Services; Terry Kuniyuki, Grounds; Chuck Leahy, Game Entertainment; Buck Lum, Activities; Walter Soga, Reception; Irving Swig, Promotion.

Mr. Speaker, as a means of congratulating the All-American and near All-American players and the colleges they represented, I offer their names for inclusion in the RECORD as follows:

LIST OF PLAYERS AND COLLEGE

East Team: Don Bitterlich, Temple; Gordon Bell, Michigan; Cornelius Greene, Ohio State; Dave Buckey, N. Carolina St.; Tim Fox, Ohio State; Don Buckey, N. Carolina St.; Al Staerkel, Army; Jeff Grantz, South Carolina; Ray Preston, Syracuse; Don Dufek, Michigan; Ernie Jones, Miami; Mike Pruitt, Purdue; Sonny Collins, Kentucky; Chet Moeller, Navy; Archie Griffin, Ohio State; Brian Baschnagel, Ohio State; Don Macek, Boston College; Randy Johnson, Georgia; Reggie Williams, Dartmouth; Greg Buttle, Penn State; Dennis Lick, Wisconsin; Tom Rafferty, Penn State; Ken Novak, Purdue; Bob Bos, Iowa State; Stu Levenick, Illinois; Keith Simons, Minnesota; Dan Jilek, Michigan; Tom Perko, Pittsburgh; Bennie Cun-

ningham, Clemson; Barry Burton, Vanderbilt; Greg Schaum, Michigan State; Earl Bruce, Iowa State (Head Coach); George Hill, Ohio State (Assistant); George Chaump, Ohio State (Assistant).

West Team: Steve Davis, Oklahoma; Steve Rivera, California; Tinker Owens, Oklahoma; John Sciarra, UCLA; Al Burleson, Washington; Joe Washington, Oklahoma; Tony Davis, Nebraska; Pat Thomas, Texas A & M; Gary Campbell, Colorado; Mike Haynes, Arizona State; Chuck Muncie, California; Arnold Morgado, Hawaii; Danny Reece, USC; Randy Cross, UCLA; Peter Brock, Colorado; Jack Harrison, California; Dave Lawson, Air Force; Brian Murray, Arizona; Bob Simmons, Texas; Scott Parrish, Utah State; Ed Simonini, Texas A & M; Everett Little, Houston; John Woodcock, Hawaii; Ike Forte, Arkansas; Ted Pappas, Stanford; Bob Martin, Nebraska; Pat Richardson, Hawaii; Henry Marshall, Missouri; Dewey Selmon, Oklahoma; Leroy Selmon, Oklahoma; Cliff Laboy, Hawaii; Barry Switzer, Oklahoma (Head Coach); Larry Lacewell, Oklahoma (Assistant); Larry Price, Hawaii (Assistant).

AMENDMENT TO THE NATURAL GAS BILL

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. HARRIS. Mr. Speaker, I oppose removing control on the price of natural gas and other fossil fuels in the absence of competition in the petroleum industry. I oppose the rule which has been granted for the consideration of H.R. 9464, and the entire procedure under which this bill and its primary amendment will come to the floor.

The House should defeat the rule and deny this latest attempt by the petroleum industry to raid the pocketbooks of consumers and to line their own fat coffers at the expense of homeowners and small businesses. If the rule should be adopted, I intend to offer a major amendment in the nature of a substitute to the Krueger amendment, which I am inserting at this point in the RECORD.

My amendment would plug a major loophole in the existing Natural Gas Act which has allowed producer-State supplies to be exempt from the regulatory authority of the Federal Power Commission. My amendment would end the major price differential between various categories of natural gas produced in the country by applying controls to intrastate prices.

The Federal Power Commission has done a good job of regulating the natural gas utility and the wellhead price in interstate commerce. From the outset of the present administration in 1969, the price of new interstate gas has been allowed to double to a level of 52 cents per thousand cubic feet—more than accounting for inflation of production costs in that period. Meanwhile, unregulated prices of gas used within the producer States has been set at three times that amount by the major oil companies who own most of our gas fields and reserves and which fix the price of energy in this country. The cost of natural gas in the intrastate market has risen to this level, not because it is justified in economic terms, but because the oil companies knew the administration would let them get away with it.

I believe it is time to put a halt to this kind of price gouging. Let us get serious about energy production and escalating energy costs. Let us allow the FPC to establish a reasonable price for all natural gas, and one that is related to its actual cost of production and a reasonable rate of return for investors. Let us end the talk of deregulation—phased, overnight, or otherwise—so investors and producers will know the long-term and rational policy on gas prices on which to make decisions.

If consideration of the Krueger amendment is agreed to by this House, I intend to offer a series of three amendments en bloc which will extend to the FPC the regulation of presently unregulated intrastate gas prices in lieu of the provisions of the Krueger amendment that deregulate gas. Plugging this loophole in the regulatory structure would be in the interest of consumers all over the country, and I urge your support for my amendments.

Harris amendment to Krueger amendment:

AMENDMENT TO KRUEGER AMENDMENT TO H.R. 9464, OFFERED BY MR. HARRIS

In Section 102(a), in the second sentence, delete the phrase "limited exemptions from regulations of natural gas," and insert in lieu thereof the phrase "regulation of natural gas sold in intrastate commerce".

In Section 102(b), delete the phrase "allow natural gas companies" and insert in lieu thereof the phrase "order natural gas companies".

In Section 102(b), delete the phrase "free from the provisions of the Natural Gas Act (15 U.S.C. 717 et seq.), except for the reporting requirements of such Act" and insert in lieu thereof the phrase "subject to all the provisions of the Natural Gas Act (15 U.S.C. 717 et seq.);"

In Section 104, in the first *Provided further* clause, delete the words "exempt from the provisions of this Act, except for reporting requirements," and insert in lieu thereof the phrase "apply the provisions of this Act to".

In Section 104, delete the second sentence beginning with the words "Exemptions granted pursuant to this proviso . . ." through the two *Provided further* clauses in that sentence, and insert in lieu thereof the following sentence:

"Natural gas sold and delivered or transported pursuant to any order issued under paragraph (2) of Section 7(c) of the Natural Gas Act as amended by Section 104 of the Natural Gas Emergency Standby Act of 1975 shall be subject to the jurisdiction of the Commission."

In Section 208, as added by Section 24(a), delete the phrase "rulemaking procedures under of [sic] 553 of Title 5, United States Code" and insert in lieu thereof "the full hearings requirement of Section 4(e) of the Natural Gas Act (15 U.S.C. 717(c)(e)" and delete the phrase "interstate commerce by any person of new natural gas produced from offshore Federal lands on or after January 1, 1976 through December 31, 1980" and insert in lieu thereof the phrase "interstate or intrastate commerce by any person of new natural gas wherever produced on or after April 15, 1976".

In Section 208, as added by Section 24(a), delete the second sentence beginning "In establishing . . ." and continuing through subparagraphs (1), (2), (3), and (4) thereof.

COMMONSENSE IN EDUCATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ANDERSON of California. Mr. Speaker, many of us are concerned and even alarmed by what we see happening in our Nation's schools. Lack of respect for those in authority has contributed to increased crime and violence on school grounds, often to the point where the personal safety of teachers is in doubt. Drug use is filtering its way down to younger and younger schoolchildren each year. Busing has not promoted racial understanding, but instead has promoted division and often violence between blacks and whites.

During the sixties, we seemed to question all of the old values of the fifties. Many seemed to want to throw the baby out with the bath water. I believe that the time has come for a commonsense appraisal of American values in education.

Mr. Speaker, in this regard, I am extremely encouraged by the attitude and actions of the Reverend Jesse Jackson, as well as men and women like him. During his visit to our Nation's Capital in recent days, the Reverend Jackson has advocated balance between the need for change in our educational system and respect for traditional values. I recommend the following articles from the Washington Post of January 30, 1976 and February 2, 1976, respectively:

JESSE JACKSON: MAKING JOHNNY LEARN

(By William Raspberry)

It took a little while to see where the Rev. Jesse Jackson was headed.

"This might break a favorite habit of yours," he told the Tuesday morning assembly at Dunbar High School just as he started his honors day talk, "but since the place has a roof on it, and since it's warm in here—why don't you young men just take your hats off."

There was some giggling, some applause (particularly from the teachers and parents who were there) and some embarrassment. But every last hat came off, and the director of Operation PUSH, the former lieutenant of Martin Luther King, the Chicago-based "Country Preacher," was in control.

The control was absolutely vital to his secondary mission here—getting young black people to develop the self-respect and discipline he believes is necessary for their academic success. (His primary mission is the running of a revival at the 19th Street Baptist Church and helping to launch a Washington affiliate of People United to Save Humanity—PUSH.)

This fiery phrasemaker, ostensible radical and revolutionary is revealing himself as a thorough-going conservative with an abiding—and infectious—faith in the old values. He also is showing that he understands the value of symbols, of which doffing hats is one.

Mr. Jackson has spent this week visiting high schools around the city, talking to students not about revolution but, about their responsibilities as civilized human beings.

In a between-sessions interview at his hotel room, he likened himself—not quite so immodestly as it sounds—to a Moses just arrived in Canaan.

"You know, when the Israelites got close to Canaan and the physical struggle was over, they turned to worshipping the Golden Calf, fighting among themselves and generally lost the sense of what they were about.

Moses had to risk his popularity by going to the mountain top, not for a bigger budget but for Ten Commandments of ethics by which civilized people live. It was a prophetic thing he did.

"Well, that's where we are now in the struggle. You can talk black and be popular, you can argue for a bigger budget and more concessions and be politic, or you can be prophetic and say what needs to be said."

And what needs to be said he summarizes in the formula he repeats at every opportunity: "Nobody will save us from us—but us."

He won't call them Commandments, but Mr. Jackson has been espousing ten points which he believes will lead to the restoration of discipline and academic excellence in the public schools, here and in urban centers across the land.

I won't list them here, but their essence is self-respect and self-control.

He expressed shock, for instance, at the presence of uniformed police officers in some of the schools and told the student athletes (his emphasis is always on the boys) that they should assume it as their job to become "peace brothers" for the maintenance of discipline in their schools.

He repeats many of his points during his revival sessions because he believes that churchgoing parents may be important as "the institutional group capable of sustaining something past the moment."

One of his notions is that, for at least a year, report cards should not be sent home with the students but that parents should be required to come to school to pick them up and to discuss their children's educational progress. "If the parents don't show up we ought to send a citizen's equivalent of the truant officer to go looking for them."

This civil rights radical is conservative enough to believe that one source of the discipline problem in the schools is that the schools are too informal. As a remedy, he would institute regular fall and winter convocations at every high school (shirts and ties for students, full academic regalia for teachers).

Principals could take advantage of the convocations and their state of the school messages to extract pledges that "If I take your children's hats or dice or cards, or if I take their radios and sell them and put the money in the senior class treasury, I won't have to fight you in court."

He would have the mayor and city council proclaim weekdays between 7 and 9 p.m. as a "citywide study hour" as a means of helping parents to tear their children away from their TV sets. "And somewhere around 10:30 ought to be bedtime," he declares.

"If Johnny can't learn because he is hungry, that's the fault of poverty. But if Johnny can't pay attention because he's sleepy, that's the fault of parents."

He would enlist fathers for regular school patrol duty and demand that radio disk jockeys "assume another level of responsibility since they program more of our children's minds than their parents and teachers."

And he would have everybody abandon the rhetoric that leads black youths to see themselves as society's victims rather than as human beings with the capability of controlling their own destinies.

"What urban education needs is not more money but more parents willing to give their children care, motivation and chastisement—the will to learn," he declared.

"Do that and these other things will become less of an issue—things like budgets, or such nonsense as black children can't learn from white teachers."

THE DISCIPLINE REVIVAL

(By William Raspberry)

Early reaction to what the Rev. Jesse L. Jackson has been saying about the need for discipline—including self-discipline—in the city's public schools makes clear that the Chicago-based director of Operation PUSH has hit home with a lot of parents and teachers.

His notion that we had better spend less time convincing black children that they are society's victims and more time stressing the need for them to assume personal responsibility for their lives appears to be an idea whose time has come.

The problem, as he understands exceedingly well, is how to crystalize the early reaction into permanent change, how to make certain that the seeds he has been planting will take root and grow.

In that regard, he has meetings scheduled this week with the six area superintendents of the local schools and with teachers, particularly through their churches, to try to build the "institutional support" that is necessary if his ideas are to survive his presence here.

Friday night, after the last of his week-long revival-meeting sessions at the 19th Street Baptist Church, he met with the several dozen teachers, school administrators and ministers in the congregation to enlist them in the educational division of the PUSH (People United to Save Humanity) chapter he is establishing here.

"We're trying to pull together a minimum of 200 ministers to mobilize the parents and teachers in their neighborhoods," he told them, stressing the importance of church-relatedness to his approach.

For he believes that the key reason teachers cannot command respect and discipline in the classrooms is that thy have lost their moral authority.

By that he does not mean so much that teachers are sinners in the revivalistic sense but that they have assumed responsibility only for the children's academic development. On the other hand, many people "who are parents biologically do not know how to be parents of children in school in terms of motivating them to learn," he said. His notion is to pull the two groups together, through the churches, to reinforce each other.

I am convinced that Mr. Jackson is on to something of profound importance. If he were a sociologist rather than the self-styled "Country Preacher," he might describe the underlying problem as anomie—the condition of normlessness in which people don't know how to behave because the norms which generally guide their behavior have been eroded.

For all of our talk of not caring what people think about us, the truth is that we really don't know who we are except as people define us. To an incredible degree, we are actors, playing the roles we think are ours as faithfully as we know how.

Too many of our children are receiving confusing and conflicting signals as to who they are—helpless and hopeless victims of racism, proud (or rebellious) young black men and women, child-like innocents of whom nothing is expected, potentially significant contributors to the general society, bums, bullies and failures.

If it is true that our perceptions of who we are—based on what we perceive others think we are—constitute the single most important influence on our behavior, small wonder so many children are having such a difficult time getting themselves sorted out.

Mr. Jackson makes frequent reference to his childhood in North Carolina, where, as early as first grade, his unwed mother, his teacher and the school principal "trapped me in a triangle of love from which I could not escape."

That sense of entrapment in love may have been a good deal easier to achieve in tiny Greenville, N.C. (pop.: about 12,000 when Mr. Jackson was born there in 1941) than in the teeming cities where uprootedness and unconnectedness combine to produce the very anomie Mr. Jackson is trying to attack.

To a significant degree, what he is proposing is the establishment of small towns in the city, a series of caring communities in which every adult is parent to every child.

Jesse Jackson is, in short, proposing a miracle. And yet, with a little luck and a lot of focused commitment, it could take hold. Not that thugs would suddenly become young gentlemen and hall-rovers instant scholars.

But it just may be possible to reestablish in the classrooms a situation where serious scholarship, mutual respect and discipline are the norm, and where peer pressure serves to reinforce that norm.

It certainly is worth trying.

THE RESPONSIBLE COURSE IN DAY CARE STAFFING AND FUNDING

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. VANDER JAGT. Mr. Speaker, a conference committee composed of members of the Senate Finance Committee and the House Committee on Ways and Means presently is struggling to solve extremely serious problems associated with Federal staffing requirements for child day care centers and their Federal funding as a part of the social services program. The results of this conference will affect the quality of day care throughout the country and should deeply concern us all.

Public Law 93-647 required that effective October 1, 1975 child care providers meet specific staffing standards in order to qualify for funding under title XX of the Social Security Act. Indication that many providers would not be able to meet this requirement by that date led Congress in Public Law 94-120 to postpone until February 1, 1976 the imposition of penalties for noncompliance. Had the House's extension as originally proposed in H.R. 9803 been accepted, the cut-off of funds for centers failing to comply with the requirements would have been delayed until March 31, giving Congress two more months in which to responsibly examine these issues.

House Report 94-511 accompanying H.R. 9803 indicated that there had been insufficient opportunity for the House to consider the complex issues surrounding the imposition of penalties for noncompliance with the Federal Inter-Agency Day Care Requirements. To quote the report:

The Subcommittee (Subcommittee on Public Assistance) was convinced that the issue could not be given the consideration that was needed in the time available before October 1 when Public Law 93-647 goes into effect.

Similarly, at a later point in the report the committee stated:

Your Committee does not wish to give any impression that it has made a decision to permanently lower or modify the proposed standards. Rather, it believes a period of time is necessary in order to give thorough and orderly consideration to the problems involved and to attempt to arrive at the best solutions that can be found.

And finally, to quote the committee once more:

Under Public Law 93-647, the Secretary of Health, Education and Welfare is responsible for making a study of day care standards and regulations and for making a full report to the Congress during the first six months of 1977 based on the data he obtains. Much more definitive judgments may then be available for the formulation of permanent standards. In the next six months your Committee will also be examining this issue closely to determine appropriate future action.

Regrettably, the Subcommittee on Public Assistance and the Committee on Ways and Means have been unable during the 3½ months since the extension was passed to consider this matter as had been contemplated and promised to the House. The extension granted in Public Law 94-120 expired on February 1, 1976, and unless the conference is able to reach agreement on appropriate legislative remedies a sizeable number of day care centers, perhaps 20 percent or more of those currently operating, could be forced to close through loss of vital fundings under title XX or an inability to overcome the substantial cost increases implicit in the staff ratios.

Forcing child care centers across the country to meet Federal staffing ratios deeply concerns me, particularly in the absence of an opportunity for the House of Representatives to thoroughly and directly consider the appropriateness of the standards and the consequences of the imposition of financial penalties. The House has never faced this question in a comprehensive manner.

If there is one point on which we could reach agreement, it is that children should receive the best of care. We hope the care accorded them will be inspiring, that their intellectual capacities will be stimulated, and that they will have opportunities for sound physical development; in short, we hope that all children in this great land will spend their formative years constructively, building a foundation for lives rich in meaning and satisfaction. But beyond this point consensus rapidly dissolves, especially in the face of acts of arbitrary Federal authority.

We all want our elementary school children to have excellent educational opportunities. Toward that objective we now appropriate many millions of Federal tax dollars. We should remember that there is an absence of consensus among experts as to the most appropriate teacher-pupil ratio in our elementary schools; no one seriously proposes that the Federal Government from Washington dictate that balance for classrooms throughout the Nation. Teacher-pupil ratios have been the subject of intense debate within the educational profession and among educational psychologists for years. In my judgment, the situation in the field of child care is little different. In the limited opportunity that we have had to examine this situation, I have seen no basis for believing that the Federal standards or any identifiable alternative are of such credence as to merit their forced adoption in thousands of child care centers across America. And the absence of such consensus sharply questions the advisability of markedly increasing Federal funds to enable centers to comply with the standards, an approach now proposed by the Senate.

Mr. Speaker, the only reasonable course for Congress to take at this critical hour is to postpone the imposition of Federal penalties for noncompliance once again, holding in place the staffing patterns actually in effect in centers last September as well as pertinent State requirements. Only through such an extension of time can the House of Representatives fulfill its responsibility to the country, and only through this approach can the Committee on Ways and Means effectively examine the issues and provide the House with guidance which the committee asserted last September to be essential to sound decisionmaking.

We are not prepared at this time to mandate compliance with standards whose appropriateness we have not had an opportunity to meaningfully evaluate. To do so virtually without any benefit of studies presently underway within the Department of Health, Education, and Welfare under Federal funding amounting to almost $8 million seems extremely shortsighted and shaky. Without convincing indication of necessity, we ought not remove from States the flexibility to develop requirements for day care that are tailored to their more sensitive assessment of needs and conditions. We cannot simply in conference accept the Senate's proposals for new categorical funding of day care that would distort the fundamental premise of title XX and skew State services toward day care at the expense of other important social programs. And certainly we cannot condone a forcing of day care centers to close because of our failure to responsibly meet the problem before us.

We all should be mindful of the House Budget Committee's deep concern about the financial implications of the Senate amendments to H.R. 9803. In contrast to its Senate counterpart, the House Budget Committee finds no evidence that new day care funds were included in the fiscal 1976 budget resolution adopted by Congress. Furthermore, as noted in the following two paragraphs of a memorandum from Mr. Wendell Below of the Budget Committee to Chairman BROCK ADAMS, the Senate amendments violate significant procedural provisions of Congress new budget process:

Even if the FY 1976 costs of the day care bill were within the targets set out in the budget resolution, that fact would have little bearing on section 401(b)(1), the provisions of which are aimed at controlling backdoor spending, not enforcing the targets and ceilings contained in the budget resolution. In light of the fact that the "technical" violation would permit the creation of an entitlement with an anticipated annual cost of $20 million, it appears that there are substantial policy reasons for abiding by the letter, as well as the spirit, of the law.

Furthermore, H.R. 9803 appears to violate section 303(a) of the Budget Act, which provides that it shall not be in order to consider a bill, resolution, or amendment containing new entitlements for a fiscal year until the first concurrent resolution for that fiscal year has been agreed to. Section 4(b) of H.R. 9803 creates separate new entitlements, above and beyond the entitlement created by section 3, for FY 1976, the transitional period, and FY 1977. In FY 1977, the additional entitlement would cost $50 million. Consequently, consideration of the bill before the first concurrent resolution for Fiscal 1977 as agreed to will violate section 303 and place the bill out of order.

With Congressman HERMAN T. SCHNEEBELI's support, I have introduced today a bill to suspend until the start of fiscal 1977 the imposition of Federal penalties for noncompliance with these Federal standards. Adoption of this legislation would avoid interfering with the congressional budget process and give Congress the chance to address the substantive issues of this matter in an appropriate manner. I hope that this legislation will lead us to solve the crisis now being felt throughout this vital service industry and permit the uninterrupted care of children now attending our day care centers.

THE RELENTLESS KGB

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Ms. HOLTZMAN. Mr. Speaker, despite the signing of the Helsinki agreement, evidence persists that human rights are still in grave trouble in the Soviet Union. For example, Dr. Valentin Turchin, the Chairman of Amnesty International in the Soviet Union, is in danger of prosecution because of his leadership in that organization. Dr. Turchin's case is of particular concern to me because I had the honor of meeting with him when I visited the Soviet Union last spring. In this respect, I would like to draw my colleagues' attention to an important piece which appeared in the February 5 issue of the New York Review of Books. The text of the article follows:

THE RELENTLESS KGB

(By Peter Reddaway)

The Soviet group of Amnesty International is finding itself the target of mounting police harassment. One member has been sentenced, and the trial of a second is imminent. At the same time the group continues to operate vigorously, working on the same lines as Amnesty groups in some twenty-five other countries.

Thus a battle of wills is underway. The outcome should help to show how seriously the Soviet authorities are taking "Basket 3" of the recently signed Helsinki agreements. For the work of the twenty-strong Amnesty group does not touch on Soviet internal affairs. It is concerned with assisting three prisoners of conscience, one in capitalist Spain, one in third-world Sri Lanka, and one in communist Yugoslavia. What is unusual, in Soviet conditions, is that a group not backed by the regime should be active in an international humanitarian organization.

The group member already sentenced is Dr. Sergei Kovalyov, an eminent research biologist and close friend of Andrei Sakharov. Kovalyov was arrested in Moscow in December 1974, only three months after Amnesty International had officially recognized the Soviet group. A year later he was condemned

to ten years of forced labor and internal exile for his involvement in such *samizdat* publications as the *Chronicle of Current Events*. His Amnesty membership did not figure among the charges, but is believed to have been a significant factor in his arrest and sentence.

Throughout his year of detention Kovalyov was allowed no visits from his wife or friends, and the lawyers he wanted to engage were arbitrarily banned by the authorities. He decided, in the circumstances, to be unrepresented and to defend himself.

The trial was held in Vilnius, the capital of Lithuania, on the grounds that one of the charges concerned his alleged circulation of the *samizdat* publication *A Chronicle of the Lithuanian Catholic Church*. Some of his Moscow friends were forcibly prevented by police from boarding the train to go to Vilnius, and the score who got there, including Dr. Sakharov, were barred each day from attending. They could only keep vigil outside. Amnesty International's requests, over several months, to send an observer to the trial were rejected. Dr. Kovalyov was refused permission to call relevant witnesses, including Dr. Sakharov.

Meanwhile, Soviet reports for foreign consumption solemnly intoned each day that the proceedings were open and that all legal norms were being observed. The domestic media, by contrast, told the Soviet population nothing at all.

Kovalyov's sentence was, it seems, a calculated Soviet reply to the many representations on his behalf made by Soviet citizens and by statesmen, scientists, and humanitarian organizations in the West.

Now it is the secretary of the Amnesty group, Dr. Andrei Tverdokhlebov, who is due to stand trial. A physicist aged thirty-five, Tverdokhlebov was arrested last April. The charges against him involve his alleged circulation of "deliberate fabrications defaming the Soviet social and political system," a crime carrying a maximum penalty of three years' imprisonment. But the investigators have reportedly had difficulty building a case against him. He is well known for the careful way in which he has observed the law in carrying out his humanitarian activities. His legal writings and his appeals for persecuted individuals and groups have been widely published in *samizdat* and in the West, and show a scrupulous, sometimes even pedantic concern for accuracy. They are impressive documents and account for the fact that interventions on his behalf have been even more numerous than those for Kovalyov.

Recently Tverdokhlebov requested academic materials for the scientific research he is continuing while in detention. He also asked permission, as a believer, to be visited by a priest. Both requests were refused by the prison authorities without explanation.

Meanwhile, the group has been continuing its work, even though most of its mail from Amnesty's London headquarters is confiscated by the censors, and even though its officers are being subjected to severe police harassment. The chairman, Dr. Valentin Turchin, a brilliant physicist and another close friend of Dr. Sakharov, was recently told that criminal charges were being prepared against him. Earlier he was sacked from his job, and last summer he was grilled by the KGB in a series of exhausting interrogations.

Similarly grilled was the group's new secretary since Tverdokhlebov's arrest, Vladimir Albrekht, a mathematician. Now he too has been sacked, and forced to take work as an elevator attendant.

The aim of the KGB seems clear: to break up through intimidation a group which it would be illegal and impolitic—especially after Helsinki—to ban outright.

NEW YORK TASK FORCES OUTLINE SOLUTIONS TO FOOD STAMP PROBLEMS

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. RICHMOND. Mr. Speaker, the food stamp program is a valuable nutritional supplement for many Americans. Its benefits allow millions of people to eat better and more nutritionally. Yet, many of my colleagues would like to dismantle the program in the name of "reform," because they see problems in the way the program is run.

I agree that there are problems, but I also believe there are solutions to these problems that can improve the program without removing millions of eligible people from it. This view is shared by individuals and organizations all across the country who feel as I do that we must do all we can to improve this vital program.

I would like to bring to my colleagues' attention the views of two of these organizations from my home State of New York. The Nutrition Task Force of the New York State Alliance of Community Action Programs and the New York City Hunger Task Force of the Community Council of Greater New York have been active for many months in studying the food stamp program. Their recommendations for legislative remedies, based on their studies, are sound, reasoned, and pragmatic. I urge my colleagues to give their full consideration to these well-thought out proposals:

STATEMENT BY NUTRITION TASK FORCE

The Nutrition Task Force of the New York State Alliance of Community Action Programs has for the past eighteen months been concerned about problems surrounding the food stamp program. Indicative of the scope of these problems is the low participation rate in upstate New York. Less than half of those potentially eligible take advantage of the program designed to feed hungry people. Why?

A research report "Too Few Not Too Many" contracted by the Alliance documents a number of the program's failures and belies many of the "rip off" stories now popular in the press. On all levels, local, state, and federal changes need to be made in order to insure all of our citizens have available to them the means for purchasing a nutritionally adequate diet.

We are aware Congress is now working on reform legislation. We commend their recognition of the problems but want to stress the reform should be in the program's complex administration and not on reducing needed benefits. The following issues need to be addressed on the federal level.

First, this report documents a need for the elimination of the purchase price of food stamps. Over 25% of the food stamp recipients interviewed stated they were unable to purchase their allotment on a regular basis because they lack the necessary cash.

This lack may be the result of always having to play the catch-up fiscal game by paying on long standing bills and depleting available cash. It also may result from families receiving their income in such small amounts that it is dribbled away or it may be the result of the system itself. For example, banks in some areas only sell in specified times such as Tuesday, Wednesday, or Thursday. When individuals receive their checks on a Friday, they must wait until the following Tuesday to buy their allotment. Chances are, however, they are out of food and need to use the cash set aside for the purchase requirement.

Another issue is the need to retain eligibility based on current available income. To pass legislation which allows eligibility based only on gross income alone would seriously hurt people in need.

Ever increasing costs related to housing, energy, and medical expenses drain more and more of peoples take home pay.

In our report, transportation, was identified as a major problem especially related to rural areas and the difficulty in getting to certification and purchasing sites. In order to eliminate this, a mandatory public assistance withholding plan already legislated needs immediate implementation.

Finally, people are hungry. Of course interviewed, 36.3% stated they ran out of food and if they could not borrow food from friends they had to go hungry. To lower the method by which coupon allotments are figured would force thousands more to be in the same situation. It must be our national policy that all citizens have a basic right to a nutritionally adequate diet and all legislation must be written to insure that right.

COMMUNITY NUTRITION PROGRAM OF NEW YORK STATE

Director, Wesley Bourdette.

Information Coordinator, Billie Crowell.

Community Nutrition Program Cluster Coordinators:

Name and cluster

Mrs. Reta Tanner, Chemung.
Ms. Virginia Brown, Chautauqua.
Mr. Bill McDonald, Monroe.
Ms. Barbara Copes, Onondaga.
Ms. Maryann Bollinger, Clinton.
Ms. Joan Dully, Jefferson.
Mr. Ralph Moore, Schenectady.
Ms. Marsha Meyers, Saratoga.
Mrs. Kay Cambone, Newburgh.
Ms. Billie Anderson, Broome.
Ms. Eleanor Samela, Westchester.
Mr. David McKenzie, Jr., Nassau.

Community Nutrition Program Nutrition Advocates:

Name and County

Ms. Laurie Samuels, Steuben.
Ms. Cathy Butler, Tompkins.
Ms. Angeline Costner, Erie.
Ms. Linda Oleander, Niagara.

Name and cluster

Ms. Nancy J. Letson, Cattaraugus and Alleghany.
Mr. Alan Burke, Orleans.
Ms. Jan Herman, Wayne.
Ms. Deidre Viera, Onondaga.
Ms. Barbara Broome, Cayuga.
Mr. Khaja Naseevuddin, Oneida.
Ms. Astra Bain, Oneida.
Ms. Cindy Moreland, Cortland.
Mr. James Goff, Essex.
Ms. Paula Ashley, Warren.
Ms. Barbara Remias, Hamilton.
Ms. Mae Hammitt, Washington.
Ms. Bernice Cyrus, St. Lawrence.
Ms. Rita Markham, Lewis.
Ms. Peg Wright, Franklin.
Ms. Patricia Sidlauskas, Fulmont.
Ms. F. Sue Johnson, Albany.
Ms. Marion Churchill, Schoharie.
Ms. Grace Braley, Rockland.
Ms. Eileen McGuire, Delaware.
Ms. Donna Brown, Chenango.
Ms. Isabell Zachov, Otsego.
Mr. Robert Hildebrand, Tioga.
Ms. Margaret Jessup, New Rochelle.
Ms. Clotella Collins, Suffolk.

STATEMENT OF PRINCIPLES, FOOD STAMP REFORM, NYC HUNGER TASK FORCE, COMMUNITY COUNCIL OF GREATER NEW YORK

The NYC Hunger Task Force was formed in the fall of 1975 as a result of recommendations to the Community Council's Board of Directors by an Emergency Task Force on Hunger and Malnutrition in New York City. The Emergency Task Force, meeting in the spring of 1975 examined participation rates, administrative problems and funding potential for all the Federal food assistance programs in NYC. While all nutrition programs were studied, the Food Stamp Program received close scrutiny and engendered several priority recommendations for follow up. Many of the serious problems in NY City's Food Stamp Program clearly result from local and State administrative interpretations, therefore the Hunger Task Force regards the need for reform of the national program as paramount;

The Food Stamp Program has always been recognized for its value to low-income, unemployed and working families by providing both an income supplement to pay for basic necessities and a mechanism for achieving a nutritionally adequate diet, particularly at this time of unemployment and inflation.

Current attacks on the program—in the Congress, by the Administration and through the media—have distorted the merits of the program by raising the spurious issues of fraud and ineligibility. In fact, according to the U.S. Department of Agriculture's (USDA) own report to the Senate Agriculture Committee of June 30, 1975, 50% of all Food Stamp participants live in households with under $3,000 a year in take-home pay; 87% of those recipients with household income over $6,000 a year live in families of at least five persons. Altogether 97% of all Food Stamp participants are in households with incomes under $9,000 a year. According to USDA's report to the Senate Agriculture Committee, 8/100 of one percent of the Food Stamp caseload was receiving benefits fraudulently.

We believe that when the dust settles, it should be clear that the reforms necessary in the Food Stamp Program are those which make it: more equitable; more accessible; less costly and cumbersome to administer; more supportive of working families; more nutritionally adequate; less subject to error.

The principle objective of Congress in enacting Food Stamp reform should be to develop a program which in concept and execution completely avoids stigmatizing the recipient by virtue of his or her participation in this program. Public Assistance in its present and past operation is the shame of this nation. For one-fifth of this country's history, the Congress has consecrated a welfare system which brings grief to the receiver and the giver. Now the Food Stamp Program is at its fateful watershed—when it can emerge as the first national income assistance program to America's low income families or sink into the mire of disgrace as a niggardly given, sullenly taken welfare program. The choice is in the hands of Congress. The Hunger Task Force of the Community Council of Greater New York can only support those reform measures which improve the Food Stamp Program for the people it serves.

A Food Stamp measure which meets the test of progressive and decently motivated reform must include the following:

1. Elimination of the Purchase Requirement (EPR).

Over one half of the people with incomes falling below the poverty level do not participate in the Food Stamp Program. Only 35% of the elderly persons participating in the SSI (Supplemental Security Income) Program receive food stamps. The major reason these "poorest of the poor" do not participate in the Food Stamp Program is because they are unable to collect enough cash from their strained budgets to buy their food stamps and because long waits on bank lines (to purchase food stamps) are substantial hardships, particularly for the aged and infirm. Often, if the poor do use food stamps, they are forced to buy less than their full allotment. This same problem applies to the working poor whose small "bonuses" often do not justify the large cash outlay and long waits on bank lines. The elimination of the purchase price would end this barrier to Program participation.

The elimination of the purchase price would also significantly decrease administrative costs as well as lessen the burdens on program administrators. Huge amounts of time and money are now expended on the mailing of "Authorization-to-Purchase" (ATP) cards; the handling of cash exchanges for food stamps (usually twice a month); and accounting for all the cash and stamps that flow through local offices. Thus, the elimination of the purchase price requirement would vastly simplify the Program; save costs; and permit more people to receive food stamps.

2. Implementation of an adequate Standard Deduction (SD).

At present, an applicant household is entitled to a number of deductions from gross income: taxes, union dues, and other mandatory payroll deductions; work-related expenses up to $30 a month; medical expenses (if they total over $10 a month); child care costs (which enable a household member to work): education costs covering tuition and fees; child support and alimony payments; disaster expenses; and shelter costs (including rent and utilities) which exceed 30% of income after the other deductions have been taken. These deductions allow net income to reflect the amount of household income that is available for food.

Unless the standard deductions are adequate, and unless mandatory payroll deductions can still be deducted from the income calculation, there will be huge disincentives to work. In addition, there must be an optional policy for allowing itemized deductions for those households with extraordinary medical expenses.

3. Elimination of the Work Registration Requirement.

The Work Registration Requirement implies that the applicant is withholding information about his income, or is willing to live entirely on an amount adequate to purchase only his food, or that the state can find employment for the out-of-work. These are all verifiably false assumptions. The Work Registration Requirement is simply a negative value judgement about the forthrightness and initiative of those of low income. Given present unemployment rates, this requirement is not merely punitive but unfeasible.

4. 100% Federal financing of the Administrative Costs.

The present 50–50 administrative cost sharing with the states, has resulted in uneven implementation of the program nationally. Many States—including New York—have paid lip service, but little more, to administering a truly equitable and efficient Food Stamp Program.

5. Administrative Streamlining of the Program.

Among the ways this program can be more effectively administered:

Certification process should be simplified and made uniform. For those unable to come in for initial interview, mailed certification should be utilized.

Recertification should be on an annual basis for the aging or permanently disabled. For households in which anticipated income is stable, recertification periods should be six months. If less than that for cases with sharply fluctuating income, interim mailed recertification should be available.

Program information and forms should be available in other languages for the non-English reading population. Bilingual staff must be available.

Adequate facilities—accessible by public transportation and open at hours when working people can attend—should be available both for certification and Food Stamp purchases.

Adequate training programs for certification workers which keep them informed about the latest procedures as well as generally sensitive to clients.

6. Program Benefits.

Program benefits should include:

Coupon allotment levels based on the Low Cost Diet Plan rather than the Thrifty Food Plan, adjusted for household size, calculated semi-annually.

The present system of establishing eligibility levels should be retained, however, it should be based on the Low Cost Diet Plan rather than the one now in use. This would increase eligibility levels. At the same time through use of the Standard Deduction, there will be a ceiling on eligibility. Third-party vendor payments (i.e. Medicaid) or in kind benefits (free school lunch, public housing subsidies, etc.) should not be counted as income.

Retention of Food Stamps for use by "Meals on Wheels" for homebound participants.

Retroactive benefits be awarded as lump sum cash payments.

7. Other Matters.

New food stamp legislation should:

Continue and make more explicit outreach efforts to non participants.

Increase availability of working knowledge of nutrition through distribution of appropriate materials at Food Stamp centers and interpretive information regarding cost and nutrition quality at such accessible points as supermarkets and schools.

Operate an effective quality control program to assure public confidence in the program.

Render stiff and explicit penalties for fraud and deception.

Define "household" as a group of individuals living as a common economic unit (but not necessarily sharing a common kitchen).

NEW YORK CITY HUNGER TASK FORCE

Evelina Antonetty, United Bronx Parents.

Jim Aridas, WIC Program Director, Sunset Park Family Health Center.

Joy Barnes, National Council of Negro Women.

Fran Barrett, Technical Assistance Unit, Community Service Society.

Rona Bartelstone, N.Y.C.H.A. Dist. 6, Social and Community Services.

Terry Bevis, New York Junior League.

David J. Billings, III, Exec. Dir. Inner-City Central Services Corp.

Jeanne Brewer, Liz Robbins, Agency for Child Development.

Jocelyn Cooper, Community Development Agency.

Catherine Cowell, Dir. Bureau of Nutrition, NYC Dept. of Health.

Janice Dodds, Food and Nutrition Council; Columbia University.

Bob Drogin.

Rev. Leland Gartrell, New York City Council of Churches.

Harrison J. Goldin, Comptroller, City of N.Y.
Represented by Steve Newman.

Kathy Goldman, Citizens' Committee for Children.

James Greenidge, Chairman, Council Against Poverty.

Hon. Jolie Hammer, Deputy Borough President, Manhattan.

Joan Harris, Director, Title VII, N.Y.C. Dept. for the Aging.

Marion Harvey, New York City Food Stamp Outreach Coordinator.
Beth Hay, Food Stamp Task Force, CALS.
Brig. James G. Henderson, The Salvation Army.
Ellen Herz.
Marcella Katz, Health Insurance Plan.
Fr. Robert Kennedy, Catholic Charities, Diocese of Brooklyn.
Dr. Louise Light, Department of Economics, NYU.
Jay Lipner, Food Research and Action Center.
Max Manes, Seniors for Adequate Social Security.
State Senator Manfred Ohrenstein, Represented by Norman Kent.
Jan Poppendieck.
Barbara Powers.
Lillian Reiner.
Cecelia Snow Renga, Catholic Charities. Archdiocese of New York.
Congressman Fred Richmond, 14th District, New York.
Arthur Schiff, Department of Public Affairs, Community Service Society.
James Shanahan, OCIM/HRA.
Nick Siconolfi, WIC Program Director, Bronx Lebanon Hospital.
Dick Skutt, Food Stamp Task Force, CALS.
Joan Swan, American Friends Service Committee.
Gertrude Wagner, Fulton Senior Citizen Center.

VIGILANT ENGINE & HOOK & LADDER CO., GREAT NECK, N.Y.

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. WOLFF. Mr. Speaker, when Prometheus stole fire from the gods he knew that he was providing humankind with a treasure worth more than anything a man had ever possessed—he was also unleashing a destroyer of great magnitude. Prometheus was punished cruelly by the enraged gods for his gift of fire, while man has spent century upon century since that ancient time trying to tame it. We have become much more knowledgeable in our uses of fire as each generation passes, and more sophisticated in our ways of combatting the danger of flames. However, in spite of advances since the time fire and man first clashed, we rely as strongly as man ever has, on the courage and compassion of our firefighters.

Great Neck, New York's Vigilant Engine & Hook & Ladder Co., established in 1904 is composed of men possessing these admirable traits. On January 24 of this year I was pleased to be present when the company honored various members of its force for outstanding service. They are:

Fireman of the year: Awarded for active devotion to duty beyond the normal requirement—George Toy.

Medal of valor: 1st Assistant Chief Frank Gilliar and Fireman George Toy—for rescue on February 20, 1975 at 9:15 a.m.

Tenure wards: 20 years of active service—Harvey Bieber, Frank Gilliar, Jr., William Hansen, Peter Nikkels; 30 years of active service—William Pritchett; 40 years of active service—John Hadjuk and Fred Williams.

Ambulance recognition: In appreciation for ambulance service to our community—The Vigilant Fire Department.

In addition, the officers of the Vigilant Engine & Hook & Ladder Co., are:

Administrative officers for 1976: President, Ralph Fliedner, Jr.; vice president, Michael Hunt; treasurer, Robert Lincoln, Sr.; financial secretary, David Logan; recording secretary, Thomas Mansfield; sergeant at arms, George Toy.

Fire officers for 1976: Chief, James Dunn; 1st assistant chief, Frank Gilliar, Jr.; 2nd assistant chief, Robert Lincoln, Jr.; captain, Edward Canfield; captain, Leo Flook; 1st lieutenant, Lee Ielpi; 2d lieutenant, Dennis Hill.

I am confident that every man, woman, and child living under the watchful eye of the Vigilant Engine & Hook & Ladder Co., joins me in thanking these men for their bravery and for the unselfish risks taken in providing their priceless service as firefighters.

NEW YORK STATE FISCAL CRISIS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. PEYSER. Mr. Speaker, although the New York City fiscal crisis has abated somewhat, in the wake of the administration's approval of aid to the city, and although the issue of default is no longer blaring across the front page headlines of our Nation's newspapers, default is still a very real problem confronting the Nation. Indeed, there is a very real horror that not only cities, but States as well may default. The State of New York is currently undergoing such a crisis.

During the course of the past several months, I have augmented my own assessment of the current economic climate with talks with financial experts, including New York State Comptroller Arthur Levitt. Consequently, I am deeply concerned that New York State may not be able to market the approximately $4 billion in bonds to the private sector necessary between now and this summer. This, coupled with the Governor's new budget, could have devastating impact.

First, it would mean a loss of desperately needed revenue for our local communities, already tremendously overburdened by local and property taxes. Second, the State's financial picture could prevent it from taking advantage of potential Federal funds to which it has a right, by limiting the State's ability to meet the matching requirements. Third, it could again lead to an emergency situation requiring congressional action to prevent the default of the State.

In order to avoid the dramatic situation that we experienced with New York City, I have called upon the New York State congressional delegation to work together closely with Governor Carey to assess the true budget problems of the State. However, I believe that it is critical, not only for New York State, but for all other States and localities, that the Congress immediately make known its intention on revenue sharing and other aid programs. It is vital that local governments know whether this assistance will be forthcoming.

Although the situation is serious, I believe that if the Congress acts responsibly we can avoid another New York City "cliffhanger" and still assure the financial stability of New York State and other municipal governments.

FIREMEN'S HASTE SAVES DOG BITE VICTIM

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. STEIGER of Arizona. Mr. Speaker, the Phoenix Fire Department is recognized nationally not only for its skill in combatting fires, but also for its outstanding program of fire prevention and for its life-saving paramedic units.

The high degree of efficiency of Phoenix paramedics was demonstrated once again on January 25 when Firemen Don Koepp and Ernie McBroom saved the life of a young girl who had been viciously attacked by a dog. Mr. Koepp and Mr. McBroom proved that they do their work very well and with great human compassion.

I would like to recognize their efforts by having reprinted in the RECORD an article written by Max Jennings of the Arizona Republic:

FIREMEN'S HASTE SAVES DOG BITE VICTIM

(By Max Jennings)

Firemen Don Koepp and Ernie McBroom were returning from a minor traffic accident call and were about to pull into the fire station when the radio crackled again for the paramedics.

This time the call was for a dog bite victim 15 blocks away. McBroom headed the truck for the address at 1112 W. Hatcher.

The two firemen, for whom emergencies are routine, could not know a life was hanging on the 90 seconds it would take them to get there.

As the paramedics raced toward the home, James Cowan struggled to loosen the vise-like grip of a 100-pound Alaskan malamute dog which had attacked his 10-year-old stepdaughter.

Cowman had been standing next to his dog when it suddenly sprang at the girl, grabbing her by the throat. He kicked it and tried to drag it away, and then in desperation began to choke it.

Finally the animal freed little Patty Grenados. As Cowan struggled to tie it up, his wife, who had called firemen, dabbed at the gaping wound in her daughter's throat with a washcloth.

When Koepp and McBroom arrived, Koepp headed into the home. McBroom stayed to get a first aid kit.

Koepp found Patty sitting on the floor, choking on her own blood.

"There was so much blood I knew that the severity of the wound was such that there was nothing we could do on the scene that we couldn't do on the way to the hospital," Koepp said.

He picked up the little girl and met his partner coming in the door.

McBroom and Koepp have worked hundreds of emergencies together, but when McBroom saw his partner, he knew this one was different. McBroom knew Koepp had a daughter of his own.

"The way he held the little girl in his arms . . . I could tell immediately," McBroom said. "He was holding her up to him and talking to her."

Koepp and Cowan loaded Patty in the rescue unit. McBroom started the engine and was rolling as soon as they had her inside.

As the two worked frantically over Patty, trying to stop the bleeding and keep her breathing, McBroom was trying to negotiate the six blocks to John C. Lincoln Hospital and run his radio at the same time.

A doctor was there as soon as Koepp carried Patty into emergency.

"Within 30 seconds there were four doctors in the room," Koepp said.

The doctors stuck a tube in Patty's throat so she could breathe and gave her something to calm her.

Then Koepp, who had been a fireman for nine years, did something he had never done on duty.

"I cried. I couldn't help it," he said. "I'd never cried on a call before. My partner said I was associating her (Patty) with my own daughter. We try not to do that."

Koepp and his partner returned to the fire station and Koepp tried to wash Patty's blood out of his jacket. It had soaked through to his t-shirt.

The two firemen were to make several more calls before they got off duty after Patty's accident last Tuesday.

But they could not get Patty off their minds. Both returned to the hospital to see her, and they check on her every day. They were told the dog will be destroyed.

"I'm not very religious," Koepp said Saturday. "But I think God deserves credit for this. We were in the right place and the child's stepfather was in the right place."

Patty didn't remember the paramedics when they went to the hospital to see her.

Doctors don't know if Patty will have permanent damage to her vocal cords. But they've taught her to use her finger to close the hole opened in her throat so she can talk.

And when Koepp took a small present to her, she rolled over painfully on her side, and whispered to Koepp.

"Thank you," she said. "Thank you."

DEAN WRIGHT PATMAN HONORED WITH AWARD OF THE PHOENIX, HIGHEST AWARD OF CUMBERLAND COLLEGE OF TENNESSEE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. EVINS of Tennessee. Mr. Speaker, the gentleman from Texas (Mr. PATMAN) the distinguished Dean of the Congress, was honored recently by presentation of the Award of the Phoenix, the highest award which his alma mater, Cumberland College of Tennessee, Lebanon, Tenn., can give an alumnus.

As a member of the board of trustees of Cumberland College and as the Representative of the Fourth Congressional District of Tennessee, in which Cumberland College is located, it was my pleasure to present the award to Congressman PATMAN at a recent Washington dinner meeting of Cumberland alumni.

Congressman PATMAN is concluding his 48th year—24 terms in the Congress—and his long and distinguished career of public service will stand as a monument to his dedication and ability—and the trust and confidence of the people of his beloved First District of Texas.

Congressman PATMAN served as chairman of the Banking and Currency Committee for 11 years and the House Small Business Committee for 19 years and is current alternating chairman on the Joint Economic Committee and the Joint Committee on Defense Production.

Dr. Ernest Stockton, president of Cumberland College, attended the ceremony honoring Congressman PATMAN and the Cumberland College singers provided excellent music during the program. Vice Chairman Alfred T. MacFarland of the Interstate Commerce Commission served as toastmaster.

The Award of the Phoenix drew its name from the rebirth of Cumberland University following a disastrous fire during the War Between the States.

Because of the interest of my colleagues and the American people, I place the resolution honoring Congressman PATMAN with the Award of the Phoenix in the RECORD herewith.

The citation follows:

CITATION—WRIGHT PATMAN

Whereas, the Honorable Wright Patman is a distinguished graduate of Cumberland University, where he received the Bachelor of Law Degree in 1916; and

Whereas, he served with distinction as a member of the Texas legislature and as District Attorney, Fifth Judicial District of Texas; and

Whereas, he was elected to the United States House of Representatives in 1928 and is now serving his 24th consecutive term, which is the fourth longest Congressional service in the history of our country; and

Whereas, he has authored, sponsored, and successfully supported key legislation to provide housing and other benefits for veterans of World Wars I and II and of the Korean and Vietnam conflicts, as well as legislation for the encouragement and protection of small business, the family farm, small towns, and rural America; and

Whereas, he has played a large role in the introduction and passage of major legislation with respect to "full employment", area redevelopment, urban and rural housing, and "economic stabilization"; and

Whereas, as co-sponsor in 1934 of the Federal Credit Union Act and author of legislation which created the National Credit Union Administration, he is the "father" of a system of "people's banks" that provide safe facilities for savings and sources of loans at reasonable rates; and

Whereas, he was a pioneer in ecology through his support of soil and water conservation and rural electrification; and

Whereas, he has been a consistent champion of the family farmer, the small business man, and "the people", as well as a fearless fighter for the principles in which he believes—free competition, the limiting of monopoly and the concentration of economic power, the availibility of credit at reasonable rates, and for equitable taxation;

Now, therefore, the Alumni Advisory Board and the Board of Trustees of Cumberland College, recognizing the great contributions Wright Patman has made to our country, and the credit he has reflected on his Alma Mater, present him with the Award of the Phoenix, the highest honor Cumberland can bestow on one of her graduates.

TRACY KNIGHT WINS RIGHT TO WORK ESSAY CONTEST

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. GRASSLEY. Mr. Speaker, in this, our country's Bicentennial Year, we must focus our attentions on the basic freedoms for which our forefathers fought 200 years ago. The Iowans for Right To Work is an organization dedicated to one of these basic freedoms—the freedom of choice in execution of a livelihood.

In an educational effort among Iowa's high school students with respect to this freedom, The Right To Work Committee sponsors an annual essay contest soliciting articles written by secondary school students in support of voluntary unionism.

Among the winners in this fine competition at the county level are Daniel Berkland, Terrill; Donald West, Yale; Geraldine Hewlett, Grand River. Those winning second place in each district are Shalene Rae Baker, New Sharon; Lyn Le Countryman, Adel; Larry Batten, Hardy; David Kollmorgan, Belle Plaine; and Regina W. Gansen, Elma.

District winners include Terry Rusk, Belle Plaine; David Boughton, New Sharon; Debra Anstey, Massena; and Jill Tindall, Akron, all of whom were awarded two shares of stock in the Northern Natural Gas Co.

This year's State winner, a constituent of mine, is Tracy Knight, a 17-year-old junior at the Steamboat Rock Iowa Community High School. As a prize, Tracy received seven shares of Northern Natural Gas stock. Under the direction of his teacher, Mrs. Kay (Robert) Roelfsema, Tracy constructed and submitted the following fine essay, the reading of which I recommend to all my colleagues of the House:

We as American people should support Right to Work because of the stand our forefathers took on liberty and freedom. We, as Americans, should hold our right of freedom of choice as a patriotic duty.

"The principle of what we call 'voluntary unionism' is so simple and straightforward, I find it hard to understand what the fuss is all about. Our religious heritage, our American heritage, and plain common sense are all on the side of freedom of choice," said Walter Knott, the president of Knott's Berry Farm.

The question of right to work is voluntary versus compulsory unionism. We, as Americans, cannot and should not let government, business, or any organization take our right

of choice. We should not be forced to give up a freedom of choice, especially one affecting something so basic as making a livelihood.

Iowa is a stronghold for individual freedom by being a right to work state. It would be a step toward dictatorship to forego this right!

HENRY HOLLOWAY: MARYLAND FARM LEADER

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. BAUMAN. Mr. Speaker, there are a great many thousands of Americans engaged in agriculture, feeding not only the people of the United States but of the world. Currently less than 5 percent of our citizens accomplish this amazing feat, unequaled in history.

Recently the Record of Havre de Grace, Md., published an article by Tessa G. Turner regarding one of the farm leaders in the First Congressional District of Maryland, Henry Holloway of Harford County. Mr. Holloway heads the Farm Bureau of Harford County and also is a hog farmer.

I would like to share with the Members of the House this story about a typical leader in the agriculture community who devotes many hours to work on his farm, as well as many hours of serving his community and his Nation:

DARLINGTON'S HENRY HOLLOWAY IS INVOLVED IN MORE THAN THE FARM

(By Tessa G. Turner)

The pressures of development and government regulation on the modern day farmer have led Henry Holloway to be involved in a wide range of interest groups and projects that take him away from his Darlington Farm.

Holloway, 42, who has one of the largest hog farms in Harford County, could be gone every night of the week to meetings involving the development of a county master plan and soil conservation, or as a member of advisory boards to the Maryland Secretary of Agriculture and the county Board of Education. The Darlington farmer is president of the Harford County Farm Association and the first vice-president of the Maryland Farm Bureau. He's concerned about the future of farmland and those who make their living from the soil.

Holloway grew up on the farm that he and his brother, Richard, 40, now operate as a partnership. Their father, Clifford W. Holloway, 82, is still active on the farm. The Holloways own 400 acres of land and they rent 350 additional acres from neighbors like Federal Judge C. Stanley Blair. Henry raises about 300 hogs while Richard is responsible for the 300 herd of cattle.

Holloway said they try to market their beef and pork year round. Following a family tradition, they take the largest part of their livestock to the Lancaster market, and sell between 25 and 30 per cent straight to the consumer's freezer. During the past eight years, they have had nothing to do with the processing of the meat, he said.

Holloway said he keeps 65 sows at his farm near Susquehanna State Park, and at times, there are as many as 200 baby pigs. Most sows farrow twice a year, Holloway said, and there are about 10 pigs in each litter. The largest litter he has ever seen had 23 piglets.

"They're fascinating animals," Holloway said. "They're not as dirty as most people think."

In fact, they're probably one of the cleanest animals around. They're constantly looking for a cool, wet place to lie because they can't perspire. That's why they get in mud. If they had their choice between dirty water and clean water, I'm sure they would choose the clean water."

Unlike cattle that are usually raised until they are two years old before they are slaughtered, pigs are sold when they are five-and-a-half to six-months-old. Holloway said the biggest job with hogs is taking care of the little ones when they are born, making sure they are kept warm and keeping the mother from lying on them. He says he has stayed up many nights while a sow was giving birth. Piglets are born with eight wolf teeth, he said, and while they are young, the farmer cuts their fighting teeth and usually knotches their ears for identification.

Ninety per cent of the Holloways' income at the Darlington farm is from their livestock and they grow corn, barely and hay for feed. They purchase soybean oil meal to add to their feed as a protein supplement.

Since the Holloways produce hogs for the market, they believe in crossbreeding. They use a four-way cross in the swine herd—Yorkshires, Hampshires, Durocs and Chesters. Their cattle are Angus-Charolais crossbreds.

There's always something going on at the Holloway farm. Holloway's wife, Barbara, a county 4-H leader, has homemade bread dough rising on the counter in the kitchen while she and her helper, three-year-old Andy, cut out doughnuts and made cinnamon rolls. The other Holloway children, Henry, 16, Teresa, 13, and Judy, 10, are all active in 4-H projects. This week, Henry, a junior at Havre de Grace High School, is representing the state in the National 4-H Club Congress in Chicago as the Maryland Swine Project Winner.

In addition to his own 4-H leader activities, Henry Holloway is supervisor of the Harford Soil Conservation District, a state group responsible for keeping tabs on the conservation of soil and water in the county. He said he sees flood control or, storm water management as it is called, as the biggest problem that faces the area now in soil conservation.

Holloway is also on the Citizen Planning Advisory Committee on the Master Plan, a committee appointed by the Harford County Council. Holloway said there are 19 members on the committee, and there are 19 different opinions. As a farmer, he said, he sees the biggest problems in Harford County as the pressure of development and the pressure of government regulations that the modern farmer must adhere to. He said the regulations on water, air and noise pollution are endless.

Speaking of development closing in on the farmer and government pressures, Holloway told the story of a New Jersey poultry farmer who had several people build houses and move near his farm. The new residents soon complained about the smell from the chickens, and when the farmer was taken to court, he was ordered to do something about the odor.

"I just can't think that people in America will keep putting up with the bureaucracy we've been dealing with," Holloway said. "Something has to change."

Holloway said he told his wife about ten years ago that if they were going to continue farming, the time would come when they would have to move further west. Mrs. Holloway is starting to believe him now. The 116-acre Stokes property just two miles from the Holloway farm was being considered as a county park, and the Holloways like other area farmers, are starting to feel hemmed in.

Holloway is also on the Maryland Agriculture Commission, serving as a board member advising the Maryland Secretary of Agriculture, Young D. Hance.

THE LATE BENET D. GELLMAN, AN OUTSTANDING CONGRESSIONAL COMMITTEE COUNSEL AND PUBLIC SPIRITED CITIZEN

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mrs. SULLIVAN. Mr. Speaker, I have lost a good friend and a young man whose legal skills and brilliant mind I shall deeply miss in the death of Benet D. Gellman, who served for 10 years as a counsel for the House Committee on Banking and Currency under the chairmanship of the Honorable WRIGHT PATMAN. Mr. Gellman resigned from the Committee on Banking, Currency and Housing last June to go into the private practice of law.

As a senior member of the committee, and for many years chairman of its Subcommittee on Consumer Affairs, I leaned very heavily on Ben Gellman for technical legal advice on legislation in which I was intimately involved, but more than that I also depended upon him on many occasions for advice and guidance on the philosophy of the legislation to try to make it as fair as possible and as effective as possible for consumers and the general public.

Very few people outside the Congress are aware of the contributions made by people like Ben Gellman in shaping legislation to accomplish its real purpose. He was completely honorable and above board in presenting to the committee and to all of us who sought his counsel the alternatives we faced in writing legislation so that we could make informed judgments on the directions we wanted to follow.

He did not seek to impose his own convictions upon the Members, but he was quick to point out to us how the language before us would accomplish or detract from the objectives we individually had in mind. This is the true test of a professional staff member of a Congressional committee.

Ben Gellman played important roles in many areas of the Banking Committee's jurisdiction. But as a consumerist, I am most grateful to him for the help he gave me on such issues as the Consumer Credit Protection Act of 1968, which includes the Truth in Lending Act, the Equal Credit Opportunity Act dealing with discrimination in extensions of credit, and the Real Estate Settlement Procedures Act. I will always remember furthermore his assistance to the House conferees in the bitter battle between House and Senate some years ago over the Bank Holding Company Act.

Congressman PATMAN spoke eloquently yesterday of Benet Gellman's contributions to the public interest over the years Ben worked directly under Mr. PATMAN's leadership and expressed the deep sympathy all of us who knew Ben feel for his

wife and children. I certainly join in those comments.

Ben was only 41 when he died. His wisdom and legal ability belied his years. The people of the United States derived immeasurable benefits from the years this outstanding young man devoted to the process of legislation in the U.S. House of Representatives.

THE EMERGENCY EDUCATION REVENUE ACT

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. PEYSER. Mr. Speaker, as a result of the national recession, inflation, and local budgetary problems, educational programs across the country have undergone severe budget cuts that threaten the very quality of our children's education.

This is not an isolated phenomenon. It exists from coast to coast. Our major cities, New York, Los Angeles, Memphis, New Orleans, Washington, D.C., and Philadelphia have been victims of severe budget cuts. Expenditures for educational programs have been cut everywhere because of insufficient revenues. Unless the Federal Government steps in, there will be a frightening decline in the quality of American education. In fact, it has been estimated that approximately 45 million pupils currently enrolled in public schools may be suffering from such a decline.

In New York State for instance, $110 million is being pared from the aid to education budget to communities around the State. Obviously the burden then falls upon the local taxpayer, who must make up the difference. To allow such a burden to be borne by another segment of our society, particularly those on fixed income who have been victimized by the inflationary/recessionary syndrome, would be unconscionable.

To help combat these multi-million dollar deficits, teacher layoffs, shortened schedules, and the elimination of essential programs in the Nation's schools, I am introducing with the distinguished chairman of the House of Representatives' Education and Labor Committee, Mr. PERKINS, of Kentucky, the Emergency Education Revenue Act.

The act will provide emergency financial assistance to local school districts in order to maintain elementary and secondary educational services at a quality level.

To be eligible for assistance under the act, a school district must demonstrate to the Secretary of the Department of Health, Education, and Welfare that its educational spending has been cut so drastically that vital educational services are no longer being provided at a quality level, and the school district must show that it has made a valid effort to raise the necessary revenue, either by borrowing, raising taxes, or by budget cuts in other areas. In other words, the school district must show that it cannot raise the additional revenue essential to provide these quality services. Lastly, the State must provide assurances that it will not reduce the amount of State assistance to the school district as a result of emergency aid provided under the auspices of this act.

It is my belief that swift enactment of the Emergency Education Revenue Act will alleviate the stresses and strains upon our educational system, our taxpayers, and our cities and States. I hope that we can have hearings on this bill as soon as possible.

FISCAL RESTRAINT AND ECONOMY IN GOVERNMENT DRAW EDITORIAL SUPPORT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. EVINS of Tennessee. Mr. Speaker, there is a strong and deep feeling among many of the citizens and leaders of this country that the time has come for a greater exercise of fiscal restraint in legislating new programs and in appropriating funds for the various agencies, bureaus, and departments of the Federal Government.

Cuts and reductions must be made whenever possible. With high taxes at all levels of Government, with the costs of food, fuel, and other necessities rising and with inflation eating away the value of the American dollar, the American people are caught in a financial squeeze and they are looking to the Congress to provide leadership in reducing the costs of Government.

In this connection, I place in the RECORD herewith an editorial from the Nashville Banner which points up some of the high costs of intelligence gathering—so-called cloak-and-dagger operations—by the U.S. Government—$10 billion a year—and other excessive higher costs which are subject to question.

The time has come for closer oversight, Mr. Speaker, to weed out these instances of waste and extravagance.

Because of the interest of my colleagues and the American people in this most important matter, I place the editorial in the RECORD herewith:

BUDGETING ERRORS CALL FOR CHANGE

As one shudders at the proposed federal budget and its spending total of $395 billion, one wonders where in the world—literally—is all of that money going.

If you've said to yourself that it is all carefully accounted for, think again.

Just this week the Select House Intelligence Committee said the total cost of U.S. intelligence operations is more like $10 billion a year, three or four times the amount listed in the annual defense appropriations bill.

And over at the Pentagon they've lost about $8.4 million in equipment ordered for other countries but never delivered.

How does one lose $8.4 million worth of guns, tanks and jets? No one knows. Or if anybody knows, he isn't telling.

And the White House occupant is hardly immune to such miscalculation. President Ford's plan to protect 25 million Medicare patients against catastrophic illness called for an expenditure of $500 million. But the White House Office of Management and Budget says now the cost may run twice that because of a last-minute decision to provide more generous hospital benefits for the elderly and the disabled. That was a $500 million oversight not updated in the budget.

To top it all off, the Office of Management and Budget's deputy director, Paul H. O'Neill, said there was nothing to worry about, since there is a contingency fund of $1.6 billion to pay unforseen expenses.

Something like petty cash, we suspect.

Maybe as soon as the House Oversight and Investigations subcommittee completes its information on the number of unnecessary medical operations performed in the United States, it can get on with tending to oversights in its own front yard.

As recently as eight years ago "relatively uncontrollable" spending made up only about half the budget. These items included prior contracts and obligations, defense commitments, some civilian programs, payments for individuals and interest. All of these are "locked in" and are obligations that have to be met. Today, that kind of spending makes up three-fourths of the federal outlay of dollars.

How can this be corrected in a bureaucracy so immense that $500 million miscalculations on one item are pooh-poohed with the sudden thought of that $1.6 billion petty cash box? Or the loss of more than $8 million in weaponry between the U.S. and its foreign destination? Or the quadrupling of spy costs to the tune of $7 billion or more this year?

The situation will continue to exist as long as the preceding year's budget is used as a guideline, brought up to date with percentages of increase from year to year.

It is obvious the President cannot watchdog every department of the federal government. Nor can the cabinet member heading that department be knowledgeable of what the field office in Houston or Nashville or Meridian or Greenwich is doing right or wrong. That is up to the man in charge at the field level and it is his job to make recommendations on budgets for his part, to make up the whole.

What is needed is a return to the basics of simple bookkeeping and let every governmental department start afresh each year, without additions or subtractions on the previous budgets, and reexamine every program, making it justify its existence, thus regaining control of the now-uncontrollable spending spree.

It is called zero-based budgeting and it is not altogether fantasy. It is used daily in businesses and in homes. It can work in government. At least, it will work better than what we have now.

As it stands now, no one really knows what the bottom line of the budget will be by the end of the fiscal year. The only real certainty is that the President and Congress—together or separately—will produce another huge deficit and another huge spending bill.

BRAZIL PRESIDENT SEEKS TO PREVENT TORTURE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. FRASER. Mr. Speaker, I would like to include in the RECORD an article describing the recent decision by the President of Brazil to remove General Adnardo d'Avila Melo as 2d Army Commander in Sao Paulo. The decision was announced minutes after it was disclosed

that a metal worker had been found dead in a prison which was under the jurisdiction of the 2d Army. Earlier, Vladmir Herzog, a journalist, had also been found dead in a Sao Paulo army prison.

I would like to personally commend President Geisel for this decision and his efforts in general to eliminate the incidence of torture.

The prevalence of torture and other abuses of human rights in Brazil has been profoundly disturbing to me. The Subcommittee on International Organizations has held two hearings on the human rights situation in Brazil. On December 11, 1974, we received testimony from Rev. Fred Morris, a U.S. citizen, who was tortured by the army in Recife, Brazil.

The document follows:

[From the Washington Post, Jan. 21, 1976]

BRAZIL GENERAL REMOVED

RIO DE JANEIRO.—President Ernesto Geisel has removed one of Brazil's most outspoken and hardline generals from his Sao Paulo command following the death of a political prisoner in an army prison—the second such death in that city in four months.

The replacement of Gen. Ednardo d'Avila Melo as 2d Army commander in Sao Paulo was announced by presidential decree within minutes of an army announcement that a metal worker had been found dead in his cell over the weekend.

Observers here saw the removal as an attempt to impose a new code on the country's security forces, which have been accused by political prisoners and lawyers of torturing hundreds of prisoners.

After the death of journalist Vladimir Herzog in a Sao Paulo army prison cell in October, described by the army as suicide, Geisel was quoted by newspapers as saying he would not allow such an incident to happen again.

ANOTHER MEDICAL INVENTION BY WALTER JINOTTI

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. PATTEN. Mr. Speaker, Walter Jinotti has done it again. First he invented an improved blood pump for transfusions which has saved the lives of hundreds of persons. Later, Walter invented an improved method of providing relief for sinus sufferers, which has helped millions of persons in the Nation. And his latest achievement is a device that alerts a nurse when a patient's intravenous bottle needs changing.

Mr. Speaker, I am proud of Walter Jinotti, who is not only an active and versatile inventor, but is also a concerned citizen whose contributions to good government are many.

Walter's latest invention resulted in another newspaper article in the Home News of New Brunswick, N.J. I hereby insert the article with pride and I know that before too long, Walter Jinotti will invent another medical device that will help people, because that is the story of his life: helping people.

The article follows:

SERUM ALARM PATENTLY INVENTIVE

NEW BRUNSWICK.—Walter Jinotti, medical inventor and technician at Middlesex General Hospital, has obtained a patent on a device that alerts a nurse when a patient's intravenous bottle requires changing.

Jinotti, of 10 Scott St., is the inventor of an improved blood pump for transfusions and an improved method of providing relief for sinus sufferers.

His new device will alert the closest nurses' station by sending a radio signal three minutes before an intravenous fluid bottle empties. This allows the nurse to work with more than one patient and attend a patient before the bottle is empty.

Jinotti, the head of the hospital's vascular department, calls his invention the I.V. Alert. It runs on a battery or electrical current, he said. A number of models are being tested.

Jinotti said eight manufacturing firms have expressed interest in producing his invention.

Former Secretary of Health, Education, and Welfare Caspar Weinberger has praised Jinotti for his "highly commendable" invention of the new blood pump.

Rep. Edward J. Patten, D-15th Dist., also commended him in remarks printed in the Congressional Record. Patten called Jinotti "one of the most versatile and valuable" medical inventors in New Jersey.

Jinotti also serves as chairman of the city's Commission for Environmental Health, which is responsible for finding ways to improve New Brunswick's potable water supply.

INFLATION AND THE DEREGULATION OF NATURAL GAS

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. BLANCHARD. Mr. Speaker, it is common knowledge that during the last year, the problem of inflation has topped all the polls as the issue which is most on the minds of Americans.

Today the House of Representatives, casting aside the warnings of the Energy and Power Subcommittee that not enough facts are available, voted to discuss immediately the question of removing Federal price controls on natural gas.

I was most disappointed by that decision, Mr. Speaker, because deregulation of gas has obvious and direct effect upon inflation.

Last year, the House spent several months debating the issue of decontrol of oil prices, because of its great importance to our Nation's economy. But with today's vote, the House has decided to deal with deregulation of natural gas—which accounts for fully one-third of this Nation's energy—in 3 hours of debate.

This action was taken despite the fact that a recent General Accounting Office—GAO—report shows that consumers will pay a staggering price for deregulation during the next 10 years.

The GAO estimated, in fact, that the price tag will amount to $75 billion for 7.8 trillion cubic feet of gas—a price which works out, in equivalent terms, to $54 a barrel of oil, or more than four times the blackmail price we are now paying the OPEC cartel.

It is hardly surprising, Mr. Speaker, that inflation now leads all the polls when our Government's only response to the energy crisis is to recommend higher and higher prices for oil and natural gas.

But it is a little hard for me to understand how those who applauded the President's recent veto of a bill that was $1 billion above his request can turn around a week later and cast their votes for a $75 billion giveaway to the oil and gas industry.

If that is not inflationary, I do not know what is.

It is my sincere hope that in the time which remains before deregulation comes to a final vote, the House will take a more responsible attitude toward this ill-considered legislation.

STUDENTS PETITION FOR A STRONG NATIONAL SPACE PROGRAM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. TEAGUE. Mr. Speaker, students of Dr. Lawrence C. Wolken of the Alief Independent High School District recently reviewed our national Space program with emphasis on the highly successful Skylab effort. After this review these students decided that their new knowledge compelled them to petition the U.S. Congress on behalf of a strong future Space program. Because of their efforts and for the benefit of my colleagues, Dr. Wolken's letter and the petition presented by 277 students of the Alief Independent High School of Alief, Tex., are submitted for the RECORD:

ALIEF INDEPENDENT SCHOOL DISTRICT,
Alief, Tex.

HON. OLIN TEAGUE,
Chairman, Science and Technology Committee, Rayburn House Office Building, Washington, D.C.

SIR: In my astronomy class during the fall quarter this year, NASA's budget became a topic of discussion as a result of the question, "Why doesn't NASA have more space projects going at the present time and planned for the future?" The only answer I could give them was that NASA couldn't conduct more projects because of their limited budget for the past couple of years.

The students became interested in NASA and the space program as a result of a class project on Skylab. Each student familiarized himself with the Skylab program in general, and then chose a particular phase of the program to study in detail. Each student then presented his findings as part of an 80 min. oral presentation to other students in our district. In all, 1800 high school, middle school, and elementary school students became informed about the Skylab program by attending the class's presentation.

In preparation for the program, we used material provided by NASA and went on a field trip to the Johnson Space Center here in Houston. The class spent nearly a month on the project and became very interested in the space program. When I mentioned NASA's budget in response to their question they wanted to know what they could do to help increase NASA's funding. The only suggestion I could think of was for them to write a petition, get as many signatures as possible, and to send it to an appropriate mem-

ber of Congress. So the students wrote the petition themselves and took it around the high school and got other students, teachers, and administrators to sign it.

Unfortunately, this took place right at the end of the quarter, so they only had a day and a half to circulate the petition; given more time, I feel certain they would have obtained more signatures. Enclosed you will find the petitions.

We hope that you will take these into consideration, and show them to other appropriate members of Congress. We feel the people of the U.S. are interested in the space program, and would show even greater interest if better informed of NASA's projects. We have tried to do our part by informing a sizable segment of the school population in Alief of the Skylab program. Thank you for your consideration of this matter.

Very truly yours,

LAWRENCE C. WOLKEN.

To the Congress of the U.S.A.:

We, the taxpayers of today and tomorrow, have become increasingly interested in the space program for the near future. We have educated ourselves and our peers on the past functions of NASA. We are also aware that NASA has insufficient funding for the plans which it could be executing in the late 70's through the 80's.

Many of us are willing to spend our future preparing ourselves in space related fields, but see no point in spending our money on a career that will be closed to us because of a lack of financial backing from Congress. We also feel that our future, as well as the future of mankind, can greatly benefit from the space program. Therefore, we implore you, the Congress of the U.S.A., to enlarge the budget of the National Aeronautics and Space Administration for the coming years.

We feel confident that you will not ignore our request.

SENIORS FOR ADEQUATE SOCIAL SECURITY TESTIFY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. RANGEL. Mr. Speaker, one of the most active senior citizen groups in New York City is Seniors for Adequate Social Security. This organization is committed to fighting for legislation at the city, State and Federal levels to guarantee the elderly enough income for them to live in dignity.

I have been fortunate in having the input of SASS and its leaders, especially my constituent Max Manes who tirelessly pursues economic justice for the elderly. As the Committee on Ways and Means debates such critical issues as SSI, title XX and national health insurance, I know that SASS will continue to be vigilant to insure that the rights of our senior citizens are protected.

I am pleased to include in the CONGRESSIONAL RECORD the testimony of Mr. Manes on behalf of Seniors for Adequate Social Security given before the New York State Democratic Platform Committee:

SENIORS FOR ADEQUATE SOCIAL SECURITY NEWSLETTER

1976—PUT THE HEAT ON THE POLITICIANS

A delegation of SASS members attended hearings of the New York State Democratic Platform Committee in preparation for the 1976 National platform at City Hall, Nov. 15. Max Manes spoke for SASS, Rose Kryzak also testified for the Queens Council of Senior Citizens, and Neil MacGillicuddy testified for Retirees Division of District 65. We were asked to submit a written statement. The following was sent, after having been unanimously endorsed by the SASS membership meeting held Nov. 20.

TO THE NEW YORK STATE DEMOCRATIC PLATFORM COMMITTEE:

SASS—Seniors for Adequate Social Security, urges you to address yourself forcefully to the number one problem facing the elderly—inadequate income. Also to the problem of health, which runs a close second. A repetition of old platitudes will not do. Action to solve these and the multitude of other long neglected problems is needed.

Implementation of the 1971 White House Conference on Aging Income Recommendation is long overdue, and must not be delayed any longer. It calls for "the adoption now, as the minimum standard of income adequacy, of the Intermediate Budget for an elderly couple prepared by the Bureau of Labor Statistics, with not less than 75% of that budget for a single individual." (As of the Fall of 1974, that budget was, for the National Urban level, $6,041 yearly—for New York and Northeastern New Jersey, it was $7,105.) Last March the Federal Council on Aging, after expressing concern in its Report to the President, stating "We have become increasingly aware that the economic plight of the elderly is of crisis proportions", made the same recommendation.

The 1971 Conference urged this as an immediate step, recommending that it be done now, and added "As a follow up in the progression of the benefit floor, not later than 1974, the minimum income for Social Security and Adult Assistance (now SSI) beneficiaries be upgraded to provide the elderly with the "comfortable" standard of living established by the Bureau of Labor Statistics.

2. Supplementary Security Income, SSI, the new program that started Jan. 1, 1974, is supposed to give the poorest of the elderly, blind and disabled a guaranteed annual income. In practice it is "guaranteed poverty and hunger". The N.Y. Times called it "Supplementary *Insecurity*". Payments are below official poverty level, as is the average payment under Social Security. Procedures for qualification for SSI are complicated and humiliating and must be done away with.

The Administration and Congress cannot continue to ignore the following principle spelled out by the Conference: "It must be the policy of the U.S. that poverty be eliminated as a concomitant of the older years. In this regard, priority must be given to providing older Americans with an income to keep them from poverty and subsequently to assure the aged an income foundation that will provide them with a comfortable existence."

Political parties and politicians seeking votes among the elderly and near, or future, elderly, must commit themselves to work to translate this into reality.

3. The automatic cost-of-living increases must go into effect earlier and at shorter intervals to keep pace with rising living costs. They should be based on a special Consumer Price Index for the elderly, designed to truly reflect their spending patterns.

4. Ten years of Medicare, and the elderly are no nearer a solution to their health care problems than before. They are paying more for health care than they ever did, and costs continue to rise, and drain their limited incomes. Those who qualify for Medicaid are forced to go through a wringer of red tape to get care of questionable quality. The White House Conference called for a "comprehensive health security program which would include the aged as well as the rest of the population". The Kennedy-Corman Bill (S. 3, H.R. 21) must be enacted. It's the only bill that would establish a broad system of health care, not just a method of paying for doctors, hospitals and other health services. In some areas it could be strengthened, such as dental, long term and some care. It must under no circumstances be tied to insurance companies and other profiteering interests. Consumers should have a voice at all levels in the control of cost and quality.

5. The present method of financing Social Security should be drastically changed to ease the burden weighing so heavily on lower income groups and those earning $14,100 annually or less. Why should those earning more than that enjoy 100% tax exemption for all their earnings above that figure? Why shouldn't General Revenue contribute to finance Social Security?

Income and health care are the prime problems. But the elderly face many others: housing, transportation, etc. Present programs have only scratched the surface of these problems. Much more will have to be done just to get on the road toward their solution.

Opening the 1971 White House Conference on Aging, its Chairman, Dr. Arthur S. Fleming, said: "The cry of older persons throughout our Nation is, 'Act, do not write about me, do not even talk about me, but act!'" Immediate action is needed, and the elderly don't have the time to wait.

THIRTY-NINE WOMEN WIN WOODROW WILSON FELLOWSHIPS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Ms. ABZUG. Mr. Speaker, 39 women have been selected this year as Woodrow Wilson fellow dissertation winners in the area of women's studies and I want to take this opportunity to include their accomplishments in the RECORD.

The awards bear the name of President Woodrow Wilson who was the focus of controversy during World War I when women activists demonstrated in front of the White House on behalf of women's suffrage. As a result of pressure from women's suffrage groups and their contribution to the war effort, Wilson threw his support behind the suffrage amendment. It was passed by Congress and ratified by the States during his Presidency. Therefore it is fitting that these women scholars be honored with an award bearing his name:

AWARD WINNERS, 1975–76 COMPETITION—DOCTORAL DISSERTATION FELLOWSHIPS IN WOMEN'S STUDIES, WOODROW WILSON NATIONAL FELLOWSHIP FOUNDATION

Sara Alpern, U. of Maryland, History. Freda Kirchwey and *The Nation*: A Personal and Intellectual Study.

Karen Jane Blair, SUNY at Buffalo, History. Clubwoman as Feminist: The Woman's Culture Club Movement in the U.S., 1868–1914.

Susan Burkhead, Bryn Mawr College, French. Diderot and Women.

Susan Paulette Casteras, Yale University, History of Art. Women and the Wall: An Inconographic and Historical Analysis of Their Images in Victorian Painting.

Miriam Judith Cohen, U. of Michigan, History. Italian American Women in New York City, 1890–1940.

Carmen Diana Deere, U. of California, Berkeley, Agricultural Economics. This Division of Labor by Sex in Agriculture: Women's Subsistence Production on the *Minifundia* (Honorary).

Virginia Goldsmith Drachman, SUNY at Buffalo, History. The Study of the Relationship of Feminism to Health Care: The Attitudes and Practices of Male and Female Doctors Toward Women Patients in Late Nineteenth Century America.

Martha Richmond Fowlkes, U. of Massachusetts, Sociology. The Wives of Professional Men: A Study of the Interdependency of Family and Careers.

Hannah L. Frisch, U. of Chicago, Psychology. Play Behavior of Adults with Infant Boys and Girls.

Naomi Ruth Goldenberg, Yale University, Religious Studies. Gods and Genders in a New Mythology: The Place of Depth Psychology in a Feminist Critique of Religion.

Kathleen Elizabeth Grady, CUNY Graduate Center, Psychology. Sex as a Social Labelling Phenomenon: The Illusion of Sex Differences.

Katherine Jean Herbig, Claremont Graduate School, History. Friends for Freedom: The Lives and Careers of Sallie Holley and Caroline Putnam.

Judith Jeffrey Howard, U. of Connecticut, History. The Woman Question in Italy, 1861–1893.

Barbara A. Kaiser, Tufts University, History. Juridical Rights of Women in Montpellier During the Late Twelfth and Early Thirteenth Centuries.

Jeanne Henry Kammer, Carnegie-Mellon University, English. After Great Pain: Form and Voice in the Poetry of American Women from Dickinson to Levertov.

Judith Anne Lawson, U. of Iowa, English. Perilous Heaven: Love in Twentieth Century British Novels by Women.

Suzanne Lee Lebsock, U. of Virginia, History. Women's Property and Enterprise in Virginia.

Margaret Burke Lee, U. of Chicago, English. Marriage, Divorce, and the Turn of the Novel: A Study in Cultural Change and Literary Form.

Ellen Lenney, Stanford University, Psychology. Problems of Low Self-Confidence in Women.

Kathryn S. March, Cornell University, Anthropology. Himalayan Buddhist Women: "With Nothing but the Body of a Woman."

Patricia Summerlin Martin, Rice University, History, Sisterhood and Suffrage, Evangelical Protestant Women and the 19th Amendment.

Saundra Rice Murray, Howard University, Psychology. Achievement Evaluation: Causal Attribution, Sex, Sex Role and Racial Variations.

Regina Smith Oboler, Temple University, Anthropology. Female Husbands and the Conceptual Definition of Male and Female in an East African Society.

Valerie Anne Pichanick, U. of Massachusetts, History. The Conscience and Social Consciousness of Harriet Martineau.

Marian Hentzell Roffman, U. of Hawaii, History. Working-class Women in Medieval France: Their Legal and Social Status and Their Economic Role Within, and Outside of, the Gilds.

Leila Jane Rupp, Bryn Mawr College, History. Women Work in Wartime: The Labor Mobilization of Women in Germany and the U.S. in the Second World War.

Michele Leiss Stepto, U. of Massachusetts, English. William Blake's Trial of the Muse: Images of the Female Will in the Writings of Blake and Other Poets, Romantic and Modern.

Carolyn Wedin Sylvander, U. of Wisconsin, Madison, English. Jessie Fauset, Black American Novelist: Her Relationships, Literary and Biographical, to Black and White American Writers of 1910–1930, Including the "Harlem Renaissance" Period.

Denise Lynn Warren, U. of California, Los Angeles, French. Simone de Beauvoir: Towards a Feminist Praxis.

TUITION AND FEES OF A NUMBER OF OHIO SCHOOLS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. VANIK. Mr. Speaker, the following chart—originally prepared by my office—lists the tuition and fees of a number of Ohio schools.

The figures used are from the academic year 1974–75 and may be slightly lower than current rates. When total tuition costs at Ohio State University alone have risen more than $120 in the last two school years, it is easy to see that it is becoming increasingly difficult to meet these expenses.

I am hopeful that the information listed below will be of some use to those who are in the position of selecting a college:

COSTS AT COLLEGES AND UNIVERSITIES FOR THE 1974–75 ACADEMIC YEAR

College	Location	Tuition and fees	Room and board	Total	For further information about	
					Financial aid, write to	General information, write to
PRIVATE COLLEGES AND UNIVERSITIES IN OHIO						
Antioch College	Yellow Springs	$3,195	$1,050	$4,245	Ruth Ricket	Ruth Ricket.
Ashland College	Ashland	2,504	1,260	3,764	Edward West	Giles Krueger.
Athenaeum of Ohio	Norwood	1,425	650	2,075	Rev. Donald Tenoever	Rev. Donald Tenoever.
Baldwin Wallace College	Berea	2,679	1,215	3,894	David Darr	John Amy.
Bluffton College	Bluffton	2,260	1,025	3,285	Carl Lehman	John Slotter.
Borromeo Seminary of Ohio	Wickliffe	1,015	900	1,915	Rev. Hugh Bode	Rev. John Valley.
Capital University	Columbus	2,495	1,160	3,655	Mrs. Rosemary Wells	Roger Wiley.
Case Western Reserve University	Cleveland	2,875	1,455	4,330	Donald Chenelle	Karl McEachron.
Cedarville College	Cedarville	1,566	1,110	2,676	David Gidley	Bob White.
Cincinnati Bible Seminary	Cincinnati	1,003	900	1,903	David Baumgardner	Miss R. Russell.
Cleveland Institute of Art	Cleveland	1,950	1,400	3,350	John Swift, Jr.	John Swift, Jr.
Cleveland Institute of Music	do	2,872	1,430	4,302	William Kurzban	William Kurzban.
Dayton, University of	Dayton	1,830	1,122	2,952	James Hoover	James Hoover.
Defiance College	Defiance	2,350	1,020	3,370	Gerald Mallot	Gerald Mallot.
Denison University	Granville	2,970	1,300	4,270	Dr. William Hoffman	Dr. William Hoffman.
Dyke College	Cleveland	1,350	1,400	2,750	Von M. Smith	Charles Jones.
Edgecliff College	Cincinnati	1,600	1,270	2,870	Sister Marcia Kenning	William Russell.
Findlay College	Findlay	2,205	1,014	3,219	Mrs. Lottie Freeman	Mike Alexander.
Franklin University	Columbus	1,080	(2)	1,080	Billy McCarthy	Gene Marshall.
Heidelberg College	Tiffin	2,570	1,030	3,600	George Deinzer	John Nelson.
Hiram College	Hiram	2,835	965	3,800	Alan Donley	Richard Plank.
John Carroll University	University Heights	2,000	1,075	3,075	Carol Semzura	John Sammon.
Kenyon College	Gambier	3,036	1,372	4,408	P. Wesley Tutchings	John Kushan.
Lake Erie College	Painesville			3,700	Harry Biser	Judson Betts.
Malone College	Canton	1,858	1,008	2,866	Guy A. Hull	Guy A. Hull.
Marietta College	Marietta	2,550	1,150	3,700	James Stephens	Jay Showalter.
Mary Manse College	Toledo	1,500	1,050	2,550	John Minnick	Dan White.
Mt. St. Joseph On-The-Ohio	Mt. St. Joseph	1,824	1,240	3,064	Sister Martha Conley	Sister Mary Browne.
Mount Union College	Alliance	2,460	1,095	3,555	Charles Pollock	Richard McLaughlin.
Muskingum College	New Concord	2,610	1,120	3,730	Mrs. Frances Becker	Clancy Biegler.
Notre Dame College	South Euclid	1,400	1,200	2,600	Sister Margaret Therese	Sister Mary Lisbeth.
Oberlin College	Oberlin	3,304	1,365	4,669	James White	Lawrence Buell.
Ohio Dominican College	Columbus	1,880	1,220	3,100	Miss Pat Jeffers	Susan McGough.
Ohio Northern University	Ada	2,256	1,095	3,351	John Gwinn	William Robinson.
Ohio Wesleyan University	Delaware	2,800	1,230	4,030	Fred Pollock	David Treadwell.
Otterbein College	Westerville	2,750	900	3,650	Elsley Witt	Michael Kish.
Pontifical College Josephinum	Worthington	1,505	1,450	2,955	Father Pacheco	Msgr. DeRuntz.
Rio Grande College	Rio Grande	1,890	1,275	3,165	Mark Abell	Dean Brown.
St. John College	Cleveland	1,800	1,400	3,200	Louis Kneier	Miss Barbara Kiss.
Steubenville, College of	Steubenville	1,690	1,100	2,790	Dennis Palmer	Ronald Jarvis.
Tiffin College	Tiffin	1,360	(2) 800	2,160	Lyle Gebhardt	Wayne Huffman.
Urbana College	Urbana	1,908	1,380	3,288	Roland Patzer	Roland Patzer.
Ursuline College	Pepper Pike	1,575	1,150	2,725	Douglas Ita	Douglas Ita.
Walsh College	Canton	1,699	1,100	2,799	Bro. Richard Levesque	Norman Kutz.
Wilberforce University	Wilberforce	1,730	1,050	2,780	Charles Johnson	Robert Thomas.
Wilmington College	Wilmington	2,415	1,185	3,600	Larry Thompson	Alexander Murdoch, Jr.

COSTS AT COLLEGES AND UNIVERSITIES FOR THE 1974-75 ACADEMIC YEAR

College	Location	Tuition and fees	Room and board	Total	For further information about: Financial aid, write to	For further information about: General information, write to
Wittenberg University	Springfield	$2,694	$1,248	$3,942	Dr. Paul Manuel	Dr. Paul Manuel.
Wooster, College of	Wooster			[8] 3,891	Dr. Lawrence Riggs	Byron Morris.
Xavier University	Cincinnati	1,880	1,190	3,070	William Helmecamp	Rev. Buschmann, S.J.
TAX ASSISTED UNIVERSITIES IN OHIO [6]						
Akron, University of	Akron	705	1,320	2,025	Robert Hahn	John Owen.
Bowling Green State University	Bowling Green	780	1,155	1,935	Beryl Smith	John Martin.
Central State University	Wilberforce	663	1,131	1,794	Asbury Turner	Dr. Lionel H. Newsom.
Cincinnati, University of	Cincinnati	930	1,407	2,337	Harry Beck	John Hattendorf.
Cleveland State University	Cleveland	720	(7)	[7] 720	William Bennett	Dr. Richard Gulbenkian.
Kent State University	Kent	834	1,335	2,169	William Johnson, Jr	Thomas Korllos.
Miami University	Oxford	780	1,395	2,175	Charles Kinder	Charles Schuler.
Ohio State University	Columbus	750	1,335	2,085	Rodney Harrison	Edward Rhine.
Ohio University	Athens	780	1,329	2,109	Michael L'Heureux	Jerry Reese.
Toledo, The University of	Toledo	780	1,470	2,250	Clark Reber	Richard Eastop.
Wright State University	Dayton	795	1,410	2,205	Joel Cohan	Elenore Koch.
Youngstown State University	Youngstown	630	975	1,605	John Wales	William Livosky.
TAX-ASSISTED COMMUNITY COLLEGES IN OHIO [3]						
Cuyahoga Community College:						
Metro Campus	Cleveland	330			Roy Chiles	John Tselaines.
Western Campus	Parma	330			Ted Lesniak	Ernest Mielke.
Eastern Campus	Warrensville Township	330			Thomas Morris	Eugene Malone.
Lakeland Community College	Mentor	418			Mrs. Barbara Seiter	F. M. Williams.
Lorain County Community College	Elyria	450			Paul Boguski	Tim Boylan.
Sinclair Community College	Dayton	450			Jerry Swiesler	Kenneth Weaver.
TAX-ASSISTED TECHNICAL COLLEGES IN OHIO [9]						
Belmont Technical College	St. Clairsville	660			Frank Secreto	Thomas Ostasiewski.
Central Ohio Technical College	Newark	645			Richard Dyson	Robin Livesay.
Cincinnati Technical College	Cincinnati	525			Eleanor Bonner	Ann Rasche.
Clark Technical College	Springfield	645			Student Services Office	Student Services Office.
Columbus Technical College	Columbus	651			Richard Calendine	Joseph Schindler.
Hocking Technical College	Nelsonville	525			J. William Hill	J. William Hill.
Jefferson County Technical Institute	Steubenville	315			Carl Arlotta	Harry Johnston.
Lima Technical College	Lima	627			Gary Weaver	Sam Bassitt.
Marion Technical College	Marion	720			Kay Greenland	Kay Greenland.
Michael J. Owens Technical College	Toledo	510			Craig Rhodes	Leroy Marquette.
Muskingum Area Technical College	Zanesville	510			David Moon	Tim Shepfer.
North Central Technical College	Mansfield	600			Mrs. Carol Anderson	Robert Brook, Jr.
Northwest Technical College	Archbold	645			Robert Osborne	John Wilson.
Scioto Technical College	Lucasville	540			Arnold McCoy	Arnold McCoy.
Stark Technical College	Canton	525			Stanley Kuceyeski	Ronald Armitage.
Terra Technical College	Fremont	480			Richard Dagg	Lyle Smith.
Washington Technical College	Marietta	475			Mrs. Vivian Cornwell	Mrs. Vivian Cornwell.
PRIVATE TWO-YEAR COLLEGES IN OHIO						
Kettering College of Medical Arts	Kettering	1,490	760	2,250	Eugene Cowling	Eugene Cowling.
Mount Vernon Nazarene College	Mount Vernon	1,500	900	2,400	Mrs. Britta Bridges	William Bennett.
OUT-OF-STATE COLLEGES AND UNIVERSITIES [10]						
Brown University	Providence, R.I	3,500	1,630	5,130	Lloyd Cornell, Jr	Milton Noble.
California Institute of Technology	Pasadena, Calif	3,140	1,083	4,223	Stirling Huntley	Stirling Huntley.
California, University of (L.A.)	Los Angeles, Calif	2,125	1,400	3,525	Lawrence Dreyer	Robert Kinsmon.
Carnegie-Mellon University	Pittsburgh, Pa	2,900	1,475	4,375	Bill Turner	Bill Turner.
Chicago, University of	Chicago, Ill	3,000	1,800	4,800	Fred Brooks, Jr	Mrs. Margaret Perry.
Columbia University	New York, N.Y	3,475	1,750	4,225	Kenneth Ostberg	Michael Lacope.
Cornell University	Ithaca, N.Y	3,530	1,575	5,105	Phillip Bisselle	Dr. Walter Snickenberger.
Dartmouth College	Hanover, N.H	3,570	1,622	5,192	Harland Hoisington, Jr	Edward Chamberlain, Jr.
Duke University	Durham, N.C	2,780	1,275	4,055	I. Croom Beatty, IV	Dr. Clark Calhow.
Harvard University	Cambridge, Mass	3,400	1,950	5,350	L. Fred Jewett	L. Fred. Jewett.
Illinois, University of	Urbana, Ill	1,680	1,222	2,902	Edward Sanford	Gary Engelgau.
M.I.T	Cambridge, Mass	3,350	1,907	5,320	J. H. Frailey	Peter Richardson.
Michigan, University of	Ann Arbor, Mich	2,600	1,402	4,002	Thomas Butts	Dr. Clifford Sjogren.
Middlebury College	Middlebury, Vt			[11] 4,400	Charles Brakeley	Fred Neuberger.
Minnesota, University of	Minneapolis, Minn	1,530	1,300	2,830	Student Financial Aid Office	Admissions Office.
Mount Holyoke College	South Hadley, Mass	2,950	1,550	4,500	Mrs. Groverman Payne	Miss Clara Ludwig.
Northwestern University	Evanston, Ill	3,480	1,460	4,940	Richard Wiringa	Roger Campbell.
Notre Dame, University of	Notre Dame, Ind	2,830	1,160	3,990	Mrs. June McCauslin	John Goldrick.
Pennsylvania, University of	Philadelphia, Pa	3,450	1,535	4,985	George Koval	Peter Seely.
Princeton University	Princeton, N.J	3,500	1,375	4,875	Kenneth Kohl	Timothy Callard.
Purdue, University of	Lafayette, Ind	1,700	1,280	2,980	D. E. Holec	Charles Henry.
Radcliffe College	Cambridge, Mass	3,400	1,950	5,350	Mrs. Sylvia Simmons	Mrs. Alberta Arthurs.
Rensselaer Polytechnic Institute	Troy, N.Y	3,250	1,450	4,700	Robert Magee	Robert Magee.
Rice University	Houston, Tex	2,185	1,496	3,681	Dorothy Irrgang	Richard Stabell.
Smith College	Northampton, Mass	2,940	1,550	4,490	Anne Keppler	Mary McDougle.
Stanford University	Stanford, Calif	3,375	1,535	4,910	Robert Huff	Dean Fred Hargadon.
Swarthmore College	Swarthmore, Pa	3,125	1,425	4,550	Mrs. Lynne Mifflin	William Quesenbery.
Vassar College	Poughkeepsie, N.Y	3,100	1,350	4,450	Miss Mary-Alice Hunter	Richard Stephenson.
Wellesley College	Wellesley, Mass	3,050	1,600	4,650	Mrs. Amy Nychis	Mrs. Mary Ellen Ames.
Wisconsin, University of	Madison, Wis	2,050	1,400	3,450	Dir. of Financial Aid	Dir. of Admissions.
Yale University	New Haven, Conn	3,650	1,700	5,350	Worth David	Worth David.

[1] This charge is for ¾ of the academic year. Inasmuch as Antioch has a co-op program, students are often on off-campus assignments ¾ of the academic year.

[2] Franklin University has no room and board facilities.

[3] This is a comprehensive fee which covers tuition, fees, room and board and the winter term abroad.

[4] Room costs are $400 per year. The rooms provide cooking facilities, and the university estimates that a student can prepare his own meals for $400 a year.

[5] This is a comprehensive fee which covers tuition, fees, room and board.

[6] The charges are for students who are Ohio residents. Tuition fees are higher for out-of-State students.

[7] Inasmuch as Cleveland State University has very limited residence facilities, room and board charges are not included in total.

[8] The charges are for students living in the same county as the one in which the college is located. Charges are higher for out-of-county students. Community colleges are primarily for commuting students, seldom having any room and board facilities, and thus charges shown are only for tuition and fees.

[9] The charges are for students living in the district served by the institution. Charges are higher for other students. Technical colleges are primarily for commuting students, seldom having any room and board facilities, and thus charges are only for tuition and fees.

[10] Costs shown are those charged out-of-State residents, such as students from Ohio.

[11] This is a comprehensive fee which covers tuition, fees, room and board.

TERRY SHELL APPOINTED U.S. DISTRICT JUDGE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ALEXANDER. Mr. Speaker, I am pleased to share with my colleagues an article from the January edition of the Arkansas Lawyer dealing with the investiture ceremonies of Judge Terry Shell as U.S. district judge for the Eastern District of Arkansas.

This man has distinguished himself on the bench for many years as both a fair and a firm judge, an exceptional choice for this appointment. I am proud to call him my friend.

The article follows:

JUDGE SHELL

"A Judge must be clear from the spirit of party, independent of all favor, well inclined to the popular institutions of his country; firm in applying the rule, merciful in making the exception; patient, guarded in his speech, gentle and courteous to all. Add his learning, his labour, his experience, his probity, his practiced and acute faculties, and this man is the light of the world, who adorns human life and gives security to that life in which he adorns."—Sydney Smith, 1824.

Terry Lee Shell became U.S. District Judge for the Eastern District of Arkansas at investiture ceremonies on September 26, 1975 at the Federal District Courthouse in Jonesboro.

The court was called into session by U.S. Marshal Len Blaylock and convened by U.S. District Judge G. Thomas Eisele. The invocation was given by Rev. Emil Williams, pastor of the First Baptist Church of Jonesboro. U.S. District Judge Oren Harris read Judge Shell's commission, signed by President Ford and U.S. Attorney General Edward H. Levi. Judge J. Smith Henley, recently elevated to the U.S. Eighth Circuit Court of Appeals, administered the oath of office as Judge Shell stood with his right hand raised, his left on the Bible held by his wife Sara.

After Judge Shell received his judicial robes from Miss Lenita Stack, his veteran court reporter, he received a gavel from President Joe C. Boone, Jr. of the Craighead County Bar Association on behalf of the lawyers in the county.

U.S. Senator John L. McClellan, Chief Justice Carleton Harris of the Arkansas Supreme Court, Arkansas Congressmen Bill Alexander and Ray Thornton, President Robert C. Compton of the Arkansas Bar Association, and Edward L. Wright, Past President of the Arkansas and American Bar Associations spoke during the ceremony, praising Judge Shell's contributions to the Bench and Bar. Congratulatory telegrams from U.S. Senator Dale Bumpers, Arkansas Governor David Pryor and Congressman John Paul Hammerschmidt were read at the ceremony.

Following his investiture, Judge Shell held a reception in chambers for the many guests in attendance. More than 200 persons attended the luncheon honoring Judge Shell in the ballroom of the Carl R. Reng Center at Arkansas State University.

Terry Lee Shell is a native Arkansan born in Franklin, Arkansas, on April 22, 1922, one of two sons and a daughter born to the late Elmer G. Shell and Roxie Shell. Judge Shell's brother, the late Lt. John Russell Shell, was killed in action in North Africa in World War II. His sister, Mrs. Charles Wiles, resides in Jonesboro, as does his mother.

The Shell family moved to Jonesboro in Judge Shell's youth. He attended Jonesboro Public Schools and graduated from Jonesboro High School in 1939. He attended Arkansas State College (now Arkansas State University) until 1942, when he volunteered for the Army ASTP program. Judge Shell served during World War II with the 99th Infantry Division serving in Europe. During the "Battle of the Bulge" Judge Shell was captured by German troops.

Following discharge from the service in November of 1945, Judge Shell re-enrolled at Arkansas State College, receiving a BSE Degree in 1946. He then attended the University of Texas School of Law from 1946 through 1948 and graduated from the University of Arkansas School of Law in 1949, receiving LL.B. and JD Degrees from the University of Arkansas School of Law.

After graduation from law school, Judge Shell entered the private practice of law in Jonesboro, being associated with the late Edward L. Westbrook from 1949 through 1960.

Judge Shell served one term as a State Representative in the Arkansas State Legislature from 1953 through 1954. He was elected Prosecuting Attorney of the Second Judicial District and served as prosecutor from 1955 through 1960, when he was elected Chancellor of the Twelfth Chancery District. Judge Shell served as a Chancellor with distinction and honour from 1961 until his resignation on September 25, 1975, to accept appointment as U.S. District Judge.

During his ten years as Chancellor of the Twelfth Chancery District Judge Shell was an active member of the Arkansas Judicial Council, serving on the Executive Board as Vice President in 1971 and as President in 1972.

Judge Shell was one of 18 members appointed by Chief Justice Carleton Harris and then Attorney General Ray Thornton to serve on the Arkansas Criminal Code Revision Committee, which authored the new Criminal Code of Arkansas adopted as Act No. 280 of the Acts of 1975.

He is a member of the Craighead County, Northeast Arkansas, Arkansas and American Bar Associations and a member of the American Judicature Society. He is an active member of the First Baptist Church of Jonesboro. Judge Shell is married to the former Sara McCutcheon of Hooks, Texas. They are the parents of two daughters, Mrs. Larry (Suzanne) Churchill of Jonesboro and Jeannie Shell, a student at Jonesboro High School.

THADDEUS KOSCIUSZKO NATIONAL MEMORIAL TO BE DEDICATED

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ANNUNZIO. Mr. Speaker, on February 4, I shall be privileged to attend the dedication ceremonies opening the Thaddeus Kosciuszko Home in Philadelphia, Pa., as a national memorial.

This is a most appropriate celebration of America's Bicentennial heritage of liberty and freedom, because Kosciuszko was one of the most outstanding of the Polish patriots who contributed to the American struggle for independence a much-needed scientific knowledge of military engineering and an unwavering enthusiasm for the cause of freedom.

Gen. Horatio Gates, a commanding general of the American forces said of this Revolutionary War hero,

Let us be honest: the military skill of General Kosciuszko is as responsible for the victory of the Revolutionary War as it was at the Battle of Saratoga.

Indeed, this honor being extended to General Kosciuszko symbolizes the mighty contributions, made by millions of Polish-Americans who followed him, to the growth and advancement of our country throughout the 200 years since our original struggle for freedom. It is important for all Americans to remain aware of the fact that American greatness is the result of vital contributions made by all of the ethnic groups who emigrated to this Nation.

In 1972, as a cosponsor of legislation to designate Kosciuszko's home at 301 Pine Street, in Philadelphia, as a national memorial, I was proud to join with the American Polonia in their efforts to achieve national recognition of the heroic accomplishments made by this freedom fighter.

After meeting with the Secretary of the Interior Rogers C. B. Morton, I was encouraged by the Interior Department's reversal of its previous recommendation that the Kosciuszko Home was unworthy of restoration, and after further consultation with appropriate Members of the House of Representatives during that summer of 1972, hearings on my bill were held and the legislation subsequently passed the Congress and was signed into law.

Special recognition, however, should go to Mr. Edward J. Piszek who is the single most important individual involved in efforts to have the Kosciuszko house restored in time for America's 200th anniversary celebration. Mr. Piszek purchased the home, and the property next door to the Kosciuszko residence, to save it from being destroyed in Philadelphia's redevelopment efforts. He subsequently turned the two properties over to the National Park Service without charge so that this historic edifice would be saved for generations of Americans to enjoy and be reminded that only through struggle and sacrifice can liberty be won and freedom's precious ideals be perpetuated.

Mr. Speaker, by setting aside the home in which Kosciuszko resided at 301 Pine Street in Philadelphia as a national historic site, we say publicly that the selfless spirit of a very great man shall never be forgotten by a grateful America.

REINTRODUCTION OF THE GRAND JURY REFORM ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. CONYERS. Mr. Speaker, today I am reintroducing the grand jury reform act, with six substantive modifications. Except for these changes and several technical improvements, the bill remains

identical to H.R. 2986 which I introduced with 24 cosponsors in the 1st session of the 94th Congress.

The Subcommittee on Immigration, Citizenship and International Law, chaired by our able colleague from Pennsylvania (Mr. EILBERG) is scheduled to begin shortly hearings on this subject. The bill I support is designed to end the pattern of grand jury abuse of recent years, and would introduce rudimentary protections and rights into the grand jury process and take important steps to restore the independence of the grand jury from the prosecutor. The following is a summary of the bill, with the new modifications appearing in italics:

SUMMARY OF THE GRAND JURY REFORM ACT OF 1976

RECALCITRANT WITNESSES

Twelve or more members of the grand jury must vote to make application to the court for an order directing a recalcitrant witness to show cause in a hearing why he should not be held in contempt.

Gives the witness ten days notice of a contempt hearing. In the case of a witness subpoenaed to trial, and upon a showing of special need, shorter notice may be given, but not less than five days.

The witness has the right to appointed counsel in contempt proceedings, if the witness is unable to afford it.

Imprisonment shall be in a federal institution, unless the witness waives this right.

Reduces the period of imprisonment from a maximum of 18 to 6 months for civil contempt, and prohibits reiterative contempt, *both civil and criminal*, by making the six months cumulative, applying it against any confinement resulting from prior, subsequent, or related grand jury investigations.

Provides that the confined person shall be admitted to bail, pending appeal, unless the appeal is patently frivolous and taken for delay. Appeals shall be disposed of pursuant to an expedited schedule, eliminating the unique "'30 day rule", which requires that appeals be decided within 30 days.

Provides that a refusal to answer questions or provide other information shall not be punished if the question or request is based on any violation of the witness's constitutional or statutory rights. *Moreover, relevance standards are defined for a subpoena and for grand jury questions, introducing at least some check on previously limitless prosecutorial discretion.*

Applies all of the above protections to witnesses subpoenaed to trial as well as grand jury witnesses, with the exception of grand jury voting, where in trial the determination is made by the court.

NOTICE TO THE GRAND JURY OF ITS RIGHTS AND DUTIES

Requires that the district court judge who empanels the grand jury give instruction to the grand jurors at the beginning of their term, including: grand jury powers with respect to independent investigation, its right to call and interrogate witnesses, its right to request documents and evidence, the subject matter of the investigation, the necessity of legally sufficient evidence to indict, and the power of the grand jury to vote before a witness may be subpoenaed, granted immunity, be given contempt hearing or indicted.

Prescribes that failure to so instruct the grand jury is just cause for a refusal to testify or for a dismissal of an indictment by that or a subsequent grand jury on the same matter.

INDEPENDENT INQUIRY

Allows the grand jury, upon notice to the court, to inquire on its own initiative into offenses committed by Government or former Government officials. *However, a grand jury must first attempt to work with the U.S. Attorney beforehand.* The grand jury shall serve for 12 months with no more than two extensions for a maximum of 24 months.

A citizen has the right to bring a complaint to the grand jury, with the requirement that the complaint first be brought to the U.S. Attorney, who must keep an open record of such complaints and their disposition, and only then can the court be approached to arrange a grand jury appearance.

Provides that the court, upon a vote of the grand jury, shall appoint a special attorney to assist the grand jury in investigation. Such attorney will be paid $100/day and may fix compensation for such assistants as is deemed necessary, with the approval of the court. Such attorney shall have exclusive power to assist the grand jury and shall sign any indictment, in lieu of a Government attorney.

RIGHTS OF GRAND JURY WITNESSES

Provides that subpoenas be issued only on an affirmative vote of 12 or more members of the grand jury. Subpoenas are not returnable on less than seven days notice. The subpoena must advise the witness of the right to counsel, the rights against self-incrimination, whether his conduct is under investigation, the subject matter of the inquiry, and the substantive statutes involved. Any witness not advised of these rights cannot be prosecuted, subjected to penalty, or have the evidence used against him in court.

The requirement is added (in keeping with ABA standards) that a witness who declares his intention to claim the fifth amendment right against self-incrimination should not be subpoenaed to the grand jury unless an immunity order is obtained.

Gives witnesses the right to have counsel in the grand jury room, such counsel to be court appointed where appropriate. Counsel shall not be bound by secrecy.

Prescribes that when an investigation includes violations of substantive criminal statutes as well as conspiracy, the grand jury may not be convened in the district where only the conspiracy is alleged. On the motion of the witness the court shall transfer the investigation to another district in which the proceedings may be properly convened. The court shall take into account the distance of the proceedings from the residence of the witness, other burdens on the witness, and the existence and nature of any related proceedings.

Once a grand jury has considered a matter, the Government shall not bring the same matter to another grand jury unless the Government shows and the court finds that the Government has discovered additional relevant evidence.

Provides that transcripts shall be made of the proceedings and be available to the witness, a copy shall be furnished without cost.

Gives the witness and his counsel the right to examine and copy any statement of the witness in the possession of the United States which relates to the matter under investigation.

Witnesses are given the right to file additional clarifying comments to their grand jury testimony, which will be included in the record and circulated to the jury.

Provides that no person shall be required to testify or be confined if, upon evidentiary hearing, the court finds: (a) a primary purpose or effect of the subpoena is to secure for trial evidence against a person already under indictment or formal accusation. (b) Compliance with the subpoena is unreasonable or oppressive and involves unnecessary appearances; or the only testimony that can reasonably be expected is cumulative, unnecessary or privileged. (c) The primary purpose of the subpoena is punitive.

Gives the court in the district out of which the subpoena was issued, the court in the district in which the subpoena was served, and the court in the district in which a witness resides concurrent jurisdiction over motions to quash and other relief. It allows such motions at any time. If a motion is made prior to or during an appearance, the appearance is stayed, pending ruling. If the motion is made during or subsequent to the appearance, the motion must be made in the district of the empaneled jury.

A person may testify on a matter before a grand jury or appear before a grand jury to request that it engage in independent inquiry, unless the court finds that such testimony or such appearance would serve no relevant purpose.

IMMUNITY OF WITNESSES

Abolishes all forced and use immunity before grand juries and courts. Transactional immunity is allowed with the written consent of the witness, and by affirmative vote of twelve or more members of the grand jury; or in the case of a trial proceeding, with the consent of the witness and by application of the U.S. Attorney.

Provides transactional immunity for witnesses before congressional committees and agency hearings.

REPORTS CONCERNING GRAND JURY INVESTIGATIONS

Requires the Attorney General to file detailed annual grand jury reports, describing: (A) the number and nature of investigations in which grand juries were utilized. (B) The number of reports for orders compelling testimony, and the number granted. (C) The number of immunity grants requested, the number approved, and the nature of the investigations. (D) The number of witnesses imprisoned for contempt, and the dates of their confinement. (E) An assessment of the effectiveness of immunity, including the number of arrests, indictments, no-bills, etc. Resulting from compelled testimony, and (F) A description of the data banks, etc. by which grand jury data is processed and used by the justice department.

EVIDENCE

Requires the Government to introduce all evidence in its possession tending to prove the innocence of a potential defendant.

Prohibits the grand jury from returning an indictment on the basis of hearsay evidence alone.

IDA NUDEL: A GUARDIAN ANGEL FOR SOVIET JEWS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. EILBERG. Mr. Speaker, thousands of Soviet Jews are now in Siberian labor camps as "prisoners of conscience." Because they try to exercise their religious beliefs, or have made application to emigrate to Israel, Jews in Russia have been given lengthy and unjustified prison sentences.

Many Jewish prisoners are able to maintain some hope through contact with their "guardian angel," Ida Nudel. This woman, almost singlehandedly, is standing up against the public prosecutors of the Soviet Union, and exposing the unwarranted punishment of Soviet Jews who have expressed a desire to emigrate to Israel.

It is difficult for Americans to realize the living conditions in the isolated Siberian jails. The cold, dark cells, barely 12 by 12 feet, house six to eight prison-

ers. The health of those incarcerated is destroyed from the dampness and filth, and the isolation is sometimes successful in destroying their souls, as well.

Although the secret police have tapped her phone and prevented her from keeping a decent job, Ida Nudel knows the condition and whereabouts of every Jewish political prisoner.

One Soviet prisoner, Vladimir Markman, was arrested in 1972 for the "crime" of swearing at a telephone operator who had cut off his telephone call to Israel. For this offense, he was sentenced to 1 year in a Soviet labor camp. He also served 2 more years for saying that Jews were persecuted in the Soviet Union. Mr. Markman was released in the spring of 1975, and allowed to emigrate to Israel to join his wife and child.

Although his story has a happy ending, thousands of other persecuted religious and political prisoners are not so fortunate. Ms. Nudel is one of few persons in the Soviet Union who has had the strength to stand up against the tactics of fear so commonly used by the ruthless Soviet machine. Although she has been threatened, she is continuing her fight for the victims of Soviet political and religious repression.

After his move to Israel, Mr. Markman wrote a tribute to the Soviet "angel of mercy." I would now like to share this article with my colleagues, which details the lives of Jewish prisoners and the dedication of Ida Nudel:

FOR WHOM IS THE BELL TOLLING?

(By Vladimir Markman, Former Prisoner of Conscience in the Soviet Union, now in Israel)

Prisoners had been released from prison camp early in the morning when the cold Siberian sun had become tired of rising over the endless Siberian Taiga. Around me, huddling in their camp rags, a handful of convicts crowded. It was April, the beginning of spring. They knew that in a month or two the trees would be covered by green foliage, and the road on which the prisoners leave the camp after their release would become marvelously beautiful. But the reputation of that road was evil. On it bandits sometimes accosted those who had left the camp. Usually after ten to fifteen years of imprisonment the poor devil had accumulated a little bit of money for his backbreaking toil. The violence is over in a flash: the money is taken from him and the poor fellow is either beaten until he is disfigured beyond recognition, or he is murdered. The most waited for, happiest day in the life of an individual, who again had become free, often ended in just such a fashion. "It would be good if we could get a ride to the station in an auto," said one of the prisoners, "the road is so dangerous."

I was looking for the last time at the downcast figures of the prisoners with their stone faces and petrified souls. I knew their thoughts well. Each of them were figuring out mentally how much time he had yet to serve. Each makes this calculation every day in spite of himself, every morning and every evening. Without glancing back, I went to the officer of the watch. The guards ordered me to remove all my clothes to see that I hadn't concealed some kind of note from a prisoner, or some sort of records. One of the secret-police guards muttered sullenly: "Who is it that has come to meet you, a relative?" I nearly jumped out of my skin from joy.

Naturally, it could only be Ida Nudel. She made sure that I would be met.

For the last time the ferocious faces of the secret-police guards looked me over at the gate. The bars are unbolted with a clanging and the gate flies open—freedom. At my first steps, I see an individual—a messenger from Ida Nudel, who has come to meet me, making the trip from Moscow of 4,000 kilometers. It was one of the Moscow activists, Mischa Lieberman. As we got into the car I took a last glance at the camp from the hilltop. It seemed to be a gigantic black rubbish pit, around which stood downcast solid walls of bare gray trees, which seemed to have stiffened from melancholy and despair.

When I arrived in Moscow, the first thing I did was make my way to Ida Nudel. I had never seen her, never been acquainted with her. But throughout the length of my prison term I felt her concern. Her letters gave me warmth, with an almost physical presence, in the cold Siberian nights when the cruel blizzards blanketed the camp, fettered by a heavy prison slumber. In her inscrutable way she found ways of helping me in my captivity which, unfortunately, now one cannot even recount.

As I waited for her outside her house, I noticed the warm May day. The trees were covered with a happy green shawl of spring foliage. Two young girls were rocking themselves on the swings with screeches of rapture. Suddenly BRR came to mind: Barracks of Reinforced Regime. Those individuals who, in the opinion of the administration, violated the regimen of the camp were put there. The cell, 4 by 4 meters, collapsible bunks—folded up at 6 in the morning and unfolded at 11 at night for sleep—hardly a gleam of light in the cell. Usually such a cell held six to eight people. Street clothes and shoes were taken from you and you were given thin sneakers. The floor was cement; temperatures ranged from 10 to 14 centigrade. One's day was taken up with either standing in one place or walking four steps forward and four steps back. There was no place to sit or lie; the stifling air, the stench, were overwhelming. Thus, half year later you leave with tuberculosis.

I was not destined to escape BRR. This was entirely obvious. Informers followed on my heels. The detachment chief found fault with every little thing. I had already been in isolation and next was BRR. I sent Ida Nudel a postcard in which I attempted to hint at my helpless situation. I didn't count upon anything happening, since one could hardly understand anything from my text, no less take action. I could not write a clear text, because the camp censor would not let it pass. How Ida figured it out is beyond understanding. A telegram was received from her at the camp: "Immediately cease the persecution of Vladimir Markman . . ."

Ida succeeded everywhere, in the office of the Public Prosecutor of the USSR, in the Central Committee of the Communist Party of the Soviet Union and in many other channels. If there was unwarranted punishment, it became known to all.

Now the Soviet Union tries to pretend that it represents a human regime. And not infrequently, fearing publicity, does not resort to the extreme measures which it resorted to before with great pleasure and undoubtedly would resort to again, but not on the same scale.

Here I am, on a warm spring morning, waiting for Ida Nudel, thanks to whom I was able to avoid the BRR punishment barracks. I imagined she would be a tall, big woman with a masterful gait. But suddenly a small woman in a sport coat passes me. There is a smile and a shyness in her eyes. She walks past and suddenly turns around and says: "Are you Volodya?" It is she, Ida Nudel! Yes, naturally that is how it should be, sister of all the convicts, our Ida: modest as a school girl, kind and selflessly devoted to each convict as to her very own brother.

Ida lives in one of the new apartments in the outskirts of Moscow. Her one-room apartment is modestly furnished. Naturally, she has a very low paid job or she doesn't work at all, since they don't put up with people such as her on jobs. The KGB knows each of her steps; her telephone has been disconnected. Naturally, her apartment is bugged. Her husband is in Israel; she is alone. No reason has been given for her refusal to emigrate.

Ida knows absolutely everything about each political prisoner serving time for wishing to go to Israel. But not every prisoner knows what Ida has had to do for them. It is not easy to save individuals from Vladimirsky Prison or from BRR.

And what does have to be done to save a Jewish young man whom the camp administration wants to throw to the mercy of the homosexuals or into an isolation cell? What can be done to help the relatives of the imprisoned, to comfort and cheer them, see their tears and hear their moans day after day? Ida knows better than anyone else.

And now, having myself left the Soviet Union, knowing all the brutality the KGB is capable of, I look with alarm at the punishment that is being prepared for Ida Nudel. The Moscow KGB has reached the extremes of cynicism. They want to put Ida Nudel in a psychiatric institution, allegedly for the purpose of compulsory treatment of alcoholism! Ida Nudel doesn't drink at all. What the psychiatric treatment for political dissenters consists of is well known. Mockery, painful injections, medicines that shatter the psyche—it is difficult to emerge physically or mentally healthy after such treatment.

Why does the KGB hate Ida Nudel? There are serious reasons for this. The fact of the matter is that the holiest of holies upon which Soviet power is based is fear. Imprisoning an individual in a prison camp, the system says to all remaining individuals: "The same thing is waiting for you." And suddenly someone is discovered who encroaches upon the holiest of holies of this system. Can there be a worse sin in the eyes of the KGB than helping political prisoners? Instead of shivering in fear, people are found who fight for those who have become the victims of repression.

A small woman stands before the gigantic ruthless Soviet machine. She stands before a machine which has with indifference suppressed not only individuals but entire nations, peoples and governments. And to this day, there are many indifferent individuals in the world, who look with indifferent curiosity at how the terrible millstones work.

Hemingway referred to this indifference when he said: "For whom does the bell toll? It tolls for you."

Translated from the Russian, December, 1975.

THREE ENGINEERS QUIT

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. MOFFETT. Mr. Speaker, nuclear power is a major national issue. Congress has made and will continue to make important decisions that will influence the decline or development of this industry. The nuclear industry frequently articulates its side of the story in the Halls of Congress, but I would ask that my colleagues seriously consider other perspectives for that reason, I submit for the RECORD a most disturbing New York Times story of February 3, 1976 by David Burnham entitled "Three Engineers Quit G.E. Reactor Division and Volunteer in

Antinuclear Movement". I urge my colleagues to take note of the engineers' criticisms of the industry.

The article follows:

THREE ENGINEERS QUIT GE REACTOR DIVISION AND VOLUNTEER IN ANTINUCLEAR MOVEMENT

(By David Burnham)

SAN FRANCISCO, February 2.—Three managing engineers from the division of the General Electric Company that builds nuclear reactors quit their jobs today and volunteered to work for the California movement to halt nuclear power.

Attempts to obtain a comment today from G.E.'s nuclear energy division were unsuccessful.

The three engineers, who abandoned positions that paid between $30,000 and $40,000 a year, said in an interview that they had decided to resign because they believed that nuclear energy represented a profound threat to man.

The decision of the three to speak out against what they had worked to build during most of their professional careers was seen as giving an important impetus to a California initiative proposal on the ballot in the June primary that eventually could lead to an end to the operation of atomic reactors in California.

Organizations in at least a dozen other states, mostly in the West, hope to get a variety of their own antinuclear initiative proposals before the voters in the November elections.

UTILITIES CONCERNED

Although industry lawyers have contended that the provisions of the California initiative and those of the other states may be found unconstitutional, the utilities and such lobbying groups as the Atomic Industrial Forum are deeply concerned about the apparently growing public position to nuclear power.

The three engineers who threw their experience and knowledge behind the coalition of groups trying to halt nuclear power in California were until today middle level managers in a G.E. facility in San Jose 48 miles south of San Francisco. Married, each with three grade school-age children, they are Dale G. Bridenbaugh, 44, years old; Gregory C. Minor, 38, and Richard B. Hubbard, 38. Together, they had amassed 54 years with General Electric.

"My reason for leaving is a deep conviction that nuclear reactors and nuclear weapons now present a serious danger to the future of all life on this planet," Mr. Minor, manager for advanced controls and instrumentation, said in his letter of resignation.

"From what I've seen, the magnitude of the risks and the uncertainty of the human factor and the genetic unknowns have led me to believe there should be no nuclear power," said Mr. Bridenbaugh, manager for performance evaluation and improvement.

THREAT OF ACCIDENT

"I am now convinced that there is no way you can continue to build plants and operate them without having an accident," explained Mr. Hubbard, manager for quality assurance of G.E.'s nuclear energy control and instrumentation department.

The three men discussed their decision to leave the only employer any of them has ever known and go to work for the groups opposed to nuclear energy during a three-hour interview yesterday in a hotel suite.

Each cited different incidents or problems that had played a part in his growing doubts about nuclear power, among them the explosion of a nuclear bomb by India, the disputed health effects of radiation, the American decision to sell reactors to Israel and Egypt and the serious accidental fire almost one year ago in the world's largest reactor complex at Brown's Ferry, Ala.

"I remember in 1969 or 1970 making a trip to Japan," Mr. Bridenbaugh recalled. "Up to this time I had always felt I was a white hat guy doing things to protect the environment, to clean up power plants. I had never really been directly questioned about whether nuclear power was right or wrong."

Mr. Bridenbaugh explained how he had arrived at his hotel and how, in response to a question from the bellboy, he had proudly exclaimed that he was in Japan to work on a reactor G.E. was building there.

"The bellboy kind of shrank back and said, 'I don't think that's a good thing,'" he said. "I have always remembered that; it was the first time I had ever been confronted with someone other than myself with doubts."

Mr. Minor recalled an occasion when he began working for G.E. at a Government facility in Hanford, Wash., when he looked down into a pool of water glowing with the intense blue radiation that plutonium gives off.

"I looked through that 10 or 15 feet of water, the life-saving shield between me and that fuel, and I knew that if any one of those elements were to come up and hit me in the eye, that I was dead, just like that. Or if the water was gone, I was dead, just like that," he said.

"And I got the feeling right there of the very precarious balance we have between radioactive materials in a safe state and radioactive materials in an unsafe state, and the dangers to life are that close."

HUMAN ERROR

Mr. Hubbard said his work in designing control rooms had led him to believe that "human error is a very credible event."

"The Brown's Ferry incident," he said "showed human fallacy. I have been involved in making a lot of field fixes in reactors and I have developed a strong feeling that we don't really know what is going on inside a reactor."

All three expressed disbelief that the United States would sell reactors to Israel and Egypt.

Mr. Bridenbaugh said: "As recently as last year I was giving a sales pitch, so to speak, a talk to delegates from Egypt, explaining to them how easy and safe and comfortable it is to operate a reactor, and about the same time Dick was talking to the Israelis. "I said to my boss, "How can we rationalize these sales." He said, "Well, I have struggled with myself, and I guess that the way I rationalize it, is if we don't do it, the French will, so what the hell'."

The man said that after developing their private doubts over a period of years, beginning a few months ago they came together, partly with the help of a nonprofit educational organization called the Creative Initiative Foundation.

All three said they had discussed the decision, the loss of income and the expected scorn of their fellow engineers with their wives.

"She has given me 100 percent support and there are positive benefits in that, having gone through this thing together, we have become a lot closer," Mr. Bridenhaugh said. "I am sure there will be hostility in the industry, that some will see us as traitors. As far as the people I know at G.E., I don't really expect anything other than the cold shoulder."

He said that he was not so much concerned about individual decisions facing the manufacturers, utilities and the Nuclear Regulatory Commission, but with the steadily rising pressure to keep the reactors operating as the nation increases its reliance on them.

He declared that when he personally began considering the safety question in connection with more than 20 G.E. reactors in the United States, "when I defined my program objectives it was not really to assess the safety of the plant, it was to see what could be done to assure their continued operation."

According to a recent report to the Government, General Electric is the world's largest manufacturer of nuclear equipment, having supplied 27 of the 99 reactors reportedly operating as of late 1974. According to Allan Benasuli, an analyst with Drexel Burnham, G.E.'s nuclear sales are about $450 million a year, or 4 percent of all its sales.

SAGINAW STUDENTS PREPARE PROPOSALS FOR STARTUP OF CONCON

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. TRAXLER. Mr. Speaker, our Bicentennial Year is underway and so is the Saginaw Student Constitutional Convention. Since November I have shared the background of this historic event with you and all my colleagues, and over the next several days I will provide you with the news accounts of the proceedings.

We all know the importance of establishing a procedure whereby our body can function. The students in Saginaw, Mich., have attempted to develop these operating guidelines over the previous sessions. On Tuesday of this week they opened their convention and attempted to put those guidelines into effect.

The article by Jacqueline Bates in the Saginaw News provides a good summary of the initial procedural considerations demonstrated by the students involved in the convention. It also brings to light some good examples of the problems of trying to set up a workable program within very demanding time constraints.

Mr. Speaker, I am certain that after reading the following article you and all of my colleagues will recognize the effort demonstrated by these students and will be anxiously awaiting the stories related to the official actions of the Saginaw Student Constitutional Convention:

C (FOR CONSTITUTION)-DAY NEARS 148 STUDENT DELEGATES

(By Jacqueline E. Bates)

The debate is yet to come.

When the 148 delegates to the Student Bicentennial Constitutional Convention meet at the Civic Center Tuesday through Thursday, it may become a little chaotic.

To begin with, during the first hour the students must establish rules to conduct the three-day meetings. The students may choose to keep their present code of conduct, or they may come up with something new.

Then delegates must discuss and approve proposals developed by various committees.

Only about half of the 148 delegates met Friday at Swan Valley High School for final preparation sessions that had been rescheduled twice. Area schools were closed because it was the end of the marking period. Heavy snow and a free school day apparently kept many students, and faculty advisers, away.

The four committees—bill of rights, judicial, executive and legislative—broke into groups for about a hour and a half to finalize their proposals. Several of the groups found they did not have enough delegates for a quorum, and will have to have their proposals approved in caucus next week.

One group, the Legislative Committee, met almost one hour longer than the other three

committees and formalized all of their proposals except for the electoral college.

Tommy L. Ford, a senior from Buena Vista High School, chaired the committee and said he was very pleased with the progress of his fellow committee members.

"The problem at the last meetings was that people had to get up and go," he said.

"We got everything done except the electoral college, and I have decided—and I'm going to talk to my committee about it later—everybody who has an idea will present their different ideas and we'll vote on it. A lot of people would like to get rid of it (the electoral college) I know.

"The people in my committee are really bright people. There were some things that I wanted to get done, but I didn't. There were some ideas I wanted to get in and discuss with them."

Ford said he is confident the convention will be a success.

"I think everything's going to run smoothly except the bill of rights committee proposals," he predicted.

"That's where personal feelings come out and that's where you're going to get a lot of debate . . . especially on capital punishment.

"I think everything we put in here will be accepted in the Constitution, at least of a lot of it. The Bill of Rights is the main problem."

Thomas A. Ulmer, vice president of delegates, said the absence of many students did not prevent the others from working.

"Everything that was done today, the committees will vote on when a quorum is present," he said.

The Judicial Committee finalized its proposals a week ago, said Ulmer, a student at Bridgeport High School.

"I was pleased with the people that came," he continued.

"It seems a lot of people thought taking a day up north was more important than being here. Those who did show up are really interested in getting things done.

"I'm sure some of the committees will have to get together during or before the convention to finish their work."

Some delegates have already expressed their concerns about not having enough time to formalize their proposals and present them to the entire convention, Ulmer said.

"We had a lot of last-minute agenda questions," he said.

"Right now I can't even visualize how the convention's going to go. Either it's going to go good or there's going to be a lot of problems."

"I don't know if the Bill of Rights Committee will be ready."

Robin Elder, an Eisenhower student and temporary chairman of the Bill of Rights Committee, said her committee did not finish all of its proposals, but will be finished by Tuesday.

"It was kind of fiery," she said of her meeting.

"We're trying to decide on mercy killing and it's almost as bad as capital punishment . . . we got capital punishment passed.

"We didn't have a quorum and the proposals we passed we will present to the whole committee next Tuesday."

The Bill of Rights Committee has the most members of the four groups—68—and there were about 30 present for the final session.

That committee will be the last to present its proposals during the three-day sessions.

Robert A. Fitzgerald, chairman of the faculty committee responsible for organizing the convention, said he is pleased with progress of the event.

"Things are just beginning to gel," he said. "Everything went great. We get the last minute jitters about things being done, but we've been planning for a year and surprisingly things seem to be falling into place."

Teachers involved in the event worked well together, he said, with everyone doing their share.

"The only problem was that some didn't show up today," he said.

"Right now I think the only problem that would really be a catastrophe would be if the weather was bad."

Faculty advisors have decided bad weather conditions would be dealt with depending on how severe conditions are.

If it is necessary to cancel two days or more of the convention, the event will be postponed until April. If only one day is canceled, the sessions will resume at an area high school.

Cancellation of the convention will be decided by the Saginaw County Bicentennial Commission, sponsoring the convention in partnership with The Saginaw News.

Fitgerald emphasized the public is welcome to attend the convention.

VA ADMINISTRATOR RESPONDS TO CHICAGO TRIBUNE ARTICLES

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ROBERTS. Mr. Speaker, recently a series of newspaper articles in the Chicago Tribune criticizing the operation of the Veterans' Administration have been placed in the CONGRESSIONAL RECORD. On January 22, 1976, the Honorable Richard L. Roudebush, Administrator of Veterans Affairs, replied to the criticisms in the first two articles in a TWX directed to Mr. Clayton Kirkpatrick, editor of the Chicago Tribune, in which he vigorously protested the charges made and termed the articles an example of "misleading reporting."

Mr. Speaker, I insert a copy of the TWX in the RECORD:

Based on reading just the first two articles in your current series on the Veterans Administration, I must vigorously protest this blatant example of misleading reporting.

The scare headline pronouncements on the Jan. 18 and 19 articles that veterans are the victim of a clumsy VA giant, and that poor care is common fare at VA hospitals obviously reflect the conclusions of your task force reporters, and not the conclusions of any knowledgeable and reputable authority.

To support these conclusions the reporters depend in the main on quotes from several complaining veterans (out of the many million we serve each year); one member of Congress; one VA nurse (out of the 25,000 employed by VA), and a few non-VA critics of the G.I. bill education program.

They also cite a couple of veteran hospitalization cases (out of the more than one-million patients VA treats each year), and a handful of general accounting office reports with no comment on VA replies to these reports, or subsequent corrective action where VA agreed with GAO.

The negative bias of the task force is exemplified by the reporters writing about a 1974 survey of VA hospitals by what the Tribune itself called a "prestigious" study group. The article talks only about the confusing rules governing admission to VA hospitals and clinics that is mentioned in the survey report. Totally ignored in this same "prestigious" report is one of the main conclusions that a great majority of VA patients are receiving good to outstanding medical care, and that most of the patients themselves felt their doctor had given them the best possible care, that VA hospital employees were dedicated to their mission, that patients were treated with respect and understanding, and that they would want to return to the same VA hospital again if the need arose.

I am confident that the 100 medical schools in America that help monitor the quality of VA medical care, and every other competent medical authority in the Nation with overall knowledge of the VA program would agree with the evaluation of this "prestigious" group. Yet your task force concludes that poor care is common fare in VA hospitals.

The initial article claims that because VA is big it is inefficient and should be broken up. This same specious reasoning could be used to argue that the Tribune with its massive circulation and staff must be inefficient and should be broken down into a dozen or so smaller daily newspapers.

The task force quotes Senator Proxmire. It could also have quoted the Senator's appropriations Subcommittee counterpart in the House, Rep. Edward P. Boland, who had this to say recently about VA: "The judgment of this subcommittee is that the VA does a truly remarkable job. The VA operates the largest hospital system in the world and does an absolutely fantastic job. Oftentimes the public, I think, doesn't realize the task that the VA has and also the dispatch, and I think the outstanding job that it does in servicing veterans. I am sure there are some problems from time to time, but there have to be in an organization so vast and so complex. Those are the problems that get into the press and onto television."

The task force reporters accuse Congress of enacting hasty, election-year legislation providing prepayment and advance payment of G.I. bill education allowances. They neglect to say that the administration first advanced this proposal, that it was carefully considered in Congress, and that the legislation has accomplished its real purpose of permitting additional thousands of veterans to go to school under the G.I. bill. They note the resultant overpayment problem, but don't mention that VA recovered $594 million in just the last 17 months. They observe there is abuse by some veterans, but at the same time fault VA for issuing what they call tough, new guidelines for correcting the abuse.

They accuse VA of tight-fisted pay policies knowing full well that pay scales are established by law, and only belatedly acknowledge a bonus pay law for doctors and dentists enacted last October. They say VA seldom permits its doctors to maintain private practices, and almost scoff at VA's chief medical director when he says the reason is an old-fashioned belief that "a VA physician's first allegiance and first responsibility is to his VA patient."

They criticize VA for assuming the National Cemetery System from the Army, and for embarking on a cemetery expansion program. They do not say the transfer was required by law, or that there was crying need for expansion because no new cemeteries had been established since 1950 despite the tremendous growth in the veteran population.

They say there was no need for VA to place 1,300 vet reps on college campuses to assist veterans going to school. And yet VA has literally hundreds of letters from college officials all over America—including 10 from Illinois colleges alone—highly praising this innovative act and the great assistance it has afforded both colleges and the veterans in training.

Tribune readers would have difficulty finding one positive or good word about VA and its performance. Yet I, our chief medical director, and scores of other VA officials were interviewed at length, and hundreds of hours were devoted by VA people in cooperating with the task force's research mission. It is our policy in dealing with media to be completely open and truthful, but we are also positive in our approach. Just as the Tribune proclaims it is "the world's greatest newspaper," we sincerely believe that VA is doing the best job of any Federal agency. In the opening articles I have seen, however, even the few VA quotes that were screened out for use generally were diminished by the constant use of the words "admitted" and "conceded."

I frankly cannot conceive of how a series of articles could be so one-sided and distorted unless the task force deliberately set out to denigrate the VA, and then dug diligently for every shred of criticism and discontent to accomplish the objective.

Since the articles I have seen thus far malign not only the VA and its more than 200,000 dedicated employees, but also Congress and the veteran organizations, I respectfully ask as a matter of fairness that you publish this telegram as soon as possible to give your readers a semblance of balance and perspective.

RICHARD L. ROUDEBUSH,
Administrator of Veterans' Affairs.

A BICENTENNIAL SALUTE TO REV. THEODORE S. LEDBETTER

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. FAUNTROY. Mr. Speaker, as this great Republic celebrates its Bicentennial and we reflect upon the virtues of the Founding Fathers of our Nation, I think it most appropriate that we pay tribute also to those who today carry on in the best tradition of the faith and works of the fathers of our country. Here in our Nation's Capital, we are privileged to have one such man whose life and works are the very embodiment of the faith, the sense of conscience and the response to duty that have so endeared the Founding Fathers to us all. I speak of the Reverend Theodore S. Ledbetter, esteemed minister of the Plymouth Congregational United Church of Christ.

History, Mr. Speaker, is nourished by instructive example. The instructive example of the life of Dr. Ledbetter has indeed enriched the public service, exalted the public life, and added luster to the work of the church in America.

The Reverend Theodore Ledbetter in over 30 years as an ordained minister has moved like a giant across the backdrop of our times. Educated at Atlanta University and Oberlin Graduate School of Theology, and recipient of honorary doctorate degree in 1968 from Ursinus College, Reverend Ledbetter is nationally recognized as an outstanding educator and towering intellectual in the religious community. He has held prominent positions in the United Church of Christ, including general synod delegate, chairman of Stewardship Council, and is currently a member of the executive council.

A man of inexhaustible energies, Reverend Ledbetter has devoted his talents to building bridges of racial understanding and advancing human relations. In cities like New Haven, and Washington, D.C., Reverend Ledbetter's dynamic leadership and social activism have promoted an era of racial brotherhood unparalleled in most American cities. His care and concern for the youth of this Nation have opened new vistas of opportunity and self-respect for our young people. He is one of the most popular leaders of youth summer camps around the country and is a much sought after guest lecturer at colleges and universities.

As minister of Plymouth Congregational Church, since 1958, Reverend Ledbetter's inspiring leadership has resulted in the construction of a beautiful four-building house of worship and a membership of over 1,400. His contributions to churchdom are matched only by his concern for his community and the citizens of Washington, D.C. He has served his community with distinction on the board of the Council of Churches, the United Planning Organization, and as a delegate to the National Democratic Convention.

Washingtonians celebrating our Nation's Bicentennial see reflected in Theodore S. Ledbetter the sterling qualities that endear the Founding Fathers to all Americans. As the patriots recognized the outstanding leadership qualities of the father of our country, George Washington, so four different church institutions over the past 40 years have earnestly sought and successfully achieved the privilege of following his leadership. Tillotson College of Austin, Tex., was fortunate enough to have him as its dean of men from 1935 to 1937. The Plymouth United Church of Christ of Louisville, Ky., was next to benefit from his leadership from 1937 to 1947. The historic Dixwell Avenue United Church of Christ of New Haven, Conn., was guided by his creative perceptive hand from 1947 through 1958. And since that time, of course, the citizens of our Nation's Capital have been blessed with his dynanism.

Theodore S. Ledbetter, Mr. Speaker, is a man imbued with the kind of "commonsense" that made Tom Paine the darling of the patriots of 200 years ago. I know this from very personal experience, Mr. Speaker. For it was my privilege while a student at Yale University Divinity School to do my field work at Dixwell Avenue Church, where Dr. Ledbetter was minister and thus to benefit greatly from his wise counsel. You can imagine, therefore, my joy at finding that as I began my ministry in 1958 here in the District of Columbia at New Bethel Baptist Church, I could depend upon his continued guidance and counsel because he, too, was coming to Washington to serve the Plymouth Church.

The practical wisdom of a Benjamin Franklin is seen in Dr. Ledbetter's prudent application of religion to life while a pastor in Louisville, Ky., by founding Camp Ski Hi for Boys, developing an effective social welfare program and reopening the Chestnut Street YMCA that had been closed for 32 years.

The political sagacity of a Thomas Jefferson is reflected in the fact that he is not only an acknowledged leader in Democratic Party politics, having served on the District of Columbia Central Committee, and having been a delegate to the 1960 Democratic National Convention, but also in the fact that he serves as a valued member of the executive council of his national church body, the United Church of Christ.

He is married to the former Orelia Washington of Beaumont, Tex., a public schoolteacher in Washington's C. Melvin Sharpe Health School for the physically handicapped. They have three adult sons: Ted, Jr., consultant on cable TV; Leslie, an editor for New York Times; and Charles, IBM senior programer.

I consider it an honor and a privilege to introduce this testimonial into the CONGRESSIONAL RECORD in recognition of Rev. Theodore Ledbetter, a great American who has earned, by his deeds, the respect and admiration of the citizens of our Nation's Capital as a founding father of religious leadership in Washington, D.C.

LIBRARY OF CONGRESS STUDY "SURVEY REPORT ON INDIVIDUAL RETIREMENT ACCOUNTS"

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. VANIK. Mr. Speaker, in a hearing on November 17, 1975, chaired by our colleague from Texas (Mr. PICKLE), the Oversight Subcommittee of the House Ways and Means Committee released a study prepared by the Library of Congress on individual retirement accounts.

There has been an enormous amount of interest in this study, and I would like to enter it into the RECORD at this point so that it may be more widely avaliable:

SURVEY REPORT ON INDIVIDUAL RETIREMENT ACCOUNTS

(A Report Prepared According to the Instructions of the Honorable CHARLES A. VANIK, by the Education and Public Welfare Division, Congressional Research Service, Library of Congress)

INTRODUCTION

In mid-September, the Ways and Means Oversight Subcommittee requested the Congressional Research Service to study certain consumer problems in the marketing and sale of Individual Retirement Accounts (IRAs). Specifically, the Subcommittee was concerned whether adequate information was available to consumers regarding various administrative and acquisition costs and charges which are incurred by the purchasers of certain types of plans.

As a result of the request, the Congressional Research Service has conducted a survey, primarily in the Greater Washington, D.C., Metropolitan Area, of

(1) the different types of fees and charges (and the quality of the disclosure of those charges) in IRAs offered by insurance companies;

(2) differences between IRAs sold by different industries: in particular, differences between IRAs sold by insurance companies and in IRAs sold by banks and savings and loan associations.

The CRS does not attempt to provide a shopping list or identify for the consumer any one "best" plan. In purchasing a retirement plan, each consumer must determine his own unique needs. In addition, the consumer should note that interest rates and investment returns on stock portfolios—which primarily determine the retirement pay-out—have fluctuated in recent years. For example, interest rates are recently at historic highs, but long range interest rates can only be guessed at. In addition, legislation is moving in the Congress which could result in fundamental changes in the interest rate relationship between commercial banks and savings and loans. The result is that the consumer must realize that an IRA is an investment and subject to variation in the rate of return. Some consumers may want to place their IRA in an investment medium with a higher investment risk such as a mutual fund or an insurance company variable annuity in the hope that market developments will enable its investment portfolio to pay a rate of return in excess of the traditional interest rates paid by commercial banks and savings and loans. Another investor may choose to purchase an IRA from a commercial bank or a savings and loan association with a fairly predictable interest rate.

These decisions must be made by the consumer. This study only identifies some of the differences (1) among insurance plans and (2) among insurance plans and plans purchased from commercial banks and savings and loans, and plans utilizing government retirement bonds.

Since IRAs provide a tax deduction to the purchaser, it is anticipated that there will be a major increase in IRA purchases during the remaining weeks of 1975 before the tax year ends. As early as July 31, 1975, Secretary Simon testified before the House Ways and Means Committee that:

"Every day we see articles or advertisements in the newspapers explaining the advantages and benefits of an IRA, and people are responding to those advertisements. They are increasing their retirement savings."

Therefore, increased consumer awareness of differences between IRAs is particularly important at this time.

BACKGROUND

Prior to the Employee Retirement Income Security Act of 1974 (ERISA) when an employee save independently for his own retirement, both his contributions and the investment earnings on his retirement savings were currently subject to taxes. However, corporate pension plans and retirement plans for the self-employed enjoyed favorable tax treatment. Both the contributions which an employer made to a qualified private retirement plan on behalf of his employees and the investment earnings on these contributions were generally not subject to taxes until they were paid to the employee or his beneficiaries. The tax liability on investment earnings was also deferred when an employee contributed to the plan, although the contribution itself was taxable.

In his December 6, 1971, message to Congress transmitting recommendations for private pension reform, President Nixon stated that:

"This inequity discourages individual self-reliance and slows the growth of private retirement savings. It places an unfair burden on those employees (especially older workers) who want to establish a pension plan or augment an employer-financed plan. To provide such persons with the same opportunities now available to others. I therefore ask the Congress to make contributions to retirement savings program by individuals deductible up to the level of $1,500 per year or 20% of income, whichever is less. Individuals would retain the power to control the investment of these funds, channeling them to bank accounts, mutual funds, annuity or insurance programs, government bonds, or into other investments as they desire. Taxes would also be deferred on the earnings from these investments."

During the deliberations on pension reform legislation, the House Ways and Means Committee was cognizant of the fact that, not counting Social Security, over one-half the workforce was not covered by any pension plan; yet these uncovered workers were in essence subsidizing the pensions of covered workers through taxes that they paid. The pension community which could render retirement savings services to the noncovered groups was interested in the inclusion in pension legislation of some tax incentives for individual retirement savings.

The Ways and Means Committee Report on H.R. 12855 (H. Rept. No. 93-807)—which eventually became title II of the House-passed version of ERISA—stated that: "Another objective of the Committee bill is to provide more rational and equitable tax treatment under retirement plans." To do this the Committee "believes that there is need on equity grounds to grant individuals who are not covered by any kind of qualified pension plan some of the tax advantages associated with such plans by providing them with a limited tax deduction for their retirement savings."

In the final legislation, individuals who were not covered under any qualified pension plan (government or private) were given a tax incentive for the first time to save for their own retirement.[1] Specifically individuals not covered by a qualified retirement plan [2] are now entitled to take a tax deduction of 15 percent of earned income or $1,500 a year, whichever is less, for retirment savings and place the money in an Individual Retirement Account (IRA), deferring the tax liability on their contributions and earnings until they start drawing their pension. At that time the individual is likely to be a lower income bracket and, if age 65 or over, entitled to an additional tax exemption.

Under ERISA, tax deductible contributions to an individual retirement savings program can be made through:

(1) An *individual retirement account* at a bank, federally insured credit union, savings and loan association, or certain other persons who, under regulations, act as a trustee or custodian;

(2) An *individual retirement annuity* of a life insurance company;

(3) *Individual retirement bonds* purchased from the United States Government; or

(4) A *trust account* established by an employer, or an employee association.

THE MODEL TRUST AGREEMENT AND ITS PUBLICATION 590

In the Conference Report accompanying ERISA (H. Rept. 93-1280) it was stated that it was the understanding of the conferees:

". . . that the Internal Revenue Service anticipates developing a prototype individual retirement account which would include a full disclosure of all the material elements governing the retirement savings deduction. This prototype plan would quality under the requirements for an individual retirement account. Other plans would be required to seek prior approval from the Internal Revenue Service and the conferees expect that one of the requirements for approval would be a disclosure statement of all the material elements governing the retirement savings deduction."

The Internal Revenue Service has formulated a model trust and a model custodial account agreement form that meets the requirements of an individual Retirement Account for those individuals who wish to adopt this program. Form 5305 (Individual Retirement Trust Account) and Form 5305-A (Individual Retirement Custodial Account) have been designed for this purpose. These forms are agreements entered into between the eligible individual and the trustees or custodian. They are not filed with the Internal Revenue Service. Contributions made under the Model Trust or Model Custodial Account are deductible within the prescribed limits, provided the terms and conditions of the trust or custodial account are followed.

Both forms outline the material elements governing the legislative requirements for an IRA account, including:

Contributions to an IRA must be in cash with any contribution in excess of the limitations being subject to a nondeductible 6 percent excise tax.

Except in the case of death or disability, distributions may not begin before age 59½.

Premature distributions, taxed as ordinary income, are subject to an additional 10 percent penalty tax.

Attempts to borrow IRA assets will result in the immediate disqualification of the IRA plan with the entire assets subject to ordinary income taxation.

Distributions must begin by age 70½ and be made at a rate sufficient according to law to avoid a 50% penalty.

The Conference Report went on further to state that:

"The conferees also expect the Internal Revenue Service to develop a pamphlet which sets forth the restrictions and limitations with regard to the individual retirement accounts, including, for example, the penalties for premature distributions, the fact that the account is not eligible for estate and gift tax advantages or the lump-sum distribution rules that qualified plans are entitled to. It is the hope of the conferees that such pamphlet would receive wide distribution so that individuals would be fully informed on the restrictions and limitations of such an account."

The Internal Revenue Service issued such a pamphlet in April 1975 entitled "Tax Information on Individual Retirement Savings Programs" (Publication 590). This publication outlines such matters as which individuals are eligible to set up an IRA account, the amount of the allowable deductions, methods of participation, tax penalties for excess contributions, and various prohibited transactions. It does not, however, caution the taxpayer as to the load factors [3] associated with certain investment mediums or other sales or custodial charges that are often incurred in establishing an IRA account. In this regard, the Conference Report expressed special concern that the consumer be advised of charges which might be associated with insurance contracts:

"Also, in accordance with regulations to be prescribed by the Secretary of Treasury or his delegate, there is to be disclosure of such matters as load factors for insurance contracts and earnings factors for individual re-

[1] The term "government plan" means a plan established and maintained by the Federal, State, or local government. However, Social Security and Railroad Retirement plans are not considered government plans.

[2] Such as a qualified pension plan, profit-sharing plan, thrift plan, stock bonus plan, governmental retirement plan, tax-sheltered annuity plan, a qualified bond purchase plan of an employer, or a qualified plan for selfemployed individuals.

[3] A front end load is the charging of a larger percentage of the commissions and other sales charges against the first year's premium, and a smaller amount in subsequent years. For instance, a life insurance company may have a load charge of 30% of the first year's premium and 9% of each year's premium payment thereafter.

tirement accounts. These required disclosures are to be made in layman's language, and civil penalties are imposed under the substitute for failure to adequately disclose."

Although the Individual Retirement Account deduction has been available since the first of this year temporary disclosure regulations were not published by the Internal Revenue Service until November 6, 1975.

VARIATIONS BETWEEN INSURANCE COMPANY IRA DISCLOSURES

In the interim before temporary regulations were issued, the matter of disclosure had been left up to the individual insurance companies. Without regulations setting forth standardized disclosure requirements, the degree and number of disclosure of load factors and other fees and commissions has varied from company to company.

In response to the request to the Congressional Research Service, we surveyed the different types of charge and fee disclosures made by life insurance companies. Our survey is based principally on the sales literature offered by nine life insurance companies. If rates of return, load factors, and other sales and expense charges were not delineated in the literature offered consumers, followup conversations were made with company representatives in the time permitted to ascertain these items. Our survey was based on only nine life insurance companies and we believe that certain general observations may be made for IRAs offered by these companies.

1. Promotional literature

Life insurance companies have been actively marketing IRAs. The promotional literature on IRAs often shows projected growth of various sums of money in a tax-deferred IRA account compared to the same savings in a non-tax-deferred account. In this study, we found that an interest rate of 5% or 5½% is usually used in the promotional literature for illustrative purposes. The results are quite impressive. For instance, one brochure available from a life insurance company shows that an individual contributing $1,500 a year into a IRA would have $104,642 at the end of 30 years whereas without IRA tax deferment the accumulation would be only $62,794—a difference of $41,848. However, these illustrations do not reflect taxation at the time of retirement payout, although the literature makes note of the ultimate tax liability. The brochure states, however, that the company does not guarantee the 5% rate of return used in the illustration nor does it reflect the sales and acquisition charges in its growth projections. The projections are qualified by the following statement in small print:

"Results shown should not be considered as a representation of an actual IRA investment. The comparison is solely intended to illustrate the advantages of having a tax-sheltered plan over that of a non tax-sheltered plan. . . . no provision has been made for sales, acquisition or other charges usually incurred in an actual program."

The proceeds from IRAs are eventually subject to income taxation in the year the individual starts drawing out his retirement savings. The non-IRA account has already been taxed and additional taxes normally would not be incurred when drawn out at retirement.

In addition to these observations on the sales literature, the CRS discussed the plans with company representatives. The survey revealed that local agents of the insurance companies did not always possess a sound working knowledge of IRAs—particularly with regard to load factors and sale charges. They frequently could not answer specific questions or provide information beyond that which was presented in the sales literature.

2. Complexity of contracts

The arrangements offered by insurance companies can be relatively complicated and difficult for a layman to understand.

Life insurance companies offer a wide variety of products designed to meet the various needs of different individuals. IRA provisions have often been incorporated with these pre-ERISA products. Among the IRA arrangements that are offered by the life insurance industry, an individual may choose a fixed annuity, a variable annuity, a mutual fund, a retirement endowment contract, a retirement income contract, a flexible premium retirement annuity, a split-funded annuity, or a single premium annuity. The individual is also offered an option whereby the insurance company will continue making premium payments if the individual becomes disabled. (It is not clear at this time whether IRS will consider this a tax deductible item.) Another feature offered by a life insurance company is that if the individual dies before retirement, there is a pre-retirement death benefit equal to the guaranteed cash value of the annuity, or the sum of all purchase payments made, whichever is larger. However, this essentially places the IRA with an insurance company on the same footing as a bank or savings and loan IRA. In other words, if the individual dies relatively early after setting up an IRA his beneficiary will at least recoup the load costs that were factored in during the early years. However, the cost of this 'incidental" life insurance protection is not a tax deductible item.

It is important, therefore, for the consumer to be aware of the fact that only the retirement savings element in the contract, and not the part of the premium used to purchase life insurance, is to be tax deductible. The insurance company issuing the contract is required to provide the individual with an annual statement indicating the portion of the premium that is deductible and the portion that is allocated to life insurance and is not tax deductible.

3. Fees, commissions, and load factors

The amount of the load charge associated with an insurance IRA annuity varies from company to company. An insurance company may deduct 8 or 8½% of each premium payment as a level load charge or have a front end load charge of say 30 or 40% of the first year's premium, and 6 to 9% of each premium payment thereafter.

The manner in which life insurance companies deal with the disclosure of load factors and other charges also varies from company to company. Some companies cite the actual charges whereas others build them into tables showing the guaranteed cash value and the illustrative growth.

Following is a simplified summary chart showing the load charges frequently associated with a flexible premium retirement annuity offered by the nine life insurance companies included in our survey. The flexible premium retirement annuity is most similar to a savings and loan IRA. A detailed breakdown of the actual load charges is appended.

Illustrative comparison of load charges frequently charged by insurance companies—flexible premium annuity plans

Manulife	40 percent first year, 6 percent thereafter.
Prudential	8¾ percent.
New England Life	8 percent.
Mutual Benefit Life	30 percent first year, 9 percent thereafter.
Connecticut General	*20 percent first year, 5 percent thereafter.
Connecticut Mutual	8–9 percent.
Metropolitan Life	*20 percent first year, 5 percent thereafter.
Pacific Fidelity Life	6 percent.
Occidental Life	8½ percent of first $15,000, 6 percent next $35,000, etc.

*Estimated by company. Actual charges would vary depending on age of individual and length of policy.

It should also be noted that life insurance companies usually charge the consumer an additional amount if he makes his premium payments more frequently than annually. This charge primarily reflects the added cost of billing the customer each month and to process the smaller premium payment. One advantage of billing a consumer is that it serves to remind him of his retirement saving objective.

4. Withdrawal or discontinuance of an IRA

One matter which a consumer must be aware of is that he will be ineligible to make IRA contributions if he becomes an active participant in another tax-qualified retirement plan.[4] Thus, he would have to cease making contributions. Under other circumstances, an individual may be eligible for an IRA deduction, but he may be financially unable to continue with his retirement savings. There would be financial consequences if the individual's IRA were with a life insurance company having a front end load—the reason being that the individual could not contribute additional sums to his account, and if an endowment policy is being utilized, any cessation of premiums is considered a "lapse". The value of the contract in this event is the cash surrender value, or its equivalent in terms of a reduced paid-up endowment if the contract is not surrendered for its cash value. Life insurance companies point out that this type of front end load policy is recommended only if the outlook is good for long term eligibility for IRA and continuation of premium payments.

For this reason, one life insurance company cautions the consumer that "it is inadvisable for the taxpayer who expects at an early date to be an active participant in a plan to establish an Individual Retirement Annuity." Another company states to the consumer that "The Flexible-Purchase Pension Annuity is intended primarily to provide pension retirement benefits. For a number of years after the date of issue of the contract, the cash-value will be less than the total of the purchase payments made to the company."

5. Minimum guaranteed return

Insurance companies indicate they will pay whatever their current dividend schedule is although they usually guarantee to pay at least a 3 or 3½% return. They caution the consumer, however, that the dividend schedule is not a guarantee and is subject to change.

Life insurance companies base their projections of growth of an IRA policy on the current rate of return of the company. The actual percentage rate is usually not shown, nor were we able to secure this information in most cases. However, the current rate of return of the companies in our survey appear to be about 7 or 7½%. The consumer is cautioned that the rate of return available in the future will depend on changing business and economic conditions, and other items such as mortality experience and expenses, and that the dividend scales will therefore be changed from time to time. Thus, their growth projections show what the results would be after charges are deducted if the current rate of return were to continue without change.

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[4] However, on October 29, 1975, the Ways and Means Committee approved a measure which would permit an individual covered by a limited pension to supplement employer contributions provided combined contributions did not exceed the present 15 percent $1,500 limitations.

MOVE FOR ADOPTION OF AMENDMENTS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. FRENZEL. Mr. Speaker, the House is scheduled to act on H.R. 11552, the postcard registration bill. I hereby serve notice of my intention to move for the adoption of the following eleven amendments:

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 2, line 4 and 5, strike out "an elector for President and Vice President,".

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 2, line 13, strike out "and any election" and all that follows through "delegates to such a convention".

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 6, lines 1 and 2, strike out "and as the Administration determines appropriate".

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 6, immediately after line 22, insert the following new subsection:

(d) Registration forms may be prepared in a language other than English.

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 6, immediately after line 22, insert the following new subsections:

(d) Registration forms shall be prepared in a language or languages other than English for each State with respect to which the Administration determines, from the most current and accurate data available, that at least 5 percent of the residents of such State or 50,000 such residents (whichever number is less) do not speak or understand English with reasonable facility. The Administrator shall certify any such State as a bilingual State.

(e) In any State certified as a bilingual State under subsection (d) bilingual registration forms shall be provided in the predominant foreign language or languages (as determined by the Administrator) and in English, and any instructions, notices, or accompanying materials shall be prepared in such foreign langauge or languages as well as in English.

(f) In any State not certified as a bilingual State under subsection (d) registration forms may be provided in a foreign language or languages other than English.

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 6, line 23, strike out "Distribution" and insert in lieu thereof "Availability".

Page 7, strike out line 2 and line 3, and insert in lieu thereof the following: officials with respect to the availability of registration forms in post offices and appropriate Federal, State, and local government offices. Such registration forms shall be generally available, and this section shall not be construed to place any time limitation upon the duration of such availability."

Page 7, strike out line 4 and all that follows through page 8, line 2.

Page 8, line 3, strike out "(d)" and insert in lieu thereof "(b)".

Page 8, line 5, strike out "for the distribution" and insert in lieu thereof "with respect to the availability".

Page 8, strike out line 7 and all that follows through line 11.

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 13, line 12, strike out "sections 6 and 7" and insert in lieu thereof "section 6".

Page 13, strike out line 13 and all that follows through line 23.

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 7, line 11, strike out "a sufficient quantity" and all that follows through "rural or star route" and insert in lieu thereof "one postcard for each person 18 years of age or older".

Page 8, strike out line 7 through line 11.

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 7, strike out line 22 and all that follows through page 8 line 2, and insert in lieu thereof the following:

(c) The Postal Service shall distribute the registration forms no earlier than 120 days or no later than 60 days before the close of registration for each biennial general election.

AMENDMENTS TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 9, line 1, strike out "may" and insert in lieu thereof "shall".

Page 9, lines 2 and 3, strike out "is authorized to" and insert in lieu thereof "shall".

AMENDMENT TO H.R. 1686 OFFERED BY MR. FRENZEL

Page 10, line 13, immediately after "that State." insert the following: "The Administration is authorized to compensate any State which adopts a centralized accounting system for voter registration form processing costs."

AMENDMENT IN THE NATURE OF A SUBSTITUTE

Offered by Mr. Frenzel

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Voter Registration and Election Administration Assistance Act of 1976".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by redesignating title IV as title V; by renumbering sections 401 through 408 as sections 501 through 508, respectively; and by inserting immediately after title III the following new title:

"TITLE IV—ASSISTANCE FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION REFORM

"SHORT TITLE

"SEC. 401. This title may be cited as the 'Voter Registration and Election Administration Assistance Act'.

"DEFINITIONS

"SEC. 402. As used in this title—

"(1) the term 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

"(2) the term 'political subdivision' means any city, county, township, town, borough, parish, village, or other general purpose unit of local government of a State, or an Indian tribe which performs voter registration or election administration functions (as determined by the Secretary of the Interior); and

"(3) the term 'grant' means any grant, loan, contract, or other appropriate financial arrangement for the purpose of voter registration or election administration.

"ESTABLISHMENT OF GRANT PROGRAM

"SEC. 403. The Secretary of the Treasury shall, in accordance with the provisions of this title, make grants to the States to carry out programs to encourage voter registration, education, and participation.

"APPORTIONMENT OF GRANTS

"SEC. 404. Amounts appropriated to carry out the provisions of this title for any fiscal year shall be apportioned to each State in an amount which bears the same ratio to the aggregate amount so appropriated for such fiscal year as the voting age population in such State bears to the total voting age population in all the States.

"DELEGATION OF AUTHORITY

"SEC. 405. The chief election officer of each State shall be charged with responsibility for administering grants made under this title. The chief election officer may, after properly and equitably distributing each grant made under this title in accordance with State law, delegate all or part of his responsibility under this title to appropriate officials of the political subdivisions of the State to which any distribution of a grant is made.

"USE OF FUNDS

"SEC. 406. (a) Each State may, in its discretion, allocate all or part of any grant made under this title to political subdivisions of such State. Each grant made under this title shall be used for programs related to voter registration and election administration, including but not limited to—

"(1) programs to increase opportunities for voter registration, such as mail registration, expanded registration hours and locations, mobile registration facilities, election day registration, re-registration programs, door-to-door canvassing procedures, and other methods which the State may deem appropriate;

"(2) programs to improve election administration procedures, such as the purchase of additional voting machinery, organization and planning of election administration activities, improvements in ballot preparation and absentee ballot procedures, coordination of election activities, and other methods designed to facilitate the efficient functioning of the election administration process;

"(3) planning, evaluating, and designing the use of electronic data processing or other appropriate procedures to modernize voter registration and election administration and make such registration and administration more efficient, with special emphasis on techniques which would allow voter registration closer to election day;

"(4) programs for the prevention and control of fraud;

"(5) education and training programs for State and local election officials;

"(6) establishing nonpartisan programs for the purpose of voter and citizen education; and

"(7) other programs designed to improve voter education and participation that are approved by the States or political subdivisions thereof.

"(b) No State or political subdivision thereof shall use all or part of any grant made under this title to finance any activity funded by such State or political subdivision on April 1, 1975, unless such State or local financing is continued at the same level as existed on such date.

"(c) Nothing in this title shall be construed to require action by any State or political subdivision thereof. In any case in which a State or political subdivision thereof does not use all or part of any grant made under this title to carry out programs authorized under this title, the unused portion of such grant shall be returned to the Secretary of the Treasury at the end of the fiscal year for which the grant was made and the Secretary shall cover the funds so returned into the Treasury as miscellaneous receipts.

"REVIEW OF PROGRAMS BY THE COMPTROLLER GENERAL

"SEC. 407. (a) The Comptroller General shall audit and review annually the programs of at least five States receiving grants under this title.

"(b) The Comptroller General shall disseminate to all the chief elections officers of the States a summary of the types of programs he found to be most effective and found to be least effective.

"(c) The Comptroller General shall collect, analyze, and arrange for the publication and sale by the Government Printing Office of infomation concerning voter registration and elections in the United States.

"(d) The General Accounting Office shall conduct a study of the reasons for the decline in voter participation and the role of registration obstacles in low voter turnout during the period beginning January 1, 1960, and ending December 31, 1974.

"(e) The Comptroller General shall submit to the President and to the Congress annually a report concerning his activities under this title, together with such recommendations as he may deem appropriate.

"CENTRALIZED VOTER REGISTRATION LISTS AND CONFIDENTIALITY

"SEC. 408. (a) The Federal Government is prohibited for maintaining a centralized voter registration list.

"(b) Nothing in this title shall be construed as allowing the disclosure of information which permits the identification of individual voters.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 409. For the purpose of carrying out the provisions of this title, there is authorized to be appropriated the sums of $35,000,000 for the fiscal year ending June 30, 1976.".

SEC. 3. Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by striking out "title IV" and inserting in lieu thereof "title V".

Amend the title so as to read: "A bill to amend the Federal Election Campaign Act of 1971 to establish a program of Federal financial assistance to encourage and assist the States and local governments in voter registration and election administration, and for other purposes.".

RESEARCH REPORT URGES UNITED STATES TO CUT COMMITMENT TO LIQUID METAL FAST BREEDER REACTOR

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. COUGHLIN. Mr. Speaker, the American Enterprise Institute recently released an enlightening report entitled, "The Liquid Metal Fast Breeder Reactor: An Economic Analysis."

The report was commissioned by AEI's national energy project chaired by the Honorable MELVIN R. LAIRD, our esteemed former colleague, former Secretary of Defense and former domestic counselor to the President. The project was established in early 1974 in order to examine the broad issues affecting U.S. energy demands and supplies.

In commissioning the report, the project sought to attain an unbiased analysis of the cost benefits of the LMFBR. This study is particularly significant since most of the research to date on this program has been done either by environmental groups, which oppose it, or by those with a vested interest in LMFBR development, such as manufacturers of program components.

In essence, the report concluded that there are serious doubts about the assumptions and projections employed in the Atomic Energy Commission's cost-benefit analyses of the LMFBR. As a Congressman who has long questioned the statistics used to justify massive Federal spending on this program, I found the report's findings to be totally in accord with criticisms I have made about the cost effectiveness of the program. We must exercise caution to insure that our energy priorities are not misdirected or an irreversible commitment made to a program that could be out of date by the time it is commercially operative. I commend the report's findings to the attention of my colleagues and urge once again—as I have done repeatedly in the past—that they take the time to reflect on the wisdom of moving so rapidly forward on the LMFBR when there are still so many uncertainties about the program.

The report's "findings" follow:

EXCERPT FROM AMERICAN ENTERPRISE INSTITUTE REPORT

FINDINGS

The present study raises serious doubts about the assumptions and projections employed in the AEC's cost-benefit analyses on the Liquid Metal Fast Breeder Reactor Program. Many of the AEC's projections lead to an unrealistically large benefit from the LMFBR: Uranium resources are underestimated. The high-temperature gas reactor is artificially restricted to a low level of participation in the future electric power system. Future energy demand is overestimated. The plant capital cost of the LMFBR is decreased too rapidly to fit any reasonable learning curve. And finally, schedule slippages and cost overruns are not adequately reflected in the analyses.

It thus appears that the LMFBR's high efficiency in uranium utilization is not sufficient to compensate for its higher plant capital and program costs. The LMFBR program yields no net discounted economic benefits. Moreover, according to Cochran, the environmental benefits claimed by the AEC also do not exist.[1] In view of the above considerations, can one justify support for the LMFBR program at the level proposed by the Atomic Energy Commission? Recommended expenditures for this program over the next five years total $2.6 billion (in undiscounted current dollars), equal to 63 percent of the nuclear fission R & D budget, 26 percent of the energy budget, and almost twice the nuclear fusion reactor budget. This is the highest expenditure among all the federal energy R & D programs.

Should we continue to treat the fast breeder reactor as our top priority program, knowing that it will not supply electricity until 1987 at the earliest, that it will not help alleviate our current energy crisis and that, once introduced, it will probably be displaced or replaced by fusion reactors in ten or twenty years? It is true that $5 billion or even $10 billion (discounted at 10 percent to mid-1974) for the development of the breeder reactor is only a small percentage of the national electrical energy cost of $200 billion (discounted at 10 percent to mid-1974) or $6,000 billion (undiscounted) in the period from 1974 to 2020. The amount looks even smaller when compared with $140 billion (undiscounted) in military aid and $350 billion (undiscounted) in total expenditures spent over the years in Vietnam.

We are convinced that national energy programs deserve much stronger support than they currently receive because energy is an essential commodity which dictates the future of our economy and our livelihood. If funds for energy programs were abundant and if all other energy programs were adequately funded, the fast breeder program could be supported on the basis of the same philosophy that underlies support for basic research and development. Unfortunately, all of our energy programs have to compete with each other within the framework of present and future federal energy budgets. Supporting the LMFBR program at the currently planned level will require reducing our commitment to other worthwhile energy programs. The eventual loss to society will not be the $5 billion or $10 billion that the LMFBR program will cost. Rather, it will be the difference between the national energy cost with the LMFBR included in the electrical energy system and that of an alternative energy system which comes about from the release of funds from the LMFBR program. The difference may be many times $10 billion. The concern, therefore, is not so much the cost of the LMFBR program but rather the optimal mix of programs, under a given energy budget, that will provide us with adequate energy at the lowest cost.

Should a portion of the funds for the FBR program be transferred to other programs, such as the safety of the LWR, the pollution abatement of coal-fired power plants, the in-depth assessment of uranium resources, the improvement of the HTGR, the accelerated development of fusion reactors, the increase in domestic production of oil and gas, the massive substitution of coal for oil and gas, the exploitation of renewable energy sources, and the conservation of energy and energy resources? In order to fulfill the nation's electric energy requirement, should we reduce the FBR program to a low level, regard it as a backup option, and concentrate efforts and resources on improvements in the LWR and coal-fired plants for the short term, on the HTGR for the intermediate term, and on the development of the fusion reactor for the long term? The answer to both questions is yes. Before the nation commits itself more heavily to the FBR, it can afford to wait another five to ten years for better projections of future energy demand, better estimates of uranium resources, and a clearer determination of the feasibility of an economically and environmentally acceptable commercial fusion reactor. However, further studies have to be conducted and alternatives examined in a cautious manner before one can spell out in detail the energy budget reallocation and develop an optimal national energy policy upon which the welfare of this generation and future generations so vitally depends.

[1] Cochran, *Fast Breeder Reactor*, pp. 223–29.

PROF. CHARLES BLACK OF YALE LAW SCHOOL REFLECTS ON THE EXERCISE OF THE EXECUTIVE VETO

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. DRINAN. Mr. Speaker, we are all painfully aware of the 44 bills vetoed by

President Ford since he took office in 1974. Presidential vetoes in the areas of education, housing, public service employment, energy, environmental protection, and labor have hampered economic growth and adversely affected nearly all Americans. The Presidential veto has not, however, always been utilized as a means of thwarting the will of a congressional majority on issues of public policy.

In an insightful address recently delivered at Duke University Law School in Durham, N.C., Prof. Charles L. Black, Jr. traces the history of the veto and contrasts its early use with that of our recent Presidents. Professor Black is Sterling Professor of Law at Yale University and a pre-eminent authority on constitutional issues. In this, the first part of his address, Professor Black reviews the use of the veto from the ratification of the Constitution through the 1840s. I commend this historical treatment of a very timely subject to all of my colleagues:

SOME THOUGHTS ON THE VETO

The American Presidency has exercised an enormous fascination on the minds of historians and political theorists. The result has been an immense literature, with current and cross-currents of tendency, with evaluation countering evaluation, view neutralizing view. This literature, and particularly its historical component, is often recurred to for the ascertainment of the *correct* view of presidential power, or for arguments leading to what someone is putting forward as the correct view. This is as it should be. But to me the literature on the Presidency—and most emphatically the historical part—teaches a larger and more general truth. Questions about presidential power have in the past produced different answers in different minds; one can conclude that our own received views are self-evidently right only if one is willing to assert that such minds as those of Madison and J. Q. Adams could not see the obvious, as to something closer to them than to us. I would make the contrary assertion. The history of presidential power is a history of the resolution of doubtful questions that remain doubtful; it is not, as I think some would make it, a history of the gradual acceptance of evident truth. It is a history of the molding and remolding, of material of high plasticity, still plastic today. For there is no reason to think that that material suddenly froze hard around about 1950.

Our generation—or, to the students among my hearers and readers—your generation—can still mold this office, can still to some practical purpose hold dialogue fundamentally searching the reach of its powers. It is worth examining the material freshly. And we are most strongly led to do this by the obvious fact that this office is not now performing in a satisfactory manner; it has assumed the form of a quadratic equation with two firm answers—"too much" and "too little"—and nothing firm in between. It seems we cannot find a resting place—or, better, a dynamic balance—between presidential weakness and presidential imperialism.

In March, or as soon thereafter as the Yale University Press completes its turnings, there will be forthcoming a book of dialogues[1] between me and my close friend of more than half a century, Congressman Bob Eckhardt of Texas—the one important name I really have a right to drop. At one point in these conversations, as we were talking about the immense and pervasive power—not only as custom but as law—of the unwritten American Constitution, Eckhardt mentioned and stressed the countervailing (though not disconfirming) fact—the fact that the written text remains and can always be recurred to, while the practices that have grown up around or parallel to the text are, comparatively, plastic. Nowhere are both these things more evidently true than with regard to the Presidency. A good start, then, is from the textually expressed powers of the Presidency, and chief stress may be placed upon what might now be made of them, or done about them. Let us remember, always, that we, quite as much as John Tyler, are the subjects of history, that the historians of the twenty-second century will look back on us to see what we made of the still plastic Presidency. The one thing it is almost impossible they will find is that we effected no major changes—that the material had hardened when Franklin Roosevelt or Lyndon Johnson was in office. Changes, and directions of change, there will certainly have been. The only thing we have to decide is to what extent we can, and will, shape this plastic material consciously and by public resolve. I stress the word "will", as verb or noun; I have often made, and cannot make too often, the point that it is will, not new constitutional structure, that we need to make our government work.

I start (and in these remarks will finish) with the veto power. It stands first in the Constitution, because, though it concerns the Presidency, it makes the President a part of the legislative process, and so was placed in Article I.

Woodrow Wilson may have been the first to see fully into the importance of this power. His words are not always remembered today; some recent works on the Presidency consider the veto quite briefly, and as a sort of accidental feature of our system, one producing interesting and dramatic incidents from time to time, but not of pervading systematic importance. I think the obviously well-pondered words of Wilson ought to be quoted:

"For in the exercise of his power of veto, which is of course, beyond all comparison, his most formidable prerogative, the President acts not as the executive but as a third branch of the legislature."

And again:

"The President is no greater than his prerogative of veto makes him; he is, in other words, powerful rather as a branch of the legislature than as the titular head of the Executive."

(I read these words, when I got around to reading them, with some rue, for I had been saying the same thing for some time. Reading can be recommended on a number of grounds, unnecessary to be canvassed here, but it has the distinct drawback that, if indulged in to excess, it almost always destroys the precious illusion of the originality of one's own insights. My own, identical with Wilson's in all but context, arose from my asking myself, "To what state could Congress, without violating the Constitution, reduce the President?" I arrived at a picture of a man living in a modest apartment, with perhaps one secretary to answer mail; that is where one appropriation bill could put him, at the beginning of a new term. I saw this man as negotiating closely with the Senate, and from a position of weakness, on every appointment, and as conducting diplomatic relations with those countries where Congress would pay for an embassy. But he was still vetoing bills.)

It is interesting that these words of Wilson's occur in contexts that make little of the President's powers other than veto. Wilson, publishing in 1884, saw Congress as the overwhelmingly dominant power. Indeed, both the quotations just given (as the second one exhibits) form a part of this picture; that Wilson was saying was that the President was powerful only as a part of Congress, which, in a sense, the veto power makes him. What I think Wilson did not see, or did not bring out with sufficient emphasis, was that this veto power, so firmly fixed in the text, could make the President, in the absence of energetic, principled and tactically imaginative resistance in Congress, the most important part of Congress. And that may be what happened, or is happening. (The weapon of the veto, moreover, could give the President offensive and defensive means for strengthening his other powers; used skillfully, it could get him out of that modest apartment. As to this more later.)

The history of the veto illustrates the power of text over expectation. The prime original purpose for the inclusion of this power was that it was thought to give the President the means of protecting his own office from Congressional encroachment. There may have been an anticipation that it would be used to vindicate the President's own constitutional views, by being interposed against legislation he considered unconstitutional. (This theme, though I cannot find it in the 1787–88 material, appears very early in veto practice and veto messages; consider Washington's first veto, below, and the other early vetoes. Tyler, in his first veto message, alludes to the prescribed Presidential oath as the source of the obligation to veto bills thought unconstitutional. This connects in my mind with the suggestion of George III that his coronation oath might obligate him to refuse the royal assent to certain bills.) Certainly it was anticipated that any other use than these would be sparing, would occur only in cases where "the public good was evidently and palpably sacrified . . ." Hamilton, in the Federalist, even went so far as to suggest that "greater caution" in the use of the veto would be expectable in the case of the President than in the King of Great Britain, who by Hamilton's day, never refused the royal assent; this was hyperbole, natural in the polemic context, but even in its exaggeration it underscores an original understanding that the veto would be used only rarely, and certainly not as a means of systematic policy control over the legislative branch, on matters constitutionally indifferent and not menacing the President's independence.

The early history of the use of the veto more than sufficiently confirms this understanding, though like all the history I know anything about, it contains a residuum of unexplained occurrences. According to Mason's count, all the Presidents up to Jackson vetoed nine bills. Washington vetoed two bills in eight years—one because of its plain unconstitutionality. The other, a bill reducing the size of the military establishment, may have been seen as a dangerous weakening of the country's military force, connected with the Commander-in-Chief power, so that the veto may well be thought to fall within the category of defense of the presidential office, in the very case against dangerous reduction of the force at its disposal for executing its duties. (Indeed, the veto message gives color to this view, for it mentions that one of the companies of dragoons which the bill would have had mustered out had "been lately destined to a necessary and important service"—not specified.) John Adams and Thomas Jefferson vetoed no bills—twelve years without a veto.

Madison vetoed six bills in eight years. Four of these were on constitutional grounds; two were, prima facie, on grounds of expediency. One of these two was a pocket veto; Madison thought the bill, which dealt with naturalization "liable to abuse by aliens having no real purpose of effectuating a naturalization . . ."

There was no policy disagreement; Madison approved of the general purpose of the bill, and at the next session of Congress an amended bill was passed and signed. The other "expediency" veto was plainly animated by a policy difference—the first veto clearly

of that kind, and the only one of that kind before 1832. But it should be noted that the policy difference went to a life-and-death issue, connected with presidential responsibility; Madison vetoed a bill chartering a Bank of the United States, on the ground that the proposed charter, in his view, failed to provide adequately for circulating money in time of war, and for the conduct of the war. Perhaps, without stretching too much, such a veto may (like Washington's second veto) be connected with protection of the President's role as Commander-in-Chief, and with the effective execution of that power.

Monroe, eight years in office, vetoed one bill, on constitutional grounds, John Quincy Adams none. Though Jackson vetoed twelve, almost all of these were on constitutional grounds. Van Buren vetoed none.

Thus history, made by Presidents all of whom except Van Buren were old enough to remember the adoption of the Constitution, and covering more than the first half-century of the country's history, confirms in usage the view that the original expectation was that the veto would be sparingly employed, and used mainly as a means of defense of the presidency itself and of the Constitution.

Tyler vetoed pretty freely; he was the first to do so. It may be no accident that this happened in the case of the first President to whom the early years of the Constitution's operation were something to be read about; and it may be no accident that it happened in the case of the first President not elected President, but succeeding from the Vice-Presidency, for a want in the informal power of prestige may stimulate the use of an ultimate weapon. The reaction is described by Binkley:

"President Tyler's veto of a tariff measure a year later induced the first move in our history toward the impeachment of a President of the United States. Representative John Miller Botts introduced the impeachment resolution charging the President "with the high crime and misdemeanor of withholding his assent to laws indispensable to the just operation of the government, which involved no constitutional difficulty on his part, of depriving the government of all legal sources of revenue, and of assuming to himself the whole power of taxation, and of collecting duties of the people without the authority or sanction of law."

"On the motion of John Quincy Adams a select committee of thirteen was appointed which drew up a report formulated by Adams and arraigning Tyler for strangling legislation through the misuse of the veto power. In reply the President sent to the House a vigorous protest which that body, following the precedent set by the Senate in the case of Jackson's protest, treated as a breach of privilege and refused to receive on the ground that the House has the constitutional right of impeachment.

"To the present generation the Whig movement to impeach a President for the exercise of the veto power must seem absurd. So popular has the exercise of this power become that its employment rarely fails to elicit applause. This generation has to be reminded that a century ago it had not yet become generally accepted that the President possessed the right to pass independent judgment as to the wisdom of a piece of legislation. He might resort to the veto to protect his office against encroachments or he might refuse his signature to a measure he considered unconstitutional but many believed that only Congress should determine the legislative policies of the government."

The last paragraph comes perilously close to anachronism; it all but invites us to laugh, charitably perhaps, at the "absurd" views held by eminent and well-informed public men during the first fifty years under our Constitution. What is really proved, I think, is that *we* have departed—in our expectations and in our tolerance of presidential practice—from the rather clearly demonstrated expectations of those whose expectations count most, the people who personally knew the Constitution's beginnings. We act at our great peril when we consider "absurd" something which seemed not at all absurd to John Quincy Adams—as searching and as balanced a mind as our politics has known.

But the text stayed there. It contained no limitations. It outlived all the people who understood, it may be, what limitations were placed upon it by an unspoken propriety. And if Tyler had not made a beginning toward its unlimited use, it was quite inevitable that some President would have done so.

DAVID LILIENTHAL URGES UNITED STATES TO HALT EXPORT OF NUCLEAR PLANTS AND MATERIALS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. EVINS of Tennessee. Mr. Speaker, David Lilienthal, first Chairman of the Atomic Energy Commission, and former Chairman of the TVA, said in a recent interview in the Washington Star that the United States is "courting disaster" by the continued export of nuclear plants and materials to foreign countries.

Mr. Lilienthal points out the danger that these materials can be used to develop atomic bombs, as was done in India, and he urges action now to halt this distribution of nuclear materials.

Because of the interest of my colleagues and the American people, I place the article detailing the interview in the RECORD herewith:

QUESTION AND ANSWER—LILIENTHAL: STOP EXPORT OF A-PLANTS

(David Lilienthal, the first chairman of the Atomic Energy Commission, is considered the father of the TVA and a pioneer in expanding nuclear energy producing facilities. He was interviewed by Washington Star Staff Writer Roberta Hornig.)

Question: Nuclear power plants have been widely hailed as one of the most peaceful uses of atomic energy and yet you are now calling for a halt to their export and to their proliferation. What made you change your mind about nuclear power plants?

Lilienthal: Well, nuclear power plants for electricity, I still strongly favor. They supply a substantial part of the energy in this country. Their future, I think is assured. The problem arises in the export of these plants and materials that go into them because it's equally useful for bombs. And it's the destructive uses rather than the peaceful uses that cause me great concern and causes everyone great concern.

Q: How realistic a possibility is that?

A: What has happened is that in a good many of these exports we find the very things that we're now worried about: the proliferation of weapons. The materials in the nuclear power plant being used for weapons materials. Until we get some assurance that will not happen, it seems to me we ought to stop nuclear power plants until we're completely sure they will not be used for weapons.

Q: That happened in India, didn't it?

A: Yes, and that was a lesser case of deception. It was a so-called research reactor. Even a tiny research reactor was enough to produce enough plutonium to produce a bomb. But there are other cases where it's even more serious than that. The people of the United States are going to be very troubled about this when they find out the amount of this bomb material we've been shipping all over—Japan, Germany and France—without any real safeguards. There's going to be quite a lot of questions asked. The only way, it seems to me, to get it seriously discussed is just to clamp down until we get this kind of assurance.

Q: One of the arguments has been if the United States fails to provide these nuclear materials, other members of the nuclear club can always export theirs. How can there be assurance that there will be a stop?

A: We can't be assured, we can only do our part. At the present time we're the first proliferators, we're the major proliferators now. We can't stop this proliferation unless we show our good faith by stopping ours. Someone has to start somewhere and the United States is the right place to start.

Q: And if it isn't stopped?

A: If there are a dozen or 15 countries, some probably unstable and irresponsible, having atomic weapons it provides for a very unstable world. The worst thing that could happen is that one of these countries at a time when it's politically upset could make use of a weapon of this kind—use it to demonstrate its machismo, to show what big shots they are. It might attack a neighbor and set off a whole domino effect of horrible events just as the assassination of that poor little Balkan prince did.

Q: Causing World War I.

A: This would be a lot more than that. People would say, if it were secret, who did it, was it among our enemies, if it were say India versus Pakistan or Pakistan versus some other country, or coming closer to home, countries in Latin America who are preparing: proliferation is beginning to spread there.

Q: How about the Middle East, where we seem to be selling a great number of weapons?

A: That's the most acute case of all. But there, both Egypt and probably Israel and other countries in the Middle East are on their way or maybe have arrived and that simply magnifies the instability of the world. It becomes something like a string of firecrackers, one setting off the other. That's something we should make a most extraordinary effort to prevent. An embargo is the mildest form of meeting this.

Q: We keep hearing that any good scientist can make a bomb. Is this true?

A: That's utter nonsense, childish nonsense. For one thing, a good deal of this stuff is highly radioactive. And it would have to be somebody who knows what the hell he's doing. I went into the plutonium fabricating plant at Los Alamos in my first experience with the AEC. And we were covered from head to foot and then we were fumigated. The notion that kids can make these weapons is really childish.

Q: How about terrorist groups?

A: They can certainly hijack. It would take quite an organization to do it. And there's no reason why we shouldn't protect ourselves against that. We should do it carefully and begin now. Groups would be larger than just a few united people. It would have to be an organization. And that's not too incredible. There's a lot of cuckoo people in the world.

Q: So you feel basically secure with the safeguards within the United States?

A: Yes.

Q: What about the new processing plants?

A: You see the complaint there is a matter of safety, safety in of the operations. Theft I think is a minor problem in the

United States. It would be a good way to get rid of a lot of terrorists if they started messing around with some of this stuff.

Q: You're talking about an embargo of nuclear power plants and nuclear materials. What about safeguards against ones that have already been exported? What about safeguards in plants in our own country?

A: Safeguards in plants in our own country are now going to be given more attention, I think they're reasonably good. Safeguards overseas by the international agency have been quite effective up to a time. I think they should be strengthened. The policemen, the inspectors ought to know more about the atomic energy business so they can detect things which are going on which isn't the case for the international agency so far. But it's done a good job but its resources are inadequate. Until it's greatly strengthened, I think we ought to stop this business of handing the stuff out to anyone. Remember this is all done through private companies. We're not talking about the United States, we're talking about Westinghouse, General Electric, etc. It's not nation-to-nation, country-to-country, we have delegated to private companies a sovereign power. We ought to get busy and withdraw it.

Q: Can you give any examples of how to increase and operate the policing?

A: Yes, for one thing, the international agency is seriously underfunded and understaffed. The quality of the people who are in charge is very good but their functions are very limited considering the nature of this problem. So I would think they ought to be authorized and encouraged and have research facilities and operational facilities so they have on board people who know what's going on at any of these plants without simply accepting the ideas, yes and no of the people who are running it.

Q: How about a watchdog police force. Do you think there should be such a group?

A: I would think the whole point of calling people out when they are violating the international safeguards is that there should be something done about it. I think after a hearing before a committee or an action by the Congress of the United States public opinion is really going to be worked up. This would be as effective as anything else. We can hardly have any country standing up against the united worldwide opinion that it's threatening the lives of the world by what it's doing. Now, they've done it before, Hitler did it. We've had in my generation too many examples that these horrible things can happen. But that in many cases no one took any account of the eventuality in advance.

WAYS AND MEANS OVERSIGHT SUBCOMMITTEE REPORT OF ACTIVITIES FOR 1975

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. VANIK. Mr. Speaker, in December 1974, the Ways and Means Committee created a permanent Subcommittee on Oversight, which I have had the honor of chairing during 1975.

Because the subcommittee was new, it had no budget authority until April 1, 1975. Due to the importance of proceeding carefully in the development of a professional staff, the subcommittee did not really have operating staff until early June, although several hearings were held during the spring. It is now fully staffed, and I believe that the quality of the staff is very professional—one that the Members can have confidence in.

As a result of these budget and start-up requirements it can be said that the subcommittee was only in operation for half a year. In other words, in 1976, I expect that we will be able to do a great deal more than we did in 1975.

Nevertheless, in 1975, I believe that the subcommittee had some notable accomplishments. I would like to take this opportunity to describe my impression of the activities of the subcommittee during its first half year of operation, and, where possible, describe some of our plans for 1976. The following report is my personal opinion and is not a subcommittee report. Members of the subcommittee may have quite different views on the various areas of our 1975 activities.

OVERSIGHT OF INTERNAL REVENUE SERVICE ACTIVITIES

The subcommittee has concentrated most of its attention on the Internal Revenue Service. While other congressional committees have from time to time looked at the IRS, most of the IRS' power derives from Title 26 of the United States Code, which is under the jurisdiction of the Ways and Means Committee. In addition, it is difficult to oversee the IRS adequately without having occasional access to tax information background papers. The Ways and Means Committee is one of three congressional committees with standing authority to use such information and this tool, used carefully and only when absolutely necessary, will enable the Oversight Subcommittee to carry out an effective program of monitoring the IRS.

1. OPERATION LEPRECHAUN

On March 14, 1975, several newspapers carried rather sensational stories about an IRS Intelligence Division operation in which an IRS special agent was alleged to have paid informants to spy on the "sex and drinking" habits of a number of prominent Floridians. Since the IRS had recently suspended certain information gathering and retrieval programs, the subcommittee was concerned that there might have been a general failure of controls over the activities of the law enforcement and investigatory divisions of the IRS, with resulting infringements of the rights of taxpayers.

The subcommittee held three hearings on Operation Leprechaun: March 26, December 2, and December 12, 1975. There are still a number of unanswered questions about Operation Leprechaun, but the hearings have uncovered evidence to indicate that the special agent in charge of Operation Leprechaun was successful in developing significant tax cases as a result of the use of informants and that the public charges against the agent were accepted too hastily by the media and the National Office of the IRS.

2. THE ROLE OF THE IRS INTELLIGENCE DIVISION

Operation Leprechaun, while important to the agent who has been accused and to the IRS operations in the Florida area, is also of National importance, because the abuses which are alleged to have occured in Operation Leprechaun have been cited by IRS officials as a major reason for suspending a number of intelligence division activities throughout the country. The intelligence division is the criminal enforcement arm of the Internal Revenue Service.

While I am deeply concerned that the IRS' intelligence gathering activities be limited to tax matters and not the types of abuses engaged in by other Federal law enforcement agencies as recently documented by the Congressional Intelligence Committees, I am also concerned about the intense and bitter dispute between the Department of Justice and the IRS about the role of the IRS in law enforcement activities. I believe that in the past the IRS has been one of the most effective tools in the Government's fight against organized crime and political corruption. While IRS participation in these law enforcement efforts should be carefully monitored, I personally would not want to see all such IRS activities stopped.

The subcommittee staff has found that many IRS intelligence division personnel feel that the IRS regulations have become too restrictive and that the effectiveness of the intelligence division is imperiled.

For example, on December 12 the subcommittee held a hearing in which several witnesses described how IRS regulations resulted in so much redtape and delay that IRS agents in Florida were unable to refer a potential witness, who could have helped convict an alleged gangland murderer, to the proper Florida authorities before that alleged murdered was acquitted in a trial. The December 12 hearing also disclosed another murder case in which IRS regulations prevented IRS agents from cooperating with local authorities with non-tax information and several cases where the national office policy with respect to the pay of informants had discouraged the collection of future, valuable tax information. I might say that in the one murder case, the subcommittee investigators were the ones who placed the witness and the local authorities in contact with each other and this may result in possible perjury actions and further actions against the accused person in another state.

The afternoon before the December 12 hearing, the IRS issued a new set of regulations governing the pay of informants and other intelligence gathering activities. The subcommittee is currently studying these regulations and will provide comments on them to the IRS when the second session convenes. It appears that the regulations would prevent some of the problems which were described in the December 12 hearing.

The area of intelligence gathering is a difficult one which will require constant, vigilant oversight. I am hopeful, however, that the subcommittee can help ensure that there is a balance between necessary law enforcement activities and the rights of the taxpayer. The new regulations, which I feel were prompted in part by the subcommittee's investigations, are a step in the right direction, but need more work to eliminate unnec-

essary red tape. My more detailed personal comments on Operation Leprechaun are included in the CONGRESSIONAL RECORD of December 19, 1975, page 42447.

3. SPECIAL SERVICES STAFF

On June 25, 1975, the subcommittee held a hearing on the report of the Joint Committee on Internal Revenue Taxation on the special services staff issue. The special services staff was a small unit established in the IRS in 1969 and terminated by Commissioner Alexander in 1973. It established files on a number of politically active organizations—generally tax exempt groups and individuals—and referred some files for adult action by regular IRS offices.

Several members of the subcommittee and I have introduced legislation which would establish penalties for this type of activity which has the potential of dampening our first amendment freedoms. In addition, as the report to the tax reform bill (H.R. 94–658) indicates:

As an aid to proper oversight and to future decision-making in this area, your committee intends that the Internal Revenue Service report annually to the tax-writing committees of the Congress on the Service's activities with regard to organizations tax exempt under section 501(a) . . .

I am hopeful that this annual review of the types of tax-exempt organizations being audited will insure that the power of the tax laws are used neutrally.

4. ADMINISTRATIVE CHANGES IN IRS PROCEDURES

On July 10, 18, 25 and September 22, the subcommittee held hearings on proposed administrative changes in IRS procedures. These hearings concentrated on the issues of:

Restrictions on disclosure of tax return information;

Private letter rulings;

Jeopardy and termination assessments;

Regulation of tax return preparers;

Declaratory judgments for tax exempt organizations; and

John Doe summonses.

I believe that these hearings provided a great deal of technical information necessary for the proper drafting of amendments which were included in H.R. 10612, the Tax Reform Act of 1975. In general, I feel that the most important points raised in the subcommittee's hearings were included in the bill which passed the House.

The regulation of disclosure of tax return information was not included in H.R. 10612 but the Ways and Means Committee held a hearing on the subject on January 28, 1976. At that hearing I released a subcommittee survey of the use of IRS tax information by other agencies of the Government. This survey showed significant differences between the number of tax returns the IRS provides other agencies and the number of returns those agencies say they receive. The need for careful recordkeeping is obvious.

In addition, the hearings—as well as letters which the subcommittee has received from the public—have caused four members of the subcommittee and myself to draft legislation, H.R. 9599, entitled the Taxpayers' Bill of Rights of 1975. Identical legislation was introduced in the other chamber by Senator WARREN MAGNUSON and others. This bill proposes a system of taxpayer complaint offices, a pilot project of assistance to taxpayers in audits, and clearer explanations of appeal routes. During the coming months, I personally hope to expand and improve this legislation so that it may be considered during the second session.

5. TAXPAYER SERVICES

In early spring, the subcommittee staff conducted a "test' poll of IRS taxpayer assistance offices, asking a number of simple to moderately hard questions. The subcommittee found a 25 percent error rate, a figure which coincides with internal IRS studies. The subcommittee held a hearing on February 27 and April 14 on taxpayer services and received information from the IRS on plans for improving services for the spring of 1976. Longer training is being provided taxpayer service representatives, and it is my personal belief that the Service is making a valiant effort to improve the quality of service.

The subcommittee will continue its attention to this area. We received a briefing on taxpayer service plans on July 14. Subcommittee staff visited the Philadelphia training center on October 24, and two staff members will spend a week each in IRS telephone assistance centers this coming February to determine what trouble spots remain and what progress the IRS is making.

The Internal Revenue Code is impossibly complex and the only real solution to taxpayer assistance is massive simplification. But until that day comes, I believe that the IRS must make every effort to provide the right answers and the best of service. Two possible solutions for better service are staggered filing dates and specialized training of taxpayer service representatives. The subcommittee is currently soliciting comments on the staggered filing date proposal and is pleased to note that the IRS is experimentng with specialized training rather than expecting each TSR to be able to answer questions on the whole range of the Internal Revenue Code.

In another but related area, the IRS has established four experimental offices to help with taxpayer complaints in 1976. It is important that this project succeed and subcommittee members will be visiting these operations to determine how well they are serving the public.

6. EARNED INCOME CREDIT

The earned income credit of up to $400 provided by the Tax Reduction Act of 1975 is only available to those who file returns, yet many individuals in the income levels which would be helped by this credit do not file. The subcommittee staff held a meeting on November 20 with the IRS and organizations who work with low-income families to discuss how the earned income credit could best be advertised. The subcommittee held a meeting on December 11 with the IRS and other government agencies to encourage those agencies to cooperate with the IRS in advertising the earned income credit. As a result of the meeting, I believe that many AFDC/medicaid and food stamp beneficiaries will receive notices on the importance of filing for the credit.

7. AMERICAN MEDICAL ASSOCIATION

On July 29th, Public Citizen, a public interest research group, wrote to the subcommittee charging, basically, that the IRS had failed to enforce the tax laws with respect to advertising income of the American Medical Association. On August 6, the subcommittee wrote to the IRS asking for a description of IRS actions with respect to the tax law in question. The subcommittee received a response from the IRS on October 30. While the subcommittee has not had an opportunity to meet in executive session to discuss the IRS' letter, the staff is satisfied, at the present time, with the IRS's response, and I hope that the full subcommittee will be able to meet early in 1976 to review the letter and determine whether further action is required.

8. REPORT OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES ON THE INTERNAL REVENUE SERVICE

In November, 1975, the staff of the Administrative Conference of the United States issued a 1,000-page report on Some Administrative Procedures of the Internal Revenue Service. The subcommittee will be reviewing, at great depth, the sections of the report dealing with the audit and settlement processes, the collection of delinquent taxes, confidentiality, and taxpayer services and complaints. Congressman JIM JONES of the subcommittee is in charge of the inquiries into the issue of the collection of delinquent taxes, and I am hopeful that we will be prepared for hearings on this topic by early spring.

Among other IRS-related activities, Congressman CHARLES RANGEL of the subcommittee and I have requested information from the IRS to determine whether there is any validity whatsoever to some recent charges that black civil rights activists in certain areas have been harrassed and selected out for unjustified audits by the IRS.

The subcommittee held a briefing for ways and means staff in October on the new tax administration system being planned by the IRS. This is a new, complex, and sophisticated computer system which the IRS will be moving on line during the next several years. The subcommittee plans to do more in the area of computer access and computer confidentiality during the next session.

The subcommittee has requested and expects to receive a GAO report in late spring on delays in the issuance of regulations implementing the provisions of various tax laws. Some of these regulations take as long as six years to issue; the subcommittee will seek ways to reduce and eliminate such delays.

OVERSIGHT OF THE ADMINISTRATION OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

The Employee Retirement Income Security Act of 1974 was a product of the House and Senate tax-writing and labor committees. Administration of the Pension Reform Act is divided between the Department of Labor, the IRS, and a new agency, the Pension Benefit Guarantee

Corporation. Divided administrative responsibility is often a guarantee for confusion, and this new complex program has been marred by a difficult beginning.

The subcommittee has stressed the need for simplified reporting requirements—CONGRESSIONAL RECORD, July 25, 1975—and the early issuance of necessary regulations—CONGRESSIONAL RECORD, August 1, 1975.

On November 17, under the direction of subcommittee member J. J. PICKLE, the first hearing was held on individual retirement accounts and the failure of the IRS to issue regulations to disclose adequately to the consumer the terms of sale of these retirement investments. The regulations were issued without public comment just before the hearing. The hearing provided a number of suggestions for change, and it is our expectation that new and better disclosure regulations will be issued momentarily. In the meantime, regulations have been issued significantly simplifying one of the forms required from IRA owners. In addition, new regulations will permit IRA purchasers who, as a result of greater disclosure, feel that they are dissatisfied with their purchase to terminate or make a one-time rollover into another IRA without penalty. On January 2, the FTC announced it would begin an industry wide investigation into advertising and marketing practices accompanying the sale of IRA's. This investigation is a direct result of meetings with FTC officials by Representative PICKLE and myself.

Finally, we are working with the Bureau of Public Debt to encourage more awareness among IRA purchasers of the very real attractiveness of the U.S. individual retirement bonds sold by the Treasury.

At the November 17 hearing, the subcommittee released a Library of Congress survey of IRA sales in the Washington area. This study is a valuable document for customers throughout the Nation.

On November 20 and December 9 the subcommittee held hearings on problems created by certain IRS and Department of Labor ERISA regulations, primarily in the areas of reporting and disclosure, vesting, and prohibited transactions. The December 9 hearing was a joint hearing held with the Education and Labor Committee's Subcommittee on Labor Standards—the Dent-Erlenborn pension task force. Joint hearings can obtain a maximum of results since it insures the cooperation and response of all of the officials in charge of administering ERISA. I hope that in the future we will be able to continue to coordinate our oversight of ERISA.

The November 20 hearing primarily heard from outside witnesses and defined the problems facing the successful administration of ERISA. The December 9 hearing resulted in a number of announcements by Commissioner Alexander and the Department of Labor which will hopefully reduce the cost of administering plans under the new act and which will eliminate the threat of massive terminations of private pension plans. Specifically, at the hearing the IRS announced:

First, that a simplified annual report form 5500C for small plans is being developed; second, that a simplified 5500K report form is also being developed for Keogh plans; third, that the IRS filing date for these forms will be postponed by several months; fourth, that the IRS will not require the filing of the Schedule A insurance information; fifth, that the IRS will not be requiring an accountant's opinion in connection with annual reports of small plans; sixth, that the tests for discrimination against rank and file employees under Revenue Procedure 75–49 are being reevaluated; seventh, that Revenue Procedure 75–480 containing actuarial assumption rules with respect to social security offset plans is being reconsidered; eighth, that the previously announced special reliance procedure which freezes applicable law for a defined period is in effect; and ninth, that interagency policies with respect to prohibited transactions exemptions are being intensively reviewed.

It should be noted that during October Congressman PICKLE testified before the House Appropriations Committee on our findings that the budget for the IRS office administering pensions was inadequate. The House Appropriations Committee provided an extra $4 million for this office in the fiscal year 1976 supplemental. While this was struck in the other body, the groundwork has been laid for an improved budget this year.

OVERSIGHT ON WELFARE ISSUES

At the request of the Public Assistance Subcommittee, the Oversight Subcommittee has undertaken several studies in the area of welfare.

1. AFDC QUALITY CONTROL

First, the subcommittee has conducted a major investigation of the Department of HEW's quality control—QC—plan designed to reduce errors in the Aid to Families with Dependent Children program. We all support efforts to reduce errors and frauds in welfare payments; the question is whether HEW's quality control program is really effective. In hearings on October 31 and November 3, the subcommittee received testimony from several State representatives and from the GAO and QC was ineffective and that HEW's claims of savings as a result of its QC program were grossly exaggerated. The States particularly criticized HEW's policy of applying fiscal sanctions or payment cutbacks on States which do not reach certain arbitrarily set error tolerance levels. At the request of subcommittee member Representative RICHARD VANDER VEEN, the GAO has supplied the subcommittee with an opinion that seriously questions the legal authority of HEW to impose fiscal sanctions.

The subcommittee will be working with the Public Assistance Subcommittee to encourage a more effective and realistic error reduction program which does not place harsh penalties on the States.

2. SUPPLEMENTAL SECURITY INCOME

A second major ongoing investigation is on the administration of the supplemental security income program for the aged, blind, and disabled. During the summer of 1975, it became apparent from reports in the media that the Social Security Administration's handling of this program, enacted in October, 1972, and implemented January 1, 1974, was woefully deficient and that there was an enormous level of payment errors—probably $800 million worth—in the first 18 months of the program.

Under the direction of Representative SAM GIBBONS, the Subcomittee held hearings on September 8 and October 20 and issued an interim letter report to the Public Assistance Subcommittee on November 21, 1975. The subcommittee's first 1976 hearing was on SSI on January 26.

There is no doubt that the Social Security Administration is making efforts to improve the program; whether these efforts are adequate or effective is yet to be determined. It is my hope that the subcommittee's continuing study of SSI problems can help insure that the agency gives adequate attention to the program.

It appears that the subcommittee will be able to encourage the Social Security Administration to make major improvements in its training programs. The President's fiscal year 1977 budget adopts a major subcommittee recommendation by converting term and temporary employees to permanent positions. Improvements in staffing can result in millions in program savings and reduced administrative overhead.

In addition, I believe that the subcommittee's hearings will provide some valuable information on the leadtime required for the implementation of major new social programs, the problems involved in the management of large-scale electronic data systems and the role of social security in the administration of future social welfare programs.

OVERSIGHT OF MEDICARE PROGRAMS

At the suggestion of Health Subcommittee Chairman ROSTENKOWSKI, the Oversight Subcommittee has conducted an in-depth study of the end-stage renal disease and the Health Research Amendments provisions included in the Social Security Amendments of 1972, Public Law 92–603.

The subcommittee held hearings on the chronic kidney disease program on June 24 and July 30, conducted a nationwide survey of dialysis and transplant facilities and issued a report on October 22, 1975. Additional chronic kidney disease hearings will be held in 1976 on the issues of facility utilization, payment levels to physicians, and the Bureau of Health Insurance's efforts to reduce costs in this program. The October 22 report noted that significant cost savings were possible through increased home dialysis, through increased transplantations, and through purchase rather than rental of durable medical equipment:

Home dialysis: Physicians have indicated that approximately 50 percent of the dialysis patients are capable of undertaking dialysis in their homes. If a level of home dialysis of 50 percent was achieved by the mid-1980's, there could be an annual savings of between $160 and $306 million per year over recent cost projections.

Transplantations: It is estimated that 6,000 transplants could probably be performed each year. If 60 percent of these were successful, this would result in a savings of $720 million over a 5-year period based on calculations of approximate cost for maintenance dialysis versus approximate cost for treating patients with transplantation.

Durable medical equipment: Based on figures supplied in the subcommittee report for patient population size, initial cost of a dialysis machine, and rental payments, if the dialysis machine is purchased outright, rather than rented, there is a potential savings to the program of $5,400 every 5 years for each machine. When this figure is multiplied by 20,000 patients—assuming a total patient population of 40,000–50,000—the total potential savings are $108 million every 5 years.

Since I am also a member of the Health Subcommittee, I am drafting legislation to incorporate the subcommittee's findings into law. I am hopeful that these recommendations can be approved by the Health Subcommittee early in 1976.

The subcommittee staff completed an investigation of the various cost-saving experiments and demonstration programs authorized under the various medicare amendments. The staff found a woeful lack of direction and achievement in these potentially important experiments and reported:

> The Subcommittee recognized the complexity of the experimental programs and the difficulty involved with their operation. However, the Subcommittee also believes that experiments may hold the key to potential improvements in Medicare cost controls and quality. The failure of HEW to conduct a vigorous and timely series of experiments is a lost opportunity. No cost can be calculated for this failure; it is the committee's concern that the lost savings may be enormous.

The subcommittee staff will attempt to follow this issue in 1976 to determine whether there are any improvements in the demonstration and research projects.

These have been the major areas of activity of the subcommittee in 1975. I have not included several areas, particularly in the health field, where we have started long-range research which should begin to bear results in 1976. As I indicated earlier, I am hopeful that the subcommittee will be able to accomplish a great deal more in 1976—that our actions will result in hundreds of millions of dollars in savings for the taxpayer and that we can help insure the delivery of more efficient and effective Government services to the public.

PIPE DREAMS: THE NATURAL GAS CHARADE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. HARRINGTON. Mr. Speaker, the claims of natural gas proponents that they are "working for the consumer" display at best a potentially tragic misunderstanding of the true nature of the situation. At worst, they amount to further lies in the grand scheme to hoodwink skeptics. Members of the Congress and the entire country into accepting deregulation without so much as a whimper of protest. Before we embrace too wholeheartedly the figures of the oil and gas industries and of deregulation proponents that apparently prove how "gas at $1.50 is better than no gas at $0.52," we must take time to study recent reports that show that such ditties do not even address the real situation.

When consideration of H.R. 9464, the Emergency Natural Gas Act of 1975, began some months ago, the Congress was dependent upon Federal Energy Administration, Federal Power Commission and oil and gas industry statistics that indicated that there might be as much as a 20-percent shortfall in needed natural gas supplies this winter, causing widespread unemployment in industries relying directly or indirectly upon natural gas.

Since that time, a series of studies done by the Office of Technology Assessment and the General Accounting Office have concluded that these figures were extremely "misleading" and that the reports mysteriously failed to identify any specific, or even broad, areas of projected unemployment or shutdowns of industrial operations.

In addition, reliable studies have been released approximating the effects of deregulation. For example, a December 31, 1975, Library of Congress study concludes that deregulation would cost consumers between $12.7 and $14.6 billion by the end of 1976, without assuring an increase in production. The study found that these costs would add eight- to nine-tenths of a percentage point to inflation rate, causing an economic shock that would increase unemployment by possibly several hundred thousand jobs.

It seems that much misinformation has been disseminated in the media on the need for, and effects of, deregulation—most of which has been based on the false premise that in the absence of regulation, the industry would arrive at a competitive price as a product of the interaction of competing independent producers. But the fact is that the natural gas industry, dominated as it is by integrated companies, is not competitive. Deregulation, therefore, would create a marketplace controlled by a noncompetitive industry. As the price of new, uncontrolled crude oil over the past 3 years has risen from $3.90 to $13.05 per barrel, interstate natural gas prices have risen in tandem, resulting in a price increase of almost 300 percent. If deregulated, the price of interstate natural gas would also rise to the artificially high OPEC price:

Although dire predictons of widespread shortages this winter proved grossly overstated and for the most part completely unfounded, we nevertheless must prepare ourselves to face the increasing problem of ever-diminishing supplies. Until recently, there has been little impartial information on the causes of diminished supplies and I had delayed taking a strong stand for or against deregulation until I could feel confident that we had found the real source of the problem. To deregulate and raise prices in an attempt to stimulate increased exploration and drilling when the source of the shortages was not in fact a lack of funds or economic incentive, could only hurt the consumer while failing to solve the essential problem.

Having considered the evidence, I have concluded finally that the charge that regulation has caused the current natural gas shortages—because producers need greater economic incentives than the current reimbursement for all expenses plus 15 percent return on investment—is simply false. On the contrary, it seems to me that the real problem is that the present system of regulation and Government control over the industry provide too great and incentive for keeping natural gas out of production; in other words, Government participation in the industry must be reorganized to encourage production rather than to encourage producers to create shortages. As it is now, there are convincing economic reasons for producers to withhold supplies and actually create shortages. This is done through a variety of methods, encouraged in a variety of ways.

Since 1969, the FPC has as a matter of policy granted substantial periodic increases in the regulated price of gas, at the same time publicly advocating total deregulation. In expectation of continued price rises and possible deregulation, producers naturally withhold supplies from production until a later date. Although reserves have been committed under binding contracts for interstate shipment, speculating producers deliberately fail to meet contractual obligations. For example a Federal Trade Commission memorandum of March 25, 1975, states that—

> The documents obtained from Gulf and Union . . . and the AGA field estimates show the existence of frequent and large discrepancies between reserve estimates used internally by these companies and the estimates reported to the AGA.

Such misrepresentation of the amount of a company's reserves is one such method.

Intentional withholding of supplies contracted for by the pipelines is another. An October 7, 1975, staff memorandum of the House Subcommittee on Energy and Power noted that all major producers have failed to comply with their obligations, and indicated that deliberate withholding, rather than unavoidable production shortages, was the cause of the resulting shortages.

In other cases, producers have failed to initiate drilling. A November 21, 1975 report of the House Commerce Committee's Subcommittee on Oversight and Investigations found that Getty and Tenneco failed to initiate timely new drilling in a high producing gas field at Bastion Bay, La., causing serious curtailments in delivery.

The same subcommittee found that producers have allowed deterioration of their physical plants and have been slow in making repairs in apparent violation of the Natural Gas Act and resulting in severe disruptions in delivery.

An FPC staff report in 1974 revealed that there were producible shut-in wells on 168 off-shore leases, containing 4.7 trillion cubic feet of proved reserves and 3.3 trillion cubic feet of probable reserves. As a result, the FPC is currently investigating a number of large reserves which are already dedicated to interstate commerce but are not being produced, the volume of which increased to over 8 trillion cubic feet in 1974.

At Exxon's and Quintana's Garden City, La., field the Oversight and Investigations Subcommittee found that capital that could have been allocated to maintain the interstate deliverability rates was shifted to fields whose production is not dedicated to the interstate market. Thus, producers could maximize current profits by slowing current interstate production with the resultant shortfall on contracts until interstate prices might rise.

In all these attempts to maximize profits and create shortages that would precipitate deregulation, neither pipeline companies nor the FPC have used their authority to take producers to court and enforce contracts.

Indeed, policies employed by the Federal Government often result in the creation, whether deliberate or not, of incentives for low production. Federal offshore leasing policies permit leaseholders to tie up leases for future production rather than requiring leaseholders to drill immediately for gas. Federal tax policies, by giving greater tax credit for royalties paid to foreign nations than for royalties paid to American owners in domesic production, promote exploration and production abroad rather than at home.

Finally, the unregulated intrastate gas market encourages sales within the State rather than dedicating gas to interstate commerce, since producers can get up to four times the regulated maximum price ceiling of 52 cents per thousand cubic feet of interstate gas. A Library of Congress study released by Representative DINGELL on November 21 calculates that a gas producer of average size could profitably withhold presently available productions up to 6 years in anticipation of deregulation.

In view of such strong economic incentives in favor of withholding gas and creating unnecessary shortages, it comes as no surprise that New England, far from the source of natural gas and at the end of interstate pipelines, has been deprived of badly needed supplies.

The solution, therefore, is not to deregulate but to get rid of such illogical disincentives to healthy production and to provide, instead, incentives that would stimulate interstate sales and energetic exploration and production.

In addition, conservation steps must be taken, as natural gas, like all natural resources, exists only in limited supply. Only within the last 2 years have there been attempts to curb unrestrained use, and waste natural gas for electricity generation.

The Federal Government and the Congress too often have rushed to prevent imminent energy shortages, only to learn later that the shortage was not real. Given the evidence, I cannot vote to end, perhaps irrevocably, all Federal control over so major a source of energy, and I urge my colleagues to join me in preventing passage of legislation currently under consideration that would achieve just that.

DOMINIC J. COMPARSI: FORTY YEARS OF OUTSTANDING SERVICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ANDERSON of California. Mr. Speaker, last week over 175 residents of San Pedro held a surprise celebration for a man who has long been a very special member of their community. He is Dominic J. Comparsi, and the occasion was the 40th anniversary of his service with the Bank of America.

A native of San Pedro, Dom Comparsi is manager of the town's Tenth and Pacific Avenue branch of the bank. His tremendous popularity goes far beyond the walls of his bank, however. Throughout his long career, Dominic has contributed selflessly to almost every organization in San Pedro and the Harbor area. The San Pedro Boys Club, the Lions Club, March of Dimes, YMCA, Chamber of Community Development and Commerce, and many other organizations have benefitted from his energetic participation in their activities.

Dominic Comparsi's personal popularity with those around him is best shown by mentioning the fact that the party held in his honor was organized by Comparsi's fellow employees.

My wife, Lee, and I both join in congratulating Dominic and his lovely wife Lou on this very special occasion. Mr. Comparsi and the Bank of America should be very proud of their 40 years together.

I insert the following article from the January 28 issue of San Pedro News-Pilot into the RECORD, as it gives a good description of both the party, and of Dominic Comparsi's many contributions to the community.

FRIENDS SURPRISE 'MR. C' ON 40TH

(By Bobbi Ellis)

More than 175 San Pedrans, who had been keeping a mutual secret for more than a month-and-a-half—got to break their silence Tuesday night in San Pedro at a surprise party for a friend.

The object of their attention—and earlier closemouthedness—was San Pedro banker Dominic J. Comparsi.

The occasion was a long-planned celebration honoring Comparsi's 40th year with the Bank of America.

Whether or not the party planners and goers were successful in keeping it a secret from the honor guest until zero hour remains Comparsi's secret.

But he swears he was surprised.

Word-of-mouth news about the festivities had been spread throughout the community for weeks, each person telling the next to "keep it quiet . . . it's a surprise."

To keep Comparsi from suspecting too much, a mini-celebration was conducted earlier Tuesday at the bank. The potluck luncheon was complete with a congratulatory sign and visits from old friends and former business associates, most of whom showed up again later in the day at Tony's Steak House, the site of the surprise party.

Both events—luncheon and surprise party—were organized by the 26 members of Comparsi's B of A crew.

"We think he might have begun to suspect something was up" a staff spokesman said, referring to earlier Tuesday when Comparsi mused aloud as to the whereabouts of the B of A's anniversary gift—a watch, which he had been allowed to select ahead of time.

The watch, a diamond Omega, was presented Tuesday during the community festivities.

Other gifts included a silver dollar money tree from the San Pedro B of A staff.

On hand were B of A regional vice presidents Myles Ketchum and Norm Jackson and Harbor Area assistant vice president in charge of the 28 regional offices, Ray Linton.

To lure the honor guest to the restaurant, Mimi Jarrin, his former secretary, and her husband had been recruited to extend an "absolutely unrefusable" invitation to Comparsi and his wife, Lou (Lucille), requesting that the two couples mark the banking anniversary together at a quiet dinner.

It was noted that the "quiet dinner" invitation might have caused further suspicion on Comparsi's part, "because his previous anniversaries have been observed after banking hours at parties attended by large numbers of guests—including the entire bank crew," the staffer said.

According to the spokesman, Comparsi wanted to turn supposedly quiet dinner for two couples into an affair similar to those of other years. He extended invitations all around—without getting any takers.

Everyone at the bank had an excuse, the spokesman said.

"Some said they were dieting, others were enrolled in night school, some had important meetings to attend. . . .

"I don't think he believed any of us," she added.

But whether he knew—or didn't know—everything went as planned, from the brief congratulatory speeches to the moneybag-shaped anniversary cake.

Sharing the community's tribute to the longtime San Pedro resident were representatives from nearly every organization in town, most of which—at one time or another—have benefitted from Comparsi's volunteer help.

A past president of both the San Pedro Boys' Club board of directors and the Lions Club, the banker is a former March of Dimes chairman; former president of the Western Boys Baseball Association, and past president and a director of the San Pedro Chamber of Community Development and Commerce.

In addition, Comparsi has long been active in the YMCA, Boy Scouts, Red Cross, American Legion and Knights of Columbus.

In 1970, he was chosen Kiwanis Club "Man of the Year."

Married for 38 years, Comparsi and his wife have two grown children, Carol Ann, a speech therapist for the Anaheim School District, and Vince, who resides in San Pedro with his wife, Kathleen, and son, Vince, Jr.

NATIONAL HOUSING PROGRAMS: THE REAL PROBLEM IS POVERTY

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Ms. HOLTZMAN. Mr. Speaker, since 1949, the Federal Government has spent billions of dollars on housing programs—with distinctly mixed results.

In a thoughtful and cogent analysis, which appeared in the January 24, 1976 issue of The Nation, my distinguished colleague from Michigan (Mr. JOHN CONYERS, Jr.), discusses some of the failures of Federal housing programs. While I may not agree with all the points that Congressman CONYERS makes in this article, and while neither he nor I would suggest that past failures justify the Federal Government's present neglect of urban housing, I believe that his views merit serious consideration. I commend the article to the attention of all my colleagues:

THE REAL PROBLEM IS POVERTY

(By Representative JOHN CONYERS, Jr.)

WASHINGTON.—When Congress passed the National Housing Act in 1949, it announced that every American had the "right to a decent house in a suitable living environment." Administrations have come and gone since then, dozens of programs have been designed and billions of dollars spent. Yet here we are, more than a quarter of a century later, no closer to fulfilling this goal than we were then. If anything, the situation is worse, at least for the poor and near poor who live in crumbling inner cities, the victims of the government's policy of "benign neglect" (the one recommended by former Presidential assistant Daniel Moynihan) for decades.

What went wrong? Some say the problem is that we have yet to hit upon the right mix of programs to make the dream a reality. Others cynically suggest that the programs were never meant to work. Still more blame corruption, bad administration, a slovenly bureaucracy—and so it goes, endlessly. The one explanation for the glaring failure of all the programs which has perpetually eluded policy makers is that when they try to solve the nation's housing ills in isolation, without attacking all the other problems that stem from social inequality, such attempts are doomed from the start. Nothing short of a full-employment program, one assuring each worker the right to a job at livable wages, will solve the riddle of housing.

What evidence do we have for this? The history of the last few decades tells a great deal about which Americans do, indeed, have the "right" to that decent house in that "suitable living environment." The story begins in the 1930s, when social unrest was rising, when unemployment and lack of demand struck at the heart of the American economy. One arm of the stratagem that become known as the New Deal was to rescue the housing industry, to stabilize mortgage finance and to induce as many Americans as possible to become debt-encumbered home owners. People must have a stake in the system and homes bought over a major span of their lives give them that stake. That was the message of Hoover's Commission on Homeownership as early as 1931.

The idea was launched with a vengeance in the package of reforms that set up the Federal Housing Administration (FHA). These programs worked, but only for middle-income groups. Since the FHA was designed to insure mortgages, it was careful to screen out the many who desperately needed housing but were decidedly bad risks. Thus, the FHA scheme lay behind that dynamic which built the American suburbs. Without it, the Douglas Commission of 1968 concluded, the incredibly rapid suburbanization of America could not have occurred.

The administrative reforms of the 1930s were not the only gifts handed the middle- and upper-income groups. There were also the fiscal tools embodied in the tax laws, which exist even now. First, home buyers were allowed to write mortgage interest off of income tax, a device which by 1972 was yielding an effective subsidy of $6.2 billion a year. Second, there was the comfortable capital-gains arrangement for home owners, which adds another $3 billion a year in subsidies to this group (those selling their homes don't have to pay tax on the profit from the sale so long as they buy houses of at least the same value, and owners aged 65 or older are forgiven the first $10,000 of profit). Thus, according to the script, the middle classes became responsible debt-encumbered home owners and rewarded the system by their conservatism.

The financial institutions, too, reaped tremendous advantages. The banks were clearly hurting, because widespread foreclosures during the depression had left them without clients and made them the unwilling owners of thousands of homes. With the FHA ready to insure new mortgages, the banks were back in business—and without a risk: if home buyers couldn't make monthly payments, FHA would pick up the tab. And with spectacular generosity, the government also agreed to cover most of the costs the banks incurred when selling off the stock of homes they had acquired.

And what of poor and low-income families? Before the reforms of the late 1960's, their "rights" to decent housing were limited to another route, one called "filtering." The concept is simple. Upper- and middle-income families, spurred to seek new housing (by tax subsidies and the advantages of suburban living), left behind their old homes. Since these were of better quality than the ones occupied by the poor, they would, as they passed down the income chain, ultimately improve the housing lot of groups at the end of the line. Filtering has indeed occurred. It accounts for the favorable statistics the government broadcasts—for example, that the number of families living in houses without plumbing was dramatically reduced between 1950 and 1970. But what the statistics conceal is that the poor and near poor are living in dilapidated housing in which the plumbing doesn't work in 1976.

It is hardly surprising. Housing that is not maintained properly deteriorates quickly. And since low-income families have scarcely enough money to cover normal repairs, little, if any, is left for the major outlays of new heating systems and the like. Thus, the older but "decent" housing bequeathed them quickly decayed. Also, where the housing becomes part of the rental stock, landlords concerned with profit rates tend to maintain them at the lowest level possible.

Some programs were designed specifically for the poor, but they were miserably inadequate. The most visible of these was public housing which was begun in 1937 and received some interest in the war years for strategic reasons. But it returned to its essentially repressive form after 1945. Stringent income limits, strict controls on quality and location (nowhere near the burgeoning job market in the suburbs) turned public housing into housing of the last resort for most of the poor. That there are long waiting lists for entry only testifies to the terrible conditions elsewhere and to the fact that urban renewal tosses the poor out on the streets.

Then came the 1960s, the riots and the revolt of the poor; American society was again threatened. Forced to act, Congress reached back into the past, turned up and dusted off the same schemes of the 1930s. If the middle-income groups had become docile home owners, why not extend the benefits to the poor? Congress realized that subsidies were needed to do this and by 1971 was pumping about $2.5 billion a year into housing in the form of direct aid (five times the level of 1969).

Where did the billions go? A large chunk went into the Department of Housing and Urban Development's "235" home ownership program which helped some families buy houses with very little cash. Under this program, the government paid the closing costs and gave subsidies to reduce the mortgage interest rate, sometimes bringing it to as low as 1 per cent.

It is this program that HUD Secretary Carla Hills recently announced plans to revitalize, though in a form distinctly less generous than before. Now, interest rates will be subsidized only down to 5 per cent, and buyers must pay all other costs. And with amazing candor, Secretary Hills has observed that the main goal of the program is to stimulate the construction industry; improving the housing of the millions who now live in squalor would be secondary. Once again, housing policy will be used to rescue the ailing economy.

Who benefited from the first 235 program and who is likely to benefit from the next? Some low- and moderate-income families did find homes. But both buyers and benefactors (the government) got precious little for their dollars, since a disproportionately small amount of housing was ever produced for the vast sums paid. The real estate industry, on the other hand, with both new and existing housing had a bonanza. Basically, it worked like this. Speculators bought old homes cheaply, did just enough cosmetic repairs to make them presentable and sold them for as much as double the original price. The proud new home owners soon faced the reality of their bad buys—major structural repairs. Many, who couldn't afford both the monthly payments and the cost of repairs, were forced to move. In Detroit, the default rate reached 30 per cent in some areas.

FHA program administrators and inspectors, too, had their own bonanzas. As subsequent scandals revealed, a steady stream of graft funneled into their pockets in return for grossly inflated appraisals and for approvals of obviously deficient repairs (the housing act required that FHA appraise the value of a home before it could insure a mortgage). Developers of new suburban housing staged their own extravaganzas. Quick to see that HUD subsidies guaranteed a ready market of buyers, housing developments tailored specifically for those covered by the program mushroomed around the country. But again many buyers found more burden than joy in home ownership because construction was often shoddy. Thus, they too were soon plagued with the problems of costly repairs.

Besides the basic loopholes which left the program open to abuse and corruption, the government never recognized that for low-income groups home ownership is not economically sound. Saddled with low-quality housing, they have but one choice when the roof falls in—to give up their homes. If the family income is too low to cover the initial cost of the house without government help, then a one-time subsidy to cover the down payment or some of the mortgage does nothing in the long run. Similarly, single-shot subsidies to the poor to cover the cost of rehabilitating their old homes or for some expensive repair are only stopgaps. Next year, something else needs to be fixed and the poor, who cannot afford such outlays, are forced to let their homes deteriorate.

Some of the billions were also earmarked to house the most indigent. The vehicle was

HUD's 236 program, which subsidized rents. While it is true that this plan allowed some also a boon to landlords, since it insured that rents would always be paid. And, as families to move into better housing, it was with the public-housing programs, the amount approved by Congress was miniscule when compared to the sums needed.

By 1972, the inner cities had grown quiet, Nixon was in the White House and it was generally agreed that the housing programs, having cost billions, had produced little. A moratorium was declared on all subsidy programs. But at present, with discontent growing, unemployment high and the economy refusing thus far to respond to manipulation, the government is returning to its surest safety valve—housing construction. It seems likely that there will be a restoration of the 235 program. Besides diffusing the discontent, the program will help developers unload much of the housing built in 1972 which lies empty because inflation and unemployment have cut deeply into potential home owners' pockets. Again, with a ready market of buyers (assured by HUD subsidies), demand can be stimulated and the developers can gear up for new construction.

For the poor, the government's latest answer is the "Section 8" housing scheme, designed to help "lower-income families secure decent, safe and sanitary housing." Even on paper, this plan scores low, since built-in loopholes insure that it will be inadequate, ineffective, regressive and open to wide abuse. Most important, the financial institutions are simply refusing to lend capital to developers who might build for this market—either for constructing new units or rehabilitating old housing—insisting the program is too risky. The result is predictable; in the Baltimore area, for example, not one major developer is building for Section 8.

In fact, the thinking behind this program is grossly misguided because supplying housing through the private sector costs the government almost twice as much as does conventional public housing. Private developers must borrow at current interest rates, while city housing authorities can obtain construction funds with low-interest bonds at half the price. Also, developers must pay full property taxes, where housing authorities make payments to the city in lieu of taxes at about 40 per cent of the tax rate. Thus the government, when it chooses the private-market route, pays vastly more and gets inestimably less. Section 8 is a public relations scheme, the administration's showpiece of its concern for the poor. Even a HUD official was forced to admit that the budget and target—up to $660 million for 400,000 units—were merely a "drop in the bucket."

Current legislation being proposed in Congress continues to attack the problem piecemeal and offers aspirins where surgery is needed. Each bill has some merit and will undoubtedly help some part of the population, but the net effect on the decaying habitations which blight the American landscape and the lives of those who inhabit them will be nil. In the House, one bill calls for safeguards for renters who live in buildings being converted to condominiums; another seeks disclosure by financial institutions of their mortgage lending practices, to uncover red-lining (when banks refuse mortgages for homes in changing or blighted areas). A third would subsidize rent for SSI recipients who pay more than a third of their income for housing. Others press for deferred mortgage payments for home owners (currently buying under FHA or V.A. insurance schemes) who have been hit by layoffs and can't meet the monthly tab, or for loans for low- and moderate-income families to rehabilitate their homes.

The only bill that begins to attack the problem calls for construction of 3 million units over the next three years, but even that is hopelessly inadequate since seven times the number is needed. Also, the bill states that 2 million of the units should be provided through the private sector. Despite its obvious lacks, it is probable that the bill will never be reported out of subcommittee, and never reach the floor of the House, let alone pass. Housing and the poor are low priorities for most legislators.

In the Senate, two bills scheduled for hearings have even more limited goals; one calls for flood insurance, the other seeks government aid to home owners who insulate their houses to save energy. And though Congress passed the Emergency Housing Act of 1975, which was designed to assist home owners faced with foreclosures, to subsidize mortgages for middle-income groups through the Government National Mortgage Association and to provide funds for rehabilitation, the President and Secretary Hills are sitting on the moneys, insisting such schemes are wasteful or unnecessary.

Such a review of the country's past and present gestures toward housing makes it clear that any real commitment to change the abysmal conditions is virtually nonexistent. By contrast, the British Government, after World War I, decided that the private market simply couldn't provide adequate housing for the lowest income groups. Thus, it began a wide-scale public-housing program and currently owns about 30 per cent of the country's housing stock. In the United States, by contrast, the government has about 2 per cent of the stock. Tax incentives are continually offered to investors who will build for the low- and moderate-income groups, but such schemes usually benefit builders, not buyers, and also contribute directly to urban decay. Buyers of this housing often leave fair-quality homes behind, but the poor can't afford them and landlords can't rent them profitably. They are boarded up, while more people are crowded into fewer units. The vacant dwellings are quickly vandalized, deteriorate and add to the cities' blight; the overcrowded homes crumble under the weight of numbers never intended to inhabit them.

Some in government insist we need more imaginative programs or innovative concepts for housing the poor. But with the best intentions—which the government has never expressed—simply designing new programs will merely shift the problem elsewhere. For only a system that can offer full employment at equitable wages can give the poor and low-income groups the ability to change the conditions, not only of their housing but of their lives. And until we can guarantee that, we can expect a replay of the last four decades: new programs, new billions and new blight.

PRESIDENT KAUNDA'S STATEMENT ON ANGOLA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. BINGHAM. Mr. Speaker, one of the outstanding leaders of Africa is Dr. Kenneth Kaunda, President of Zambia.

While bitterly opposed to the intervention of South Africa in Angola, he has also registered strong opposition to the intervention of the Soviet Union in that war-torn land.

I have recently obtained the complete text of President Kaunda's address at the OAU summit meeting on January 12. I commend this eloquent and important speech to my colleagues and other readers of the RECORD:

SPEECH BY HIS EXCELLENCY DR. KENNETH D. KAUNDA, PRESIDENT OF THE REPUBLIC OF ZAMBIA TO THE FIRST EXTRAORDINARY SESSION OF THE ASSEMBLY OF HEADS OF STATE AND GOVERNMENTS OF THE ORGANIZATION OF AFRICAN UNITY AT ADDIS ABABA, JANUARY 12, 1976

Mr. Chairman, since the birth of the OAU, this is the most serious and tragic crisis the Continent has ever faced. Angola is serious and tragic to the people of that country; it is tragic in its implications for the unity and security of Africa. Angola is an emotional issue. It could divide Africa without ending the war. It is an emotional issue because people, as I am speaking now are dying. Men, women and children, the sick and the poor are being mowed down like animals by weapons from countries whose own nationals are enjoying peace and progress in their own countries.

Angolans suffered from colonialism for centuries and fought a war of liberation in the last 14 years from Portuguese colonial and fascist rule and for full national independence. Today, they live in the shadow of death day in, day out. Today in vast areas of independent and sovereign Angola, dying is more sure than living. Men and women, old and young live only one step ahead of the disaster that dogs them at every turning. Africa has failed them. Angolans are dying now while we are discussing ideology. The people of Angola are suffering, refugees without homes. I live near Angola and I can hear the voices of poor children crying in pain and desparation. Yet here we are debating ideology in the comforts of distance. Events in Angola are saddening. Events in Angola are a challenge to Africa. The civil war in Angola must be brought to an immediate end. We in this Organisation cannot on any grounds whatsoever let or encourage Angolans to kill one another or be killed. If the OAU has an obligation to an independent Angola, it is to stop the war. It is war, no matter how much we try to interpret it. It is being fought with tanks, armoured cars and even from the air. Worse still, it is already internationalised. We must reject the erroneous and dangerous assumption that a truly independent Angola will only be achieved through intensification of the civil war.

Therefore, this Summit must, very carefully and cooly, examine every aspect of the Angolan tragedy. We must look at the fundamental causes and not merely at the effects of the civil war. We should not indulge in endless recriminations. We must not sink so low as to trade insults amongst ourselves. I am saddened and very deeply hurt that even young comrades in this Hall whose Heads of State could not even leave their countries, who could not even send their Foreign Ministers could hurl insults at us, young Comrades who know nothing about the real struggle in Southern Africa from the safe distance of their countries. Zambians have died for the cause of liberation. We take the problem of Southern Africa very seriously and cannot accept insults.

This Summit should clearly address itself to the basic problem in Angola and then suggest ways and means which will achieve two fundamental aims namely: first the ending of the conflict in Angola in the interests of Angolans as a whole and second the strengthening of unity in the OAU which the Angolan tragedy so clearly threatens. In our view this meeting should start by examining the objective reality of the situation by looking at the whole issue from at least three angles:

(a) The history of the Angolan struggle and OAU attitude to it;

(b) What the current situation is in Angola and what Angolans and we Africans gathered here want;

(c) What Africa's collective position should be in order to resolve the problem within the OAU context.

The OAU recognized the three nationalist

movements in Angola. Until early, 1975, this Organization recognized the Popular Movement for the Liberation of Angola (MPLA) and the Front for the Liberation of Angola (FNLA). Subsequently, this recognition was extended to the National Union for the Total Independence of Angola (UNITA). No one can dispute that the OAU regarded each movement as a legitimate and authentic representative of the Angolan people and expression of their aspirations. The OAU did not meet before the Independence of Angola to withdraw recognition from any of the movements. Until the 11th November, 1975 all our actions clearly show that the OAU was working toward achieving unity among the three groups. Zambia was among the countries charged by this Organization to unify the Angolan Liberation Movements. The others were Congo, Tanzania and Zaire. In accordance with our mandate we kept the OAU informed.

We as an Organisation have done nothing to indicate that we have changed our collective attitude and actions in this regard. In June last year, the Summit in Kampala called for reconciliation and unity amongst the three movements. MPLA, FNLA and UNITA were together and on the basis of equality in Mombasa, Alvor, and Nakuru. Pictorial history will show them embracing and smiling in acknowledgement of their common brotherhood and basic aims. No one claimed exclusive right to represent the people of Angola. Africa prayed for their unity. We in Zambia worked and continue to work for their unity.

There should be no misunderstanding about Zambia's position regarding our relations with the MPLA. Our relations date back to the time shortly after our independence when they opened their eastern zone in their fight for the liberation of Angola. The MPLA established its base in Zambia. The base is still there today. It is from this base that the MPLA intensified its heroic war of liberation against the fascist Portuguese forces. Zambia has always been, as the MPLA themselves referred to us, a logistical bridgehead for their armed struggle against the Portuguese fascists. The MPLA asked for material assistance and we gave it to them generously. Considering our obligations to the liberation movements of Zimbabwe, Namibia and Mozambique then, this is a great sacrifice for the 5 million people of Zambia. Few countries have made similar sacrifices. It is a fact that MPLA fought heroically and made great sacrifices. We had experience of their heroism because Zambia, as is well known, acted as their rear-guard. Without that rear-guard support from Zambia, the struggle could have been more difficult. We made these sacrifices for the cause of MPLA, namely, the independence of the Angolan people.

In referring to our fraternal assistance to the MPLA, I want to stress the fact that preference for one movement does not and should not necessarily preclude other movements from the gigantic task of national reconstruction.

This cardinal principle is even more relevant to the current situation in Angola. As I have stated above, the OAU has not withdrawn recognition from any of the three Political Parties in Angola formally or otherwise. MPLA, FNLA and UNITA remain in the territory of Angola as political and military facts. As of now the following is the situation in Angola:

(a) Angola is a multi Party State with three Political Parties struggling for power. None has an exclusive right to represent the people of Angola as a whole;

(b) The two super-powers and other countries have intervened on the side of one or the other of the claimant governments;

(c) South Africa, that racist and major problem for Africa, has taken sides and is fighting against one of the Parties;

(d) Two contending Governments have been declared by the three movements and some African governments have recognised the Luanda based Government while others are calling for the formation of a Government of National Unity.

We cannot pretend that the three Political Parties do not exist in Angola. This would be a futile exercise in self-deception. The fact that each one is idealogically unacceptable to one or the other of member states of the OAU does not render its existence null and void. The fact that all of them are being supported by countries or forces against which some member states object to does not erase the fact of a Party.

Another factor is one of foreign intervention. Here, I would like to state first and foremost that everyone in this Hall condemns South African intervention in Angola. We have repeatedly condemned South Africa and do condemn them now. We call for the withdrawal of all South African troops from Angola. We in Zambia need no lecturing from anyone about apartheid and colonialism. We have fought South Africa apartheid for many years. Our people have been killed or maimed and property destroyed in support of the liberation struggle. We know that pious speeches do not bring liberation. Only action does. I know some of us will forget about the struggle soon after take-off from Addis Ababa, while for Zambia, this is only part of the daily programme.

There is an equally dangerous dimension contributing to the Angolan tragedy. This is the intervention of super-powers and their allies. In the history of independent Africa, this is the first time that thousands of non African regular troops and heavy sophisticated military equipment have been brought in to install one Political Party into Power and in service of their hegemonic interests. This is a most dangerous phenomenon which constitutes a grave threat to the entire continent and the unity of Africa.

The involvement and rivalry of superpowers in Angola must not be condoned by the OAU. Whilst these superpowers are trumpeting the end of the cold war era, in their bilateral relations, they are at the same time sowing seeds of discord in Africa. Angola is now a theatre for their hegemonic rivalry.

It is dangerous for Africa to side with one superpower for that is an automatic invitation to the other to get involved. The world is cruel. Time has come for us to reaffirm the basic principles of Pan-Africanism.

1. No intervention by foreign powers in African Affairs.

2. No interference in the internal affairs of other independent States.

All foreign intervention must cease and all foreign troops and equipment must be withdrawn from Angola. Africa must never be the instrument for furthering the objectives of any superpowers.

Africa must understand that imperialism is imperialism. It knows neither race nor colour nor ideology. All nations which seek to impose their will on others are imperialists. Africa must not permit these Trojan imperialist horses which can come under the guise of furthering the cause of liberation to divide us.

But the truth is that in 1965 shortly after U.D.I. in rebel Rhodesia, I sent a mission to Moscow and Washington, D.C. to explain the grave consequences of U.D.I. and to ask for material assistance. Moscow's reply was that they could not give us assistance because our economy was still organised on capitalist basis. This was shocking to us. We were only a year old and yet Moscow expected us to overhaul the capitalist system and organise our economy on Socialist lines without manpower and the capacity to build a socialist

This is why it pains us to hear the insults when people talk about fighting South Africa. We have been fighting South African apartheid since independence. We have fought the Portuguese and the rebels in Rhodesia. Fighting is not a new thing to us. We have fought capitalism as well. If anyone wants to see our revolution I say come and see. We do not talk about revolution, we believe in revolutionary action. There can, therefore, be no doubt about our programme.

China as I have said refused to be involved in the tragedy of the Angolan civil war.

In dealing with this grave issue, Zambia is in no way questioning the sovereign right of each member state to make its own independent decisions. However, if we as member states fail to harmonise our views on such issues as Angola our Organisation will no longer be credible. We run the risk of playing into the hands of the enemies of Africa. We believe that the existence of two rival governments or the recognition of one of them does not necessarily preclude reconciliation between the two claimant governments. In the analysis peace in Angola will only be achieved through an agreed solution.

Assistance to liberation movements must not be an excuse for establishing hegemony in Africa. In this respect, we should learn from the People's Republic of China. Among the socialist countries China is easily the leading source of material assistance in the liberation struggle. Her contribution is immense. The OAU asked the People's Republic of China for assistance, she gave it willingly, but China has not sought to impose her will on the people of Africa. She has not sought to twist the arm of Africa by any means. In this context we in Zambia deeply regret the untimely death of Premier Chou En Lai. We pay tribute to him for leaving behind a clean record. China helped the struggle in Angola. But she has no imperialist ambitions.

China helped us in Zambia by building a Railway Line from Kapiri Mposhi to Dar-es-Salaam in Tanzania. She gave us massive assistance which strengthened our resolve to fight colonialism, racism and fascism in Southern Africa. Let there be no misunderstanding. We are not against the Soviet Union. Our relations with the Soviet Union are very good. We have bought many things from them. Even now at the Addis Ababa Airport, we have a plane, a YAK 40, which we bought from the Soviet Union and Soviet personnel are helping to train our officers. So there can be no doubt about our bilateral relations.

We are also certain that if the fundamental issue of unity is achieved among the contending parties it will be easy for Angolans and the OAU to remove all external factors contributing to the intensification of the conflict. The OAU should not play a divisive role in Angola. If we are not careful, we shall create a very dangerous precedent for Africa. We could very easily erode the very principles which have sustained our unity in the past. We could sow seeds of Angola's dismemberment. Zambia does not want any of these possibilities to occur. Zambia is committed, as always, to the unity of both the OAU and Angola. Zambia's objectives in this regard are as follows:

(a) Peace in Angola. We want peace which means more than the absence of a fruitless war. We seek the establishment of understanding, harmony, and co-operation among all the people of Angola who have struggled for centuries for freedom and peace against foreign domination and exploitation. Today in Angola, as I have stated on previous occasions, there is independence which we happily recognise but which does not carry with it the attributes of freedom.

(b) Zambia would like to see the establishment of a united and prosperous Angola. In Zambia's view if the war continues it will result in the balkanisation of Angola. The OAU does not want to see this happen. The OAU and the Angolan people did not fight for such an outcome. Zambia did not make sacrifices in support of the Angolan people in order to achieve that negative outcome. We have repeatedly stated that Africa must not build

conditions for the partition of Angola but for her unity.

(c) Zambia wants a progressive and non-aligned Angola completely free from external pressures.

In the light of the foregoing, Zambia stands by the call for the establishment of a Government of National Unity in Angola that will bring peace and unity and reconciliation in Angola. We thus recommend to this Extraordinary Session of our Assembly:

(a) That the OAU should condemn South Africa's aggression in Angola and call upon her to withdraw from Angola forthwith;

(b) That the OAU should condemn and call for an immediate end to all other forms of intervention;

(c) That the OAU should call for an immediate ceasefire;

(d) That the OAU calls upon the three Angolan Movements to find a political solution which should guarantee peace, unity and the territorial integrity of their bleeding fatherland;

(e) That the three movements must form a Government of National Unity.

Mr. Chairman, we came here not to save face but to save the lives of millions of innocent Angolans.

We are here not to usurp the sovereign right of the Angolan people to determine their own destiny. We are here to help end the senseless killings of brother by brother in the current civil war.

We are not an Electoral College. We did not come here to confirm any one political party as the government of Angola. We are here to build bridges of love and understanding across the chasm of fear, hatred and destruction.

We are here not to confirm the right of any foreign power to intervene in Angola. We are here to ensure that the people of Angola are left alone to determine their own destiny without foreign interference in any shape or guise.

Our inescapable duty is to ensure that Angola achieves peace, unity, economic and social progress. We remain committed to finding a solution that will help Angola achieve these objectives.

Mr. Chairman, this is the challenge of the OAU. We must face the crisis without emotion. Time is against the OAU and the true interests of the people of Angola. Africa's honour is at stake. Zambia is, however, confident that our collective wisdom will prevail so that Africa can emerge as a continent capable of making its own decisions which are primarily in the interest of the African people. To this end, Zambia reaffirms its commitment to the principles and ideals of the OAU Charter and to the legitimate aspirations of the Angolan people.

Africa, where is your Power? Is it in insults we have heard? No. Is it in division which we witness? No. The Power of Africa lies in Unity; in constructive action. Without these elements we simply have no power.

Finally, Africa must not deceive itself. Decisions on Angola, effective decisions I mean, are being made in Moscow and Washington, D.C. Our failure to find a solution here confirms that OAU has no power to shape the destiny of Africa. The power is in the hands of superpowers to whom we are handing over Africa by our failure. We must not fail, we must not be divided. We must be united.

OPERATION TOP NOTCH

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. JACOBS. Mr. Speaker, the construction industry in Indianapolis has announced a program called "Operation Top Notch." Following is the text of the press release announcing the program:

OPERATION TOP NOTCH

INDIANAPOLIS.—Nineteen management and labor organizations which comprise the backbone of the construction industry in the Indianapolis area announced today a program "to make the city a strong challenger in the national competition for new business growth."

Called "Operation Top Notch," the project's purpose is to create in Indianapolis a more harmonious and productive building climate, based on more efficient use of building shifts available in the area.

The 19 organizations today signed Memorandum of Understanding which pledges them to numerous improvements in contractor-union relationships.

Notable among commitments made by the construction unions is their pledge not to strike or picket to settle jurisdictional disputes, to cut back on overtime and to eliminate costly and inefficient work practices such as slow-downs, standby crews and unnecessary work rules.

Speaking for the contractor groups which signed the memorandum, John R. (Jack) Fenstermake, president of the Hugh J. Baker Co., said the contractors and the unions want the "Top Notch" label to be synonymous with "the very best quality that our industry has to offer."

"If we are to continue to have an active construction market in Indianapolis," he said, "we (the contractors and unions) must make this city extremely competitive in attracting new investment."

He predicted some contractors might be forced to close and workers would need to seek other areas of employment if the city's industrial and commercial development program fails.

Representing the unions, Jack Muir, business representative of Local 22 of the Ironworkers, said: "Maybe it is vested interest which brings us together, but let's not lose sight of the fact that the public interest is being served in the long run. This program means more jobs and a better life for everybody."

Muir said the unions would not have forfeited the right to strike or picket if they were not serious about improving productivity and eliminating wasteful practices of the past.

Fenstermaker explained that our construction groups, including many larger general contractors, are expected to join the first 19 signers as soon as the concept has been approved by their boards of directors.

The 19 groups which have signed the memorandum to date include:

Asbestos Workers Local No. 18.
Bricklayers Local No. 3.
Carpenters District Council of Central & Western Indiana.
Cement Masons Local No. 532.
Central Indiana Building & Construction Trades Council.
Construction League of Indianapolis.
Electrical Workers Local No. 481.
Elevator Constructors Local No. 34.
Glaziers Local No. 1165.
Iron Workers Local No. 22.
Laborers Local No. 120.
Mason Contractors Association of Indianapolis.
Mechanical Contractors Association of Indiana.
National Electrical Contractors Association.
Operating Engineers Local No. 103.
Plasterers Local No. 46.
Plumbers & Steamfitters Local No. 440.
Sheet Metal Contractors Association of Central Indiana, Inc.
Sheet Metal Workers Local No. 41.

Muir estimated that as many as 25,000 Indianapolis area construction workers will be covered in the "Top Notch" agreement.

PHILIP HART: THE GENTLE WAY AS THE EFFECTIVE WAY

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. RUPPE. Mr. Speaker, yesterday in the Washington Post, Mr. Colman McCarthy wrote a lengthy column on the senior Senator from my State of Michigan, the Hon. PHILIP A. HART.

His eloquent words have described for the Nation what we in Michigan have known for a long time: Senator PHILIP A. HART represents the very highest caliber of public service.

His career both in Michigan and here in Washington has been identified with a continuous stream of decency and fair treatment for all citizens. Yet, in so doing, he has never hidden or falsely represented his own differing opinions from those that have been popular at a given time.

Rarely has he sought headlines, yet they have come his way. Never has a hint of demogogery slipped into his words, yet his language has sounded like thunder for what he believes is right.

I am deeply humbled and proud to say that he is one of my constituents from northern Michigan. I am equally proud to be able to say that he is my Senator.

I ask that Mr. McCarthy's column be reprinted in the RECORD:

PHILIP HART: THE GENTLE WAY AS THE EFFECTIVE WAY

(By Colman McCarthy)

A few years ago, a Washington journalist wrote a book in which he called Sen. Philip Hart "a man widely regarded as the gentlest and kindest in the Senate." The galleys of the book were sent to then-Sen. Paul Douglas of Illinois, who had been asked to review the book for The Washington Post. He read the reference to Hart but was troubled. It took Douglas several phone calls to track down the author, who was at his vacation retreat. Talking with him, Douglas explained that he knew it was unusual for a reviewer to call an author before the book came out, but he had a suggestion for a galley change. Must it say that Senator Hart is "widely regarded" as the Senate's gentlest and kindest man? Couldn't the book just state "he is," and avoid the cop-out qualifier?

This story is not one of the vintage political tales that float to the top of the air currents in Congress, so many of the stories flavored to put down another member or raise up the teller. But the solicitude of Sen. Douglas—authentic feeling, not the hollow "my distinguished colleague" kind—suggests that nothing less was due Philip Hart than unqualified esteem. The session of Congress now beginning is Hart's last. His recent retirement announcement has prompted a number of Michigan politicians to seek to replace him. They can stop now. The seat will be replaced, but not the man.

In his 18 years in the Senate, Philip Hart has practiced as pure a style of politics as that body has ever seen, elevating not only the level of thought but also the vocation itself. In a profession often trivialized by fitful hacks who think political impact is made by the raised voice or eyebrow, Hart has remained loyal to the Greek meaning, politikos: of the citizens. What concerns the citizen? What possibilities can he be drawn to, or to what form of humanized service can the politician, the server, give himself?

Before a politician can adopt this cast of

mind, he has to think first of keeping his job. From the record, it could seem that Hart has represented not Michigan at all, but a territorial outback whose citizens sent him to Washington with a moral compass, not a political one: point the needles not merely to our wishes back home, they instructed, but also to honesty and fairness. We will be served that way. Thus, with the auto industry as Michigan's largest employer, Hart has persisted in attacking the monopoly practices of the Big Three. He began or supported every major safety or environmental regulation involving Detroit. The state has the nation's second largest hunting force, but no one in the Senate has called for stronger gun controls. He supported busing in Michigan (because he believed in the rightness of it in the South) when other Democrats ran for pillows to make the issue more comfortable for fence-sitting.

Electoral risks put senators on slide rules, moving them along exponentials that make the conscience a variable. The issues, like logarithms, are said to be complex. Perhaps. But Hart has remained the still point in the middle of complexity. Situation ethics make as little sense as situation politics. He was the only senator to speak out in 1972 against Sen. James Eastland's becoming president of the Senate. The courage of Hart's stances has been perceived by the voters. He has never had a close re-election race; in 1970, he received as many votes as Gerald Ford in Ford's home district.

How is it possible for a man to be in the Senate 18 years, a defender of periphery causes, and yet be held in deep affection by most other members? It is assuredly something more than Hart's soft voice or the merry Irish twinkle in his eye that does it. One explanation is that he has a style of personal humility that keeps his convictions from being crusted with either blowhard or diehard righteousness. He is known, much to staff impatience, for spending as much time examining an opposing position as in presenting his own.

"You never know your own motive most of the time," he said recently, "but most people are always assuming they know the motives of everyone else. But it's hard. It's hard for a politician looking at another politician. It's even more difficult for the public looking at the votes and the positions taken by a politician to determine what motivated that man. I am sure that there are people in Michigan, for example, who believe that the reason I have a voting record that conforms generally with the labor movement is because labor gave me money. And certainly in the liberal group, there's much too much of the assumption that the reason some conservative around here is conservative is because some company or corporate officials fund him. We liberals don't credit conservatives with what we credit ourselves. I say I vote in a way that finds approval with labor because it happens that I believe that this is the best for the people. Our goals are common, but we arrive at them independently. The liberal is apt not to give the conservative credit for the same thing. A conservative may conclude quite independently of constituent pressure that the program of, say, the National Manufacturers Association makes good sense."

If Hart can look at liberals dispassionately, he also sees his own role in the Senate with a measure of restraint. "There's a terrible tendency here to think that everything we do and say, or omit to do, is of world consequence. But you know full well that you can go across the street and the bus driver couldn't care less." If caring is present, it must come from within the man. "I remember the expression that the politician is the lay-priest of society. The corporal works of mercy are part of the business of how the government runs. A solid case can be made that whatever the venality that attaches to the profession, politics is still a high vocation . . . I have regarded it as an opportunity to make a more humane life for everybody."

Hart's humanism was shaped by what he calls a typical education within the church school system: the Sisters of Mercy for eight years, the Christian Brothers for four, the Jesuits (at Georgetown) for four. At a moment when politicians and their families are being examined, Hart says of his children: "I won't try and guess what my own children may have felt about my being in politics or about me as a father, but I think my strong love and respect for them has been reciprocated."

Little of Hart's Senate work has made him a national figure. He caught the glare during the ITT scandal when he was in the Senate contingent that went to Dita Beard's bedside, and he was on the committee that Richard Kleindienst deceived. Instead, he has been committed to the hidden and unshowy work of the hearing room. He came early and has stayed late on such issues as pesticide poisoning, lead gas fumes among inner city children, amnesty, no-fault insurance, decriminalization of marijuana, freedom of information, divestiture of the oil and auto companies. He will be gone before these matters are resolved in a way that citizens deserve, and others will likely be on hand to take winner's credit. But those who have watched closely will know who began the bold struggles.

Hart has no bitterness that his issues have attracted little press attention. It is hard to expect reporters to sit through unglamorous economic or anti-trust hearings he says, "when at the same time in the next room you have some hoodlum invoking the fifth amendment." For the occasional reporter who does cover the unnoticed hearing, Hart has special feelings. He speaks of one Washington journalist: "he has excitement in his stories simply because he is able to describe the way certain private interests have been able to twist debate or cause decisions to be made that disserve the general interest. But more often than not, this man is reporting the important issue though it is relatively heavy and unexciting."

In recent months, Sen. Hart has been hospitalized for cancer. On the subject of death and dying, he is as gently candid as on anything else: "When the doctor walks in and says it's cancer, and they chase around for weeks trying to find the original source and still can't, you'd have to be a very insensitive fellow not to be shaken up. Sure you think about it. (Death) becomes not something vague that everyone knows is going to happen. It's something that not only is on schedule... but is in motion. And you do review the bidding and test the faith. I think now I'm prepared."

For the rest of this session, news reports will tell of other members of Congress retiring. Careers will be reviewed and testimonies given. It is likely to be different for Philip Hart. The public won't fully know how valuable and towering he has been in the Senate until next year, when he is not there.

THE FAIRNESS DOCTRINE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. KOCH. Mr. Speaker, as you know, the radio and television stations in this country are subject to regulation by the Federal Communications Commission pursuant to the Federal Communications Act. One of the requirements of that act, as interpreted by the Commission, is that the operator of a radio or television station devote a reasonable percentage of the station's air time to the coverage of public issues and that the coverage be "fair" in that contrasting views shall be aired. This is the well-known "fairness doctrine."

I support the fairness doctrine, because I believe that these electronic purveyors of information and entertainment must be regulated as long as they each enjoy their exclusive licenses to a sector of the radio and TV bands. But I wish to share with my colleagues an interesting proposal made by an able lawyer, former legislator, and a good friend, Jerome L. Wilson, Esq., who recently published an article on the Fairness Doctrine in the American Bar Association Journal. I am inserting the article in the RECORD, and I commend it to your attention:

THE FAIRNESS DOCTRINE: BIG BROTHER IN THE NEWSROOM

(By Jerome L. Wilson)

It's open season on the fairness doctrine. In fact, in some circles if you don't take a ritualistic pot shot at it once in a while, someone might think—God forbid—that you're soft on the First Amendment. Why the fuss over what is a fragile and some would say feeble attempt by the Federal Communications Commission to set up some kind of outer limits as to what goes out over the public airways? And why do politicians ranging from Sen. William Proxmire to Sen. Roman Hruska, from left to right, so to speak, come down so hard on what is at first blush a modest federal guideline?

One answer to this conundrum may be that the arguments against the fairness doctrine have a beguiling simplicity. They read like a textbook syllogism: (1) A fairness doctrine for newspapers would not be countenanced because of the "free press" provisions of the First Amendment. (2) Television and radio have been held to have First Amendment "free press" protections. (3) Therefore, to permit a fairness doctrine for radio and television is to countenance a constitutionally impermissible double standard.

The defenders of the doctrine, on the other hand, have a tougher road. Theirs is to defend a jerry-built structure of longish F.C.C. pronouncements, a backhanded recognition by the Congress that the doctrine does indeed exist, and F.C.C. case law is at best unsettling. The whole teeters rather precariously on a disputable premise, namely, that there is a scarcity of broadcast outlets in the country today. All this is in the name of the elusive concept that broadcasters can be made to treat public issues fairly—to a standard set by a federal commission.

But before entering the fray to defend, or perhaps to offend, the fairness doctrine, we should describe what it is. In a way the doctrine is a two-pronged fork used to poke at broadcasters. One prong requires that the operator of a radio or television station devote a reasonable percentage of the station's air time to the coverage of public issues. The second prong requires that this coverage be "fair," in that contrasting points of view should be aired. This is really the "fairness" aspect of the doctrine.

Many times this second prong is confused with the catchier concept of "equal time," even by broadcasters themselves. But unlike the fairness doctrine, the equal time provision of Section 315 of the Communications Act (47 U.S.C. § 315(a)) applies only to programs featuring candidates for public office, and regular news shows are exempt from equal time provisions. The fairness doctrine, on the other hand, applies to all of a station's

public affairs programing, including news broadcasts.

The equal time rule, however, is by no means inconsequential. It applies to any station-sponsored, political debate, and it can represent stop watch journalism at its worst. For under equal time all candidates for a particular office, no matter how minor the office or the candidate, must be given equal air time, right down to the second, if any one of the other candidates is given time. As a consequence, many stations and the networks avoid these debates altogether. Since "equal time" has come to mean "no time," Section 315 is hardly more than a bad joke that Congress has played on broadcasters and the public. Furthermore, it remains to be seen whether the recently approved F.C.C. exemptions to the equal time rule—for political debates not sponsored by broadcasters and for candidates' press conferences—restrain the rule's current inhibitory effect.

COVER THE NEWS, BROADCASTER

The fairness doctrine, on the other hand, is no joke. In fact, even its critics should be willing to acknowledge that it is an earnest attempt by our representative government to trammel what is an awesome power in private hands. Who is to gainsay, for example, that without the fairness doctrine the commercial networks would not abandon their costly news divisions and replace Cronkite, Chancellor, and Reasoner with round-the-clock "I Love Lucy," Cher, and other popular entertainment?

Some have charged that the doctrine's first requirement—the affirmative obligation to give reasonable coverage to public issues—somehow inhibits broadcast journalism. But, in point of fact, broadcast journalism may owe its very existence to this aspect—which says in effect: Cover the news, broadcaster, or lose your license.

Actually, it's the second requirement of the doctrine—the one about requiring airing contrasting viewpoints—that causes most of the trouble. For here the F.C.C. gets into *how* broadcast journalists are to cover the news, not *whether*.

THE F.C.C. REGULATES THE NEWS

The F.C.C. maintains in its latest fairness doctrine pronouncement, 48 F.C.C. 2d 1, 7 (1974), that this second aspect of the fairness doctrine should not inhibit broadcast journalism any more than the first. But this assurance has not been followed in practice. Marching under the banner of balancing viewpoints, the commission has made one foray after another into the precincts of broadcast journalism. Most frequently these incursions have been over the terrain of the prime-time network news specials. On occasion fairness attacks have come in other areas; a few years ago a right-wing radio station, for example, was pitched off the air because of unfairness. But this is not the typical case.

What is typical is the F.C.C.'s sitting in judgment as to whether the C.B.S. news documentary, "Hunger in America," was slanted to exaggerate the hunger problem, or whether another news documentary by C.B.S., "The Selling of the Pentagon," was deliberately distorted to be unfair. More recently, the F.C.C. considered and then found wanting the N.B.C. news documentary, "Pensions: The Broken Promise," for not giving adequate time to the more cheerful aspects of the nation's pension picture.

These F.C.C. examinations, and in the N.B.C. "Pensions" case condemnations, were all made by an agency that purports to believe that individual broadcasters should exercise wide journalistic discretion. But journalistic discretion in many instances is clearly out the window when it comes to fairness compliance. In fact, in its own regulations the F.C.C. promulgates a very nondiscretionary checklist for broadcasters. Among the questions: Is the subject of the news documentary sufficiently important, and controversial, to require fairness?

Are constrasting viewpoints presented? Was a good faith effort made to find them if they were not presented? Are more than two contrasting viewpoints appropriate? Are genuine partisans used? And, finally, is the amount of air time granted to each side reasonable?

EQUAL TIME BY THE BACKDOOR

This last question, the F.C.C. protests, does not mean strict equal time. The commission admits, however, that frequently in judging "fairness" complaints, it gets down to "weighing the time allocated to each side." The danger here is obvious—the fairness doctrine is becoming an equal time requirement by the backdoor. More ominously, "fairness" brand of "equal time" applies to newscasts and news documentaries—categories specifically exempt from the "equal time" law. No wonder some broadcasters get "fairness" and "equal time" confused. When you get down to the level of the newsroom, they frequently end up meaning the same thing.

In addition to its guidelines, the F.C.C. in its case holdings and in dicta sets out elaborate directives for broadcast journalists. They include how film interviews should be edited, how many times news sources should be checked, rules for investigative reporters, and prohibitions against staging news events. The result is that scarcely a broadcast news decision is made without a backward glance to the F.C.C. and its fairness bulldog. To cover a fire, a broadcaster does not have to afford air time to pyromaniacs, but let there be an investigative news report of a societal wrong—typical of the best of American journalism—and woe be to the broadcaster who doesn't put on a spokesman able to discredit the entire effort and say that everything is just rosy.

A CONSTITUTIONAL CHALLENGE BECOMES MOOT

This whole situation dampens journalistic enterprise, turns the F.C.C. into a big brother editor, and exposes the entire fairness scheme to constitutional attack. As a matter of fact, recently the Supreme Court in *Miami Herald Publishing Company* v. *Tornillo*, 418 U.S. 241 (1974), held unconstitutional what amounted to a fairness doctrine for newspapers, throwing out a Florida right-to-equal-space law for persons attacked by a newspaper. The statute was found to violate the First Amendment's guarantee of a free press.

When the logic of *Tornillo* is coupled with the editorial freedom of broadcast journalists, specifically recognized by the Supreme Court in *Columbia Broadcasting System* v. *Democratic National Committee*, 412 U.S. 94 (1973), there is clearly the makings of a constitutional case. Although the roar of Red Lion may protect the doctrine itself from a challenge (*Red Lion Broadcasting Company* v. *F.C.C.*, 395 U.S. 367 (1969)), the F.C.C.'s expansive interpretations of the doctrine's contrasting viewpoints requirements could well be vulnerable. And the F.C.C. may know it.

Recently the United States Court of Appeals for the District of Columbia Circuit agreed to another hearing of its reversal of the F.C.C.'s finding against N.B.C. in the "Pensions" case. But the F.C.C. begged off. It lamely told the court that N.B.C.'s fairness violations were now moot because Congress had since passed pension reform legislation. Sensing weakness, N.B.C.'s lawyers contested the mootness suggestion, but the court, mercifully for the F.C.C., vacated both the commission's original order and its own reversal, thus wiping the slate clean.

THE FUTURE OF THE FAIRNESS DOCTRINE

What then should be the future of the fairness doctrine? Should it be discarded entirely, leaving broadcasters with no more restrictions than those on the publishers of newspapers or magazines, or should a government regulatory body continue to be given the task of deciding what is journalistically "fair" over the public airways?

Notwithstanding F.C.C. Chairman Richard E. Wiley's recent suggestion that the doctrine experimentally might be taken off the backs of big city radio stations (a proposal that may never see the light of day), the commission appears determined to stay in the fairness business.

For all the talk in *Red Lion* about the scarcity of broadcast outlets, what it really gets down to is whether you trust the networks to use their enormous power wisely. If you feel, as Sen. John Pastore does, that without the fairness doctrine the national airways would become the private propaganda preserves of the networks, then obviously you want regulation. On the other hand, if you feel the broadcast journalists have come of age and their place is secure, then your choice could well be abolition.

But there is also an appealing middle ground. This is to preserve the requirement that broadcasters have an affirmative duty to provide news coverage of public issues but to eliminate the doctrine's second requirement as to how that is done. In short, throw out the contrasting viewpoints formulation but keep the rest. This would protect broadcast news operations from commercial extinction, and at the same time it would pull back a federal regulatory agency from an area in which constitutionally it is probably in way over its head.

Of course, there are those who would be distrustful of even this proposal. But perhaps they should heed the language of Chief Justice Burger in the *C.B.S.* case. Referring to both newspaper and broadcast news editors, the chief justice said:

"Calculated risks of abuse are taken in order to preserve higher values. The presence of these risks is nothing new; the authors of the Bill of Rights accepted the reality that these risks were evils for which there was no acceptable remedy other than a spirit of moderation and a sense of responsibility—and civility—on the part of those who exercise the guaranteed freedoms of expression."

Such is the dare of the First Amendment. Rightly or wrongly it is left to private journalists to determine what is the news. At the very least the fairness doctrine should be made to conform with this traditional concept of "free press."

FRANCO, CHOU AND THE MEDIA DOUBLE STANDARD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. CRANE. Mr. Speaker, it is unfortunate, but all too true, that many in the media apply radically different standards to different countries and different leaders.

Thus, a country such as South Africa or Rhodesia will be criticized as "racist" because of their policies toward citizens of different colors while other countries such as Kenya or Uganda or Tanzania will pursue policies which are equally based upon an individual's color but will avoid any negative categorization at all.

Similarly, the Franco regime in Spain would be criticized because it was not democratically elected, while the Tito regime in Yugoslavia, which also had never been democratically elected, will be hailed as a "liberal" Communist government.

Two recent deaths provide an interesting illustration of the media's double standards. The men who died, Francisco Franco and Chou En-lai, were treated in a radically different way by most of the media. Although neither could be considered a democrat in our terms, and while both had records of brutality with regard to all those who challenged their leadership, the media saw fit to hail one as a virtual hero while viewing the other as a virtual devil.

Newsweek, for example, referred to Chou as "An intellectual who was also a man of action, Chou possessed grace, charm, tact and grit." Franco, according to Newsweek, headed a regime marked by "relentless cruelty" and was "a throwback to the age of Hitler and Mussolini."

Columnist Pat Buchanan assesses the double standard this way:

Interesting, is it not? Good riddance to the authoritarian, Catholic, anti-Communist, pro-American ruler of Spain for 40 years; but our "dignitaries and diplomats will miss" Chou En-lai. Why? Chou's regime was directly responsible for the killing and maiming of tens of thousands of American soldiers in South Korea while Franco provided sanctuary for downed American pilots in World War II, and bases for the anti-Communist alliances of the post-war era.

Chou En-lai, Mr. Buchanan points out, "Was an enemy of human freedom, a politician who created the only great bureaucracy in the world which officially reveres Stalin as patron saint, and a diplomat who placed his talents at the service of the bloodiest tyranny in the 20th century."

I wish to share with my colleagues the thoughtful article, "Media Eulogized Chou After Vilifying Franco," by Patrick Buchanan, as it appeared in the January 31, 1976 issue of Human Events, and insert it into the RECORD at this time:

MEDIA EULOGIZED CHOU AFTER VILIFYING FRANCO

(By Patrick J. Buchanan)

"An intellectual who was also a man of action, Chou possessed grace, charm, tact and grit. Once dashingly handsome with smoldering black eyes, slim expressive hands and aristocratic mien, he remained physically impressive into his later years and radiated an unmistakable attraction. . . . A virtuoso diplomat, China's pre-eminent negotiator and most adroit politician.

"The world's diplomats and dignitaries will miss Chou's unique blend of humor, astringency and sophistication. His countrymen, too, will obviously miss him."

Thus spoke *Newsweek* in an idolatrous eulogy to the departed premier of Communist China. And it is instructive to contrast *Newsweek's* canonization of this ablest servant of Maoism with the magazine's valedictory to Gen. Franco, two months ago.

Marked by "relentless cruelty," wrote *Newsweek*, Franco's "regime is a throwback to the age of Hitler and Mussolini and, as such, a painful embarrassment to the rest of Europe.

Upon the Generalissimo's death: "Liberals throughout Western Europe breathed a sign of relief that the world's most durable fascist dictator has been removed from their midst."

Interesting, is it not? Good riddance to the authoritarian, Catholic, anti-Communist, pro-American ruler of Spain for 40 years; but our "dignitaries and diplomats will miss" Chou En-lai.

Why? Chou's regime was directly responsible for the killing and maiming of tens of thousands of American soldiers in South Korea while Franco provided sanctuary for downed American pilots in World War II, and bases for the anti-Communist alliances of the post-war era.

Pressed repeatedly by the Nazis to join in crushing Britain in her darkest hour, Franco refused.

"About one thing, Caudillo, there must be clarity," the Fuehrer wrote, Feb. 6, 1941.

"The battle which Germany and Italy are fighting will determine the destiny of Spain as well. Only in the case of our victory will your present regime continue to exist."

Franco ignored the advice and survived as ruler of Spain for 30 years after Hitler died in his bunker. ("The contemptible ingrate! The coward!" Ribbentrop raged.)

Where Franco was an authoritarian ruler, he was no monster in the mold of Hitler, Stalin or the aging despot, Mao Tse-tung, whom Chou En-lai served so faithfully and diligently for the past quarter-century.

In the last weeks of his life, however, when Franco commuted the death sentence of six convicted terrorists, and sanctioned the execution of five others who had shot down Spanish police in cold blood, all Europe was ablaze with cries of Franco assassin!

Yet, within Soviet Russia, they routinely execute for "economic crimes," without Western protest. And, not infrequently, the authorities in Hong Kong fish from adjacent waters the bullet-riddled bodies of refugees who have sought unsuccessfully to escape from the brave new China of Chou En-lai.

At the Geneva Conference of 1954, John Foster Dulles, the American secretary of state, remembering the war dead in Korea, refused to shake the extended hand of Chou En-lai. At Chou's death, Dulles' successor at the Department of State was quoted by Newsweek as pronouncing Chou "the greatest statesman of our time." Which says something about "our time."

Which of the two men did better by his own people?

At Franco's death there still existed in Spain economic and personal freedoms snuffed out in the Peoples Republic of China at its birth.

Between 1960 and 1975, the per capita income of Spain rose from $300 to $2,000, leaving Spain only five years behind France. Today, a quarter-century after the Communist revolution, per capita income in China is one-third that of Taiwan; and the gross national product remains a fraction of Japan's, though Japan suffered equally in the war and has only a small percentage of China's population and resources.

Some Americans behaved as though, with Chou's death, this country had lost a good friend. But, if the interests of Peking had dictated turning back toward the Soviet Union, Mr. Chou would have double-crossed the United States with the same alacrity and skill with which he pursued detente.

So, farewell, Chou En-lai—a talented man, indeed, but a Communist revolutionary who was an enemy of human freedom, a politician who created the only great bureaucracy in the world which officially reveres Stalin as patron saint, and a diplomat who placed his talents at the service of the bloodiest tyranny in the 20th Century.

PROJECTED COST OF NATURAL GAS DEREGULATION

HON. JACK HIGHTOWER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. HIGHTOWER. Mr. Speaker, a Library of Congress report on the projected cost of natural gas deregulation received wide circulation among Members of Congress and the media. Many arguments I have heard recently against deregulation have cited information from the report.

Unfortunately the Library of Congress' analysis was unencumbered by facts.

Mr. G. E. Stahl, a constituent who has been involved in the oil and gas industry for 25 years, wrote a letter to the author of the report and provided a copy for me. Mr. Stahl carefully details the report's inaccuracies and misleading assumptions. I would urge that my colleagues read his letter and study it before they cast their votes on this important piece of legislation:

STAHL PETROLEUM COMPANY,
Amarillo, Tex., January 8, 1976.

Mr. LAWRENCE KUMINS,
Library of Congress,
Washington, D.C.

DEAR SIR: We read with a great deal of interest the attached article in our local paper, (copy of which is reproduced and attached) with respect to the study put out under your authorship.

It is obvious from reading the attached that either the newspaper article incorrectly reported what your report purported to say or obviously you are not possessed of the facts with respect to the natural gas industry that would let you draw conclusions such as contained in the attached article.

So that you will understand, we are independent producers of oil and gas, but produce very little gas. The economic consequences of continued regulation or deregulation are of very little import of us individually. However, it is always extremely depressing, and to a degree very unsettling, when we get irresponsible information (such as contained in the attached) put out by someone who is supposed to be impartial and knowledgeable, such as the Library of Congress.

If we understand the attached summary, the figures break down as follows:

Price increases from previously regulated gas, $6.3 billion.

Interstate sales outside Federal Regulations, $1.3 billion.

Outer Continental Shelf, $1.9 billion.

New On Shore Production, $8.8 billion.

Gas Released from Contracts, $1.9 billion.

We, of course, are baffled by item 1 above (Price increases from previously regulated gas). Since natural gas is normally bought and sold by long term contracts we are assuming that you are assuming that deregulation would throw out all old contracts. While this would be enjoyable for producers with substantial amounts of gas committed under old contracts, none of the proposed legislation that we have come across went as far as to say that old contracts were going to be completely abrogated under deregulation.

Since very little interstate gas moves outside Federal regulations, I, of course, have no idea what this concept is all about and am assuming that you probably don't either.

However, the basic point that I do wish to make in this letter is with respect to your estimate that there will be 3 trillion cubic feet of additional natural gas made available yearly and that the above "costs" of this would be for gas available from the Outer Continental Shelf and Now On Shore Gas. (Since the other categories do not by virtue of the mechanics of reservoir engineering permit larger volumes of gas to be made available than is currently being made available the 3 trillion cubic feet would have to come from Outer Continental Shelf and New On Shore discoveries). If the Outer Continental Shelf and the New On Shore

discoveries (to which you attribute 10.7 billion dollars of the increase) produced the 3 trillion cubic feet, this would be an average of $3.55 per MCF as the sale price for this 3 trillion cubic feet. Since this is somewhere between 3 and 4 times the current price being received and paid in the interstate market where prices are free from artificial controls we feel your number is highly suspect. If the intrastate market can buy gas in the .90¢ to $1.50 range at the present time we have a little trouble understanding how by deregulation of the intrastate market, the free market price is suddenly going to jump to $3.56 per MCF.

It is a shame that people who are supposedly in a position to render a service to the American public, such as employees of the Library of Congress are supposed to, come up with such distorted and obviously inaccurate projections.

Unfortunately people who are not in the industry (such as Representative Maguire from New Jersey who released the study) have nobody to turn to except people such as yourself to get realistic answers.

When they get answers such as set forth in the attached newspaper article supposedly as truisms it is no wonder they act in the fashion that they do. Unfortunately the conclusions presented in the newspaper article are not true nor are they sustainable by any "numbers" based upon the realities of the natural gas industry.

Personally, I have spent 25 years in the oil and gas industry. I spent a good portion of the earlier years in management positions for both the long line pipeline companies regulated by the Federal Power Commission and subsequently by intrastate gas companies. Subsequent to that as an independent producer. As a qualified expert in the field of natural gas pricing, it is appalling that information such as yours is allowed to reach the public under the banner of the Library of Congress.

If the attached newspaper article misquoted you I would be most happy to receive a reply from you as to where the attached is in error or where I have erred in analysing the attached.

I believe illustrative of the approach you have taken (which is to get the numbers as high as possible irrespective of the facts) is the question of "Contract Leakage" of $2.1 billion being withheld from contract customers in anticipation of higher prices.

Since there is no factual evidences of this and since the oil and gas industry has, in my mind at least, rather thoroughly proved that there is no large scale amounts of natural gas being held off the market I would like what factual information you have, if any, to support this.

Again let me reiterate for you to sponsor this under the impartiality that the Library of Congress research reports should engender is doing everyone, including yourself, a severe disservice since the facts obviously are faulty and consequently any premises reached predicated upon those facts equally have to be faulty.

Very truly yours,

G. E. STAHL.

REPORT: "ENERGY SHOCK" COULD COST $20 BILLION

WASHINGTON.—Removal of price controls on natural gas could create an "energy shock" that would increase consumer gas bills by $20.2 billion to $22.3 billion a year, a Library of Congress research report says.

"The cost of deregulation . . . is clearly unacceptable," said Rep. Andrew Maguire, D-N.J., who released the study. "This is just another scheme to bring greater profits to a monopolistic industry that has been holding back supplies waiting for the price to skyrocket."

The Senate has approved a bill that would make provisions for some winter sales of gas outside federal controls, plus a long-range plan for removing price controls altogether.

The report, requested by Maguire, estimated 3 trillion cubic feet of additional natural gas would be made available yearly through deregulation, but at the added cost of between $20.2 billion and $22.3 billion.

The Library of Congress report said the cost of deregulation could add nearly a full percentage point to inflation, "creating some form of energy shock" to the economy.

"Employment would be several hundred thousand jobs lower than it would have been without this economic shock," said the report by analyst Lawrence Kumins.

The study projected the following costs for the various types of gas affected by the Senate-passed bill:

About $6.3 billion from price increases for previously regulated gas; $1.3 billion from interstate sales outside federal regulation; $1.9 billion from Outer Continental Shelf gas; $8.8 billion from new onshore production stimulated by deregulation; $1.9 billion from gas rising to new prices as it is released from contracts, and possibly $2.1 billion from "contract leakage"—gas allegedly being withheld from contract customers in anticipation of higher prices.

If the last figure is included, the total would be $22.3 billion; without it the total would add up to $20.2 billion.

The question of "leakage" has led to heated debate among congressmen and industry officials. Some congressmen, such as Rep. John E. Moss, D-Calif., say producers have engaged in "speculative withholding" of available gas. Others such as Rep. Jim Collins, R-Tex., say producers are delivering gas as fast as possible.

FIRING LINES—III

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. HARRINGTON. Mr. Speaker, as I have previously noted in the RECORD, I plan to offer an amendment to the military aid bill now before the International Relations Committee which would outlaw the "covert action" functions of the Central Intelligence Agency and restrict future Agency operations to the gathering and analysis of intelligence. For now, I would like to continue to bring background material on this important issue to the attention of my colleagues.

Last week, I began the insertion of a thoughtful article by Garry Wills that appeared in the January 22 issue of the New York Review of Books. In the third and final part, which follows below, Mr. Wills discusses various options for reforming the CIA. While I do not agree with all of his conclusions, I think his observations merit our close attention.

THE CIA FROM BEGINNING TO END

What to do about the CIA? That depends on the way you pose the problem. If the trouble is merely this or that abuse revealed to investigators, then one can try to eliminate that abuse by legislation—e.g., no more assassination plots or shellfish poisons. Senator Mark Hatfield has singled out one such abuse, the funding of CIA actions through religious fronts, and introduced legislation to keep church and state separate in the CIA (S. 2784). If the problem is simply our lack of knowledge about what is going on, and if we believe that contemporary awareness by competent people would prevent the abuses, we might try to invent a better machinery of oversight.

If the Agency is a "rogue elephant," we can try to bring it under congressional control, or try to make the president control it. If it has some sound points (e.g., sheer gathering of information) and some unsound (e.g., covert activities), we might try to separate sound from unsound. The things badly handled can be abolished, or given over to people who might manage them better. Or one can try a mix of all such tinkerings and tactics of control, such as Leslie Gelb has proposed (in the Sunday *New York Times* for December 21). If, however, one thinks that the whole ethos of the organization is at odds with our principles of government, then the solution is both very simple and very difficult—intellectually simple and politically hard.

I start with the admission that intelligence operations, and extensive ones, are absolutely necessary to our government. I grant that it is hard to separate intelligence gathering from covert activities—e.g., trespass of some kind must be committed to use some kinds of electronic monitors. The problem is that we have been conditioned to think that the need for intelligence is equivalent to a need for the CIA. And that is simply not true. The CIA disposes of only a fraction of the American money and manpower devoted to intelligence.

The best estimates indicate that military intelligence alone, in its three branches, has seven times the personnel of the CIA and a proportionately larger budget. The DIA is about the same size as the CIA, and the NSA is larger. The FBI devotes a great deal of its efforts to counterintelligence embassy surveillance and the tracing of foreign influence in this country. The State Department has only a small intelligence division, but all its bureau reports are intelligence sources. So are the findings of various other agencies—e.g., the important material on the Arab boycott recently collected by the Commerce Department. Government-sponsored research at universities can yield intelligence data (e.g., on Russian laser capacities). Indeed, we have so many channels of intelligence that winnowing and analysis become difficult because of the sheer quantity of material.

One of the reasons the Central Intelligence Agency was set up, as its very name implies, was to coordinate these various intelligence activities and to prevent duplication of effort. It has largely failed in that task because of its own secrecy—it often cannot prevent others from working in an area without revealing too much of what it is doing there. Besides, its budgetary secrets have to be preserved. The Agency's insistence on "compartmentation" and "need-to-know" makes it hide much of its activity from its own employees. There is nothing more absurd than the use of a deliberately compartmentizing agency as a coordinator. The results of this effort were seen when the military felt it had to spy on Henry Kissinger, chief of the CIA through the Forty Committee, to know what was really going on. Kissinger, for his part, kept NSC activities a secret from the William Rogers State Department. And the CIA, so far from coordinating intelligence activity, indulged in action that called for deceiving other parts of our own intelligence community.

The lone-wolf spirit of the CIA makes it a bad partner for its sister agencies. It was meant to be the "Green Berets" of intelligence, to think the unthinkable, to do what no one else can do. It has a tropism toward mixing with the bad guys—even trying to bring Howard Hughes, Las Vegas, and the Mafia in on our side of the anticommunist crusade. (Geoffrey Household's Thirties novel in praise of gentlemanly assassination, Rogue Male, which became the Walter Pidgeon

movie about assassinating Hitler, is used by Buckley to inspire his novel's hero.) That is why I do not agree with those who dismiss the Church committee's revelations of exotic poisons and dart guns as irrelevant to the "real" threat of the CIA. Few CIA agents, if any, may use such guns. Fidel, for that matter, still has his beard. Our sand-in-the-sugar tricks on Cuban ships did not accomplish much. But it is a part of the CIA's legend and pride that this is what the Agency can do if it must. The possibility of assassination must always be considered. It is the venturesome tasks that give the corps its spirit. It is an action group, trained to think of itself as outside the restraints of normal military or intelligence operations. Victor Marchetti argues in convincing detail that two-thirds of the Agency's manpower and money is spent on covert activities—since one must count in that figure the efforts spent on training, logistics, and research aimed entirely at "special operations." Take that away from it, and it would lose its distinctive character—and we cannot suppose that it means to lose that without a struggle. Given its secret nature, it will win that struggle.

The Agency's mystique arises precisely from its license to kill. It is important to remember that William Colby, the man who ran the most ruthless and bloody operation in CIA history—the Phoenix program of torture and assassination (Colby himself admits that at least 20,500 men were killed)—was advanced to the director's office afterward. In Buckley's novel, the hero only gives his heart fully to the Agency when his mentor, a veteran of MI–6, talks calmly of life-or-death risks: "Blackford rose, tipped his hand in mock salute, which, before his fingers reached his eyebrow in the old-time flyboy casualness, had suddenly transformed into a salute suggesting something between respect and reverence. Rufus had been his appointed superior. He had become his leader." The MI–6 tradition is passed on. The CIA was entirely formed out of the experiences of MI–6 and OSS, the unfettered teams of gentlemen encouraged to indulge in dreams of thuggery.

The problem is not one of control. The Agency has been most dangerous when it was controlled. It is the president's secret militia. That has meant, in recent years, that it was Henry Kissinger's private hit squad, since he is the presidential Forty Committee that directs CIA operations. Even as the Agency complained of being "hamstrung" by recent investigations, it went obediently into the turmoil of Portugal and Angola on Henry's orders. It is only at this point that we reach the most important aspect of the CIA. The Agency is not a problem in itself. It is just part of the larger problem of the modern presidency, of the dramatic accretion and distortion of presidential powers in the last thirty years or so.

What we are talking about is the action arm of the Imperial President. The CIA polices the colonies for our Emperor. When William Colby says we need the CIA to have something between total inaction and sending in the marines, he means that the president should be allowed to make foreign policy outside constitutional restraints, by presenting Congress and the electorate with faits accomplis. We do not have to debate our attitude toward a democratically elected Marxist leader in Chile if the president can send his squad of goons to prevent such a man from getting elected. The Senate need not exercise its treaty-making power to woo or reject Fidel Castro if the president can get Castro bumped off. Cuban refugees in America do not need to agitate for political response to their plight if the president is already arranging an invasion of their country without his own countrymen's knowledge.

It is silly to talk about making the president control the CIA. It is his own means of escaping control. It is his first recourse in heading off problems that would embarrass him if he had to cope with them in an open fashion. It is his means of getting intelligence and making policy in total secrecy, with autonomy. The nation cannot be for or against policies it knows nothing about. In other words, in a form of government where legitimacy arises only from accountability, the CIA was formed expressly to escape accountability. This is apparent in the blatant unconstitutionality of its secret funding process. Article I, Section 9, Clause 7 of the Constitution says: "No money shall be drawn from the Treasury but in consequence of appropriations made by laws; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

The mere existence of the CIA tempts a president to evade the Constitution—especially if he has a taste for intrigue (like Johnson or Nixon or Kissinger) or an image of himself as the dashing James Bond type (like John Kennedy and Robert Kennedy). The person who did more to shape the CIA than any other man was Allen Dulles, who did it by virtue of the close ties he had with the president through his brother, the secretary of state. In the War Powers Act, the president is now ordered not to engage in clandestine warfare. Then why, if he is not supposed to do it at all, leave him the means for doing it? Already President Ford has used the CIA to support clandestine warfare in Angola. Given the CIA for his private use, most presidents will succumb to the hope that it can solve their problems quickly if deviously.

The cold-war liberals believed that the CIA must be maintained to avoid leaving intelligence to the Pentagon, which slants its intelligence toward war and the need for massive military establishments. Yet we still have the massive establishments, and reliance on them has caused less trouble, in recent years, than Kennedy's trust in "leaner" hit-and-run tactics. It is argued that CIA intelligence estimates, contained in the Pentagon Papers, were consistently better than the military's own. Yet Sam Adams has revealed (in Harper's, May 1975), that the CIA tilted its own estimates toward the army's when the president showed he would prefer that. Besides, the mere existence of the CIA tempted Kennedy and Johnson to think in terms of counterinsurgency and Edward Lansdale techniques—which is what got us into Vietnam in the first place.

The real point is that cold-war liberals liked the CIA in the Fifties and early Sixties because they liked the Imperial Presidency then. They wanted the president to escape the constraints of a fuddy-duddy Congress, just as they wanted the CIA to slip past a muscle-bound Pentagon. They thought it was desirable for the executive branch to cut corners. These liberals believed in their own version of a higher code, of an "enlightened" internationalism that had to evade, by benign deception, popular tendencies toward isolationism on the one hand and a crude anticommunism on the other. In the process, what was evaded was often the Constitution. Even when the CIA exceeds its presidential mandate (e.g., by saving toxins the president ordered destroyed) it does so on the principles instilled in it by a presidency that thinks of itself as free of control. Miles Copeland even tries to give the CIA credit for bringing down the Nixon regime, a ridiculous claim. But if the CIA ever did bring down an American president, this would be because American presidents had taught it to bring down regimes all over the world for good liberal cause.

Some liberals indulge an unjustified fear that America's military will supply us, someday, with a dictator. Our military is not aristocratic in tradition. The inability of the services to maintain even the minimal professional exclusiveness is witnessed by the fact that the academies have had to accept women.

The fault of the American military is not autocratic haughtiness but timorous evasion, the shifting of responsibility up or down the command chain. This means, fortunately, that the military cannot defy Congress or the public the way the CIA does. Its supporters write no novels glorifying the man who will not submit to authority. There was a My Lai coverup, and no officers higher than a lieutenant were convicted once the scandal came out; but at least there were courts-martial and the Peers Report as a result of My Lai. When have we had anything like that accountability for the slaughters of the Phoenix program, or for any CIA wrongdoing? An American citizen is sent to his death by the CIA's drug experiments upon his mind, yet those who perpetrated this are not called before any court because they belong to the CIA. In at least nine cases that we know of the CIA has blocked United States courts from trying its agents on criminal charges by refusing to release classified evidence. More inclusively, the Justice Department has allowed the CIA itself to investigate charges brought against its employees, abdicating prosecutorial responsibility.

It is true that we need civilian control of the military, and that intelligence should be coordinated at the political level. But the CIA has failed in its task, and on purpose. It was part of the executive operation that opposed not only the military bureaucracy but the State Department (with which it warred while getting "cover" from its diplomatic corps). The rogue presidency wanted to make all policy out of the White House—which led to Kennedy's and Johnson's treatment of Dean Rusk and Kissinger's humiliation of William Rogers. The State Department was too cautious for the president's international guerrillas—which suggests a solution to our problem. The central intelligence operation should be located in the State Department—and the CIA must be abolished to make that possible.

There is no guarantee, of course, that a department of dirty tricks will not grow at State or in some other agency. We have already discovered the illegality of NSA phone and cable taps, of military intelligence units spying on potential rioters. But some of this may have arisen precisely from making the CIA our "prestige" intelligence agency, toward whose freedoms the others aspired. And at any rate, it would be harder for other agencies to equal the license enjoyed by the CIA, which was entirely shaped to evade the rules from the outset. The War Powers Act has outlawed clandestine presidential war. Abolishing the CIA with its secret budget and semi-guerrilla training would do more to discourage irresponsible "tricks" than any paper prohibition of specific actions by name.

After all, what are we ending if we end the CIA? Even its adherents doubt it will ever regain its full stature or immunity. The afflatus of such a group cannot be maintained at full strength when the circumstances of its exercise have changed so drastically. The CIA is bound to be wounded, not just because of isolated revelations (these did no lasting harm at the time of the Bay of Pigs), or congressional investigations (which have been rather deferential); but because the imperial Presidency, of which the CIA is so large a part and expression, has been wounded. Buckley's own hero laments, "There's no feeling anymore for the kind of thing we're doing, and there's no way, overnight, to stimulate that kind of feeling."

Rule out total recovery, then, and what do you have? An agency that will try to reassert its ethos in a situation no longer

receptive to it. Better kill it off now, before its crippled energies are used in even more distorted ways than its full ones were. Fumbling around for "controls" merely proves that we do not have the clarity or resolve to deal with an agency that was born, on principle, out of control.

SAGINAW STUDENT CON-CON UNDERWAY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. TRAXLER. Mr. Speaker, the Saginaw Student Constitutional Convention has begun. These 148 high school students who have been working since the early part of the school year are meeting in order to present their version of the U.S. Constitution as their tribute to the Bicentennial. Today and the rest of this week, I will present you with the news accounts of the operations of this convention, and finally the new Constitution itself.

In three articles from the Saginaw News written by John Puravs, we can obtain an understanding of the most significant method of celebrating the heritage of American Government. The first article indicates that last Tuesday in Saginaw, the students participating in the convention got a real taste of governmental operations. The procedural haggling and need to swiftly consider the reports of committees all were quickly understood by those in attendance.

The second article pays tribute to Mr. Bob Fitzgerald, a government teacher at Douglas MacArthur High School, for his role in keeping the activities of the convention moving. Many of us strongly dislike the mundane procedural matters that we must all do, but we all recognize that without the completion of proper procedure and preparation we would not be able to operate in the way that is necessary. Forms, calculators, security, order—all of those that are things that are necessary to successfully operate an event of this kind. Mr. Fitzgerald is to be recognized and thanked for his important assistance in helping the Con-Con run.

The final article gives us a look at some of the substantive decisions of the student constitutional convention. We are all acutely aware of the schedule of primaries that must be followed by the many Presidential candidates this year. We can recognize the time, effort, expense, and exhaustion that must be paid in an attempt to earn the Presidential nomination. The students do not like this system, so they have voted to eliminate State primaries and create one national primary. They are also in favor of direct nomination of the Vice President by the voters. As the article points out, voters might then have two very different candidates running on the same ticket.

The students also have developed a policy of "guaranteed participation" by mandating the voting of any registered voter. It is distressing that as many Americans ignore elections as those who vote, if not more in some cases. The students want all to participate, and they are prepared to go to great lengths to do it.

Mr. Speaker, these future leaders of America have their ideas as to how to handle crucial governmental functions. These ideas must be reckoned with, because these ideas today may in fact be policy tomorrow. The articles follow:

STUDENT CON-CON HEATS UP; MORE FIREWORKS EXPECTED

(By John A. Puravs)

Parliamentary skirmishes, a flareup over procedure, and some intriguing changes in presidential election rules Tuesday marked the Student Bicentennial Constitutional Convention as an event where boredom will be a stranger.

But the best is yet to come, agreed leaders of 148 delegates from Saginaw County's 19 high schools taking part at the Saginaw Civic Center.

With completion of debate on executive and legislative branch proposals scheduled today, students and adult advisers alike predicted Thursday's Bill of Rights and ratification agenda could set off sparks.

"The controversial issues are yet to come," said Robert A. Fitzgerald of Douglas MacArthur High School, faculty chairman for the convention.

"I hate to say it," added Frederick Wheeler Jr. of Saginaw High School, convention president, "but I think it's going to end up more controversial than it started."

"It's going to be something to see," agreed Michael Smith of St. Charles High, chairman of the judicial committee.

It was during debate on the report of Smith's panel that a dispute over speaking rights resulted in a one-man walkout by Aaron Moore of Arthur Hill.

The episode culminated a period of procedural haggling that delayed completion of Tuesday's agenda.

Moore, one of several Arthur Hill delegates unhappy about allegedly being overlooked when trying to speak on proposals, challenged Wheeler's action in ending debate on qualifications for Supreme Court justices.

Wheeler, supported by Parliamentarian Fred I. Chase, told Moore he was out of order. Moore refused to relinquish the microphone. When Wheeler stuck to his ruling, young Moore stalked off the floor.

Although the incident caused some delegates to clutch their heads in dismay, it also led the way to swifter progress for the rest of the session.

After faculty advisers huddled to discuss action, Moore, Wheeler and Vice-President Thomas Ulmer of Bridgeport reconciled their own differences.

"It's just like real government," remarked one observer as cries of "point of order," "division of the house," and "call the question" rang across the Wendler Arena floor.

When Moore returned, he conceded Wheeler's stand had been legal, but protested, "We're trying to write a Constitution here."

Wheeler later said, "I tried with all my power to see everyone had their say-so on each proposal. But I'm as human as everyone else, and I make mistakes."

However, Wheeler, elected to the presidency by the delegates last October, appeared to make few of them as he guided contending delegate forces past possible roadblocks and toward speedy consideration of the agenda.

"I want to say one thing," Wheeler noted after the session adjourned on schedule at 3:30. "I've had a real fine parliamentarian; Mr. Chase helped me out all the time."

One teacher observed Wheeler was following his intention to defer to Chase rather than act as the authority during procedural difficulties.

For many years, Chase, considered Michigan's most expert parliamentarian, served as secretary of the Michigan State Senate.

He also was parliamentarian for Michigan's own Con-Con in 1961.

The convention opened 25 minutes late with 141 of the 148 delegates present and continued to run behind schedule through the day.

But action on reports from the Judicial and Executive Committees raced ahead once procedural quibbles were largely abandoned, with the help of entreaties from students such as Terry Ellison of Carrollton High.

"I was afraid we would take all day just to do our report," said Mike Smith. "I was surprised I didn't have that much problem today."

After delegates returned from a bountiful buffet lunch in Unity Hall, they took just 25 minutes to approve the rest of the Judiciary report.

Debate again began slowly on the Executive Committee's draft of constitutional revisions. But that was due to proposals for substantial changes in electoral procedures.

Today's agenda called for completing the Executive report, debate on Legislative Committee proposals, and at least a start on the report from the major Bill of Rights Committee, headed by Aaron Moore.

With both students and faculty predicting sharp disputes on some sections of the Bill of Rights report—especially a clause establishing capital punishment—the convention will be hard pressed to finish on time.

"It's going to be a highly debatable issue," Wheeler said of the death-penalty matter.

He said the convention should complete committee reports within the allotted three days. But that still leaves ratification, when previous actions can be reconsidered and more amendments offered.

"I don't know if we'll finish that," Wheeler said.

Vice-President Ulmer said the convention may have to cut short the ratification process Thursday to finish in time for a 6:30 p.m. banquet.

However, faculty chairman Fitzgerald noted the agenda was designed to leave a "cushion" of time Thursday because organizers foresaw early delays due to procedural problems.

I think it went tremendously well," Fitzgerald said of Tuesday's assembly.

He had special praise for Judicial and Executive Committee members.

"They did a great job," enthused Fitzgerald. "They were well prepared to answer all the questions."

And Fred Chase, a veteran of such things, joined Fitzgerald in commending the delegates' attention to the task at hand.

"They're taking it seriously," said Chase. "There's been no Mickey-Mousing around," declared Fitzgerald.

BOB FITZGERALD: THE "TRAFFIC COP" OF CON-CON

(By John A. Puravs)

Like a traffic cop at the corner of Washington and Genesee during rush hour, Bob Fitzgerald stood in front of the Wendler Arena platform warding off problems from all sides.

At 9:30 a.m., Tuesday, a delegate clutched the rough draft of a proposal dealing with "taxation without representation."

"You need a lawyer," Fitzgerald advised her, and summoned help from one of the volunteer attorneys supplied by the Saginaw County Bar Association.

For Fitzgerald, the scene was typical of his recent months as faculty chairman of the Student Bicentennial Constitutional Convention: Find out what the delegates need, and recruit the volunteers who can supply it,

In came a plea for more tables. "We are absolutely out of tables," replied Fitzgerald, who teaches government at Douglas MacArthur High in his spare time. "But you can use these things. They're called risers."

Convention Vice-President Thomas Ulmer asked for tally sheets to record delegate votes.

"Did that last night," chuckled Fitzgerald. "You're a great guy, Tom. You and I are the only ones who thought of that. The sheets are on their way."

Not everything was quite up to date. "Will the Bill of Rights Committee please wait in Section 17 at this time," came a plaintive voice over the PA system. "There are a few things to clear up."

Fitzgerald took over the mike. "Mr. Fred Wheeler," he said, looking for the convention president. "The press cards for high school journalists are ready."

One teacher grumbled about the $1.20 it would cost him to park. "I thought we wouldn't have to pay," he said.

A colleague retorted he'd worry about the $1.20 after he found his delegates. "I want to get the four kids here first," he muttered. "I'm ready to wring some necks."

The convention was about ready to begin. But first, how about a calculator so the secretaries, Jackie Robinson of Saginaw High High and Barb Klump of Chesaning, could keep score?

Fitzgerald dug one up, thereby missing the most spectacular parliamentary argument of the day.

He wouldn't miss it today. Wheeler and Ulmer later told each other they'd bring their own pocket calculators.

By 10:30, when Wheeler banged the gavel to open the three-day convention, the surroundings were more of the kind to be expected at a great political assembly.

Music poured forth from the Chesaning Union High band.

Student spectators filled many seats above the arena. In evidence were delegations from Bridgeport, Buena Vista, Carrollton, Chesaning, Merrill, St. Stephen's, SS. Peter & Paul's.

Dignitaries were introduced: Burrows (Buzz) Morley, chairman of the Saginaw County Bicentennial Commission, co-sponsors of the convention with The Saginaw News; Benjamin L. Schrader, chairman of the county Board of Commissioners.

Red, white and blue decorations lined the arena walls, prepared by students from Bridgeport, Birch Run, Chesaning, Frankenmuth, Swan Valley, Michigan Luthern Seminary, St. Mary's, St. Stephen's, Carrollton, Douglas MacArthur, and others.

"Liberty rings free," proclaimed one proud banner. "Live free or die," recommended another, more soberly. "Give me liberty or give me death," yet another echoed Patrick Henry.

And one declared, simply, "Happy Birthday, America, 1776–1976."

This particular birthday party might have flopped without the aid of a host of volunteers, unintroduced but indispensable.

The 3M Corp. supplied typewriters, diligently operated by typing students, and a set of duplicating machines.

"This is the real nerve center," said Eisenhower adviser Thelvius (Bo) Winieckie. "Without these, the whole thing might stop."

The delegates seemed to consume paper as fast as constitutional ideas. By mid-afternoon, 7,900 pieces of duplicating paper had been consumed.

"They thought it would be enough to last the three days," marveled teacher Duane Wartenberg of Swan Valley.

At the lawyers' table, Gilbert A. Deibel and Mrs. Patricia Learman cleared up such fuzzy legal points as the precise definition of a misdeameanor, as in "high crimes and misdemeanors."

Fred I. Chase, sharing the platform with convention officers, cleared up everything else.

At the doors, hosts and hostesses from each of the 19 high schools in the county checked credentials, guarded the floor and issued advice.

Security of a more sober kind was supplied by two officers from the Saginaw Police Department. They climbed the catwalk high above the arena to protect delegate valuables during lunch.

Today and Thursday, the students and the volunteers will come back for more.

Happy birthday, America.

STUDENTS WIPE OUT PRIMARIES

(By John A. Puravs)

Forget it, New Hampshire. Your moment of glory is over.

Same to you, Florida, California, Massachusetts—and Michigan.

If Saginaw County's students had their way, all those presidential pretenders slogging through New Hampshire's snowbanks and slush could save the effort.

The Student Constitutional Convention adopted Tuesday a provision wiping out all state presidential primaries in favor of one national primary, set in the balmier weather of early August.

All presidential contenders from each party would be pitted against each other—if they managed to produce petitions, by April 13, signed by one per cent of all registered voters.

Incidentally, anyone in the presidential sweepstakes merely for the sake of a possible vice-presidential selection need not apply.

The national primary also would choose, on the same ballot but from separate lists, each party's vice-presidential nominee.

Rockefeller could run for president, but Barry Goldwater might be his running mate. George McGovern could try again, but George Wallace might be on the Democratic ticket with him.

And those voters abhorring either choice would no longer have the option to sit it out, either.

A cunningly worded clause says all registered voters must participate in the primary and general presidential elections.

Unregistered voters would be exempt, apparently. But the sly side of this provision would catch anyone who has voted in recent years, since such persons automatically remain on registration rolls whether they like it or not.

Anyone voting in a future election similarly would be constitutionally trapped into helping run the country, until virtually every citizen of age would have to vote for president.

That's the way it was meant, said James Rocchio of St. Stephen's High, an architect of the measure along with Executive Committee Chairman Tommy L. Ford of Buena Vista High.

Rocchio noted less than 50 per cent—sometimes much less—of the people choose the nation's chief executive every four years.

The spate of state primaries, too, has been under criticism recently for dissipating candidate resources, dulling some major issues and escalating some minor ones.

The students' Constitution, if it survives ratification voting Thursday, would have both presidential and vice-presidential hopefuls submit their petitions to Congress in April.

The national primary would be held Aug. 7 unless the date falls on a holiday or Sunday. The general election would be Nov. 7 with the same exceptions.

The new election provisions were the major revisions Tuesday as the 148 delegates to the Student Con-Con finished debate on the report by the Judicial Committee and moved through a third of the Executive Committee's proposals.

The election rules also prompted the most substantial debate Tuesday.

Faculty adviser Nate Ellis of SS. Peter & Paul's noted most of the delegates, as seniors, will be eligible to vote in their first presidential election this November.

However, the revisions almost didn't survive the debate.

A first vote rejected the proposals by a 64–67 count. But some students who apparently believed the section would force ballot participation by all persons switched when they found only registered voters would be subject to the rule.

A new vote adopted the proposals by a comfortable margin.

The angle of virtually forced registration, though, may have slipped by many delegates, suggested one teacher.

And a clause saying elections would be decided by majority vote seems to dump the Electoral College but may fail to account for the effect of third-party candidacies.

Several past presidents, including John F. Kennedy and Richard Nixon, were elected by pluralities, not majorities, due to the minor-party vote element.

In an equally lively debate, the delegates turned down a single six-year term for presidents in favor of the present system of no more than two four-year terms.

Supporters of the six-year idea argued it would relieve a president of the political pressures of seeking re-election.

But they lost to contentions that a maximum double term would keep a president answerable to the people.

The delegates also refused to remove the two-term restriction. One student noted the services of a "great" president such as Franklin D. Roosevelt would be lost. But others noted Roosevelt acquired too much power in his four terms and other leaders could succumb to dictatorial tendencies.

Rejected, too, was a proposal to give the presidential vote to residents of U.S. territories.

Generating much less controversy was the report of the Judicial Committee.

The assembly turned down its major revision: To set up qualifications for Supreme Court justices.

Such standards are not now mentioned in the Constitution. The report would have insisted justices be at least 35, U.S. citizens and U.S. residents for 14 years.

A substitute set of qualifications may be proposed later, since the Arthur Hill delegation attempted—too late, according to the chair—to make an amendment.

Other Judicial sections followed the present Constitution.

CHICAGO TRIBUNE EDITORIAL SUPPORTS HOUSE ACTION TO DELETE CLASSIFIED MATERIAL IN HOUSE SELECT COMMITTEE REPORT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ANDERSON of Illinois. Mr. Speaker, the Chicago Tribune included a most perceptive and hard-hitting editorial in Monday's issue confirming the wisdom of the House action taken last Thursday to preclude the publication of the report of the House Select Committee

on Intelligence unless the classified information which it contains is first deleted—or unless other steps are taken in accordance with the committee's agreement with the President and the intelligence agencies.

Mr. Speaker, the editorial speaks for itself and I am pleased to attach it as follows:

THE HOUSE KEEPS MR. PIKE'S WORD

Rep. Otis Pike's colleagues in the House of Representatives have given him a well deserved lesson in honor. By a thumping majority, they followed the advice of the Rules Committee and prohibited Mr. Pike's Intelligence Committee from publishing a report on its investigations into "illegal and improper" actions by the intelligence agencies until the report had been approved by the White House.

Last September, after White House complaints that Mr. Pike's committee was leaking secrets like Niagara Falls, Mr. Pike reached an agreement with the White House under which the committee would be allowed to have its secret material, provided that the White House be given a day's notice before any of it was released to the public. This would give the White House a chance to express its views.

Now that the committee is closing shop, it voted 9 to 4 to publish its report without reference to the White House.

Questioned about this, Mr. Pike said that the material was simply "too atrocious" to "sweep under the rug"; that to carry out his promise would amount to "censorship by the CIA"; that this would be "a complete travesty of the whole doctrine of separation of powers"; and that most of the material in the report had already been leaked to the press anyway.

If we may borrow Mr. Pike's words, his logic is atrocious. It is not at all clear, in the first place, that the September compromise called for censorship; it merely gave the White House time to object. And now that he has acknowledged all the leaking, why didn't he do anything to stop it—especially since it is fairly well agreed that most of it came from the offices of his own committee?

As for separation of powers, it is designed precisely to prevent the unilateral sort of action that Mr. Pike advocated. In effect, he is arguing that since the committee or its agents have already leaked so much of the material, it may as well be permitted to break its promise and publish the material officially. Some separation.

Up to a point, Mr. Pike's committee did a job that needed to be done. It let the intelligence agencies know that they do not operate in a total vacuum, free from any rules or control at all. Because of the committee's work, future administrations will no doubt watch the agencies more closely than they have in the past.

But since last fall, it has begun to look as if Mr. Pike was using secret government documents to build a launching pad for his own political propulsion in directions unspecified.

We're not going to try to judge how much damage has been done by the leaks [the New York Times discreetly acknowledges that a copy of the whole report—tho still officially unpublished—has been "made available" to it]. What we are saying is simply, first, that a Congress that makes promises and breaks them will lose the respect of the rest of government and the public; and, second, that separation of powers doesn't mean—and never was intended to mean—the unilateral right of Congress to grab executive branch secrets and spread them about the country, by leakage or otherwise. Mr. Pike and those who supported him have some dented halos to repair.

THE CHILD AND FAMILY SERVICES ACT: SOME EXPLANATORY MATERIALS

HON. MAX S. BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. BAUCUS. Mr. Speaker, I would like to comment today on the Child and Family Services Act, a pending legislative proposal which is of great concern to many of my constituents.

Over the course of the past 2 months, I have received many letters expressing opposition to this bill. Significantly, I have not received any letters supporting it.

Yesterday, however, I received a different kind of message from Ruth Lange, one of my constituents. Her letter reads as follows:

JANUARY 21, 1976.

Hon. MAX BAUCUS,
226 Cannon House Office Building,
Washington, D.C.

DEAR MAX: I've been hearing lots of rumors about a bill that is known as the "Child and Family Services Act." What is really the story of that bill?

Does this allow the State to take over the rearing of our children? Will it prevent parents from insisting that their children attend church or Sunday school? Is it going to put children in communes?

Many people here in Missoula are very concerned, and probably also confused about this bill. I have not read the bill, and I would appreciate receiving a copy of the bill along with your explanation of it.

Sincerely,

RUTH LANGE,
Missoula, Mont.

Normally, I would handle this letter by writing a short response. However, it seems inappropriate at this point not to say more about this piece of legislation—not because I support or oppose it, but because there seems to be so much misinformation about it.

Many people who have written opposing the bill have enclosed leaflets describing it as taking children away from the family without the permission of the parents. Are such allegations true? To answer that question, I would like to present a few items that may shed some light on the bill.

The first is the statement of purpose of the legislation. I am quoting from section 2(b) of the House version, H.R. 2966:

To provide a variety of quality child and family services in order to assist parents who request such services, with priority to those pre-school children and families with the greatest need, in a manner designed to strengthen family life and to insure decisionmaking at the community level, with direct participation of the parents of the children served and other individuals and organizations in the community interested in child and family service (making the best possible use of public and private resources), through a partnership of parents, State and local government, and the Federal Government, building upon the experience and success of Headstart and other existing programs.

The second item is a quotation from a statement given on the floor of the House by the majority leader who spoke in support of the bill on December 1. Congressman O'NEILL said the following things about the operation of the legislation:

First, participation in any program authorized by the bill would be completely voluntary. Second, children would not be tested unless the parent or guardian were informed and given the opportunity to except the child from testing. Third, the bill contains specific language providing protections against interference with the moral or legal rights of the parents or guardians with respect to the moral, mental, emotional or physical development of their children.

The third item I would like to enclose is a memorandum drafted by Congressman BRADEMAS, the principal sponsor of the legislation, which seeks to refute the attacks made on it by anonymous flyers such as the one mentioned in the earlier part of my statement:

ATTACK

"There is before Congress legislation known as the Child & Family Services Act of 1975 (Senate: S262 & House: 2966). If passed it would take the responsibility of the parents to raise their children and give it to the Government."

FACT

This bill would in no way take the responsibility for childraising away from parents. All programs authorized in the bill are (HR 2966, Sec. 2(a)(2)) "provided on a voluntary basis only to children whose parents or guardians request such services." In addition, any practice which would "infringe or usurp the moral and legal responsibilities of parents or guardians" is specifically prohibited (Sec. 504(a)).

ATTACK

"Child Advocacy Clause. In the Congressional Record we read: 'If, in the judgment of those who are in charge of such a program (the State by way of the Secretary of Health, Education and Welfare), parents are not doing a good job, the advocate (a "specialist" appointed by the government) would enter the home and direct the education, even within the home. And, if the parent would object, the authority in the home would, DeFacto, be transferred to these advocated (sic).'"

FACT

This quotation does not appear in the Congressional Record although it appears to be a combination of a number of related statements that appear throughout the Congressional Record of December 2, 1971. However, it is categorically false to contend that: (a) such language appears in HR 2966; (b) such beliefs are held or advocated by any of the sponsors of HR 2966; or (c) that any "child advocacy clause" of any kind appears in the bill. (See "Special Note on the Congressional Record" below.)

ATTACK

"Charter of Children's Rights of the National Council of Civil Liberties is becoming a part of this Child Development Act."

(The flyers go on to list "several items in this charter," alleging that they can "be found on page 44138 of the Congressional Record.)

FACT

No such language or "charter" has ever been proposed, included or even considered for the Child and Family Services Act or any related piece of legislation. This "charter" initially surfaced during Senate debate on December 2, 1971 on the Conference Report on the Office of Economic Opportunity Act. Senator Carl T. Curtis (R-Nebraska) said, "In England, child development advocates have gone so far as to draft a charter of 'children's rights.'" Curtis continued by reading from something he called the "Charter of Children's Rights" of "the British

Advisory Center of Education and the National Council for Civil Liberties." Thus these so-called "rights" were never advocated by sponsors of this legislation and, in fact, the "Council" cited is not even an American organization. (See "Special Note on the Congressional Record" below.)

ATTACK

"Can the Government take away your children? Comprehensive child development, the Soviet-style system of communal child rearing which almost became law in this country in 1971 is once again being pushed through Congress. The current bills H.R. 2966 (House of Representatives), S. 626 (Senate), are virtually identical to the original act passed in 1971, but fortunately vetoed by the then president, Nixon. Now it is known as the Child and Family Services Act of 1975 and any changes are merely cosmetic.

"In vetoing the original bill which would have removed children from their parent's instruction shortly after birth, Mr. Nixon said that it would weaken the American family by committing 'vast moral authority of the national government to the side of communal approaches to child rearing over against the family oriented approach.'

"We are in serious danger of 'Sovietizing' the education of our children if we let the Child and Family Services Act of 1975 pass. Those who support this Act in the Congress are convinced that it will sail through the House.' "

FACT

These charges, made by President Nixon in vetoing the Comprehensive Child Development Act of 1971, are absurd and irresponsible. The sponsors of the bill have carefully drafted it to protect the rights of parents and their children:

First, participation in the program is completely voluntary. Children will not participate without the specific request of a parent or legal guardian.

Second, children will not be tested unless the parent or guardian is informed and given the opportunity to except the child from testing.

Third, the bill contains specific language providing protection against any involvement of the moral or legal right of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. (See attachment A.)

Unlike the public school program, the child and family services programs are totally voluntary.

ATTACK

"According to the Congressional Record, the intent of the bill is for the government to be responsible . . . for the nutritional interests of your child, for all psychological interests of your child."

FACT

The intent of the bill is (Sec. 2(b)) "to provide a variety of quality child and family services in order to assist parents who request such services, with priority to those preschool children and families with the greatest need, in a manner designed to strengthen family life and to insure decision-making at the community level, with direct participation of the parents of the children served and other individuals and organizations in the community interested in child and family service (making the best possible use of public and private resources), through a partnership of parents, State and local government, building upon the experience and success of Headstart and other existing programs." (See "Special Note on the Congressional Record" below.)

ATTACK

"The following excerpts are taken from the Congressional Record: 'What is at issue is whether the parent shall continue to have the right to form the character of the children or whether the state, with all its power and magnitude, shall be given the decisive tools and technique for forming the young lives of the children of this country.

'As a matter of the child's right, the government shall exert control over the family because we have recognized that the child is not the care of the parents but the care of the state (sic). We recognize further that not parental, but communal forms of upbringing have an unquestionable superiority over all other forms. Furthermore, there is serious question that maybe we cannot trust the family to prepare young children in this country for this new kind of world which is emerging.'

"This all smells of Communism. This is what in fact has been and is being done in Soviet Russia. This is what can become the law of our land, if the Child & Family Service Act of 1975 is passed by the Congress. We elected this Congress, but do we know what they are attempting to do to our freedoms and our rights?"

FACT

These citations do not appear in the Congressional Record. In fact, they are diametrically opposed to the purpose and intent of the bill.

First, the programs are completely voluntary.

Second, the precisely stated purpose of the legislation is to "strengthen family life," not weaken it.

Third, the program is to be operated locally, not by the national government.

Fourth, specific prohibitions against any practice infringing on the rights and responsibilities of parents are contained in the bill (Sec. 504 (a)). (See "Special Note on the Congressional Record" below.)

SPECIAL NOTE ON THE CONGRESSIONAL RECORD

Throughout this leaflet, the "Congressional Record" is cited. The Congressional Record has the ring of an official pronouncement to it. But anyone who has ever even glanced at the Record knows that it contains not only the debates in the House of Representatives and Senate but also speeches and material simply "inserted" into the Record. Any Member of Congress has the right to insert material in the Record and therefore the assertion that a statement is "according to the Congressional Record" is meaningless since the Record itself makes no statement of policy. Policy statements are made by the Members of Congress quoted in the Record.

This flyer provides a good example of the abuse of the citation of the Congressional Record. Senator Curtis of Nebraska included as part of his remarks on a bill considered by Congress in 1971 some material which he attributed to an organization in a foreign country. By misleading citation, the flyer implies that this material appeared in the Congressional Record this year and that it represents the contents of the bill. The bill's chief sponsor in the House had never before seen this material.

The last item I would like to enclose is probably the most valid one of all—a complete summary of the House bill, as prepared by the Library of Congress:

H.R. 2966. Mr. Brademas, et al.; 2/6/75. Education and Labor.

Child and Family Service Act—Title I: Child and Family Service Programs—Provides that the Secretary shall take all necessary action to coordinate child and family service programs under his jurisdiction and that, to this end, he shall establish and maintain within the Office of the Secretary of the Department of Health, Education, and Welfare an Office of Child and Family Services administered by a Director appointed by the President with the advise and consent of the Senate.

Provides that such office shall assume the responsibility of the Office of Child Development and shall be the principal agency of the Department for the administration of this Act.

Establishes a Child and Family Services Coordinating Council, consisting of the Director of the Office of Child and Family Services (who shall serve as chairperson), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the appropriate Federal agencies.

Requires the Department of Labor, and other appropriate agencies, to meet on a regular basis, as they may deem necessary, in order to assure coordination of child and family service activities under their respective jurisdictions so as to assure maximum use of available resources through the prevention of duplication of activities; and to structure the activities related to the purposes of this Act.

States that funds available for this title may be used (in accordance with approved applications and plans) for planning and developing child and family service programs; establishing, maintaining, and operating child and family service programs, which may include:

(1) part-day or full-day child care programs, which provide educational, health, nutritional, and social services directed toward enabling participating children to attain their maximum potential;

(2) other health, social, recreational, and educational programs designed to meet the special needs of children and families including before- and after-school and summer programs;

(3) school services, and education, and consultation for parents, other family members functioning in the capacity of parents, youth, and prospective and expectant parents who request assistance in meeting the needs of their children;

(4) social services to help families determine the appropriateness of child and family services and the possibility of alternative plans;

(5) prenatal, post partus and other medical care, including services to expectant mothers who cannot afford such services, designed to help reduce handicapping conditions among the newborn;

(6) programs designed to meet the special needs of ethnic groups and to meet the needs of all children to understand the history and cultural backgrounds of ethnic groups and the role of members of such groups in the history and cultural development of the Nation and the region in which they reside;

(7) food and nutritional services;

(8) diagnosis, identification, and treatment, and special activities designed to ameliorate physiological, mental, psychological, and emotional barriers to full participation in child and family service programs;

(9) programs designed to extend child and family service gains (particularly parent participation) into the kindergarten and early primary grades, in cooperation with local educational agencies;

(10) other such services and activities as the Secretary deems appropriate to furtherance of the purposes of this Act;

(11) rental, lease or lease-purchase, mortgage amortization payments, renovation, acquisition and maintenance of necessary equipment and supplies, and to the extent authorized by this Act, construction or acquisition of facilities, including mobile facilities;

(12) preservice and inservice education and training for professional and paraprofessional personnel, including parents and volunteers, especially education and training for career development and advancement;

(13) staff and other administrative ex-

penses of child and family service councils and of project policy committees established and operated in accordance with the provisions of this Act; and

(14) dissemination of information in the functional language of those to be served to assure that parents are well informed of child and family service programs available to them and may participate in such programs.

Provides that a State, locality, or combination of localities may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out programs under this title.

Enumerates the requirements which must be met by States and localities submitting prime sponsorship applications.

States that each prime sponsor shall establish and maintain a Child and Family Service Council of specified composition.

States that such Council shall be responsible for approving child and family service plans, basic goal, policies, procedures, overall budget policies and project funding, and the selection or establishment and annual renewal of an administering agency or agencies and will be responsible for annual and ongoing evaluation of child and family service programs according to criteria established by the Secretary.

States that financial assistance under this title may be provided by the Secretary for fiscal year 1976 and any subsequent fiscal year to a prime sponsor only pursuant to a child and family service plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Specifies the elements to be contained in such plans, and the procedure including opportunity for airing of views with respect to such plan, for approval or disapproval of the plan.

States that funds may be provided by the prime sponsor for carrying out any program under such prime sponsor's comprehensive child and family service plan only to a qualified public or private agency or organization, including but not limited to an educational agency or institution, a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, organization interested in child care, employer or business organization, labor union, or employee or labor management organization, or by any other public or private agency whose project application is approved by the Child and Family Service Council of the prime sponsorship.

Provides for special grants to States for necessary expenses incident to the operation of programs authorized by this Act in such States, and, in addition to the conditions which must be set for such grants, requires that grants for construction or acquisition of facilities may be made only if such construction or acquisition is essential to the provision of adequate child care services.

Title II: Standards and Evaluations—Provides that, within six months after the enactment of this Act, the Secretary shall promulgate a common set of program standards which shall be applicable to all programs providing child care services under this or any other Federal Act, to be known as the Federal Standards for Child Care. Provides that the Secretary shall, within sixty days of the enactment of this Act, appoint a Special Committee on Federal Standards for Child Care to participate in the development of Federal Standards for child care and modifications thereof.

Provides for the development of a minimum code for child and family service facilities to be addressed to the health, safety, and physical comfort of the children participating in such programs.

Title III: Facilities and Research for Child and Family Services Programs—States that it is the purpose of this title to assist and encourage the provision of urgently needed facilities for child care and comprehensive child services programs.

States that the Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this title upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon. Provides that the mortgage shall be executed by a mortgagor approved by the Secretary, and that such mortgages shall involve in principal obligation of up to $250,000 and not to exceed 90 percent of the estimated replacement costs of properties or projects when the proposed improvements are completed. Creates a Child and Family Services Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this title, including mortgage insurance. Authorizes the Secretary to make grants, contracts, or other arrangements to carry out a program of research and demonstration projects, which shall include but not be limited to:

(1) research to develop techniques to measure and evaluate child and family services, and to develop standards to evaluate professional and paraprofessional child and family service personnel;

(2) research to test preschool programs emphsizing reading and reading readiness;

(3) preventive medicine, techniques, and technology to improve the early diagnosis and treatment of diseases and learning disabilities of pre-school children;

(4) research to test alternative methods of providing child and family services;

(5) evaluation of research findings and the development of these findings and the effective application thereof;

(6) dissemination and application of research and development efforts and demonstration projects to early childhood education programs;

(7) production of informational systems and other resources necessary to support the activities authorized by this Act;

(8) developing methods of determining the needs of individual children in particular areas such as education, nutrition, and medical services, so as to permit the modification of programs to fit the needs of individual children; and

(9) a study of the need on a nationwide basis for child and family services programs and of the resources, including personnel, which are available to meet this need.

Title IV: Training of Personnel for Child and Family Services—Authorizes the Secretary of Health, Education, and Welfare to make grants to or enter into contracts with institutions of higher education, State and local agencies, State and local educational agencies, private organizations and agencies engaged in teacher training, teacher training institutions, national child care organizations, and producers of television programing, for the purpose of establishing, developing, or upgrading early childhood personnel training progress to respond to the demonstrated need for child services personnel in the 1970's; and by stimulating the development of sufficient training and educational programs in every State and region of the United States to assure an adequate supply of personnel to meet staffing requirements.

Authorizes appropriations for fiscal years 1976, 1977 and 1978 to carry out this title.

Title V: General Provisions—Defines the terms used in this Act.

Provides for nutrition services to be provided to child and family service programs under the National School Lunch Act of 1946 and the Child Nutrition Act of 1966.

These four items should provide the public with an adequate base of information upon which to form their opinions about the bill.

As I said in my opening remarks, I am neither supporting nor opposing the bill. I have been studying it for some weeks now and I will continue to do so.

I am concerned about the budgetary impact of the bill. Its supporters would like to see billions spent on child and family services. I think such spending exceeds the Federal budget.

Committee hearings will continue to be held on the legislation, and it is expected to be reported out to the House floor by early summer.

I hope this summary of the legislation and its status is helpful to my colleagues and my constituents.

CONGRESSIONAL CONFERENCE ON AGING IN 1976

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. DOWNEY of New York. Mr. Speaker, I will soon reintroduce with cosponsors a joint resolution to create a temporary Joint Committee on the Aging for the purpose of conducting a Congressional Conference on the Aging in this Bicentennial Year. I would like my colleagues to have a chance to read the text of the bill, so I include it here for the RECORD.

H.J. RES. 748

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF JOINT COMMITTEE

SECTION 1. There is established a Joint Committee on Aging (hereinafter in this joint resolution referred to as the "joint committee").

MEMBERSHIP

SEC. 2. (a) The joint committee shall be composed of _____ members as follows:

(1) three members of the Committee on Education and Labor of the House appointed by the Speaker of the House;

(2) ten members of the Select Committee on Aging of the House appointed by the Speaker of the House;

(3) three members of the Committee on Labor and Public Welfare of the Senate appointed by the President pro tempore of the Senate; and

(4) ten members of the Special Committee on Aging of the Senate appointed by the President pro tempore of the Senate.

(b) Any vacancy in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee. Any such vacancy shall be filled in the same manner as the original appointment.

(c) The joint committee shall select a chairman and a vice chairman from among its members.

(d) The members of the joint committee shall serve without pay in addition to that received for their services as Members of the House of Representatives or the Senate. Such members shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in performance of the functions of the joint committee, other than expenses in connection with meetings of the joint committee in the District of Columbia when the Congress is in session.

FUNCTIONS OF JOINT COMMITTEE

SEC. 3. (a) The joint committee shall plan and conduct a congressional conference on aging (hereinafter in this joint resolution referred to as the "conference").

(b) The conference shall seek to establish facts and develop recommendations for the purpose of developing a national policy toward the improvement of the conditions of older persons in the United States.

(c) The conference shall bring together representatives of (1) the Federal Government; (2) State and local governments; (3) professional and lay persons working in the field of aging; and (4) the general public, including older persons.

STAFF OF JOINT COMMITTEE

SEC. 4. (a) The joint committee may—

(1) appoint, without regard to political affiliation and solely on the basis of fitness to perform their duties, such professional, technical, clerical, and other personnel as the joint committee considers appropriate; and

(2) fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code.

(b) In carrying out its functions under this joint resolution, the joint committee shall utilize the services, information, facilities, and personnel of the Select Committee on Aging of the House and the Special Committee on Aging of the Senate.

REPORT OF JOINT COMMITTEE

SEC. 5. (a) The joint committee shall report its findings and recommendations, based upon the recommendations of the conference, to the House of Representatives and the Senate no later than January 31, 1977.

(b) Nothing in this joint resolution may be construed to authorize the joint committee to report to either House any proposed bill, resolution, or measure, or to have referred to the joint committee any proposed bill, resolution, or measure.

(c) The joint committee shall cease to exist upon transmitting its report under subsection (a).

RULES AND PROCEDURES

SEC. 6. The joint committee may make such rules respecting its organization and procedures as it considers necessary, except that no recommendation may be reported from the joint committee unless a majority of the joint committee agree with such recommendation.

EXPENSES OF JOINT COMMITTEE

SEC. 7. The expenses of the joint committee shall be paid from the contingent fund of the House of Representatives, upon vouchers signed by the chairman of the joint committee.

ART BY THE HANDICAPPED OF WESTCHESTER

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. OTTINGER. Mr. Speaker, I would like to share with my colleagues an article which appeared in the Port Chester Daily Item on January 14, 1976. It concerns an extraordinary art exhibit by the handicapped of Westchester County, N.Y. It is a fine demonstration of what can be done to emphasize people's abilities rather than the disabilities.

Over 60 works of art and crafts are included in the sixth annual Exhibition of Art by the Handicapped of Westchester. The exhibit is at the Scarsdale National Bank, 51 Wheeler Ave., Pleasantville, and will remain on view during regular banking hours until Feb. 5.

Exhibitors include artists from the Westchester Lighthouse, Westchester Association for Retarded Children in White Plains and Yonkers, United Cerebral Palsy of Westchester, Muscular Dystrophy Association, Opengate in Somers, Sarah Neuman Nursing Home in Mamaroneck, Extended Care Pavilion of New Rochelle Hospital Medical Center and the White Plains Nursing Home and Extended Care facility.

The purpose of this exhibition is to encourage and recognize creative activity on the part of the handicapped, and to educate the public as to the high level of creative accomplishment attained by the handicapped. The show is sponsored by Carroll-Condit Galleries in White Plains, where it was first hung and judged, and by the Mamaroneck Artists Guild, managers of the countywide tour of the show.

Cash prizes were donated by PepsiCo, Technicon, and the Westchester Rockland Newspapers.

Winners of the first prize awards include:

Frank Nicolet, a blind artist from the Westchester Lighthouse, for his oil painting, "Peaceful Night."

Steve Silverman of Opengate for his drawing, "Bicycle."

Norma Victorius from Sarah Neuman for her hand designed needlework "Patchwork."

Leah Cohen of Sarah Neuman for her hand designed toy bed.

Catherine Bruno, a blind artist at the Extended Care Pavilion, for a ceramic vase.

Gladys Vasquez of Muscular Dystrophy for her oil painting, "Abstract No. 7."

Charles Toscano of the Extended Care Pavilion for his miniature playground done in ceramics.

Ben Cooper and Nellie Coleman of the Extended Care Pavilion for a "Square Dance Mural" on wheelchair square dancing done in applique.

Children of Jimmy Vejar Day Camp of United Cerebral Palsy of Westchester for two constructions "New York's Finest," and "American Farmland."

WARC in White Plains participants, ages 29 through 39, for bottles decorated with masking tape and shoe polish.

Judges included Ted Drazuk, art collector, manager of Income Tax Compliance for IBM, first vice president of Westchester Easter Seal Society and wheelchair bound from polio; Carol Beighley, painter and graphic artist, former supervisor of art therapy at New York Hospital, Westchester Division, White Plains; and Florence Reiff, artist, founding president of the Docent Council of Neuberger Museum in Purchase.

THE MODERN LITTLE RED HEN

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. ROUSSELOT. Mr. Speaker, certainly we all remember the story of the "Little Red Hen" from our childhood. We recall how the energetic little hen went about her work, gathering the grain, planting the wheat, baking the bread, and wisely performing the duties with industry and prudence. We can also remember that the enterprising red hen received no help from her lazy and uninspired friends, the cow, the duck, the pig, and the goose. When asked to help with the preparation of her bread, they were always quick to produce some likely excuse such as "I'm tired", or "I have better things to do", or "I'll help some other time." Though they were unwilling to help the little red hen in the necessary preparations of the bread, when it was finished and ready to eat, they were more than anxious to help the practical and understanding little red hen consume her prize.

But alas and alack, what was her reward? I invite my colleagues to read a modern version of the "Little Red Hen" which appeared in the December 2, 1975 edition of the Wall Street Journal. A version created by the Pennwalt Corp., the story has important application to the economy and certain trends that we can see in our country today:

THE MODERN LITTLE RED HEN

Once upon a time, there was a little red hen who scratched about the barnyard until she uncovered some grains of wheat. She called her neighbors and said, "If we plant this wheat, we shall have bread to eat. Who will help me plant it?"

"Not I," said the cow.

"Not I," said the duck.

"Not I," said the pig.

"Not I," said the goose.

"Then I will," said the little red hen. And she did. The wheat grew tall and ripened into golden grain. "Who will help me reap my wheat?" asked the little red hen.

"Not I," said the duck.

"Out of my classification," said the pig.

"I'd lose my seniority," said the cow.

"I'd lose my unemployment compensation," said the goose.

"Then I will," said the little red hen, and she did.

At last it came time to bake the bread. "Who will help me bake the bread?" asked the little red hen.

"That would be overtime for me," said the cow.

"I'd lose my welfare benefits," said the duck.

"I'm a dropout and never learned how," said the pig.

"If I'm to be the helper, that's discrimination," said the goose.

"Then I will," said the little red hen.

She baked five loaves and held them up for her neighbors to see.

They all wanted some, in fact, demanded a share. But the little red hen said, "No, I can eat the five loaves myself."

"Excess profits!" cried the cow.

"Capitalist leech!" screamed the duck.

"I demand equal rights!" yelled the goose.

And the pig just grunted. And they painted "unfair" picket signs and marched around and round the little red hen, shouting obscenities.

When the government agent came, he said to the little red hen, "You must not be greedy."

"But I earned the bread," said the little red hen.

"Exactly," said the agent. "That is the wonderful free enterprise system. Anyone in the barnyard can earn as much as he wants. But under our modern government regulations, the productive workers must divide their product with the idle."

And they lived happily ever after, including the little red hen, who smiled and clucked, "I am grateful. I am grateful."

But her neighbors wondered why she never again baked any more bread.

At the conclusion of the reguired business of the 1975 Pennwalt Annual Meeting, Chairman and President William P. Drake, commenting on the state of the company in today's economy, read this, his own adaptation of a modern version of the well-known fable of The Little Red Hen.

We make things people need—including profits. That's why we've been in business for 125 years, and have paid dividends for 113 years consecutively.

Pennwalt Corporation, Three Parkway, Philadelphia, Pa. 19102, Chemicals, Health Products, Specialized Equipment.

THE NEW SCAREMONGERS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. McDONALD of Georgia. Mr. Speaker, for the past 20 years the liberal-left has branded every attempt to keep track of subversives as the work of right wing "scaremongers" and "McCarthyites," who see a Communist behind every bush. These tactics continue even today, when the subversives have come out from behind their bushes to engage in such practices as the killing of innocent people in public bombings.

At the same time, the leftists are carrying on a real scaremongering campaign of their own. Under the guise of "ecology" and "protecting" the environment, it consists of attempting to scarce people out of their wits by presenting bits of carefully selected "evidence" in conjunction with some pseudoscientific hypotheses which purport to show that industrialization is the cause of every disease known to man, from cancer to schizophrenia. Ignored is the fact that it is science and technology that have wiped out plagues and diseases that used to remove man from his "natural" environment.

This campaign is aimed at just about every manifestation of scientific and technological progress which benefits human life. One current example is the attack on the Concorde. Supersonic flights in the stratosphere, it is claimed, will dilute the ozone layer which protects us from the Sun's ultraviolet rays, and we will all perish from an epidemic of skin cancer.

The fact, as Senator Barry Goldwater has pointed out, that the million or so military supersonic flights over the United States have caused no measurable ozone depletion, is ignored.

We are bombarded daily with innumerable other examples by our news media, which seems to have joined the scaremongering campaign with a vengeance. Perhaps the worst offenders are the television networks, particularly CBS, which specialize in news reports by scientific illiterates calculated to show that the market is saturated with products which are causing cancer and other dread diseases. In the January 10, 1976, issue of TV Guide, Edith Efron analyzes these news reports, demonstrating their bias and unscientific methodology. Whatever the goals of these new reports, enlightening the public is not one of them.

The article follows:

BIASED "SCIENCE" REPORTING SCARES TV VIEWERS

(By Edith Efron)

Something stupid and dangerous is going on at the networks, CBS news seems to be specializing in it, and although an immense amount of worried discussion is taking place over it in the scientific world, nobody is standing up and giving the public a forthright warning against it. Nobody ever does—not when the news bulls are running at the electronic Pamplona. At such times, even the hardiest, it seems, scatter and run for their lives.

The issue is both simple and complex, and even to understand this much is valuable, since it supplies one with some degree of sane perspective on the problem. The simple part of the issue is this: scientifically untrained reporters are scaring the population to death with the idea that incalculable numbers of products are on the market which are inducing cancer and other dread diseases. The complex part of the issue is this: there is no substance on earth which, when ingested in varying amounts by human beings, will not cause problems for some of them, ranging from temporary discomfort to death.

Until quite recently, this was understood by the literate population at large. Anyone who has ever read the instructions accompanying even the most innocuous drugs, knows that virtually all have warned that the product should not be taken under x, y and z circumstances. As for prescription drugs, the warnings about dangerous side effects for some percentage of takers have always been complex and intimidating, and characteristically, doctors have been cautious about prescribing them and have warned patients about the risks involved. Nonetheless, in certain situations, only such dangerous drugs can save lives, and the risks must be taken. To an awesome degree, the sophisticated practice of medicine is a complex calculation of probabilities and risks.

The calculated-risk is applicable to substances other than medicines. About 20 years ago, a magazine carried an article which I remember vividly. In fact, I thought it so clever, I clipped it, and used it for several years as required reading in a journalism course I gave, to illustrate originality in the use of research. The reporter involved was struck one day, by the realization that almost everything on earth was dangerous to somebody. So he reviewed all the medical literature he could get his hands on, and came up with the most incredible list of dangerous products anyone had ever seen. It turned out that practically everything touched, breathed, tasted or swallowed caused disease and death in somebody, somewhere. The reporter's straight-faced moral was this: If you want to stay alive, don't touch, breathe, taste, or swallow *anything*. The magazine's editors at the time, thought it was hilarious, readers thought it was hilarious, and it was hilarious. Twenty years ago, semi-literate hysterics had not acquired a dominant voice in the culture, and did not see an apocalyptic threat to existence under every bush. What's more, all sane human beings knew that the very act of daily living involved risk.

Today, a small handful of newspaper people whose professional training customarily renders them incapable of judging the validity of biological research—are rushing in where angels fear to tread, and dragging the whole uneducated population with them. These "investigative" geniuses have simply rediscovered what that reporter discovered 20 years ago. Better yet they have caught on that this makes a fascinating new way in which to demonstrate their increasingly revolting righteousness. "What?" they shout (in an acute spasm of what Irving Kristol has called "moral elephantiasis") "a product exists that risks the well-being of some percentage of the population? Ban it! Kill it! Off with its head! How dare the Government allow U.S. industry to subject any portion of the population to any risks at all?"

And so we see Dan Rather rushing around frantically digging up examples of people who may—or may not—have been made severely ill or killed by some product or other interviewing sobbing wives, reporting on certain experiments, largely failing to report on the harsh critiques of those experiments, and leaving the overriding impression that American industry is engaged in a wholesale slaughter of the innocents. That was the technique used in a documentary shamelessly entitled "The American Way of Cancer." And that is what went on in a *Face the Nation* program on Dec. 28, when the entire news panel ganged up on Federal Drug Administration head Alexander Schmidt, aggressively fought his assessments of certain bodies of scientific research; challenged the conclusions of large groups of scientists; demanded to know why certain medicines which posed definite risks for some percentage of their takers were not banned; and repeatedly insisted on the idea that individuals should be required to sign consent papers before accepting treatment utilizing such drugs. (And never mind what such incredible bureaucratic impositions would do to the practice of medicine.) These reporters were not simply seeking news. They were assuming the intellectual prerogatives of scientists, and displayed an intellectual arrogance that is never found in real scientists. Their ignorant hubris and hostility was outrageous.

Now, I *don't* mean by all this that serious risks and dangers don't exist. They do. And I *don't* mean continuous scientific assessment of the effects of dangerous drugs is not necessary. It is. And I *don't* mean that the public should not receive valid medical information. It should. All I mean is that the networks should stop this scandalous process of allowing the scientifically untrained to air ill-informed, unbalanced, and terrifying opinion to a scientifically untrained public. At an absolute minimum, interviewing should be conducted by scientifically qualified people. No documentaries on medical controversies should ever be aired that do not include representatives of all the schools of thought involved. And no reporter who cannot write a decent essay, acceptable to the National Science Foundation, on the principles of scientific epistemology, on valid hypothesis formation and on what constitutes adequate scientific evidence for a hypothesis within the full context of available knowledge, should be allowed near such an assignment. If he can't do that, he can no more assess competing scientific studies than a pig can fly, and he should be sent back to his usual beat collecting handouts and scavenging for gossip and leaks about political personalities. That's all he's been trained for, and that he is good at doing.

ONE MAN'S OPINION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 3, 1976

Mr. CARTER. Mr. Speaker, President Theodore Roosevelt once was quoted as saying:

In popular government results worth having can be achieved only by men who combine worthy ideals with practical good sense.

As I am sure others here in Washington have observed, many of the actions originating in this capital fail to meet that test. That our citizens outside Washington are not unaware of this fault was made clear most forcefully in an article in my hometown newspaper by Mr. Byrd W. Cook. I would like to share

with my colleagues Mr. Cook's "One Man's Opinion" that appeared in the Tompkinsville News on December 11 so that they also might have the benefit of his views about commonsense in government and respect for the law:

ONE MAN'S OPINION

(By Byrd W. Cook)

An ambulance in New York on a mercy run in a heart attack case, was given a parking ticket and informed by the law that it didn't give a damn if it was an ambulance, and the next time it would be $50.00 for the ticket. How long will we let fools make laws and morons enforce them.

What is the purpose of such laws? The high-sounding phrase, "Department of Public Safety," is prostituted continuously to simply bring revenue, as are any number of our so-called laws that only enforcers respect. One feels they have no concern at all for people but are out for all the revenue they can take in and really are working for insurance interests.

People respect the law and try to obey it and most laws are good. But some of the disrespect it has earned is due to the fringe of hard noses that are ready to prey on thet public who support it. The people are bigger than the enforcers and believe malicious wrong-doers should be prosecuted regardless of which side of the law they are on. Bad laws are being proposed all the time. They are aired in the headlines to get them put in use, and then we must listen to the hypocrits say "yes, we must respect the law even if it is a bad law." Once they are on the books, the parasites move in to reap the harvest and take advantage of the loop holes.

Common sense in government would accomplish a lot more and maybe the taxpayer could afford it. The boob tube has itself up to dictate policy in our country. It wants to pick presidents—it wants to legislate gun laws. Now, it is moving in to the Citizens Band radio area. Yes, it is going to set us straight on the air waves. It thinks we are a bunch of ratchet jaws. Don't we just love those people that consider us ignorant, uninformed, and talk silly talk. I wonder if it watches its own silly talk. Some of its commercials can drive a person up the wall. It has been said it does not intend to inform us at its own expense, so its mouths paid for opinions that serve only the purpose of those who pay for them.

We are getting an overdose of attempted legislation by headlines. We are on the threshold of back door dictatorship. This is being brought about through education of young people to crime, we are deluged by every form of crime on T.V.; we have nothing but giveaway programs and incessant crime by the worst kind of perverts.

Truly we are being brainwashed into the police state and it may be total within a generation. Why must we carry this tragedy to its obvious conclusion?

SENATE—*Wednesday, February 4, 1976*

The Senate met at 9 a.m. and was called to order by Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Hear the words of Proverbs:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths.—Proverbs 3: 4, 5.

O God by whose providence we are here and made stewards of the people's trust, come upon us as a living presence that our work may also be our worship. We offer to Thee all we have of body and mind, of emotion and will.

"We give Thee but Thine own,
What-e'er the gift may be:
All that we have is Thine alone,
A trust, O Lord, from Thee.

"And we believe Thy word,
Though dim our faith may be:
What-e'er for Thine we do, O Lord,
We do it unto Thee."

—*Bishop W. Walsham How*, 1864.

So wilt Thou guide us through our days and reward our labor with hearts at peace with Thee. 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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 4, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. PASTORE 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 Tuesday, February 3, 1976, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER VITIATING ORDER FOR RECOGNITION OF SENATOR TOWER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the special order for the recognition of the distinguished Senator from Texas (Mr. TOWER) be vitiated.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with new reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nominations of Anthony C. E. Quainton, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic; Willard A. DePree, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique; Albert B. Fay, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago; and, James W. Hargrove, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered and confirmed, en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed, en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief morning hour for the conduct of morn-