

By Mrs. HECKLER (for herself, Mr. CORNELL, Mr. EDGAR, Mr. GUYER, Mr. MOTT, Mr. WALSH, Mr. BALDUS, Mr. BRODHEAD, Mr. CLEVELAND, Mr. D'AMOURS, Mr. DELANEY, Mr. DOWNEY, Mr. HANLEY, Mr. HARRINGTON, Ms. HOLTZMAN, Mr. McHUGH, Mr. MOAKLEY, Mr. NEDZI, Mr. PANETTA, Mr. QUIE, Mr. REUSS, Mr. RINALDO, Mr. STUDDS, Mr. THOMPSON, and Mr. WHITEHURST):

H.R. 9561. A bill to amend title 38, United States Code, to provide for the payment of supplemental tuition allowances to certain veterans pursuing educational programs for purposes of offsetting the differences in State educational costs; to the Committee on Veterans' Affairs.

By Mrs. HECKLER (for herself, Mr. CORNELL, Mr. CAPUTO, Mr. CARR, Mr. FLORIO, Mr. FORD of Michigan, Mr. LAFALCE, Mr. LEDERER, Mr. LEHMAN, Mr. LUNDINE, Mr. MITCHELL of New York, Mr. MOORHEAD of Pennsylvania, Mr. NOLAN, Mr. OTTINGER, Mr. PATTISON of New York, Mr. PURSELL and Mr. RISENHOVER):

H.R. 9562. A bill to amend title 38, United States Code, to provide for the payment of supplemental tuition allowances to certain veterans pursuing educational programs for purposes of offsetting the differences in State educational costs; to the Committee on Veterans' Affairs.

By Mr. KEMP (for himself, Mr. COLLINS of Texas, Mr. CONABLE, Mr. DICKINSON, Mr. EMERY, Mr. EVANS of Delaware, Mr. FORSYTHE, Mr. FRENZEL, Mr. FREY, Mr. GRASSLEY, Mr. HANSEN, Mr. HILLIS, Mr. JEFFORDS, Mr. KASTEN, Mr. KETCHUM, Mr. LATTI, Mr. MILLER of Ohio, Mrs. PETTIS, Mr. PRITCHARD, Mr. PURSELL, Mr. QUILLEN, Mr. SCHULZE, and Mr. THONE):

H.R. 9563. A bill to provide for permanent tax rate reductions for individuals and businesses; to the Committee on Ways and Means.

By Mr. KEMP (for himself and Mr. LIVINGSTON):

H.R. 9564. A bill to provide for permanent tax reductions for individuals and businesses

in order to expand both job opportunities and productivity in the private sector of the economy; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mr. ROUSSELOT, Mr. RAILSBACK, Mr. WALGREN, Mr. CLEVELAND, and Mr. GOODLING):

H.R. 9565. A bill to provide for an alternative amortization period for pollution control facilities; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 626. Joint resolution making continuing appropriations for the fiscal year 1978, and for other purposes; to the Committee on Appropriations.

By Mr. NOLAN (for himself, Mr. ABDNOR, Mr. AKAKA, Mr. BEDELL, Mr. DE LUGO, Mr. EVANS of Delaware, Mr. EVANS of Georgia, Mr. FORD of Tennessee, Mr. FRASER, Mr. FRENZEL, Mr. HUGHES, Mr. MITCHELL of Maryland, Mr. OBERSTAR, Mr. PATTISON of New York, Mr. PEPPER, Mr. PURSELL, Mr. QUAYLE, Mr. RUSSO, Mr. TRAXLER, Mr. TUCKER, Mr. WALGREN, Mr. WOLFF, Mr. YOUNG of Alaska, and Mr. YOUNG of Missouri):

H.J. Res. 627. Joint resolution authorizing the President to proclaim the third week of May of 1978 and 1979, as National Architectural Barrier Awareness Week; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Florida:

H.J. Res. 628. Joint resolution to authorize and request the President to issue annually a proclamation designating the first Sunday of September after Labor Day each year as National Grandparents Day; to the Committee on Post Office and Civil Service.

By Mr. MILFORD:

H. Con. Res. 378. Concurrent resolution expressing the sense of the Congress regarding the sovereign rights of the United States in the Canal Zone; to the Committee on International Relations.

By Mr. KEMP (for himself, Mr. BADHAM, Mr. BURGNER, Mr. COLLINS of Texas, Mr. FORSYTHE, Mr. GOODLING, Mr. HEFTTEL, Mrs. HOLT, Mr. HUGHES, Mr. HYDE, Mr. KINDNESS, Mr. JOHN T. MYERS, Mr. QUIE, Mr. STEERS, and Mr. WHITEHURST):

H. Res. 831. Resolution to express the sense of the House with respect to administrative policy changes by the Internal Revenue Service; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BEILENSON:

H.R. 9566. A bill for the relief of George F. Roth; to the Committee on the Judiciary.

By Mr. HEFTTEL:

H.R. 9567. A bill for the relief of Judge Louis Le Baron; to the Committee on the Judiciary.

By Mr. JEFFORDS:

H.R. 9568. A bill for the relief of Renate Irene McCord; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 9569. A bill for the relief of Jack R. Misner; to the Committee on Ways and Means.

PETITIONS, ETC.

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

290. By the SPEAKER: Petition of the Executive Committee of the Legislative Council of the State of Oklahoma, relative to U.S. relations with the Republic of China; to the Committee on International Relations.

291. Also petition of the 119th Convention of the International Typographical Union, Cincinnati, Ohio, relative to postal service; to the Committee on Post Office and Civil Service.

292. Also petition of the Iosco County Democratic Party, Hale, Mich., relative to the retirement age under social security; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

DR. ROSALYN S. YALOW

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. SATTERFIELD. Mr. Speaker, it is a pleasure for me to call attention to the fact that two of the three Americans who were honored today with the Nobel prize in medicine are full-time, career employees of the Veterans' Administration.

Dr. Rosalyn S. Yalow is a senior medical investigator at the Bronx, N.Y., Veterans' Administration Hospital. She was awarded half the prize for her pioneering work in endocrinology, the study of glandular secretions, using the technique of radioimmunoassay which he and the late Dr. Solomon A. Berson, also of the Bronx VA Hospital, devised and introduced.

Dr. Andrew V. Schally, senior medical investigator at the New Orleans, La., VA Hospital, shares the other half of the prize with Dr. Roger Guillemin of the

Salk Institute. Dr. Schally and Dr. Guillemin have made many pioneering discoveries in peptide hormone chemistry.

Dr. Yalow has spent her entire professional career in the Bronx VA Hospital, and has won numerous other high honors for her scientific contributions. She was the first woman to be appointed a VA senior medical investigator. She holds the rank of distinguished service professor at the Mount Sinai School of Medicine, in addition to serving as chief of the nuclear medicine service and director of the Solomon Berson Research Laboratory at the Bronx VA Hospital.

Dr. Yalow established the first radioisotope laboratory in the VA system, in 1947. She was one of the first winners of the annual Federal Women's Award for outstanding achievement. She and Dr. Berson were jointly honored with the first presentation of the VA's highest research recognition, the William S. Middleton Award.

A year ago Dr. Yalow received the Albert Lasker Basic Medical Research Award, the first woman to be so honored.

She also has been honored with the Dickson prize of the University of Pittsburgh, the Howard Taylor Ricketts Award of the University of Chicago, the Koch Medal of the Endocrine Society, and the Award of the American College of Physicians for distinguished contributions in medical science.

She has been the recipient of the Veterans' Administration Exceptional Service Award and the American Medical Association's Scientific Achievement Award, Modern Medicine magazine's Distinguished Achievement Award and the A. Cressy Morrison Award in natural sciences of the New York Academy of Sciences.

Dr. Yalow is a member of the National Academy of Sciences.

Her research has been associated with the technique of radioimmunoassay and extending its use. This important research methodology has led to numerous advances in physiology and clinical medicine because of its precision and value in measuring minute quantities of many pharmacologic and biologic sub-

stances, including drugs, hormones, viruses and enzymes.

The technique is used in more than 4,000 laboratories in this country alone, and has been described as one of the most important advances of the past 20 years in basic research that can be directly applied to clinical medicine.

The independent discoveries of Dr. Schally and Dr. Guillemin also are examples of basic research that has direct application to patient care. Their findings were recognized by the Royal Caroline Institute for laying the foundations of modern hypothalamic research, and have potential value in treating infertility, diabetes, acromegaly, arthritis and kidney disease.

Dr. Schally has been chief of the Endocrinology and Polypeptide Laboratory at the New Orleans VA Hospital since 1962. He holds the academic rank of professor of medicine at Tulane University School of Medicine.

Dr. Schally also was awarded the Albert Lasker Basic Medical Research Award, in 1975, and the William S. Middleton Award of the Veterans' Administration, in 1970.

His contributions also have been recognized with the Van Meter prize of the American Thyroid Association, the Ayerst-Squibb Award of the U.S. Endocrine Society, the Charles Mickie Award of the University of Toronto, and the Gairdner Foundation National Award.

More recently he has been recipient of the Edward T. Tyler Award and the Borden Award of the Association of American Medical Colleges.

Selection of these two Federal employees for the highest honor in medical research is of great importance to American veterans, as well as to the Nation as a whole. The honor is not only a tribute to their own accomplishments, but to the outstanding medical research being conducted throughout the Nation by the Veterans' Administration.

Conduct of research is one of the three legislative missions of the Veterans' Administration, as spelled out in title 38, the enabling legislation of the department of medicine and surgery. Nearly 6,000 VA physicians participate annually in research activity at 130 VA hospitals.

The VA medical research budget is approximately \$105 million annually. Last year, individual VA scientists published more than 6,000 scientific articles in professional journals and presented almost that many lectures at scientific meetings throughout the country, sharing their knowledge with other scientists and physicians.

In addition to these individual projects, however, the VA annually conducts about 30 multihospital cooperative studies. These traditionally have generated significant knowledge of benefit not only to patients in the VA health care delivery system, but to the entire world.

Landmark contributions of these cooperative studies include those which first established the value of chemotherapy for tuberculosis and for mental illness. Other findings of significant importance evaluated drug treatment for hypertension, delineated new knowledge

of neurological disease, metabolic disorders, stroke prevention, the aging process, arteriosclerosis, chemotherapy as an adjuvant treatment after cancer surgery, the value of anticoagulant drugs, the nature of sickle cell disease and treatment for alcoholism.

Veterans' Administration researchers performed pioneering studies in kidney and liver transplants, the implantation of heart pacemakers, and in other fields.

It is therefore especially gratifying to me to see that this fine research activity has been recognized today, as well as the outstanding scientists whose individual studies have contributed so much.

MAN OF THE YEAR AWARD TO  
HON. NICHOLAS J. BUA

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. RUSSO. Mr. Speaker, the Honorable Nicholas J. Bua has been chosen by the Justinian Society of Lawyers in Chicago as the recipient of their Man of the Year Award and will be honored the evening of October 17 by the group.

He is currently president-elect of the American Justinian Society of Jurists, a 1,100-member organization of Italo-American judges throughout the United States and its possessions.

It is an honor for me to be personally acquainted with Judge Bua and I want to take this opportunity to share with my colleagues some of the accomplishments of this distinguished jurist that led to his selection for the coveted award.

Judge Bua was appointed as a Judge of the U.S. District Court of the Northern District of Illinois in July of 1977. Prior to his appointment to the Federal bench by President Carter, he served as a judge of the circuit court of Cook County, 1964-76. In 1976, he was elected a justice of the Illinois Appellate Court—First District, Chicago.

In 1972 the Supreme Court appointed him a member of the prestigious Supreme Court Rules Committee, a position he still holds, and since 1970 he has served on the executive committee of the Judicial Conference of the State of Illinois. He is a member of many professional associations and has received special awards for his contributions to programs of continuing legal education. A 1953 graduate of DePaul University College of Law, he was selected this year as the recipient of their Distinguished Alumni Award.

Obviously it is difficult to list all the achievements of a man such of Judge Bua, but I think it might help provide a clearer picture of just how effective and talented he is if I cite home comments and statistics from law groups themselves.

In November of 1975, he was the recipient of the highest rating of the Chicago Bar Association Committee on Judicial Candidates—94.7 percent—in connection with the screening of over 300

applicants for supreme, appellate, and circuit court judges.

In September 1976, the Chicago Bar Association announced the results of the poll of its members concerning the retention election of 32 circuit judges. Judge Bua, again, received the highest rating ever given to any judge during the entire 100-year history of the Chicago Bar Association—a finding of over 99 percent in categories involving the candidates' integrity, legal knowledge, judicial temperament.

In 1977, in connection with the screening of 18 prospective nominees for appointment to the Federal District Court for the Northern District of Illinois, the judge was found "highly recommended" by the Chicago Bar Association, receiving a percentage rating of 96.19 percent, the highest among the 18 names submitted by Senator ADLAI E. STEVENSON, to the association.

The judge is also a writer, a lecturer and has done extensive work with groups such as the Committee on Continuing Legal Education of the Chicago Bar Association, the University of Chicago Law School, De Paul University College of Law and the Illinois Judicial Conference.

I think it is evident that the Justinians have chosen a most outstanding gentleman as their Man of the Year. Next Monday will be a festive evening for all involved, and it will be a proud evening for Judge Bua and his lovely wife of 34 years, Camille and daughter Lisa Annette.

I know my colleagues join with me in congratulating Judge Bua and commending him for his fine service to the legal world.

TRIBUTE TO INMAN MILLS

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. MANN. Mr. Speaker, this month, Inman Mills of Spartanburg County, S.C., is celebrating its 75th anniversary—an event in which all concerned, both past and present, can take great pride. It is a particular source of pride to its president, James A. Chapman, Jr., whose family founded and has provided the dynamic leadership that has sustained Inman Mills throughout its 75-year history.

As a corporate citizen of Spartanburg County, Inman Mills is an important part of a local textile community that is providing 18,600 persons with gainful employment in the production of goods that are valued at \$628.6 annually.

The textile-fiber-apparel industry, as you know, Mr. Speaker, is vital to the economic health of America, and we are most fortunate to have stable companies such as Inman Mills, forming the backbone of this essential industry and contributing to the well-being of community, State, and country.

I am proud to have this opportunity to congratulate Mr. Chapman, the officers, stockholders, and employees of Inman Mills on this diamond jubilee and to offer my sincere hope that Inman and the scores of mills like it in other communities of our Nation will continue to prosper long into the future.

REPUBLIC OF CHINA CELEBRATES  
DOUBLE TEN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ASHBROOK. Mr. Speaker, on Monday of this week the Republic of China on Taiwan celebrated its national day—the commemoration of its founding by Dr. Sun Yat-sen.

In recent years under the previous administrations and the present one there has been a move by some to abandon our ally the Republic of China on Taiwan to get closer relations with Communist China. As I have stated previously, this would be a mistake. It would hurt us. It would seriously harm Taiwan's ability to survive. I urge continuation of our full range of relations with the Republic of China.

Recently the Air Force magazine published an interesting article entitled "Taiwan and the U.S. Posture in the Pacific." At this point I include its text in the RECORD:

TAIWAN AND THE U.S. POSTURE IN THE PACIFIC  
(By Gen. T. R. Milton, USAF (Ret.))

As we all know, there is a move afoot to establish full diplomatic relations with the People's Republic of China. But the PRC has intimated that first we should sever relations with the Republic of China on Taiwan, abrogate our defense treaty, and withdraw all U.S. military personnel from the island.

Naturally enough, there also is a move afoot to meet these demands as a way of speeding the consummation of this new relationship. Prominent among the advocates of abandoning our old friends on Taiwan is Sen. Ted Kennedy of Massachusetts, along with various other people in and out of government.

The rationale behind all this is simple. We will gain great stature, if not immediate friendship, with a nation of 800,000,000 people at the expense of a nation of only 17,000,000. We will also be enlisting this huge nation on our side against the USSR. Or, perhaps, it will be enlisting us. Seemingly, it will not matter in that joyous union of former enemies. As for Taiwan, well, we can give those Chinese some sort of reassurance. It will necessarily be well short of what we have given them in the past, but that is the way it goes.

When Chiang Kai-shek and the remnants of his army came ashore on Taiwan twenty-eight years ago, it was a bleak moment for him and for those who dreaded a Communist Asia. For all practical purposes, Marshal Chiang and his side were finished, and much of the Western world made that judgment. For a variety of reasons, the U.S. did not. As time passed the Nationalists on Taiwan became the military force they should have been on the mainland. Corruption was replaced with discipline and dedication. The

Double Ten parades of the fifties and sixties, with the old Marshal reviewing his troops, were something unforgettable. Meanwhile, Taiwan began to prosper in a remarkable way, and the initial resentment of the native Taiwanese toward the mainlanders subsided with the realization that things had never been better.

The beautiful subtropical island of Taiwan has always been coveted by someone. The Dutch wanted it, and for nearly forty years of the 17th century, had it, shared during part of that time with the Spanish. It was the Dutch, in fact, who imported the Chinese from the mainland as a source of labor, the Taiwan aborigines being either incapable or intractable. It was a Chinese pirate who drove out the Dutch and brought in a more educated class of Chinese. Peking took control of the island for the first time at the end of the 17th century. The Japanese conquered Taiwan late in the 19th century and kept it until 1945. It has not, then, had an unbroken record as a Chinese province. However, that is beside the point. It is Chinese territory now, Nationalist Chinese territory, and if we concede that there is only one legitimate Chinese government, Taiwan goes along in the deal. That seems to be the position of Peking and the rapprochement advocates in this country.

Putting the matter of ethics and loyalty aside for the moment, consider what Taiwan means to the United States military posture in the Pacific. Presumably, we intend to remain faithful to our Korea and Japan defense obligations. Our bases in the Philippines are still basic to our ability to operate in the western and southwestern Pacific, and so the security of the Philippines is important to our own self-interest. A line drawn from Japan through Okinawa to the Philippines passes by Taiwan. It is scarcely logical not to include Taiwan in the line.

It has made sense in other ways over the past twenty-five years. The Chinese have been far more to us than mere base providers. As sophisticated and highly skilled people, they have been one of our best allies in the real sense of the word. During Vietnam much of our fighter overhaul was done in Taiwan. And while it is still not possible to detail their contributions, the Nationalist Chinese did some significant, and dangerous, jobs for us during that unhappy war.

Our strength in the Pacific is reaching the point of bare credibility, and will, with the Korean withdrawal, grow even more marginal. Giving up a strong ally makes no sense, and never mind the moral implications. When that ally has proved itself over the years to be faithful, as well as capable, it makes even less sense.

However, there is another consideration that does not come up for much discussion these days. Suppose the Nationalist Chinese refuse to roll over. It is a likely course for them to take, given their past record. Having taken that stand, and bereft of their old friends, where do they turn for arms and security? To the USSR, says Professor David Rowe of Yale, an Asian specialist, in an article in the July 22 *National Review*.

There is a certain logic in that prediction. After all, it would unite the two sworn enemies of Communist China. An unfriendly Taiwan would do very bad things to that western Pacific frontier of ours.

From what we know of them, the Chinese Communists are a pretty tough bunch. Sentiment seems to play a minor, or even nonexistent, role in their affairs. Thus, while it would appear that we, as the other world power, could capitalize on the present Soviet-Chinese enmity, we should do so with our eyes open. There is nothing in Communist China's past history, nor in Mao's little Red Book, to indicate we really can be good

friends. They have more to gain, it would seem, than we, by a closer relationship. Why, then, should we sacrifice our friends, and a good deal of self-respect, by throwing Taiwan into the deal?

THE ENERGY TAX PLAN: "FACING  
THE BOGYMAN"

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ARCHER. Mr. Speaker, the Wall Street Journal published on September 28, 1977, an editorial commentary on the Senate's consideration of the energy tax bill. I hope that my colleagues will take the time to read it:

FACING THE BOGYMAN

The U.S. Senate is saving us from President Carter's tax increase/energy plan. It has been an admirable display of common sense. Now if the Senate can sort out correct economics from prevailing economics, it could take a giant step toward solving our energy problems.

After the Senate broke the filibuster against natural gas deregulation and the Finance Committee sidetracked the proposed wellhead tax, Mr. Carter exhorted it to "act responsibly" and ward off "special interest attacks." Well, the special interests that we worry most about are those that want some \$35 billion in new tax revenues with which to buy votes. Mr. Carter got his plan through the House, for instance, by loading it up with handouts to New England fuel oil consumers. Speaker Tip O'Neill's constituents would not have to pay replacement costs for the energy they burn. Happily, the Finance Committee has its own notions of responsibility, and has been chopping down the taxes and handouts one after another.

The Finance Committee is still bedeviled, though, by a set of widespread but incorrect notions: That the wellhead tax would increase prices and thus promote conservation; that U.S. consumers are not currently paying the world price for energy; that removing price controls from crude oil would result in new "windfall profits" for the oil companies; that decontrol would be costly for the consumer. None of these things is true, for reasons cogently outlined nearby by Charles E. Phelps and Rodney T. Smith of the Rand Corp.

Prices are set on the margin. All of the above misconceptions result from the failure to understand or apply this simple and universally accepted rule of economics. The price of a commodity will be the cost of producing the last unit necessary to bring supply and demand into balance. What counts is not the average cost of production, but the cost of the most expensive unit. Throughout the energy debates, even most economists have suffered an apparent congenital inability to apply this simple lesson to petroleum.

In the U.S. market, the marginal barrel of oil is imported, at the world price. The marginal price is the world price. The price of energy is the world price. Price controls on refined products have now been eliminated or made ineffective, simply because it eventually became apparent to nearly everyone that product prices could not be set by controls, but only by world market forces.

Price controls remain on domestic crude oil. But the effect of the controls, and the accompanying entitlements program, is

merely to transfer profits from one oil company to another. This is why the "special interests" have in fact been deeply divided. Specifically, the current program transfers profits from domestic producers to importers. In its folly, the United States government has been subsidizing the purchase of OPEC oil.

The effect of Mr. Carter's wellhead tax would be to capture these profit transfers for the politicians. With the money in hand, the politicians can divvy up the largess, so much for Mr. O'Neill's homeowners, so much for Senator Long's energy research quasi-corporation. Meanwhile, the wellhead tax receipts of \$12 billion a year would be drained out of the energy companies. Incentives to produce in the U.S. would be further diminished, and reliance on imports would further increase.

Once you understand that prices are set on the margin and consumers are already paving the world price, though, a painless solution emerges. If you decontrol the price of crude oil the world price of refined products will not go up. The consumer won't have to pay an extra penny.

If you decontrol, you simply will end the profit transfers. The rewards for producing oil in Texas will no longer have to be divided with the sheiks, nor will they go to the politicians. The incentives will be in the right place. People will be able to explore for oil and develop energy alternatives with less fear that Washington will expropriate the rewards of a successful venture. Production will be maximized. Imports will be minimized. Alternative energy sources, of which there are plenty at the right price, will be brought on as they become economically competitive. Once the government stops making the problems worse instead of better, we can all applaud Mr. Carter for building up a strategic petroleum reserve to minimize the national security problem.

The Senate is timidly edging toward this solution, trying to find a way to phase in the imagined costs. It is willing to pay a price to avoid Mr. Carter's Rube Goldberg devices. There will be a stampede the day enough Senators recognize that the costs of decontrol are a child's bogymen.

#### TRIBUTE TO VOLUNTEER FIRE DEPARTMENT OF LAUREL, MD.

### HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mrs. SPELLMAN. Mr. Speaker, I rise to salute an organization which has dedicated itself to the safety and well-being of the citizens of the Laurel, Md., area for over three-quarters of a century. As a resident of the community for the past 10 years, it has been my pleasure to have witnessed the dedication, zeal, and unselfish valour of those who are members of the Voluntary Fire Department of Laurel, Md.

It was after a devastating fire in 1888, which leveled 12 buildings and the Presbyterian Church on Main Street, that citizens, headed by Albin Fairal, were motivated to organize what was a loosely knit fire brigade into three viable units, one company for each of the wards of the city. These three companies, located at 8th and Main, comprised of just a handful of men and equipped with hand-drawn reels, merged into one department which is now located at 9th and

Montgomery. On October 13, 1902, the by-laws for the first fire department of Laurel were written.

David M. Fisher was the first chief of the fire department, and since his day, some 75 years ago, the organization has grown from that small band of brave men to the 125 volunteer members and 5 career fire fighters which comprise the department today. Under the leadership of James Chenault, the fire chief, and Warren H. Litchfield, the president, the Laurel Volunteer Fire Department responds to over 1,200 calls a year, and, as it did in those early days, serves the surrounding communities of Anne Arundel Howard, and Montgomery as well.

Mr. Speaker, the city of Laurel is a very special city, because its people are very special people. They have a finely honed sense of community without being parochial; they willingly involve themselves in mutual concerns yet judiciously maintain their individuality; they protect the integrity of the privacy of others but never fail to help their neighbors in need. The Voluntary Fire Department of Laurel reflects the fine virtues of those it serves. The department's motto, "Service to Others," precisely describes the commitment each member has made to his neighbor, and I find it a great privilege to stand before this body today to express my respect and admiration for these individuals who serve so selflessly. I know my colleagues will join me in wishing this fine organization a memorable 75th birthday and in extending our most sincere congratulations and appreciation for the irreplaceable service it has rendered to the citizens of their corner of Prince George's County.

#### TRIBUTE TO PASTOR J. ALFRED SMITH

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. STARK. Mr. Speaker, I would like to take this opportunity on the 58th anniversary of the Allen Temple Baptist Church to pay tribute to Pastor J. Alfred Smith of Oakland, Calif., who serves this congregation and the Oakland community with particular honor and dedication.

Pastor Smith has worked to solve a wide range of community problems; housing for senior citizens, a youth center for teenagers, an improved economic climate for the city, better police/community relations. His leadership in the United East Oakland Clergy, the New Oakland Committee, the Board of the Clorox Youth Center, and the board of directors of the Spanish Speaking Unity Council all pay tribute to his concern for the Oakland community. He is also a teacher and, as such, has served as an inspiration to students at Merritt Junior College and the Golden Gate Theological Seminary. He has done all this with tireless dedication, high principle, enthusiasm and notable success.

Allen Temple Baptist Church and Pastor Smith have made their church a community center offering a year-round tutorial program for students, a creative living center for those who need emotional support, an educational scholarship program for young people in need of financial help, and a source of information for those in east Oakland who do not know where to turn.

Pastor Smith's sense of public duty and tireless attention to the needs of the community is a special witness to his Christian faith and serves as an inspiration to all who serve and worship with him.

#### POSTAL SERVICE: A VIEW FROM RURAL AMERICA—VIII

### HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ABDNOR. Mr. Speaker, my office, like those of all my colleagues, has been hearing a lot in the past few years from constituents about what has been happening with the U.S. Postal Service. I would like to share some observations about the USPS costs and operations which have come to me from Mr. Ray Stoltz of Rapid City, S. Dak. Mr. Stoltz has owned and operated the Coast to Coast Store in Rapid City for 40 of his 68 years, during which he has had a lot of contact with the postal system.

His comments merit consideration, in particular, his observation:

In my 40 years in business I never found I could increase my volume of business by raising prices.

Mr. Stoltz writes:

In these 40 years I mailed 80,000 sale circulars per year or a total of 3,200,000 over the 40 years. At an average cost of 6 cents per piece, I spent a total of \$192,000 a year with the post office. There were about 12 businesses that mailed the same quantity over these years for a total of \$2,304,000 a year.

When I first started business we merely counted the total number of circulars for each local city route and bundled them. The carrier did not have to case these circulars but merely left one at each house. Then came a new order that each circular mailed in the city had to have an address. So now the carrier had to case all the circulars and get them in the proper receptacle. Now the carrier had more work and he had to place the addressed circular at the correct home address. Delivering these 3rd class sale circulars in Rapid City did not make any added expense to the local post office and it paid them \$2,304,000 a year.

What is happening today in every town and city in the United States? The newspapers are including the circulars in their newspapers at a much smaller charge than the post office. This revenue alone probably would be nearly sufficient to pay the deficit.

Now what about parcel post packages. I am sure the post office has lost about 50 percent of the package business. They also have lost some of the 1st class mail. Today we receive or send nearly 80 percent of our packages via U.P.S. and it is a very satisfactory system. When we used parcel post, our damages ran about 30 percent of the packages or the package was badly broken up. Now we have no problem.

In my 40 years in business I never found I could increase my volume of business by raising prices. If I raised prices above my competitors or above value, the items did not sell. In the past inflationary years our prices raised in proportion with inflation but not like the post office at 300 percent or 400 percent above inflation.

I certainly agree the post office is entitled to an increase in the postage rate but not to 13 cents. A 9-cent rate in first class and fast delivery will eventually bring back the business. A reasonable rate on parcel post and proper care of packages plus fast delivery will also increase the parcel post business. The 3rd class will immediately come back if the rate is decreased to competitive costs.

It is my opinion the post office department thought they had a monopoly on letters and packages and no one would infringe on this business. They could run the post office as sloppy as they felt like and still retain business. They have lost the confidence of the American people. It is the fault of the postal department themselves for the loss of this volume business.

**TRADE AND THE DOMESTIC  
TEXTILE INDUSTRY**

**HON. WILLIAM LEHMAN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. LEHMAN. Mr. Speaker, because of my participation in the Inter-Parliamentarian Conference, I was unable to take part in a discussion held under a special order on September 27 concerning the domestic textile industry and international trade. I wish to take this opportunity to express my view on this important subject.

The textile and apparel industry is one of the most vital industries in America today. Employing 2.3 million workers, over one in eight manufacturing personnel depends on this industry for a livelihood. Yet, a growing tide of textile and apparel imports has endangered the continued existence of this key industry.

According to the U.S. Census Bureau, the physical volume of textile imports has increased 250.6 percent since 1966. This has resulted in a decrease of both domestic employment and domestic productivity. The International Ladies Garment Workers Union estimates that between 1961 and 1976, approximately 150,000 persons lost potential employment in this industry. Further rapid growth of imports could have a critical impact.

It is for this reason that I urge the administration not to lower the import quotas in the forthcoming Geneva negotiations authorized by the 1974 Trade Act. Such action would be a catalyst for further unemployment in the textile industry.

The U.S. textile and apparel industry cannot withstand further competition for our domestic markets. The American textile worker earns an average wage of \$3.50 an hour, while workers in such countries as South Korea and the Republic of China receive wages lower than one-seventh of that amount. In an industry which is already highly competitive, more imports will simply mean more firms out of business and more workers

out of jobs. This will only add to the high unemployment levels of minority groups and women, who constitute a large percentage of textile laborers. Such jobs should not be sacrificed to low cost imported goods from abroad.

Present duties on textiles and apparel are not excessive and do not prevent imports from coming to our shores. The past growth pattern makes this point clear. A reduction in duties could, however, tip the competitive scales further in favor of imports and wreak havoc on our domestic industry.

**SEXUAL ASSAULTS**

**HON. JAMES H. SCHEUER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. SCHEUER. Mr. Speaker and Colleagues, last evening an episode of the television show "All in the Family" was previewed to congressional staff and members of the public under the auspices of our very distinguished colleagues; the Honorable PETER RODINO of New Jersey, and the Honorable HERBERT HARRIS of Virginia.

The episode dealt with the very important and tragic subject of sexual assaults. The woman many of us have come to know as Edith Bunker was attacked and sexually assaulted in her own living room by a stranger with marked sexually psychopathic tendencies. While the incident was confined to a television screen during this particular incident, the pattern so poignantly dramatized by a talented cast of actors is an all too frequent occurrence in our society.

We must make a determined effort to stop sexual assaults in America. Until sexual assaults are ended, however, we must sensitize and humanize the treatment that is afforded to the victims of such horrible crimes. We must break the all too familiar patterns of the past in which the countless victims of sexual violence have been treated by the criminal justice system as if they were the criminal. No longer can we tolerate conditions which lead to victims of these offenses feeling like prisoners of fear. But there is more that must be done urgently.

We also must look deeper into the factors that are causing Americans to commit these senseless crimes of personal violence. The Committee on Science and Technology's DISPAC Subcommittee, which I chair, plans to conduct hearings early next session on the subject of Research into Violent Behavior. The first aspect of violence that we intend to explore is that of sexual assault. It is my hope that our subcommittee can work together with several of our colleagues on the complex problems related to sexual assault prevention and control.

Again, I salute my distinguished colleagues for their valuable work in this field. I also applaud Mr. Norman Lear and the members of the "All in the Family" team for their courage and sensitivity in dealing with the emotionally charged issue of sexual violence.

**ANYONE FOR SETTING FEDERAL  
BUDGET PRIORITIES: THE CASE  
AGAINST SUPPLEMENTAL AUTHORIZATIONS FOR THE PENTAGON**

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. CONYERS. Mr. Speaker, last week I had the opportunity to testify before the House Budget Committee's task force evaluating the problems and potential of the congressional budget process after 2 full years of operation. I argued that of all the goals set forth in the Budget Act of 1974, the one that has received the least attention is the goal of "establishing national budget priorities," as mandated in section 2(4). My argument was as follows: First, we have not found a method for defining and ordering the goals, or priorities, reflected in the budget resolutions we approved; second, until we have some yardsticks for comparing Federal goals, the values, needs, and costs underlying these goals, for example, of full employment, price stability, decent housing, revitalizing cities, energy self-sufficiency, national security, and so forth, we will not possibly be in a position to determine how much is enough to spend on the various goals, what is the most effective means to implement them, and what tradeoffs will be necessary; third, we continue to make budget choices by tinkering with existing programs, adding or subtracting increments from the budget base, rather than evaluating whether these programs are adequate or necessary at all in relation to the goals we have; and fourth, the budget process currently does not anticipate and plan for future needs and, essentially, has us confirm budget choices we made years ago about conditions that existed years ago, particularly in the area of "national security."

The question of setting national priorities that I addressed in my testimony before the Budget Committee has come into sharper focus this week as the House considers supplemental authorizations for defense.

Yesterday the House approved a \$561 million defense supplemental bill, which includes funds for further development of Cruise missiles. Next week the House will be called upon to consider an additional \$1.4 billion to resurrect the B-1 bomber. And to complicate the matter further, the President recommended funds to study the viability of the FB-111H so-called penetrating bomber as a backup weapon, should the B-1 bomber program be ultimately eliminated and should the Cruise missile system prove inadequate. We now find ourselves in the position of having two or three weapons systems that accomplish the same thing. If past experience is any guide, the Pentagon will get more than it wants and far more than it needs. The capability of the military machine to create weaponry faster than we can comprehend the costs and consequences of is inexhaust-

ible. But leaving aside this matter for the time being, the real question, that the madcap process by which we approve weapons development illustrates, is: How much is enough, and how much are we sacrificing of our domestic goals by always acceding to Pentagon wishes? That we are making such sacrifices all the time should be clear to us, as it was to Arthur Burns, Chairman of the Federal Reserve Board, when he observed in a New York lecture he gave in 1968:

To the extent that we allocate labor, materials, and capital to national defense, we cannot satisfy our desires for other things. The civilian goods and services that are currently foregone on account of expenditures on national defense are, therefore, the current real cost of the defense establishment.

I ask my colleagues whether there really is any rhyme or reason in our current approach to defense spending and, if not, whether or not we should fashion some better means of establishing Federal budget priorities that enable us to compare the values, needs, and costs across the whole spectrum of Federal activity? For how else will we be in a position to make judgments among the capital needs of the future and the trade-offs that will be necessary, which according to Brookings and other sources, will involve: \$400 billion by 1980 to build 25 million new homes in order to meet the national housing goal; \$400 billion over the next 10 years to maintain current levels of agricultural production; \$600-\$900 billion to create an adequate energy supply over the next 10 years; \$70 billion through 1990 for public transportation; \$165 billion through 1983 to maintain adequate pollution controls; and \$4-\$11 billion, depending on the comprehensiveness, to establish national health insurance; and so forth.

#### VETERANS INSURANCE PREMIUM WAIVER

**HON. BARRY M. GOLDWATER, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. GOLDWATER. Mr. Speaker, I have again introduced legislation to provide a premium waiver exemption for certain veterans, holding a national service life insurance policy.

Essentially, the bill will exempt those veterans, upon reaching 70 years of age, who have paid premiums on their term insurance for 25 years or more, from any form of premium payment.

Many veterans have informed me that, at their time of separation, they were advised not to convert their policies because GI rates were, and would continue to be, less than commercial rates. Unfortunately, this was not the case, and rates have increased exorbitantly. A veteran, at age 70, now pays a monthly premium of \$61.80 for the maximum \$10,000 insurance policy. If he is fortunate, or unfortunate enough to live to the age of 90, his premium payment soars to \$554.00 monthly. By the time a veteran reaches

age 70, he has more than paid for his policy.

In addition, because of technicalities within the present law governing premium waivers which require 100 percent disability, and waiver requests before age 65, some veterans who are 100 percent disabled are faced with these astronomical monthly payments.

In most cases, these veterans are retired. They are receiving Federal retirement assistance in one form or another, such as social security, medicare, medicaid, et cetera. It makes absolutely no sense at all, after having encouraged these veterans to keep their policies, to make them turn around and pay a substantial percentage of their modest income back to the Federal Government.

The provisions of this bill insure that the value of the policy has been paid to the Federal Government. Given that this is the case, these senior citizens need and merit relief.

#### ISLANDS IN THE SHAME

**HON. ROBERT K. DORNAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. DORNAN. Mr. Speaker, just 2 weeks ago one of President Carter's principal appointed officials—a militant left-wing activist prominent in pro-Hanoi efforts during the war in South Vietnam—celebrated the Communist triumph over that blood-soaked land with an impassioned speech in New York City.

At the very moment Sam Brown, director of ACTION, praised Hanoi's agents on Manhattan Island, attempts were being made to identify the remains of 22 young Americans on the beautiful island of Oahu. A few brief hours before, I stood with my distinguished colleague from Mississippi, Mr. MONTGOMERY, at Hawaii's Hickam Air Force Base, among a handful of officials whose tragic honor it was to welcome home fellow citizens who gave their lives in the cause of freedom. Thus continued, with little public notice and virtually no national respect, the painfully slow, humiliating return of American prisoners of war and missing in action.

The same men who now take bows in New York, and who presided over the devastation of South Vietnam, participate in this sneering effrontery with which the Hanoi regime treats the Government of the United States and the loved ones of Americans who disappeared in the jungles, waters, and often the prisons of Communist Vietnam.

Mr. Speaker, I have, at times, voiced angry and emotional words on this incredible travesty against national pride and human sensibility. The contrast of that Sunday 2 weeks ago, however, seemed beyond such anger and emotion, until I found it expressed profoundly by columnist Patrick J. Buchanan in the article I submit to you for thoughtful review. I urge all Americans to consider these sad and bitter words:

#### ALL OF HANOI'S LITTLE HELPERS GATHER FOR HUGE GALA ANTI-AMERICAN PARTY

(By Patrick J. Buchanan)

WASHINGTON.—A decade ago, using old press credentials, this writer was right in the thick of the violent demonstration before the Pentagon, mounted by the "antiwar movement."

At one point there passed by, hauled arm and leg by half a dozen sweating U.S. marshals, what appeared to be a semi-crazed, middle-aged college professor, bellowing into every open mike shoved in his direction something about his constitutional rights and the horrors of U.S. policy in Asia.

Who's the nut, I inquired of one of the marshals. David Dellinger, he replied. Sure enough, it was the selfsame Dellinger then heralded in the press as the conscience of the "peace movement."

We know now the kind of peace Dellinger had in mind. It was not the just peace where the people of South Vietnam would choose, free of coercion, their own form of government. It was the Carthaginian peace of a Communist victory.

The evidence is conclusive. Last Sunday, Dellinger surfaced in the midst of a throng of 2,500 Americans who applauded, cheered and wept with joy in a New York theater as in bobbed the little stooges Hanoi has sent over to spout the party line at the UN General Assembly.

"Welcome, welcome in the name of the American people," beamed Ms. Cora Weiss, another movement leader. As one reporter described the scene, "The audience . . . rose to its feet, roared and clapped for many minutes."

Given his turn to speak, Dellinger turned to his newest cause, the "war against the people of Puerto Rico," presumably being waged by the United States. This reference, too, was cheered. Strange, is it not, how the latest cause of the American haters in the Communist and Third World is almost invariably the personal cause of Dave Dellinger?

Another celebrity spotted in the crowd applauding Hanoi's demand for U.S. aid was former Attorney General Ramsey Clark, apparently unfazed that he was sent home from Hanoi stuffed like a Christmas goose with Communist propaganda about how well the American POWs were treated.

Consider if you will the character of the regime these Americans were celebrating.

It is one to whom atrocity and terror were legitimate weapons of war, which traffics diplomatically in the bodies of American servicemen, which two years after its victory, hold in concentration camps 300,000 former friends and allies of the United States. Its repressive rule in the south has created a new classification of refugees, "the boat people." These are the thousands of families of Vietnamese, from infants to aging grandparents, who push off in leaky boats and rafts into the South China Sea, preferring death by drowning to life under the regime which those 2,500 were cheering.

But perhaps the most startling presence in that hall was that of President Carter's Director of Action, Mr. Sam Brown. Apparently, overcome with emotion, Brown told a reporter:

"I am deeply moved . . . It's difficult to describe my feelings—what can you say when the kinds of things that 15 years of your life were wrapped up in are suddenly before you?"

Well, Sam, some folks might say that any American who spent 15 years working for a Communist victory in Vietnam does not deserve to be a citizen of this republic, let alone serve in an official position of high honor.

When the thousands of Vietnam veterans lying maimed in hospitals around the country reflect on their wounds, and the friends lost, resisting Hanoi's aggression, one won-

ders what they must think of the nauseating spectacle which took place in New York a week ago.

### WHALEN CALLS FOR ACTION ON PREGNANCY DISCRIMINATION BILL

**HON. CHARLES W. WHALEN, JR.**  
OF OHIO

IN THE HOUSE OF REPRESENTATIVES  
Thursday, October 13, 1977

Mr. WHALEN. Mr. Speaker, earlier this year I called for prompt action on legislation to amend the Civil Rights Act in order to protect pregnant workers from sex discrimination. In particular, I expressed concern over the Supreme Court's decision in the case of General Electric Co. versus Gilbert.

In the Gilbert decision, the Court held that it was permissible for General Electric to offer its employees a sick leave and health benefits plan that covered all manner of elective surgical procedures and accidental injuries—but denied benefits in cases related to pregnancy. It is my opinion that the Court was unduly narrow in its interpretation of the sex discrimination provisions of title VII of the Civil Rights Act, so I gladly joined with many of my colleagues in cosponsoring legislation that would overcome that interpretation of the law.

When I commented on this matter in the March 8 CONGRESSIONAL RECORD, I noted my concern that the Gilbert decision would result in additional challenges to the laws we have enacted to protect against sex discrimination. This is one time that it is a sad duty to have to say that I was right.

Last week, the Supreme Court heard arguments in two more sex discrimination cases. These were Nashville Gas Co. versus Satty, and Richmond Unified School District versus Berg.

Mr. Speaker, in light of continuing developments, I renew my call for action in the House on legislation to outlaw sex discrimination against pregnant workers. The Senate has overwhelmingly approved similar legislation and I hope that we will soon follow suit.

At this point in the RECORD, I wish to insert two items. The first is a story that appeared in the October 6 issue of the Washington Post, reporting on the Satty and Berg cases. The second is an editorial that the Post ran on September 21, just after the Senate voted 75-11 to pass legislation to end discrimination against pregnant workers.

**JOB PENALTIES FOR PREGNANCY CITED IN TWO COURT CASES—JUSTICES ASKED TO DECIDE WHETHER REGULATIONS CONSTITUTE SEX DISCRIMINATION**

(By Morton Mintz)

The Supreme Court heard lawyers argue yesterday whether the penalties for pregnancy imposed by two employers violated civil rights laws forbidding sex discrimination.

One of the employers, Nashville Gas Co., as a matter of policy pays sick leave to employees disabled by heart attack, auto accidents, back trouble and other afflictions un-

related to their jobs. The Tennessee utility also credits them with across-the-board pay increases approved while they are away and lets their seniority build normally.

But when female employees take pregnancy leave, the firm, also as a matter of policy, puts them on leave without pay and strips them of their job seniority.

For Nora D. Satty, whose clerical job was eliminated by a computer after she had an unplanned pregnancy, these were the results:

She lost \$732 in wages during the three months she was away to have a baby in early 1973.

Her 3½ years of seniority were wiped out. She was rehired for a temporary project, at a starting wage \$10 under her previous pay of \$142.80 a week.

She applied for three permanent jobs, any one of which would have been hers had she been on sick leave, but lost each to a woman with less seniority.

She was fired when the temporary project ended a month after it had started.

Justices Harry A. Blackmun and Thurgood Marshall asked for the company's justification for taking away seniority from women employees who leave to have a child.

Nashville Gas rewards employees whose personal values dictate that they stay on the job rather than putting their personal lives over their employer's interests, replied attorney Charles K. Wray.

Justice William J. Brennan Jr. inquired if the utility would give its usual sick-leave advantages to an employee injured in an auto accident caused by his or her own gross negligence.

Marshall embroidered the hypothetical negligence to include drunkenness, "smoking reefer and injecting heroin."

Wray said that such an employee was owed the same presumption as a heart-attack victim: he'd rather be at work than in a hospital bed.

But in the case of a pregnant woman, the presumption is that she wants a child, he said. No one inquired about the possible relevance of the accidental nature of Satty's pregnancy.

Wray apparently astonished Marshall by citing a company "right" to return Satty to her job, giving her preference over an outsider.

"She also had a right to the job if no one in the world wanted it," Marshall remarked.

For Satty Robert W. Weismuller Jr. argued that the company had injured his client "forever," partly by sending her to the bottom of the seniority and pay scales, without demonstrating such actions to be business necessities.

Wray, however, said the company merely had followed a "straightforward pregnancy policy" that was not a subterfuge to evade the Civil Rights Act of 1964, and that was consistent with a Supreme Court decision in a case involving General Electric last December.

The justice devoted a second hour to arguments involving Sonja Lee Berg, a Richmond, Calif., kindergarten teacher. She was the sole breadwinner for her husband, who was studying for the ministry, and herself.

After she became pregnant five years ago, she sought to continue teaching right up to the onset of childbirth. Her personal physician certified that she could do this.

But the Richmond Unified School District insisted she comply with a policy requirement to take maternity leave, without drawing on her accrued sick leave pay, starting the first day of the seventh month of pregnancy. The school board also ordered her to submit to an examination by a board physician. She refused, and won a court injunction allowing her to work until just before the baby's birth.

Berg's attorney, Mary C. Dunlap, argued yesterday that the board never showed distrust of a non-pregnant employee by ordering an examination by its own doctor. In contrast, school board attorney Arthur W. Walenta Jr. said school authorities had a right to seek medical information about Berg through the board's own physician.

The Ninth U.S. Circuit Court of Appeals ruled for Berg, saying she was entitled to both the sick and legal fees, and ordered the school board to grant similar benefits in similar cases.

In like fashion, the Sixth U.S. Circuit Court of Appeals ruled that Nashville Gas owed Satty sick leave pay, \$9,456 in gross wages she otherwise would have earned, reinstatement with full seniority, and attorney's fees.

Arguing for overruling the appellate courts, lawyers for both employers cited the GE decision which involved a sickness and accident plan providing benefits without regard to sex, but excluding benefits arising from pregnancy.

A divided court held that the plan did not violate the Civil Rights Act, saying that gender-based discrimination does not result simply because disability benefits are not all-inclusive.

Last month, the Senate voted 75 to 11 to require employers to include pregnancy benefits in any workers' disability plan they offer.

#### EQUAL RIGHTS AT WORK

The Senate took a needed step toward providing women with on-the-job equality last week. By a vote of 75 to 11, it passed an amendment to the Civil Rights Act of 1964 requiring that pregnancy be included in any worker's disability program offered by employers. The immediate effect of the legislation, if it becomes law, will be to overturn a Supreme Court decision holding that the exclusion of pregnancy from such programs is not discrimination based upon sex. That decision seemed to be a strained interpretation of the 1964 act when it was announced last December, and we urge the House to join the Senate promptly in undoing it.

The way in which many employers look upon pregnancy has long been a problem for many working women. A male employee unable to work because he has broken a leg, say, playing touch football usually was able to use sick leave or receive disability pay until he recovers. But a female employee who has been unable to work because she was having a baby has often been denied sick leave as well as disability pay and sometimes summarily was dismissed. This attitude began to change a decade or so ago; but it is still sufficiently widespread to put a hardship on many women who either must work before, during and after pregnancy, or who want to. The amendment passed by the Senate says employers must not treat women who can't work because of pregnancy differently from the way they treat men (or women) who can't work because of some other physical condition. About half of the states already have similar laws.

In a country in which 36 million women work and some 80 per cent become pregnant during their working lives, this change is not insignificant. Yet it is overdue. Two-thirds of those 36 million are in the work force because of pressing economic needs at home. About 40 per cent of all pregnant women now work during pregnancy, and many of them return to work as quickly as they can after the baby is born. Common sense requires that for these women, at least, pregnancy be treated as no more a disruption of their working lives than a broken leg. When continuity at work has as large a role in determining pay scales, promotions and pension rights as it now does in many industries, treating pregnancy as such a temporary disruption rather than a termination of employ-

ment is a major step toward giving working women equal rights.

### GUN CONTROL IS NOT CRIME CONTROL

**HON. JOHN M. ASHBROOK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ASHBROOK. Mr. Speaker, the gun control zealots will use anything to try to strengthen their case. The nationally syndicated columnist John Lofton recently pointed out how the communications director of the National Council to Ban Handguns recently blamed the "Son of Sam" killings on "the absence of effective gun control laws."

As my good friend John Lofton points out the answer to crime is not gun control but criminal control. But those who would take the guns away from the law abiding are caught up in their own fantasy world. Instead of dealing with the very real problem of crime, they want to restrict a right that Americans have had for more than two centuries.

John Lofton's column is deserving of attention by all those concerned with this issue. At this point I include its text in the RECORD and commend it to the attention of my colleagues:

WHY NOT HAVE CRIMINAL-CONTROL LAWS?

(By John D. Lofton, Jr.)

I am not what the anti-gun nuts (AGN) in their rhetorical recklessness would call a gun nut. I do not own any firearms. I have never hunted. I have never even fired a gun. However, I am constantly amazed at just how stupid and law-abiding the AGN's think criminals are.

In a letter to the editor to the Washington Post, Susan Love, communications director for the National Coalition to Ban Handguns, addresses herself to the recent mass murders in New York City committed by the so-called "Son of Sam." Asking the question why these senseless killings occurred, Ms. Love answers, in part:

"In the absence of effective gun-control laws, fear begins to take hold and spread among citizens who realize that virtually anyone can obtain a gun—usually on short notice. Had a simple, nationwide licensing and/or registration law been in effect, Son of Sam's purchase of his .44 cal. handgun would very likely have been a matter of public record—a record that would help to solve the mystery of his identity."

Now, think about this observation for a moment. Does anyone really believe that a person planning to commit a crime with a gun, especially a murder, is going to commit this illegal act with a firearm either licensed or registered in his or her own name? Isn't it much more likely that anyone contemplating a criminal act using a gun would use a gun that is either stolen or registered or licensed in somebody else's name? Of course.

In fact, the day after Ms. Love's letter appeared, David Berkowitz was arrested and charged with the Son of Sam murders and from what we now know, this is exactly what he did!

According to press reports, federal firearms agents say that Berkowitz obtained the \$144 Charter Arms Bulldog .44 caliber revolver he allegedly used in the Sam murders from an old Army buddy, Billy Dan Parker, who bought it legally from a local pawnshop in Houston, Tex. Berkowitz reportedly asked Parker to buy the gun because he did not

have a Texas driver's license, which is required for identification in weapons purchases in the state. Parker says he used Berkowitz's money to make the purchase.

What Ms. Love's letter does is once again raise the question of gun control laws and just how effective they really are in deterring crimes like the one allegedly committed by the Son of Sam. In my own judgment, applying basic common sense and elementary logic, the answer is: not very. How could they be?

By merely possessing the gun he had in New York City, Berkowitz was violating one of the strictest gun control laws in the nation. In transporting his weapon from Texas to New York, Berkowitz undoubtedly violated numerous gun-control laws along the way. Obviously none of these laws deterred Berkowitz one iota.

Why in the world do the AGN's assume that someone who is going to commit murder, or any other serious gun crime, that this someone will have second thoughts because in committing their crime they might also be violating a gun control law? The assumption is ridiculous on its face.

In an interview, Ms. Love tells me that, as the name of her organization states, their real goal is the banning of all handguns, not just the licensing and registering of these weapons. Irrationally, in my opinion, she says this is to be desired even if it could be demonstrated that handguns do more good than harm. That is, that on balance, for example, it could be shown that more handguns are used by innocent people to defend themselves than are used to accidentally shoot loved ones or friends.

So, how would all handguns be banned, since there are an estimated 40-million-plus of these illegal weapons in circulation and their average lifetime is said to be about 100 years? Well, either through outright confiscation, which raises serious constitutional problems, or by asking the owners of these weapons to voluntarily turn them in, the cost of which would run into the billions of dollars.

But, again, what the Anti-Gun Nuts visualize as happening seems to me to be totally out of touch with reality. Would an individual contemplating a gun crime, which carries a much more severe penalty than the violation of a gun-ban law, really turn in his weapon? I think not. Thus, only the law-abiding citizen would be the person most likely to disarm.

And what if it were possible to completely ban all handguns in the United States? Would it be feasible to completely stop the flow of illegal handguns into the country, most of which would be easily accessible to criminals? Again, I think not in light of the fact that the government has been unable to stop the flow of millions of illegal aliens into the country.

The most effective way to reduce gun crime is to control gun criminals, not guns. There should be mandatory heavy penalties for anyone using a gun in the commission of a crime. The more I listen to the AGN's talk, the more I am convinced that this is the way to proceed.

### NATIONAL BELLAMY WEEK

**HON. NICK JOE RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. RAHALL. Mr. Speaker, Princeton High School and the surrounding communities in my congressional district are today celebrating National Bellamy

Week with a number of special activities which will be climaxed with the Princeton High School, Mercer County, W. Va., receiving the national honor which is presented annually to one high school in the Nation.

West Virginia Gov. John D. Rockefeller IV has proclaimed October 14 as "Francis Bellamy Award Day" throughout West Virginia in honor of the 36th annual Bellamy Flag Award presentation. Princeton Mayor Herbert Fink has signed a proclamation making this "National Bellamy Week" in the city.

Princeton High School was named for the award last spring by the directors of the Bellamy Foundation, based on the evaluation of faculty, a curriculum which meets the needs and benefits of the student body.

I would like to take this opportunity, Mr. Speaker, to express my heartfelt congratulations to Princeton High School and the surrounding communities for a job well done.

### WATER RESOURCE DEVELOPMENT IN SOUTH DAKOTA

**HON. JAMES ABDNOR**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ABDNOR. Mr. Speaker, the importance of the legislation on our calendar this week has prompted me to forego an invitation to appear before the South Dakota Water Development Association, holding their annual convention in Pierre today.

Next to our people, water is South Dakota's most important resource. The development of environmentally and economically sound projects to carefully utilize this precious commodity is, in my view, the foremost issue in our State.

My remarks for this meeting were delivered by my field representative, Vern Larson, and I include them in the RECORD:

### WATER RESOURCE DEVELOPMENT IN SOUTH DAKOTA

Members of the Water Development Association and friends, I am pleased to have the opportunity to appear before you today on behalf of Congressman Jim Abdnor. I appreciate the chance to share with you some of Jim's views on such an important issue as water resource management, development, and policy. It is especially nice to be with you—the members of the South Dakota Water Association—with which the Congressman has such close ties, such a strong allegiance, and so many warm friendships. I hope I can do justice to his views for you today. . . .

Water resource development policy is not, and should never be allowed to become, a politically partisan issue. There is no more important issue to the future of our State, and although we should not be politically partisan in this respect, we can and must be partisan when it comes to the notion that we cannot continue to let opportunity pass us by each year in the Missouri River.

Each acre-foot, of the millions which flow by us each year, is quite literally an opportunity lost to improve the economic, social and aesthetic lives of our citizens—not to



mention their health. We may find ourselves miles apart on other issues, but there can be no doubt that our abundant water resources must be put to work for us.

Of course, there are many sincere and valid differences of opinion as to exactly how we ought to proceed on any particular project; which projects ought to be given the highest priority; and, in some cases, even if a particular proposed project should be considered at all. Each of these disagreements must be weighed on its own merits, however, in its own context and in full recognition of the overall costs and benefits to the people of South Dakota.

None of us knows all the answers—or even all the questions. We all want what is best for our state, however, and just what will be best is not always clear. All sides of the issue must be discussed. It is in that spirit that Jim Abdnor takes the positions he does and that I offer these comments.

If there was ever a question that our water ought to be put to work for us, the 1976 drought—the worst in this century for many parts of our State, and just one of several in recent years—should have dispelled any doubt which may have remained.

Make no mistake: Even the maximum development of our surface and groundwater resources cannot take the place of adequate and timely rainfall. There is no reason, though, that South Dakotans should always be faced with potential shortages of water for domestic and livestock purposes.

Nor is there any reason why the ravages of drought must be permitted to maintain a stranglehold upon the State's crop production. No one is idealistic enough to suggest that every cropland acre or even every farm will ever enjoy the benefits of irrigation. But Congressman Abdnor, for one, is idealistic enough to believe a substantially increased level of development can materially reduce the impact of future droughts—which are inevitable—and exert a stabilizing influence upon the State's economy far beyond that experienced by those who benefit directly from these projects.

A vital link in the effort to obtain maximum use of our water resources is often overlooked, however, in the drive to develop irrigation. Irrigation can greatly increase our farm production, but so can more efficient use of the moisture which is delivered naturally. Conservation is the only hope for the future as far as many of our natural resources—including land and water—are concerned. In many cases, conservation is already the only hope for today. We'd better become experts in conservation before it's too late.

Assuming even the most efficient possible use of precipitation, however, South Dakota will always remain a water short State. According to the Water Resources Council, the Missouri River Basin has only one-tenth the annual run-off per acre as compared to the New England States. Only the arid, desert States of the southwest have less run-off per acre.

In terms of run-off per capita, though, the Missouri River Basin actually has more run-off than rainy New England. In this sense, South Dakota is blessed with an abundant quantity of water. Many people are surprised to learn there is enough water stored in the great Missouri reservoirs of the State to cover all of the nearly 50 million acres in South Dakota to a depth of nearly a foot. Enough water flows through the State each year to cover the entire State to a depth of about six inches.

It's painfully obvious we are missing the boat, so to speak, by not putting this resource to use where it is so badly needed. But, seeing the need to put the resource to use and actually doing so are two different things. The economics of agriculture and the financial wherewithal of those in need of water are not always equal to the expenses

involved. Furthermore, we all agree that water resource planning is important but it often seems that the need for planning becomes an excuse for failing to act to develop our water resources. Certainly, policy and planning studies are essential. But what's the point if nothing is accomplished?

Let me discuss some of the major water resource development issues of importance to South Dakota in which Congressman Abdnor has been actively involved:

Among the water resource problems we have been concerned with in Washington are flood, erosion and sedimentation control. Hopefully, the funds we were able to secure for the Rapid City and Sturgis flood control projects will provide the necessary protection for South Dakota's "monsoon belt". As far as erosion on the Missouri is concerned, we again failed last year to achieve authorization of an operational program under which the federal government accepts its full responsibility in dealing with this problem. We did, however, persuade the Congress to double the funding authorization for the "Streambank Erosion Control Research and Demonstration Program". This program was authorized in the Water Resources Development Act of 1974 at a level of \$25 million nationwide. Last year, in lieu of an Abdnor bill to authorize a full-fledged operational program, Congress increased the authorization limit to \$50 million. We anticipated a comparable doubling of funding for erosion control in our state. Subsequently, in the appropriations bill passed this year, we were successful in obtaining nearly a million dollars for the Goat Island area in Yankton County.

The Corps' "umbrella study" which was forwarded to Washington earlier this year addressed erosion control further, and Congressman Abdnor will continue his efforts to provide the necessary legislative authorization and direction for them to fully live up to their responsibility.

Another issue addressed in the "umbrella study" is the potential for additional hydro-power facilities on the Missouri. In light of our still increasing dependence upon foreign oil, this matter requires our closest attention.

Environmental trade-offs must be fully weighed, but it appears that at least the Gregory pumped-storage site should be authorized and constructed without delay. With it, all possible multipurpose features, such as irrigation as well as rural and municipal water supplies, should be considered. Congressman Abdnor has had legislation drafted to authorize construction of the dam and will be introducing it very soon. Senator McGovern will offer it on the Senate side.

Jim has also had legislation drafted to authorize the Bureau of Reclamation to make available low-cost Missouri Basin hydropower to irrigation projects constructed and operated by irrigation districts organized under state law. This bill would give privately constructed projects the same benefit of low-cost power as is available to projects built by the Federal Government. We are negotiating the final form of the bill and expect to introduce it prior to adjournment of Congress at the end of this month. Both Senator McGovern and Congressman Pressler have expressed their interest in joining Jim in sponsoring this measure.

A third bill Congressman Abdnor has had drafted will re-authorize the Belle Fourche Irrigation Project. The intent is to authorize the Bureau of Reclamation to bring this project up to modern day standards. As you know it was among the very first projects built by the Bureau. It is time the project is given a complete renovation, and we have been working with the Belle Fourche Irrigation District Board to bring it about. The Board is currently reviewing the draft bill, and Jim will introduce it as soon as they give their final approval.

Those are the three primary water development bills on which we are concentrating our attention at the present time. Their prospects are uncertain but so were prospects for enactment of Congressman Abdnor's bill to authorize the Pollock-Herreid Unit. Indeed, prospects for the Pollock-Herreid Unit, like the Oahe Unit, remain uncertain. We did get the necessary authorization legislation passed over the odds against it, though, and we can only and must continue to persevere if water development is to amount to more than a slogan in our state.

Speaking of the Oahe Unit, let me get right to the point concerning Jim's perspective by reading his September 27 letter to the Governor:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., September 27, 1977.  
HON. RICHARD F. KNEIP,  
Governor of South Dakota,  
Pierre, S. Dak.

DEAR DICK: I am in receipt of a copy of Senator McGovern's letter of September 14 enclosing correspondence from Secretary Andrus and pointing out that unless there is agreement within South Dakota on the Oahe Unit the Administration plans no further action. As far as the Administration is concerned, of course, the position of the Sub-district Board is key as long as they hold the master contract.

As you will recall, I wrote every Senator who supported the Abourezk Amendment, to delete funding for the Oahe Unit, to ask if a referendum would be persuasive in reversing their position. Enclosed for your information are copies of the replies I have received. You will note that, generally speaking, the Senators have an open mind. It is evident, though, that the position of the Administration will continue to be important, that the Congressional delegation must be united, that South Dakotans must take some action to demonstrate conclusively our support for the project, and that in the final analysis funding is unlikely as long as the local contracting authority remains negative.

In my view the project is not dead yet but may never recover from its current dormancy if people of the state and the Sub-district as currently districted do not elect officials who will actively support it. Alternately, I believe there is some potential that the project could be continued if (a) redistricting of the Sub-district results in a positive position on the part of the board or (b) the master contract is assigned to an authority which is more representative of the interest of the prospective beneficiaries and supportive of the project. (In the latter instance providing representation of those who have a valid negative interest in the project, e.g., a canal or wildlife habitat site, would be a problem and a subject of criticism, I'm sure.)

Finally, we have made a concerted effort to impress upon both the Administration and Congress the obligation to our state, which has made the idea of "alternatives" plausible to South Dakotans. Unfortunately, few in either branch of government appreciate our point of view in this regard, with the result that there are really no alternatives in the sense that Oahe Unit funding can be transferred to them. Any project which might be proposed must stand on its own merits. I have enthusiastically endorsed each proposal which has been suggested and will continue to do everything I can to see to fruition any water development proposal which will benefit our state. I am, frankly, skeptical that any can pass the strict economic, environmental, and political criteria which have been applied to the Oahe Unit in the past and the still tougher criteria which apparently will be applied to new starts, however.

I hope this is helpful, Dick. I am furnishing a copy of this letter to the Republican

leadership of the Legislature for their information also. I look forward to being of any possible further influence on this important issue and to any suggestions you may have in this regard.

Sincerely,

JAMES ABDNOR,  
Member of Congress.

We look forward to the meeting Senator McGovern has scheduled for the 12th of November in Sioux Falls. We will be participating and certainly hope it will be a productive meeting.

Jim would also want me to add that, while we disagree with the position of the Oahe Sub-district Board on the Oahe Unit, we are actively and as forcefully as possible pursuing the other projects they have proposed. These are not alternatives to the Oahe Unit but, rather, additional projects to be considered on their own merits.

It goes without saying that Jim wholeheartedly supports the Lower James addition to the Oahe Unit. It is unfortunate that the opposition of the Oahe Board may hold the Lower James project up, as it has the Oahe Unit itself.

There are, of course, other projects which deserve to be discussed in detail. But in the interest of time, I'll just mention them and Congressman Abdnor's most recent efforts to promote them:

The WEB pipeline—Jim initiated extensive contacts with various Federal agencies in an effort to obtain financial assistance to support their ongoing activities. He has also offered to introduce legislation to authorize the pipeline as a Federal Reclamation project if the local sponsors wish.

The Potter County irrigation project—the Congressman has corresponded with the Department of Interior. Upon receiving a somewhat negative reply, he urged that they take a closer look and send someone out to view the project area and visit with the local supporters.

The Yankton and Mitchell community drought projects and the Springfield project—the Mitchell and Yankton projects were funded by the Economic Development Association after we attended meetings in Denver and were able to convince regional EDA officials these projects are within the authority of the law as passed by Congress. The Springfield project is covered under a separate authorization.

Jim has been in repeated personal contact with EDA on Springfield's project, and we are delighted it was funded Wednesday.

The West River pipeline—our involvement in this potential project thus far has been limited to attending several meetings at which it has been discussed. The Congressman feels, however, that we should not let the fact this project would entail out-of-state diversion of water for industrial purposes stand in the way of its consideration. It may be the only way to provide a decent water supply to many western South Dakota communities; and it should be judged on the merits of its potential to do so, as well as its overall implications for the state.

The issue of industrial water marketing and water allocation has generated a great deal of controversy. There should be no controversy surrounding this issue—the control of water in the Missouri River Basin was given to the states west of the 98th Meridian by the express will of Congress in the Flood Control Act of 1944. No executive memorandum or administrative action of any type can change that policy—only Congress can do so. And, I don't believe Congress will be inclined to do so unless the states of the Basin get into a dispute among themselves.

Unfortunately, it is evident from the actions of the Administration in the water policy review currently underway that they do not share the commitment to states'

rights, which has been demonstrated by Congress and the states themselves.

This matter culminated recently with the passage of a resolution offered by Senator Curtis from Nebraska which expressed the sense of the Senate that no new national water resources policy shall be implemented without Congressional concurrence. Senator McGovern was a co-sponsor of the resolution, along with 33 other Senators, and it passed without dissent. In addition to calling for Congressional oversight, the resolution establishes reasonable periods of time for citizen and state input into the final regulations.

Hopefully Senator Curtis' resolution will signal greater consideration of the views of others on the part of the Administration and a halt to the way certain members of the Administration have attempted to arbitrarily enforce their will with respect to water development policy. In a related issue I should also mention Congressman Abdnor has urged that a hearing be scheduled in South Dakota to take testimony on the Administration's proposed acreage limitation regulations. These proposed regulations are still another of numerous examples of the arbitrary position taken by certain members of the Administration in ignoring historical precedents, local circumstances, and the views of others.

I could go on at much greater lengths. There is just no end to the water development issues of importance to South Dakota. The potential for water development to benefit our state is truly boundless; and I hope it has been evident from my remarks that Congressman Abdnor's effort to meet the challenge has also been considerable. If you have any suggestions how we can improve our efforts and enhance water development in our state, I know Jim is anxious to hear them. Your comments are always welcome.

The activities of the Association are a valuable service to the future of the citizens of our state. We commend your efforts. It has been my pleasure to be with you and, again, thanks for the opportunity to express a few thoughts on Congressman Abdnor's behalf.

A TRIBUTE TO DR. JAMES C.  
MCDONALD

HON. CLAIR W. BURGNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. BURGNER. Mr. Speaker, a good friend, an outstanding educator in my district stepped down from his post as superintendent of the Fallbrook Union High School District, and he is owed a special salute for his exemplary career. Dr. Jim McDonald has served as Fallbrook's superintendent for 14 years and has become recognized throughout the State of California as a leader in the advancement of education and public school administration. Under Dr. McDonald's leadership, the Fallbrook system was selected as one of the pilot school districts by the State Advisory Commission for Planning, Programing, and Budgeting System for California and has remained in a leadership role in school planning, programing, and budgeting.

Always concerned with scholastic achievement of our young people, in 1974 Jim McDonald was chosen as a member of the board of directors of the National

Merit Scholarship Corporation and continues to serve with distinction in policy development which guides this nationwide corporation whose aim is scholastic excellence.

A graduate and hall of fame member of Hamline University, Jim McDonald has not confined his tireless efforts to the classroom, but has exerted an important leadership role in community and civic affairs, as well. He has served as president of the Rotary Club in both Vista and Fallbrook, American Red Cross chairman, and chairman of the United Community Chest.

In conclusion, Mr. Speaker, I don't think the Fallbrook area could have employed any better school administrator and community leader than Dr. Jim McDonald, an outstanding educator. Jim McDonald will be missed in the Fallbrook Union High School District but will undoubtedly contribute his experience and energies for many years to come in other endeavors.

## THE CRUDE OIL TAX

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ARCHER. Mr. Speaker, the Wall Street Journal published an excellent commentary on the proposed crude oil tax in its September 28, 1977, edition. I commend it to the attention of my colleagues in the Congress:

### THE FLAW IN THE CRUDE OIL TAX

(By Charles E. Phelps and Rodney T. Smith)

The U.S. Senate has been grappling with the crude oil tax proposed by President Carter. So far the debate has centered on whether the revenue should be rebated to consumers or used for development of new energy sources. Inability to agree on that issue led the State Finance Committee to vote against the tax Monday, but because it's the centerpiece of the administration's energy plan immediate efforts were begun to resurrect it.

Aside from arguments about how to spend the revenue, there are important economic questions that need to be raised about a crude oil tax.

The stated purpose of the Carter plan is to raise the cost of petroleum products to the "world price." By conventional calculations this would mean an increase of five cents to seven cents a gallon, and thus would promote conservation. In fact, however, U.S. consumers already are paying the world price for refined products. The chief effect of the tax would be to extract some \$12 billion a year from the oil industry, in the process increasing U.S. dependency on imported oil.

A simple way to understand why the U.S. consumer is already paying the world price is to look at the world trade in refined products. U.S. price controls do hold down the price producers receive for domestic crude oil. But at the same time the U.S. is importing gasoline and fuel oil, principally from refineries in the Western Hemisphere. The exporting countries, especially the Netherlands Antilles and Venezuela, also ship refined products to the European market.

Naturally, these refineries sell their goods to the highest bidder. If the U.S. market were not paying the world price, all of their products would flow to Europe instead. In fact, the U.S. has continued to import all

types of refined products throughout the period of the controls, although the volume of trade has fluctuated during the period. In a vain attempt to discredit the primacy of world market forces, government studies have calculated that the cost of importing European products into the U.S. exceeds domestic prices. Actually, the pattern of world product trade already shows such a transaction could be uneconomic because Europe is a net importer of refined products from the Western Hemisphere.

#### MISFOCUSED DEBATE

The U.S. government, in its attempt to influence refined product prices, has consistently failed to understand the importance of the world-wide pricing mechanism. Because the crude oil tax would affect only U.S. refiners, it would have no noticeable effect on product prices, which are set in world markets. Thus the debate on the crude oil tax is misfocused because of the mistaken belief that consumers will bear the major burden of the tax. Instead the proposals would set up huge fund transfers without affecting the final cost. This can be seen by simply assessing the impact of various petroleum regulations.

The price of domestic crude oil is held below the world level by controls initially imposed in 1971 and extended by the 1975 Emergency Petroleum and Conservation Act. These controls reduce U.S. crude oil production below what it otherwise would be because producers receive less than the world price for their product. For vertically integrated firms such as the "majors" this is not too important, because the production of oil for their affiliated refiners allows them to offset imports of foreign oil at the world price. Instead of taking the profit in producing subsidiaries, they take it in refining subsidiaries. In effect they get the world price for domestically produced oil, and thus have no incentive to artificially increase imports.

Another regulation, called the Allocation Program, established the rights of refiners to the lower-priced, domestic crude oil—on the basis of historical contracts for deliveries in the base year of the program (1972). This forced crude oil producers to sell oil to refiners for \$5 per barrel, while comparable oil was valued at \$12 to \$14 per barrel on the world market. Because the market for refined products operated at the world level, this was a transfer of funds from producers to refiners. These transfers can be calculated at \$16 billion in 1975 and \$19 billion in 1976, though due to vertical integration much of this was a bookkeeping transfer of profits from production subsidiaries to refining subsidiaries.

However, prices of refined products were unaffected, since these transfers didn't alter the margin cost of refining, and according to conventional economic theory prices are set by the marginal costs of production.

Next, the government attempted to control market prices by establishing price ceilings on refined products. This proved totally ineffective because the conditions of the market dictated lower prices for products than the regulations required. This again confirms that prices of refined products were being set by market forces.

In late 1974 the government inaugurated the entitlements program. Under it, refiners using more than the national average of "old oil"—oil from existing domestic fields at their 1972 rate of output—were required to purchase monthly "entitlements" from refiners that use less than the average. The purchase price of the entitlements reflected the difference in cost between the price-controlled old oil and the world price.

The idea, of course, was to provide a financial cushion for the companies that didn't have much "cheap" domestic oil. But

a corresponding impact was that refiners promptly began to import more foreign oil to run through domestic refineries, thus increasing their volume of crude oil and their share of the entitlements. In effect, the entitlements program now subsidizes imported oil to the amount of \$2.50 to \$3 a barrel. The expansion in domestic refining replaced imports of refined products but domestic consumption and domestic product prices were virtually unchanged.

Finally, the inability of the U.S. government to overcome the world pricing mechanism in refined products was further evidenced in January 1976, when President Ford removed a \$2 a barrel supplemental tariff on imports of crude oil. This reduced the price of crude oil to U.S. refiners by nearly five cents a gallon. But once again the prices of refined products in U.S. markets did not change when the tariff was removed. The price was set not in the U.S. but in the world market, which was not affected by the change in U.S. government policy.

#### EFFECT OF CRUDE OIL TAX

On the basis of this experience, what will happen if the Senate enacts the crude oil tax? The profit transfers that take place under current regulations from crude oil producers to refiners will terminate. The tax will capture these transfers for the U.S. government, which will receive \$12 billion per year when the tax is fully implemented in three years. Refiners will not be able to recoup lost profits by charging higher prices for their products, because prices will continue to be determined primarily by the world market. This transfer, like the earlier ones, will not affect consumer prices. And if it does not affect consumer prices, it will create no new incentive for conservation.

After the imposition of the crude oil tax, all domestic oil will be valued at the controlled price, not the world price. Consequently, domestic oil production by the vertically integrated corporations will decline. Since there will be no incentives to increase conservation and reduce demand, this shortfall will have to be made up by imported oil. U.S. dependence on foreign oil will increase.

If the crude oil tax is adopted, it will have significant economic effects, primarily income transfers. The government will receive about \$12 billion in tax revenues, implying that after-tax net revenues of petroleum corporations will fall about \$6 billion. This transfer will be noticeable to stockholders of these corporations, since after-tax net revenue of U.S. petroleum corporations was about \$15 billion in 1976.

The price of refined petroleum products will continue to be set by forces at work in the world market and not by current efforts of our government to regulate consumer prices. The price of products will not change, and consumers will be essentially unaffected, unless the Senate decides to rebate to them a portion or all of the tax. The goal of encouraging further energy conservation will not be achieved, and the U.S. as a country will increase its income transfers to OPEC as a result of the increased dependence on foreign oil.

#### MINIMUM WAGE EXEMPTION

**HON. J. J. PICKLE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. PICKLE. Mr. Speaker, I want to place in the CONGRESSIONAL RECORD the language of my amendment adopted by the House on September 15, 1977. My

amendment raises the exemption for retail and service establishments that are privately owned and operated under the minimum wage laws from \$250,000 gross annual sales to \$500,000.

The Senate passed another version of this amendment, and thus my amendment will be subject to discussion in the conference.

My amendment is as follows:

#### ENTERPRISE COVERAGE

SEC. 12. (a) Section 3(s) (1) (29 U.S.C. 203 (s) (1)) is amended to read as follows:

"(1) is an enterprise whose annual gross volume of sales made or business done is not less than \$500,000 (exclusive of excise taxes at the retail level which are separately stated);"

#### INADEQUACIES OF CURRENT BAIL LAWS

**HON. ROMANO L. MAZZOLI**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. MAZZOLI. Mr. Speaker, I would like to take this opportunity to share with my colleagues a recent article from Parade magazine which examines the deficiencies in our current bail laws.

This article highlights some of the problems associated with inadequate bail laws which in some cases allow suspects to be released from jail before their victims are out of the hospital.

Statistics show that a significant number of repeat offenders are released on bail who then commit additional dangerous or violent crimes while awaiting trial for the first offense. For example, 22 percent of those defendants arrested in the District of Columbia for a felony offense in the last quarter of 1976 were either on bail, probation, or parole at the time of their new arrests.

The House on September 26, 1977, approved H.R. 7747, a bail reform bill for the District of Columbia. This bill seeks to protect the public from dangerous or violent criminals and to ameliorate some of the inequities in the present bail system.

I am hopeful that this bill will serve as a model for other jurisdictions which are considering changes to their bail laws.

The article reads as follows:

#### OUR BAIL BREAKDOWN

(By Murray Teigh Bloom)

When Charles Gray and Barbara Gaston were arrested in Miami in August 1975 on charges of smuggling \$7.5 million worth of heroin, the Drug Enforcement Administration (DEA) estimated it had spent \$375,000 trying to nab this much-traveled courier couple.

At first their bail bond was set at \$500,000 each. But their expensive lawyer argued that the Bail Reform Act of 1966, covering all federal prisoners, called for either no bail or only reasonable bail. The U.S. Attorney argued forcefully against bail reduction because the couple had several sets of false identification and access to Swiss bank accounts worth several millions. Nevertheless, bail was reduced to \$100,000 each, which meant they could get out by producing only \$10,000 cash each and assuring the bailbondsmen of adequate collateral.

Very quickly they put up the \$20,000 cash—brought by an associate—and very quickly they disappeared. A week later federal investigators learned they had withdrawn \$400,000 from their account in Zurich. The DEA has spent more than \$150,000 trying to recapture them. The couple's piddling \$20,000 cash was forfeited, but at this writing the U.S. still has not collected the remaining \$180,000 from the bonding company.

#### BUSINESS AS USUAL

There are more than a thousand similar cases around the country: major drug law violators who have forfeited their bail or appeal bonds and fled. And usually they resume their trade.

But it's not just the drug cases where bail is one of the thorniest issues in criminal justice today. Consider:

Chicago Police Superintendent James M. Rochford has complained that each year the police there arrest 40,000 criminals already out on bond.

Some 60-70 percent of armed holdups in the nation's capital are committed by persons out on bail, according to the Washington Chief of Police.

In 1976 Chief Justice Walter H. McLaughlin of the Massachusetts Superior Court told a U.S. Senate committee that "one of the greatest causes of crime is letting known criminals loose without bail or small bail for months and sometimes years before we are able to reach them for trial."

Still, our tradition is to presume innocence until proven guilty. Confining a suspect merely because he can't post bail files in the face of this concept.

The 1968 revolution in our bail practices arose largely from a desire to give the poor a better break. Bail experiments in New York and elsewhere found that under controlled conditions many many suspects could be released in their own recognizance, without having to post high bail through professional bondsmen. At the same time bondsmen all over the country were coming under increasing scrutiny because of high profits and low practices. In a continuing federal investigation in Pennsylvania, more than 71 defendants—mainly bail bondsmen—have been accused of giving kickbacks to magistrates, bribing city and county officials and accepting payoffs from defense attorneys. The indicted owed millions to various county courts on forfeited bonds because the people they bonded didn't appear for trial.

#### NO BAIL NECESSARY

Similar problems in many states helped lead to the Bail Reform Act. In essence the new law was pegged on reliability rather than money; if the accused seemed likely to appear for trial, then he could be released without bail. In time some 48 states adopted various reform programs. Illinois and Kentucky eliminated bail bondsmen altogether. They made it easy for almost anyone to be released on his own recognizance or by posting only 10 percent of the total bail.

All this prompted the bitter comment in Washington, D.C., of U.S. District Court Judge George L. Hart, Jr.: "... if a defendant promised me he was going to murder three persons, I would have to let him go on bail."

And in Chicago, Judge Arthur Dunne of the Cook County Circuit Court commented: "You lie awake worrying what some person you admitted to bail may be doing to some innocent citizen." As the law now stands, he added, you cannot deny bond except in murder cases. Yet an Illinois investigation in 1974 even found that 15 persons charged with murder were out on bond.

Apparently under the new bail rules even a suspect deemed an immediate danger could get out. When Albert B. Underwood

III, a University of California student, was arrested for possession of two sawed-off shotguns, he was released on \$500 bail. He promptly built several pipe bombs and mailed them to the officers who had arrested him. His bail was revoked and he was imprisoned—only to be ordered released by California's highest court on the ground that a judge cannot consider a defendant's dangerous propensities.

The liberal bail rules went even further. In July 1976, a Los Angeles grand jury reported that convicted criminals were frequently freed on bail while their cases were being appealed. And in many cases the appellate courts took a year to reach a decision. The grand jury statement added: "Criminal law loses its effect if punishment is not swift and sure. This principle is violated when a defendant is released on bail during a lengthy period of appeal."

Many judges, police chiefs and prosecutors have also concluded that the state and federal bail reforms of the 1960's went much too far. "A depressing failure," former Deputy U.S. Attorney General Harold R. Tyler called it.

#### 130,000 FUGITIVES

And in New York City, where it was estimated there might be 130,000 fugitives from bail, the Daily News commented: "In a properly working system bail might make sense. In a battered and sinking ship, it's just another hole in the side through which the rats can scurry."

One reason for the present bail mess is that some arguments made for the Reform Act depicted the typical criminal as a poor and downtrodden victim of society. He usually isn't anything of the kind. More typically, he's a cunning professional who uses his free time on bail to commit other crimes, partly to provide money for his defense. As Chicago Police Superintendent Rochford pointedly wondered recently: "Do the courts ever inquire about the fee an attorney receives for handling a repeater, and the source of his money?"

Besides committing more crimes, criminals out on bail can intimidate witnesses. In Washington, D.C., according to one study, 1,000 criminal cases a year are dropped because of witness intimidation. As former Assistant U.S. Attorney Lee Cross said: "There is something wrong in a society in which a girl who has been shot in the back must hide from her attackers because the suspects were freed after being caught."

#### IRONIC JUSTICE

As a result of this and similar cases all over the country, justice inevitably moved to its logical and ultimate indignity: the prosecution witness is locked up for his own protection while the accused is let out on bail.

No one pretends that pretrial detention is the perfect answer. For example, what do we do about defendants who are jailed without bail and later found innocent? But clearly it's time for our states to amend the easy bail provisions that disregard common sense and the frightening criminal statistics. Isn't it time we accepted the fact that many criminals, because of their known histories, are simply too dangerous to be allowed out on bail while awaiting trial—or an appeal?

#### PERSONAL NOTICE

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. FRENZEL. Mr. Speaker, yesterday on rollcall No. 643, I was recorded as

paired against the motion on the rule on House Resolution 766. That pairing was a mistake. Had I been present, I would have been obliged to vote for the rule.

#### NEW PROPOSALS: NO ANSWER TO SOCIAL SECURITY PROBLEMS

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ASHBROOK. Mr. Speaker, two recent proposals concerning the social security system I believe have little merit. These are the proposals to raise the age for social security benefits and to place Federal, State, and local government employees under social security.

The House Ways and Means Committee has approved a bill mandating universal social security coverage. All Federal employees, all State and local government employees and all employees of nonprofit organization would be required to participate in social security. The bill also provides for a study of methods of integrating the social security system, the civil service retirement system and other retirement systems.

Some 2.6 million Federal employees would be affected by the provisions of this bill. In addition, approximately 4 million State and local government workers would be brought into the social security system.

I am strongly opposed to such a move. The legislation raises uncertainty about retirement benefits for those now outside the social security system. These people have paid into their own retirement programs—many of which are excellent—and they are counting on the benefits they have been promised. It would be unfair now to change the rules of the ball game and merge the various retirement programs into social security.

In addition, the Carter administration's Secretary of Commerce Juanita Kreps has recommended raising the social security age to 68. I strongly believe that raising the age for social security benefits would be a serious mistake. After working 30 or more years and paying money into the social security system, a person deserves to receive the benefits he or she has been counting on. It would be a breach of faith to now raise the age for benefits.

Both these proposals are attempts to bail out the social security system. By raising the age for benefits and bringing more workers under the system, it is contended, the financial situation could be eased at least temporarily.

The social security system does have some difficult times ahead. One of the main problems has been that too many have tried to make a welfare plan out of social security instead of fulfilling its original purpose. Raising the age for benefits or mandating universal social security coverage, however, is no way to solve the financial difficulties.

I urge my colleagues to reject both these proposals.

## DON'T BE FUELISH

## HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. McDONALD. Mr. Speaker, as a partial response to the President's outbursts over opposition to his energy program at his press conference today, I would like to call attention to an article called "Don't Be Fuelish," by Robert G. Anderson that appeared in *The Freeman* for October, 1977.

In my view, Mr. Carter sounded more like Ralph Nader than the President of the United States. Evidently, the President does not understand the economics of the free market system under which we are supposed to be operating. Government controls have never increased the amount of any commodity. Government regulation has stifled natural gas production by holding the price down artificially and the same is going to happen to oil under the President's proposal. The natural gas shortage of last winter was created by the Federal Government—the culmination of long years of price controls. The free working of the law of supply and demand will provide the necessary incentive to bring in the additional supplies of gas and oil that everyone knows we have. Conservation is just not the answer without increased production. Rationing and controls merely spread the shortages out evenly and distort the market and inevitably dry up supplies.

The article follows:

"DON'T BE FUELISH"

(By Robert G. Anderson)

The American consumer finds it hard to believe the commercial: "Please don't use my product." Buy small, drive less, lower the thermostat, recycle, stop wasting energy—the latest culprit in the energy debate has become the "piggish" consumer.

Millions in advertising are now expended to reprimand the consumer for consuming. Public utilities as well as the petroleum industry urge consumers to use less of their products. Even the automobile industry has joined in the plea—promoting smaller cars, car pooling, and less travel.

Such strange behavior is not the way of the market. Providing the consumer with more for less—creating better products—has been the traditional role of the producer. Producers in competition with one another have turned to advertising as a means of promoting, rather than curtailing, the use of their products.

That suppliers of energy should call upon consumers to curtail energy consumption would seem to be an act of irrationality in a free, competitive market place. But such behavior by producers today is not so much a mark of their insanity as it is a measure of the extent to which market forces have been blocked or abandoned in the energy business. An unfettered market for energy simply does not exist.

Price, in a free market, reflects changes in supply and demand. Assuming a steady demand, prices tend to fall when supply becomes abundant, and prices rise when things are scarce. High prices are a signal to consumers to conserve; and to producers, high prices are a spur to increased productivity.

But the free movement of price is now restricted by government.

This political interference has hampered the use of price as a means of allocating energy resources. Higher prices, a signal to increase energy supplies and decrease energy consumption, are prevented by government edict. Such government controls on price, as well as regulations hampering production, have discouraged any significant increase in the total supply of energy.

These political barriers to higher prices, and restrictions on production, have generated a widening gap between available supplies of energy and consumer demand. Producers—unable to respond to this disequilibrium through upward price adjustments or increased production—are forced into an advertising program to discourage consumption of their own products and services.

This strange turn in advertising is one of the inevitable consequences of earlier political intervention. Nevertheless, many people blame the market for this new development. Only when it is realized that such behavior is a product of government interference with market forces can any remedy be found.

The extent of government ownership of energy resources and energy-generating facilities is a primary source of the problem. Government legal ownership and government control in the energy field is awesome. Unlike private owners, government owners of resources need not respond to the demands of consumers. The motivating force of gain, which activates the employment of private resources, is absent when the resources are owned by government. Government employs its resources according to political determinations rather than market decisions.

Throughout the world, huge energy-rich land and sea areas are either directly owned or controlled by governments today. Access to these properties by private energy producers, if permitted at all, is at the total discretion of government. In many cases, the government reserves to itself all rights to exploit these resources.

## POLITICAL DOMINATION

The presence of government is even more universal in the delivery of electricity and natural gas. Much of the utility industry is legally owned by government. That which remains nominally in private hands is under the direct control of government, and decisions regarding prices, production, and distribution are under government jurisdiction. As a result, the entire industry is dominated by political concerns.

The tragedy of our age is that political decisions are so heavily motivated by envy and guilt. Political redistribution of wealth and deprivation of consumers has been the logical consequence of these attitudes. The law has been used to reallocate property and direct the activities of the citizenry; and the government-owned resources are employed in a similar manner. Convinced that the "social justice" of collectivism demands both a reordering and a redistribution of economic resources, government responds by using all of its resources toward that end.

Obviously, what the political planners seek is radically different from what individual consumers want. A private owner of resources is forced to respond to the will of consumers if he wishes to prosper, but the resources of government are responsive to political rather than market pressures. The political will of a collectivist society is never the same as the individual consumer's choice in the use of his own purchasing power.

Today's political will decrees that low prices, resource preservation for posterity, the reduction of private profit, and reduced consumption are desirable goals in the energy field. To implement these goals, the gov-

ernment enacts various restrictive laws and withholds its resources from production.

Industries that traditionally have served the consumer well in the energy field rapidly are losing their freedom to do so. Government insists that energy resources must be preserved for future generations and that today's consumer is guilty of massive waste. Political concern for the poor prevents energy price rises, and political bias against industrial profits discourages increased production.

## ECONOMIC SABOTAGE

The pursuit of these political goals is as effective a program of economic sabotage as anyone could devise. The conflict generated by a collectivist philosophy of envy and guilt assures ultimate chaos in our society. Meanwhile, producers of energy respond as best they can with the freedom they still retain.

The utility industry, forbidden by government to raise rates and hampered in developing additional capacity, is the classic victim of this political philosophy. Government, believing that low rates are best, that consumers are wasteful, and that resources must be preserved for future generations, thus restrains the utility industry. The industry, in desperation, resorts to a campaign urging consumer conservation, a program costly to consumer and producer alike.

The petroleum industry also is the victim of these political beliefs. Legislation holding oil prices below market rates restricts profit margins and destroys incentive to produce. Legal barriers against private producers remove government-owned oil lands as a source of additional supply. International government cartels limit world supplies of oil. Adverse tax laws and production quotas further limit the output. With production thus restrained, the petroleum industry responds, as do the utilities, to advocate reduced consumption. Limiting the gap between existing supplies and growing demand becomes the primary concern of both industries.

The withholding of government-owned energy resources and the political bias against private production has left energy producers with but one option—to advertise for lower consumption of their products. Unable to expand productive capacity, they are attempting to forestall the political alternative: bureaucratic rationing of resources thus rendered scarce.

An advertising campaign to discourage consumption may allow frozen prices to continue to serve temporarily as the means of allocating resources. However, the limitation of production steadily raises costs and applies pressure for price increases. The hampering of new production ultimately will be borne by the consumer in a lower standard of living as energy resources are either not available in quantities desired, or available only at significantly higher prices. The fundamental problem still remains.

## PLEASE THE GOVERNMENT

"Conservation" advertising also is being done by some of the energy-related industries. Automobile manufacturers, for example, have been urging a reduction in the use of their energy-using products. Unlike the petroleum and utility industries, these producers still retain their freedom to expand production and sell their products at market-determined prices. Still, they engage in aggressive promotion of small cars, urge less driving, and encourage owners to trade less often, keep the old car longer.

The frightening aspect of this advertising is that it is undertaken to "please" the government rather than to serve the consumer. The automobile industry clearly is intimidated after a decade of continual harassment by government regulations and production

standards. More and more, the type of vehicle produced is ordained by government rather than by the consumer. The automobile industry is well aware of its dependence on a satisfied government.

In a free market the consumer is sovereign. The producer responds by diverting his resources and directing his advertising toward the desires of the consumer. Today, the regulatory power of government is gaining ascendancy over the sovereign consumer. To survive, the producer must be ever conscious of government's will as well as the consumer's choice.

Whether consumers want small cars, less driving, more car pooling, or more aged cars is irrelevant. It's what the government says is best! The automobile companies recognize this fact and respond to these political goals through their advertising programs. Just as they have been forced to meet government-imposed standards of construction, they likewise structure their advertising to government orders. Hypocrisy in advertising becomes a condition for business survival.

These pleas by the private producers of energy and of energy-using products are not of their own making. Just as the well-being of the consumer suffers from a decline in total production, so, too, does the well-being of the producer. The fault must be placed on government, and its counter-productive political philosophy of envy and guilt. As long as our society is governed by this collectivist mentality, our economic well-being must suffer.

Yet, the market continues to respond. When hampered by radical government intervention, market forces turn to the areas remaining free. The options of energy producers have declined to the extent that they must now resort to advertising against the interests of themselves as well as consumers.

In the pursuit of political goals in the energy industry, government has hampered production, taxed away profits, frozen prices below the market, and frustrated consumer choice. The result is a decline of our standard of living, and even our remaining freedom to be "fuelish" may soon be denied.

Isn't that foolish?

#### PERSONAL EXPLANATION

### HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. BEARD of Rhode Island. Mr. Speaker, regrettably I was absent from the floor of the House during the vote taken on H.R. 3, the conference report on medicare-medicare antifraud and abuse amendments. During the time of this vote, I was attending a historical event for the State of Rhode Island and also had a special audience with the Secretary of Commerce, Juanita Kreps. At that time, a grant amounting to \$4.1 million was presented to the Rhode Island O.I.C. before a substantial number of Rhode Island business, clerical, and government leaders.

If I was present, I would have voted in favor of H.R. 3 which I had previously voted in favor of on September 23, 1977.

#### WHERE CREDIT IS DUE

### HON. JIM MATTOX

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. MATTOX. Mr. Speaker, next week is International Credit Union Week and I would like to take this opportunity to salute the achievements of our Nation's credit unions and congratulate them for so many years of service to millions of working Americans.

Through recession and inflation, credit unions have continued to be of great benefit to their 17 million members, many of whom would likely face financial difficulties were it not for the reliable, low-cost services provided by credit unions.

Before the advent of credit unions, it was the commercial banks and certain other private lending institutions that were the primary sources of credit for Americans.

But the Great Depression of the 1930's eroded both the confidence of citizens in their banks and the ability of those institutions to provide services to their customers. Especially hard hit were the millions of working-class Americans who found needed loans beyond their reach—loans that could have served as a spur to the sluggish Depression economy.

As more and more citizens moved from rural areas into urban industrial surroundings, it became apparent to the Nation's lawmakers that an alternative institution was needed to provide credit for the growing population of working Americans—an institution in which they could have the utmost confidence and one that could provide easily obtained, low-cost services.

There were many who said it was an outlandish idea. Working men and women cooperatively owning and operating their own financial institution? It seemed an impossible dream.

But the years since 1934, when the Federal Credit Union Act first established credit unions, have shown those early critics to be wrong—credit unions have firmly established themselves as a viable and beneficial part of this Nation's economy.

Because they are nonprofit, and because the credit union members cooperatively own and run the organization, they are better able to "cater" to the specific needs of their members, with services and dividends that commercial banks and other types of lending institution are not set up to provide.

And, more often than not, when those banks and lending institutions refuse to loan money to certain customers, the credit union has been there to assist.

In the age of "problem banks," credit unions have maintained an untarnished image and are held in the highest regard by their members.

Mr. Speaker, not only have credit unions been of unparalleled service to their members, they have shown them-

selves to be beneficial to the economy as a whole. By providing the resources for millions of Americans to purchase homes, cars, and other items, they are helping to stimulate our Nation's economy and are thus assisting in the battle against unemployment and inflation.

During the week of October 16-22, International Credit Union Week, I urge my colleagues in Congress and my fellow citizens to take note of and commend credit unions for the valuable services they have provided to their members and this Nation.

#### THE BURDEN OF ILLEGAL ALIENS

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. DERWINSKI. Mr. Speaker, illegal aliens are becoming an increasing burden to the American taxpayers and the American economy. In order to solve this growing problem, we must have streamlined and effective enforcement procedures, which includes a tightened and expanded border patrol force.

This proposal is effectively addressed in an editorial broadcast over Chicago Radio Station WBBM, on September 23. I direct the attention of the Members to the editorial which follows:

#### ILLEGAL ALIENS

Illegal aliens are a big problem for the United States, but how to stop them from coming into the country is an even bigger problem. Millions of the illegals are working in jobs our own citizens should have and they get about \$13 billion a year in benefits paid for by tax dollars. But given our heritage as an immigrant nation and our relationship with other countries, particularly Mexico, President Carter has found it hard to crack down on the illegals who are already here, although he proposes beefing up the border patrol and imposing stiff fines on U.S. employers who hire illegals. Soon after the announcement of the President's plan, however, the Border Patrol estimated the flood of illegals increased by 51 percent.

That's exactly what we see as the problem. If the President is going to grant a kind of amnesty to the illegal aliens already in this country, what's to stop more from hurrying in under the deadline? The Border Patrol is admittedly too small to cover the ground now. And what's that supposed to mean to the thousands of people abroad who wait patiently and legally for their visas? Doesn't it make a sham of our immigration laws and quotas?

If the United States had guards along every foot of our borders it wouldn't stop all people from sneaking into the country, but the present force must be strengthened. With that part of the President's program we agree. But we can't support the sections which offer lenient terms to those illegals already here. They make a mockery of fairness. And, even worse, what kind of citizens can we expect these people to be when we reward them at the outset for disobeying the law and getting away with it?

That's our opinion. We'd welcome a reply.

## THE MORAL RIGHTS OF ARTISTS

## HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. DRINAN. Mr. Speaker, on July 13, 1977, I introduced H.R. 8261, a bill to amend the copyright law "to secure the rights of authors of pictorial, graphic, or sculptural works to prevent the distortion, mutilation, or other alteration of such works, and for other purposes." The short title of the bill is the "Visual Artists Moral Rights Amendment of 1977."

The moral rights of artists is a doctrine well known in many nations around the world, except the United States. The concept is a part of the Berne Convention which has been ratified by a large majority of foreign countries. The United States has never acceded to that treaty in large part because of its provision on moral rights. If H.R. 8261 becomes law, I am hopeful we will then be able to join the rest of the world in recognizing this important right.

## NATURE OF THE RIGHT

It should be noted that the moral right of artists is, in some respects, an amorphous doctrine. While it has certain well defined features, it also contains elements of ambiguity at the perimeters. Legal scholars disagree on the nature and scope of the concept, and other nations, while agreeing on some central features, disagree on the outer limits. In order to understand fully the contours of H.R. 8261, it is helpful to examine briefly the nature of the doctrine.

It should first be recognized that the moral right of an artist is really an extension of the personality of the author and seeks to protect the creativity which produced the art work. It must be carefully distinguished from copyright, which seeks to protect the economic or property interest of the artist. Because copyright is a property right, it follows the work of art and in one sense adheres to it wherever it may be. Thus a copyright is transferable and assertable by the owner of the copyright, irrespective of the creator of the copyrighted work.

On the other hand, the moral right is, as I noted, a part of the artist's personality and as such remains with the creator of the art work even though that work may be transferred to other owners. The work moves on with the copyright, but the moral right stays with the creator of the work. Because of this fundamental difference between copyright and moral right, it has been argued that statutory recognition of the moral right should not be undertaken in the context of the copyright law.

As I indicated earlier, H.R. 8261 is an amendment to the copyright statute. I have taken that approach because that law is a readily available vehicle to carry the moral right and because that law embodies, at the Federal level, the full extent of protection for artists. While the moral right could be established in separate legislation, it makes sense, in

my judgment, to incorporate it into the existing copyright statute.

## SCOPE OF THE RIGHT

Having noted the differences between copyright and moral right, it follows that the scope of the moral right consists of different elements. The Berne Convention contains the most widely accepted definition of the moral right and it is thus a good starting point. That convention expressly recognizes two aspects of the moral right and contains a third, open-ended provision.

First, the Berne Convention gives the artist the right to claim authorship of a work—the so-called right of "paternity." Thus if a work should be published or exhibited without the artist's name, the creator may assert a right to have the publisher or exhibitor identify the work by name. In addition the artist may require the publisher or exhibitor to remove her or his name if the work is improperly identified. And of course, the artist has the right to remain anonymous if that is the course he or she wishes to follow.

Second, the Berne Convention gives the artist the right to object to any "distortion, mutilation, or other alteration thereof." This is frequently referred to as the right of "integrity." It protects the artist's work from misuse by subsequent owners—misuse in the sense that the work is being distorted against the original design of the author. In the American case of Crimi against Rutgers Presbyterian Church, the artist sued the defendant church for obliterating frescoes he had created for it several years earlier. A New York court refused to recognize the moral right of integrity of the work and thus denied the artist any relief.

Third, the Berne Convention has a kind of residual clause that seeks to pick up a number of other elements of the moral right. It states that the artist may object to "any other action in relation to the said work which would be prejudicial to his honour or reputation." It is not altogether clear what specific rights this give to the artist, except to allow each nation which signs the Convention to identify such rights through its legislative, executive, or judicial branches. It would undoubtedly cover the case in which Shostakovich and other Russian composers sued 20th Century Fox to prevent it from using their music as background in an anti-Communist movie. Those Russian composers lost their case in the American courts because we do not recognize the moral right in any respect. When they brought a similar suit in France, the court awarded them a judgment because that nation does recognize the moral right.

## DESCRIPTION OF H.R. 8261

Of the three elements of the moral right contained in the Berne Convention, my bill contains the first two expressly, that is, the rights of authorship and integrity are given explicit statutory recognition. With respect to the third, somewhat open-ended provision, my bill contains a more limited provision. It allows the artist to protect any condition

on the use of the work which the artist has recorded in the Copyright Office.

I am aware that a number of visual artists have not been accustomed to and indeed have not utilized the copyright law as a means of protecting their interests. I am also advised that organizations like the Boston Visual Artist Union and groups in the Bay Area in San Francisco are seeking to encourage artists to use the copyright law more frequently. But whatever use is made of that law by visual artists, my bill would not require that the work first be copyrighted before the moral right attaches. Even the third part of my bill, which allows protection of conditions recorded in the Copyright Office would not require the artist filing such conditions to copyright the work.

In my judgment, requiring the artist to record the specific limitations he or she wishes to impose on subsequent owners of the art work is a fair way of giving some content to the open-ended provision of the Berne Convention. It will also serve to blunt criticism that owners are left to the whim of an artist in the use of the work. Thus using the example of the Shostakovich case, if my bill had been law at that time, the Russian composers would have won that suit in U.S. courts if they had first recorded their desire not to allow their music to be used as background without their prior consent. Therefore, even if an artist is unavailable or even dead, the owner of the work will be able to check with the Copyright Office first so that he or she will not run afoul of any restriction on the use of the work.

## DURATION OF THE RIGHT

This bundle of three distinct aspects to the moral right comprises the heart of H.R. 8261. To be sure, the bill raises other issues related to the assertion of the right. First, in European countries there has been much discussion over the duration of the moral right. Some have argued that it should last as long as the work is in existence, assertable by the heirs of the artist or in their absence by a governmental agency. On the other hand, some argue that, since the moral right is really an extension of the artist's personality, its duration should be coterminous with the life of the artist.

My bill adopts a kind of middle ground. Since it would incorporate the moral right into the copyright law, it gives that right the same duration as copyright, which is the life of the author plus 50 years. I should note that this period of duration has been, together with the moral right, the two major stumbling blocks to U.S. ratification of the Bern Convention.

## COVERAGE

H.R. 8261 also raises another important question: who shall be covered by it? The Bern Convention covers any "author," a word which is defined very broadly as it is in our own copyright law. My bill is more limited. It would apply only to authors of "pictorial, graphic, or sculptural" works. This limitation was included because the so-called "visual" artists are the least organized and are the least protected among artists in America.

Many composers, for example, protect their interests through contractual arrangements which are negotiated with the help of other persons and organizations in the industry. Visual artists, on the other hand, tend to be fragmented and unorganized, a condition which appears to be changing. I have noticed in recent years a growing awareness among the visual artists to assert their just concerns through organizational strength.

I should add too that, in all candor, the major opposition to establishing the moral right in America in the past has come from the so-called users of copyright: the movie makers and the television industry. While I do not think that alone should be grounds for denying protection to other artists, if such additional protection is needed, it may well be a factor in seeking to take a first, modest step to enact some moral rights legislation.

## RELATED ISSUES

Needless to say, H.R. 8261 does not exhaust the subject of moral rights. There are a number of issues which my bill leaves unresolved. For example, some countries have recognized, as part of their moral right, the privilege of the artist to withhold the work totally from the market. In one sense, the United States already observes that right in the copyright law. Furthermore some nations give the artist the right to make modifications in the original work or even to withdraw it from the public domain, compensating the current owner for it. Additionally some scholars maintain that part of the moral right is to be free from "vexatious" criticism of the art work. That concept is, of course, contrary to our copyright law which authorizes nonconsented use of the work for criticism under the "fair use" doctrine. In addition any attempt to legislate in this area would raise serious first amendment questions.

Finally I should note that the laws of foreign countries are divided as to whether any aspect of or the entire moral right may be transferred or waived. Some nations have adopted the view that moral rights may be waived, but not transferred. Let me give you an example of what I mean. Suppose a painter notices that the current owner of one of her paintings has altered the work in some significant, offensive way. At this point, the painter, knowing of the mutilation, has a choice of either asserting her claim or foregoing it. If the latter course is followed, it may be that she will be held to have waived any objection if on some future occasion she wishes to assert her claim of unlawful distortion.

This waiver concept must be compared carefully to the doctrine of transfer. Nations that recognize a waiver may not recognize transferability. That is, the artist may not, by contract or otherwise, transfer her or his moral rights. In a nation where such transfer rights are recognized, the artist may, because of youth, need for money or recognition, contract away all of his or her moral rights. Frankly I am not sure whether American law should allow waiver or transfer of the moral right.

I should note, in this connection, that in 1946 Western Hemisphere nations met in Washington, D.C., and signed the Inter-American Convention on the Rights of the Author in Literary, Scientific and Artistic Works. That convention, which incidentally the United States has also refused to sign, gives the artist the right "to dispose of or waive" the moral rights recognized in that convention.

## CONCLUSION

I should note, in concluding, that the arts have always been the orphan in the American political family. Writing in the Harvard Law Review over 35 years ago, Martin Roeder observed: "Busy with the economic exploitation of her vast natural wealth, America has, perhaps, neglected the arts." That is a large understatement of the insensitivity which has characterized the attitudes of elected officials for a very long time.

In a very real sense the greatness of a nation is measured by the respect which it accords the creative work of its people. And a large measure of that respect is reflected in the attitudes of the Government toward the arts, attitudes which inevitably are embodied in the laws of the land. If the Congress fails to enact positive, effective statutes to protect the rights of artists, the United States, with all its wealth, power, and achievements, will be judged, at best, a second rate civilization.

## COMMENDATION OF TULSA'S MUSCULAR DYSTROPHY TELETHON

## HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. JONES of Oklahoma. Mr. Speaker, it is again with the greatest pleasure that I am able to take this opportunity to inform my colleagues of the success of my State's participation in the recent 1977 Labor Day Telethon.

This year was the eighth annual Labor Day Telethon telecast by one of my district's broadcasting stations, KTUL-TV. The management and staff of KTUL-TV have rendered notably generous services to this particular cause—undoubtedly shown by the final off-the-air toteboard figure of \$211,294.

This favorable outcome of Oklahomas' involvement in and contributions to the 1977 Labor Day Telethon was further shown by the 16-percent increase of contributions by the people of eastern Oklahoma over last year's contributions. Clubs and organizations too numerous to mention joined with firefighters, letter carriers, Kiwanis, U.S. Jaycees, CB'ers, McDonald's Restaurants, Seven-Eleven Stores, youth groups, church groups, and others to insure the success of this year's telethon.

Furthermore, hundreds of volunteers manned pledge phones for 19 consecutive hours not only in the city of Tulsa, but also in other cities such as Bartlesville, Claremore, Cushing, Hartshorne, Henry-

etta, Mannford, Muskogee, Okmulgee, Owasso, Pawhuska, Ponca City, Poteau, Pryor, Stillwater, Tahlequah, Vinita, Wagoner, and McAlester.

It is also important to note that Representative LES ASPIN of Wisconsin has nominated Jerry Lewis, the national chairman of Muscular Dystrophy Association, for the Nobel Peace Prize. The nomination has been accepted by the Nobel Prize Committee of the Norwegian Parliament for the 1978 award.

I hope my colleagues will join with me in their sincere appreciation for the generous support of my State and various other States for this commendable cause to help the victims of muscular dystrophy.

## A TRIBUTE TO G. W. "BUD" QUADE

## HON. CLAIR W. BURGNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. BURGNER. Mr. Speaker, one of the outstanding school administrators in southern California has announced his retirement, and I would like to pay a special tribute to a friend and outstanding public official, Bud Quade. The Escondido Times Advocate recently devoted its lead editorial to Bud Quade's career, and I could not state Bud's value any better. I would like to include the editorial here and add my own special congressional salute to an exemplary administrator and a fine gentleman:

[From the Escondido (Calif.) Times-Advocate, Sept. 22, 1977]

## A PUBLIC OFFICIAL WHO WILL BE MISSED

The time for retirement from our chosen professions or vocations eventually comes for all of us. Such retirements are seldom noticeable if that person has been in the private sector of our society, although the private person's contributions to society may have been just as valuable.

The person working in the private sector (for a private business) is not necessarily subject to public scrutiny, public ire, public praise, public comment—not like the public official, working for a public agency.

Being a public official—especially an administrator of a public agency—has to take its toll over the years in some way, as that public official is subjected to the pressure of dealing with public employees, the elected officials of the legislative body to which you're responsible and the public itself. Some public officials can cope with that sort of pressure; some cannot.

Some public officials have that certain something, that intangible thing, that personality quality, that ability to get along with people, that diplomacy that is necessary to marry with the ability to be a business manager; the two facets being necessary to make an outstanding administrator.

What's this got to do with retirement? This community is going to lose an outstanding public administrator through retirement. And this is the time to say it, although it may be a personal embarrassment to him, as he's that kind of person: He doesn't want any fuss about it.

G. W. "Bud" Quade (nobody calls him Guilford, which is his given name) has announced his retirement (technically it's a resignation) as superintendent of the Escondido Union High School District, effective next June 30. We think that Bud Quade



fits our comments above. He is an outstanding administrator in our book. He will be missed. We know that we will miss him.

Quade has been in the district 30 years, 22 of them as superintendent. He has survived in a post in the same district for a longer period of time than could be expected, as school superintendents are subject to the whims of changing boards of trustees.

We imagine that one of the reasons that Bud wanted to stay in Escondido (many school superintendents choose to move on periodically for more money, a bigger district, or incompatibility with the staff or trustees) is because the district and the job had become a part of him. He said as much when he told trustees in his written resignation: "My employment with the district has been far more than a job or position for me. It has been a vital part of my life. . . I deeply appreciate the opportunities that I have had in this district, and I trust that I have contributed to the successful operation of what I consider to be an exceptionally fine high school district."

Knowing Bud Quade, those comments were sincere and from the heart. We suggest that we're not alone in assuring Bud that he has, in fact, contributed greatly to the successful operation of the Escondido Union High School District.

Quade will carry some fond memories with him, especially from the early days of his career—tent classrooms, a split campus, the opening of Poway and San Marcos high schools (both of which were then in this district), the opening of Orange Glen and San Pasqual high schools, Poway and then San Marcos breaking away and forming their own districts.

We salute Bud Quade: a teacher, an educator, an administrator and a first-class guy.

**THE DEPARTMENT OF ENERGY:  
\$10.6 BILLION?**

**HON. BILL ARCHER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ARCHER. Mr. Speaker, the attached commentary on the budget of the new Department of Energy was recently brought to my attention. It puts the moneys involved into a unique perspective and I think that it is well worth reading by my colleagues in the Congress.

**\$10.6 BILLION? THEY CAN'T BE SERIOUS!**

Actually, by totalling the number of employees and the fiscal budget of all the departments and energy functions that now will be assumed by the Department of Energy, they will employ 19,767 people and dispose of a fiscal 1978 budget of \$10.6 billion.

To put that budget in perspective, consider the following:

1. It represents \$500,000 per Department employee.
2. It represents \$50 for each and every member of the total U.S. population (212 million).
3. It represents \$266,871 for each of the 39,763 wells drilled in 1976.
4. It represents \$58.35 for each of the 181,855,700 feet drilled in 1976.
5. It represents \$3.59 for each barrel of domestic crude oil production in 1976.
6. It represents \$1.67 for every barrel of petroleum products consumed in 1976.
7. It represents 10¢ for every gallon of gasoline consumed in 1976.

8. It represents \$0.3434 on every barrel of proven crude oil reserves as of December 31, 1976 (30.9 billion barrels).

9. It exceeds 1975 capital and exploration expenditures by the petroleum industry to explore for and produce domestic crude oil, natural gas and natural gas liquids (\$9.4 billion, according to the Chase Manhattan Bank) and it is almost three-fifths of capital expenditures in all U.S. petroleum sectors that year (\$17.7 billion).

10. It exceeds the 1974 profits of the 7 largest oil companies—profits which were called "obscene."

If you believe this budget won't increase next year, you'd better look under your pillow in the morning—someone may have left you a quarter.

**GROWING POLITICAL TURMOIL IN  
FRANCE**

**HON. ROBERT J. LAGOMARSINO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following column by my constituent, Gen. Henry Huglin. General Huglin is a retired Air Force brigadier general and syndicated columnist. He comments on the growing political turmoil in France:

**FRANCE IN GROWING POLITICAL TURMOIL**

(By Henry Huglin)

NORMANDY, FRANCE.—The French evoke in us Americans a mixture of admiration, of their elegance, savoir faire, and gracious way of life, and annoyance, over their superiority attitudes, pessimism, and self-centeredness.

But now relations between our country and France are excellent.

On their part, the French are again getting into political turmoil. They seem to have difficulty governing themselves quietly for very long. And the stability knitted together by the imperious Charles de Gaulle appears to be unravelling. Their politics are welling up once more into fervent partisanship and bitter rivalry—over the election of members of the National Assembly, which is due next March.

The three-year-old administration of President Giscard d'Estaing has been a disappointment and is in trouble. Inflation is running 12 percent and unemployment 8 percent; and production is falling. And the rich-poor gap in France continues to be the greatest of any advanced country, and a cause of discontent.

A coalition of Socialist, Communist, and Left Radical parties, under Mr. Francois Mitterand, is leading in the opinion polls. Yet, this coalition is coming apart—under the bind created by Moscow's attacks on Eurocommunism and the French Communist party trying to follow a very tricky path.

If the coalition of the left were to hold together and present a sound, workable platform, the coalition of Mr. Giscard's governing Republican party and Mr. Jacques Chirac's Gaullist party would likely be defeated.

But any program the left coalition can now agree upon will likely appear too radical and too subject, potentially, to authoritarianism and fiscal recklessness for the majority of the basically conservative, individualistic, and liberty-loving French to support when the election comes.

Further, two recent books are having an effect on French opinion. In "The Totalitarian Temptation" Jean Francois Revel effectively points out the chasm between what Communists say and do. And in "Mitterand's 180 Days" novelist Philippe de Communes cuttlingly forecasts how, if the Socialist-Communist coalition should come to power, it would quickly break apart.

So, the outcome of next year's election is now quite uncertain. But, in any event, the French are in economic trouble and embarked on another period of political ferment and, perhaps, drift.

As to the ties between France and our country, we need to recognize that they are and never have really been close.

Although France was our first ally, she allied herself with us out of hostility to Britain, and not because the French government under Louis XVI believed in government of, by, and for the people.

And, though in World Wars I and II we became allies and are allies now in NATO, France and our country have never been as close politically as we have been and are with Britain and Canada, or even are now with Japan.

Recently, an experienced French correspondent based in Washington put our attitudes in good perspective:

"The Americans are, of course, weaned on Lafayette and on our role in your revolution. From that point on we were not so close. Even your soldiers in two world wars went to Europe to find the French living all closed up in their little worlds—closed even to other Frenchmen . . .

"You have a small number of Americans who have a passionate love for France, and a great mass of Americans who are rather indifferent but think the French are a difficult people, hard to understand. As we are. But, as you do, we believe passionately in democracy and freedom."

Although we are not close, we and the French have no grave problems in prospect. However, for overly-sensitive prestige reasons, they would make a permanent denial of landing rights for their supersonic Concorde airliner—which denial now seems unlikely—a cause celebre for a minor wave of anti-Americanism.

For the future, if the French deal effectively with their internal problems, which in the long term they likely will, our ties could become stronger, but principally within the various grouping of nations in which we interact.

We should hope that the French again will find good leadership, and political stability with continued economic and social progress.

With their basic strengths and experience, they have a significant contribution to make, if they will, in helping deal with the future of Europe, the Atlantic Community, the economic, trade, fiscal, and geopolitical problems we commonly face—and indeed with all the major troubles of the world.

**LABOR LAW REFORM**

**HON. JOSEPH L. FISHER**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. FISHER. Mr. Speaker, on October 6, the House passed a labor law reform bill (H.R. 8410) that will expedite existing procedures for determining employee representation and impose addi-

tional sanctions against those who would obstruct an orderly process. I voted for this bill because it helps to insure that workers have a fair chance in choosing the representation they prefer, insulating them from unfair pressures on the part of employees and unions.

Unfortunately, labor and employer protagonists have greatly exaggerated the scope and the purpose of this measure and have strived mightily to make this a political litmus test. In my judgment the bill is essentially a procedural reform that will facilitate the working of the law. No basics of labor law would be altered significantly by passage of this bill.

Critics of the bill claim that it does not go far enough, that more basic reform is required. Perhaps more structural change is needed, and I hope that the Education and Labor Committee will consider such legislation in the near future, but for the time being this bill addresses some of the more obvious flaws in existing law.

The mix of provisions in this bill, I believe, represents an evenhanded approach for improving labor relations law.

Specifics of the bill include:

A reasonable time schedule for elections once the principle of an election is agreed to;

Protection for employees who are fired illegally for union organized activities;

Expanded employee access to information from both unions and employers;

Moderate additional penalties on companies that have bargained illegally;

Improved ability of the National Labor Relations Board to prevent wildcat strikes; and

Expansion of the NLRB from five to seven members to speed up what have been very slow moving procedures.

My votes on amendments to this bill reflect my judgment that an even handed approach should be retained. I voted against an amendment that would have delayed election procedures. I voted for amendments that improved employee access to both union and management information. I voted against the proposition that the NLRB could award employees for lost pay due to a delay in bargaining because I think this would be difficult to administer. (The majority of the House voted for this proposition.)

I believe the bill will prove beneficial to both employees and employers as it firms up the rules of the game. If employers feel it to be one-sided, I would welcome preparation of legislation to improve labor relation law from their viewpoint.

#### GI EDUCATION AND TRAINING PROGRAM

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. EDWARDS of California. Mr. Speaker, recently the Washington Post

carried an article by Colman McCarthy in reference to the current GI education and training program. The article expressed the view that the current program was inadequate and Mr. McCarthy placed most of the blame on the distinguished chairman of the Subcommittee on Education and Training, the Honorable OLIN E. TEAGUE, for failure to enact a variable tuition supplement for education and training purposes.

Mr. Speaker, Mr. TEAGUE's record of service to his country in war and peace is well known to my colleagues and those familiar with veterans' benefits and services administered by the Veterans' Administration. Few people received more recognition for distinguished service in combat during World War II than the very able gentleman from Texas. His record of service in the Congress in behalf of all veterans is unsurpassed and because of his dedication to veterans he is affectionately known in the Congress and throughout the "veterans' world" as "Mr. Veteran."

Mr. Speaker, I have been privileged to serve with Mr. TEAGUE for a number of years as a member of the Committee on Veterans' Affairs. During this period we have worked to establish a very good GI education and training program for all veterans. This is not to say that I do not have some problems with certain aspects of the program. I am deeply concerned with new administrative burdens placed upon colleges and universities in my State of California by the enactment of Public Law 94-502, I am concerned with what I consider to be lack of due process under current VA hearing procedures; the VA's continuing insistence that educational institutions maintain records of students' attendance, although the law does not require them to do so; holding educational institutions secondarily liable for overpayments to veterans; and satisfactory progress standards currently being imposed on educational institutions by the Veterans' Administration. These are some of the things that seriously concern me and I have had serious discussions with VA officials regarding these problems which I hope can be resolved.

In no case, Mr. Speaker, have I ever known the gentleman from Texas to refuse to hear both sides of any issue. He usually goes out of his way to make sure everyone has an opportunity to express their view. This certainly was the case during hearings held on September 15 and 16 on pending bills that would provide for variable tuition subsidies and accelerated entitlements under the GI education and training program. Some 14 witnesses testified during the hearings and had ample opportunity to present their views. I am not aware that most of the witnesses found it shameful "that all the Carter administration and the leadership of the committee could offer was an across-the-board increase," as suggested by Mr. McCarthy.

On the contrary, any veteran with at least 18 months of active duty is entitled to \$310 per month under the bill already passed by the House. If the veteran uses his full 45 months of entitlement, he will receive more than \$13,000 in cash assistance. Of course, there are various other benefits available in addition to the monthly benefit through the Veterans' Administration.

Although there could be improvements in the current program, there is no basis to conclude that the very able gentleman from Texas (Mr. TEAGUE) is responsible for the failure of the House committee to enact a variable tuition subsidy for those attending so-called high tuition schools in some States.

It is Congress as a whole which must bear the responsibility for any shortcomings in the veterans' education program and Congress as a whole which must act to alter the program if need be.

LT. HERBERT DYNGE, RETIRING  
POLICE OFFICER

### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the fact that one of my constituents, Lt. Herbert Dyngge of the Ventura Police Department, is retiring after 25 years of outstanding service to the public and, specifically, to the Ventura County communities of Santa Paula and Ventura.

Throughout his life, Lieutenant Dyngge has had many accomplishments. He is a graduate of numerous special schools, among them the National FBI Academy and the Delinquency Control Institute. In addition, the lieutenant has raised a fine family of six children, two of whom are married.

During his career in Ventura, Lieutenant Dyngge has served in a variety of responsible positions, including both a patrol and detective lieutenant. When the lieutenant returned to the Ventura Police Department after 3 years in Santa Paula he was required to begin again as a patrolman. With tremendous dedication and determination he was transferred to the Detective Bureau within a year of his return, and promoted to lieutenant by November 1963.

In honor of his retirement, the lieutenant's friends and coworkers are holding a retirement party Saturday, October 15. The retirement party will be held at the American Legion Hall, 83 South Palm Street, Ventura, Calif.

We all wish him the best. His dedication and sense of duty will be sorely missed by all of our citizens.

HAMILTON FISH, SR., OPPOSES PANAMA CANAL TREATY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. GILMAN. Mr. Speaker, a distinguished former member of this body, the Honorable Hamilton Fish, Sr., testified today before the Senate Foreign Relations Committee, which is formally considering the Panama Canal treaties. Former Congressman Fish whose home is in my congressional district and whose distinguished son, the Honorable HAMILTON FISH, Jr., is also a Member of this body, is an internationally recognized expert on International Relations. While in the House, he served for nearly 25 years on the House Foreign Affairs Committee, 10 of which he was the ranking minority member.

As we continue our deliberations of these important treaties, I recommend to my colleagues for their consideration these thought-provoking comments on the Panama Canal. The full text of Congressman Fish's testimony follows:

SPEECH OF HON. HAMILTON FISH BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON THURSDAY, OCTOBER 13, 1977

I am honored to appear before this distinguished committee of the United States Senate in opposition to the surrender and giveaway of the American canal in Panama to the Communist existing government there.

I served for almost 25 years on the Foreign Affairs Committee of the House and for approximately 10 years was its ranking Republican member and was ranking Republican member of the Rules Committee for 4 or 5 years. I was also chairman of the first Congressional committee to investigate Communist activities, policies, principles and ideologies back in 1930 and believe I know as much about the aims and purposes of the Communists as anyone in the United States today. I have written several books on the subject.

I am convinced that the Communist tyrannical government at Moscow is the most monstrous form of government that has existed anywhere since Lenin seized power by force and violence in Russia 60 years ago.

The surrender and giveaway of the American canal in Panama to the Communist government of that nation might just as well have been given to Cuba or the Soviet Union and it is time the American people knew the truth of this aspect of this infamous blackmail treaty. If adopted it would be a day of infamy, playing directly into the hands of the Communist dictators at Moscow.

For years the leading Communists at Moscow have been endeavoring to encircle and surround the United States. The take-over by the Communist party and government in Panama would be the greatest victory the Soviet Union has achieved since our surrender to them at Yalta. Our committee back in 1930 did not persecute any liberals or radicals, as its main purpose was merely to find out the definite policies, principles and objectives of Communism at home and abroad. Those who testified such as the Communist candidates for President, minced no words—they hated our form of government. They hated both our religion and freedom. They preferred the red flag to an American flag and they favored a dictatorial, tyrannical government with a world capital at Moscow. There has been absolutely no change in their

plans and objectives. The Communist hierarchy hates the U.S., our freedoms and human rights, the religion of our people and above all, because we are the only powerful nation with a limited arsenal of nuclear weapons and submarines that prevents them from Communizing the entire world. They have only one God and his name is Lenin who told them they must Communize the world and in doing so, if they exterminated three-quarters of the people and one quarter remained Communist, that would solve the problem.

This is the reason why they have built up an enormous arsenal of huge nuclear weapons and have a superiority over us of 2 or 3 to 1 in almost every category of nuclear weapons. That is the reason that they are going deeply underground to protect the Russian people whenever they get ready to attack us. They know as well as we do that we have no quarrel with the Russian people and have no desire for additional territory and will not turn on the nuclear button unless attacked. On the other hand, the Communists at Moscow who killed 30 million of their own people and Solzhenitsyn places it at 60, would not hesitate whenever it is to their advantage, to destroy between 100 and 130 million Americans in one night. The whole world would then go Communist within ten days time.

It is simply playing Russian roulette by trying to maintain that the Soviet Union and I don't mean the Communists of France or Italy, have changed their tactics or strategy. They are our enemies, and they are preparing to destroy the United States whom they regard together with the Chinese, as their bitter enemy.

I want the American people simply to know the truth—and I have tried to convey that message to my old friend George Meany, President of the American Federation of Labor-CIO, who has been one of the most consistent opponents of Communism in this country and throughout the world, by the following letter.

NEW YORK, N.Y.,  
September 23, 1977.

Mr. GEORGE MEANY,  
Washington, D.C.

DEAR MR. MEANY: I am writing to you as one of my old friends whom I have always admired for your strong stand against the spread of world Communism and for human rights. I confess that I was shocked to learn of your support of the surrender of the American canal to the Communist government of Panama. Not only is the president of Panama an avowed Marxist, but is the virtual head of the Communist People's Party—the only party that exists in Panama. I am informed that both his father and mother were Communists. We might just as well turn the canal over to the Soviet Union. This is nothing but a blackmail scheme by the Communists in Panama to get the equivalent of 700 million dollars from the United States along with the canal or twice the cost of the canal.

To me it is almost treasonable, aiding and abetting our enemies and in case of war, it would amount to treason. I hope when you have a chance to read the contents of the treaty, in which we agree not to build any other canal and in which we have no right to defend it after the year 2000, other provisions affecting adversely the interests of our own American wage earners in Panama, that you will consider, or at least not be active or use your influence for it with the Senators. Polls show that 2 or 3 to 1 are opposed to it everywhere and I believe as soon as the truth is known, that it will become ten to one.

I have always been on the side of peace—I opposed World War II until the attack on Pearl Harbor. I opposed the war in Vietnam and I am still opposed to war with the

Soviet Union unless attacked. For that reason I urge strengthening our nuclear defense so no nation would dare attack us.

I honestly believe that if the Senate ratified the treaty, it would be the greatest Communist victory since Yalta and start an epidemic of sequestration of American property throughout the world. And that even the NATO will lose faith in our reliability to keep our commitments to them if we surrender the American canal to a Communist government in Panama.

Mr. Kissinger, who prevented President Ford from seeing Solzhenitsyn, the greatest freedom fighter in the world and opposed Ford's three defense recommendations in his last speech to Congress is now more responsible than anyone else in aiding and abetting our enemies.

With kind regards and best wishes.

Sincerely yours,

HAMILTON FISH.

The veteran organizations; the American Legion and the Veterans of Foreign Wars, non-partisan organizations composed of Democrats, Republicans and Independents, have taken a very outspoken stand against the surrender of the American canal. Why? Because it is against our own security and strengthens the power of the Communists. I take the position openly and without any apologies to anyone, because this is a free country and I believe in the rights of all people to that freedom that does not exist in the Soviet Union, to say to this distinguished Senate committee that to turn over the canal to the Communist government of Panama is aiding and abetting our enemies and verges on treason. If it was in time of war it would be treason. Furthermore, I believe politically that 75 to 90 percent of the American people are unalterably opposed to this surrender to the Communists. If the treaty is adopted, Watergate would be a mere mosquito bite. If elected public officials, supposed to represent their people back home, defy them and surrender this canal, built by Theodore Roosevelt and the American people 68 years ago, and run efficiently ever since, to the Communists, that is their privilege.

There is probably not a single state that in any referendum, would support this blackmail treaty, aiding and abetting our enemies. No wonder that the American Legion, the Veterans of Foreign Wars and at least two-thirds of the members of the Democratic party, which control this Administration, are bitterly opposed to the surrender of the canal.

Any Senator, naturally has the right to vote any way he wants and to give his reasons. I am not here for the purpose of trying to prevent any Republican or Democrat from committing political suicide. I am not here even in behalf of my own party, for if I were, I would remain silent and hope that the treaty be adopted and that would bring back the Republican party in the biggest landslide that ever occurred. But I am here as an American who loves our country and wants to see its nuclear defense weapons strengthened immediately so no nation would ever dare attack and destroy the United States. And in conclusion I quote a statement made by Max Eastman, a well known former pro-Bolshevik radical and Socialist who said: "One thing, one thing only can save freedom and democracy and that is a clear and bold understanding. Freedom and democracy must have from its leaders incisive and uncompromising exposures of the barbaric nature of the Communist society and the devious methods of the Communist attack. The closer our military and economic cooperation may be, the more pitiless must these exposures be. You cannot save democracy by shutting your eyes to the horrors of

dictatorship. You cannot stop the night from falling by turning the lamps down."

In case any supporter of President Carter when a candidate for office a year ago pledged never to surrender "actual control of the canal", should take exception to my criticism of the President or members of his administration, let me quote what former President Theodore Roosevelt said: "To announce that there must be no criticism of the President or that we are to stand by the President, right or wrong is not only unpatriotic and servile, but is morally treasonable to the American people. Nothing but the truth should be spoken about him or anyone else, but it is even more important to tell the truth—pleasant or unpleasant—about him than anyone else."

President Theodore Roosevelt was the most courageous and popular President in the last 100 years and if he had lived one year longer, he would have been nominated by acclamation for President by the Republican party, and would have been overwhelmingly elected. He was the sponsor for the building of the canal and as "a great admirer and supporter of T.R. having left the Republican Party to be elected three terms on the Progressive or Bull Moose ticket to the Assembly, I knew him politically and personally, probably better than anyone alive today except his own family. The very attempt to undo what he considered one of the most constructive acts in his great career is like impeaching him or sticking a dagger in his back in his grave at Oyster Bay. I would be derelict to the memory of this great American President if I did not raise my voice to defend his honor, integrity and patriotism.

THE FEAST OF ST. GERARD  
MAIELLA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. RODINO. Mr. Speaker, I would like to call to the attention of my colleagues a very special celebration to be held in my home district this weekend, one in which I traditionally participate. It is the feast of St. Gerard Maiella, an annual celebration that has been a part of my home parish of St. Lucy's Church in Newark for 78 years.

The person who the feast honors, St. Gerard, was a humble man who led a simple but meaningful life. Living in the town of Muro, Italy in the mid-18th century, he was an apprentice to a tailor when his religious faith guided him to the monastery of the Redemptionist Brothers. He continued his craft as a lay brother in the monastery, while doing good works for the people of his community. The life of St. Gerard provides us with an example of deep faith and human compassion, of diligence to his craft and commitment to his church—even without the formal recognition of becoming a part of the monastic order.

In the spirit of St. Gerard, my friends and neighbors have joined together in the St. Gerard Men's Society and the

St. Gerard Ladies Guild of Newark to do good works for almost a half century now. In recognition of their community service, I am proud to mention a special honor of this year's feast. The shrine of St. Gerard at St. Lucy's Church has been dedicated recently by Newark Archbishop Peter Gerety as a national shrine.

In honoring the St. Gerard Shrine at St. Lucy's, we are also remembering the late Gerard Spatola, a very active member of St. Lucy's parish, who helped make St. Lucy's the heart of my home community.

And it is thanks to his daughter, my good friend Mrs. Geta Spatola O'Connor, that we have our 3-day celebration this weekend. Geta, who is president of the St. Gerard Ladies Guild, and her husband Gerald O'Connor, who is president of the St. Gerard Men's Society, planned the feast along with the most reverend pastor of St. Lucy's Church, Father Joseph J. Granato.

This weekend's feast is a time when the faithful gather together to pay tribute to the saint whose simple humanity and unshakeable faith have given strength to our community for generations.

HEALTH CARE IN THE ARMED  
SERVICES

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. DOWNEY. Mr. Speaker, yesterday the Military Personnel Subcommittee of the House Armed Services Committee held hearings on the general quality of health care delivery in the armed services. A portion of those hearings were devoted to a particularly critical situation at the Oakland Naval Hospital in California.

The Oakland Hospital has been suffering from serious equipment and staffing shortages for some time, as is the case with most major military medical facilities. These specific deficiencies have resulted in tragic consequences, which I have been investigating. My office has uncovered at least seven deaths and numerous injuries due to the general shortages at Oakland. Additionally the overall morale at Oakland and throughout the military medical corps is at an all-time low.

Various members of the Oakland house staff have tried to correct the situation there, but have unfortunately met with marginal success. It was only after one courageous doctor went public with revelations of shortages and unacceptable health care that the Navy began to take the Oakland situation seriously.

I would like to publicly thank Mr. Michael T. Rose of the law firm Robins, Davis & Lyons of St. Paul, Minn., for his invaluable and untiring help. His assist-

ance in preparing my testimony and general remarks has resulted in an excellent set of opening hearings into this most serious matter.

I would also like to convey my appreciation to Robins, Davis & Lyons for permitting Mr. Rose, an acknowledged expert in the field of military law, to travel to Washington for these hearings.

WILDERNESS AREA IN VIRGINIA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. WHITEHURST. Mr. Speaker, on June 22, 1977, I introduced H.R. 7970, a bill to designate certain lands within the National Forest System in Virginia as wilderness. At the same time, I inserted in the RECORD a description of the various areas which would be affected.

In further reference to my bill, which I believe is an important step toward protection of the remaining wilderness in the eastern part of our country, I am pleased to take this opportunity to share with my colleagues an article which appeared in the October 1977 issue of Commonwealth, the magazine of Virginia. The article, entitled "Ah, Wilderness," was written by Randy Johnson.

I hope that my colleagues will give this material full consideration, and I would welcome cosponsors for my bill.

AH, WILDERNESS

(By Randy Johnson)

Why are citizens groups like the Virginia Wilderness Committee lobbying for federally protected wilderness areas in Virginia when almost two million acres of National Forest already exist? Focusing on areas that may contain Virginia's last remnants of virgin forest, a strong movement among conservationists, fishermen, backpackers and other concerned citizens is aiming its appeal at Congress this fall. The supported legislation, introduced by Rep. G. William Whitehurst, will extend the protection of the Wilderness Act to five parcels of land in Virginia's National Forests, where, as part of the National Wilderness system, the processes of nature would be allowed to dominate.

Few Virginians have been as affected by the appeal of the state's wildlands as John Connelly. As the owner of Richmond-based Alpine Outfitters, John has watched his business grow from one store to three in seven years. Although he worries about the ecological impact on the outdoors of the hikers he has equipped, he views his role philosophically: "I rationalize this by saying that these people are going to buy the equipment anyway, so if they buy it from me I can emphasize the conservation techniques of camping. The more people that go out and enjoy the outdoors the more people there are to write to their representatives in support of wilderness designation. If nobody knows about it then nobody cares."

John explains the popularity of backpacking and his shops demographically: "The majority of our customers are in the 21 to 35 age group, in the middle and upper middle income bracket, and they are typically

college-educated, many with graduate degrees." Besides resembling many of Richmond's leisure-oriented young professionals, those frequenting Alpine Outfitters appear similar to the typical wilderness user described by Forest Service studies. But, like Virginia Wilderness areas, John's customers are by no means typical. "Right now we have a program going with the Manpower Authority in Norfolk and we're taking 50 underprivileged kids into the outdoors, many of whom have never seen the mountains. We're taking them up near the James River Face Wilderness for swimming, canoeing, and backpacking. Just today I got an order from the Bon Air Learning Center. The Corrections people in this area are taking problem kids out and doing outdoor things. They've had psychologists find that, after these trips, the kids self esteem and confidence levels are much improved. The therapy of wilderness!"

Like most who try, John finds it difficult to explain the lure of the wild areas. "Why does anyone climb any mountain? It's pretty neat being up there, if only for a few minutes; it does something to you, to me anyway."

From the standpoint of that indescribable aura of the wild, Virginia's wilderness proposals are pertinent indeed. Both the Ramsey's Draft and the Rich Hole Wilderness proposals involve huge stands of virgin spruce and hemlock that tower over the deep shade beneath their crowns. Neither of the areas has ever felt the logger's saw. Ramsey's Draft, the St. Mary's River acreage is an enclosed watershed, hemmed in by a horseshoe of mountain ridges which drain into the Shenandoah Valley over the spectacular waterfalls and cascades of the St. Mary's River.

The Mountain Lake Wilderness acreage is a highland plateau which sits squarely on the Eastern Continental Divide; the streams on its Eastern flank flowing to the Atlantic and those on its West flowing to the Gulf of Mexico. In addition to possessing its own stand of virgin forest, the Mountain Lake area is noted for its mature hardwood forest and the unbelievably lush blanket of ferns flourishing beneath it. The Peter's Mountain territory is also a fine hardwood forest distinguished by a high mountain bog, where grows the round-leaved sundew, one of those extraordinary plants which seizes and eats insects. The St. Mary's River is also the site of a rare high mountain pond. These botanical rarities illustrate the ecological reasons why preservationists feel these unique areas require wilderness status. The Wilderness Act emphasizes the need to preserve areas where a constant genetic pool of common and rare plant and animal species can survive for scientific study. The scientific and educational emphases of the Wilderness Act are especially germane to Virginia's Mountain Lake proposal, where the University of Virginia's Biological Research Station is located. If given wilderness designation by Congress, the station's long-term studies of this Southwestern Virginia wilderness could continue without risking interference by man. The Wilderness Act, prohibiting timber harvesting and motorized travel in designated areas, provides the solitude and challenge associated with backpacking while assuring that mature forests of unharvested timber will retain the primeval and virgin scenery associated with wilderness.

What about those who don't care to left a 50-pound pack for an extended trek into the wilderness? Marvin Garrette, assistant managing editor of the Richmond Times-Dispatch, personifies the hiker who occasionally likes to get away from "things like police radios and ringing telephones" to a place "to take my kids walking." Some opponents of wilderness designation fear that the lack of motorized access to wilderness

will inhibit its use by the average citizen, not to mention the aged or the handicapped. Preservationists stress the generally small size of the Virginia areas proposed for wilderness designation and the fact that day hiking, like that preferred by Garrett, is perhaps the primary use of these areas. The Virginia Polytechnic Institute and State University Outing Club publishes a short hiking guide that includes many day hikes in nearby wilderness proposal areas as suggestions for students with limited time.

The proposed Ramsey's Draft and Mountain Lake Wildernesses are especially suited to family day hikes. Since the 1940s the Augusta County Garden Club has maintained a short nature trail through the giant hemlocks of the Ramsey's Draft. The proposed Mountain Wilderness preserve is easily explored by a short loop trail that winds through mature hardwood forests, passes a virgin stand of hemlock and returns past a viewpoint and a stand of mountain laurel that blooms brilliantly in June.

Wilderness proponents point out that Virginia, with its Skyline Drive, Blue Ridge Parkway, and numerous roads to mountain summits, has ample facilities for those who require a motorized glimpse of natural terrain. Is it too much, they ask, to protect some of the last stands of virgin forest in Virginia to balance the trend that has for decades eroded the wilderness?

Like many Virginians, Garrette has reservations about increased participation of the federal government that he feels might accompany wilderness designation. Yet the land proposed for protection is already part of the National Forest and, in Garrette's view, "If you look at it with any understanding of Virginia history you see what has happened to wilderness if you don't put in some restrictions.

"I think it has to be designated a wilderness area," he continues, although "the government has hurt some areas, like the James River, in attempting to help them when they should be protecting these areas where you have to get a couple of scratches or burrs in your hair."

Wilderness preservation does have its opponents. Often those opposing statutory wilderness charge that much needed harvestable timber is "locked up." Virginia wilderness seems exempt from this charge, not only because the size of the proposals are small in comparison to those in the Western United States, but also because four of the five Virginia areas are already classed by the Forest Service as noncommercial timber. Both the Peter's Mountain and the St. Mary's River areas produce poor quality commercial timber on slopes too steep and rocky for logging. The timber in the Ramsey's Draft and Rich Hole areas is also classified as noncommercial in order to protect the scenic value of the giant hemlocks. The inclusion of these lands in the wilderness system will add legislative permanence to what conservationists fear may be only temporary concern by the Forest Service.

At present, with but one statutory wilderness in Virginia, 8,800 acres of 1,600,000 in Virginia National Forests are protected as wilderness. If all the areas proposed are approved by Congress, something less than 4 percent of the total National Forest acreage in Virginia would be affected. When one considers that an area like Ramsey's Draft harbors the state's largest hemlock and one of the few "natural balds" in this part of the Appalachians, then "locking up" these areas appears to its supporters an admirable goal.

One Virginia organization on record against wilderness designation is the Virginia Bear Hunters Association. In their opposition to the legislation, the bear hunters emphasize the banning of motor vehicles from wilderness areas as a restriction on their and others ability to use the areas. Ironically, supporters insist, the Wilderness Act in no way restricts

wilderness proponents are anti-hunter. The hunting despite the bear stalkers' charge that hunters' emphasis on the banning of vehicles from these small areas seems all the more puzzling when one considers that most of both the Jefferson and George Washington National Forests are open to hunting and accessible by vehicle. In addition, large acreages are maintained as Wildlife Management Areas where habitat is specifically manipulated to promote forage for game animals.

In viewing this situation, preservationists emphasize the importance of large tracts of roadless and undisturbed forest that black bear require to maintain a healthy breeding population between hunting seasons. Michael Penfold, supervisor of the Jefferson National Forest, is charged with the responsibility of weighing the two sides of this conflict before he and his staff make their recommendations opinion of the wilderness proposals. When asked if bear hunters are simply averse to carrying their kills out of the woods without the aid of a vehicle, Mr. Penfold responded "That's certainly part of it. The basic technique for bear hunting with dogs is one of putting the dogs on the bear and following your prey by road system, so bear hunters want roads open. However, in terms of bear habitat you need to have roads closed. It's kind of a conflict and in terms of the Jefferson proposals, the roads have already been closed so there isn't a drastic change in management." As in the Jefferson, the roads traversing proposed wildernesses within the George Washington National Forest have also been closed making access by vehicle unlikely whether or not wilderness status is granted by Congress. Ramsey's Draft, St. Mary's River, and Rich Hole have large populations of black bear with hunters constituting a large number of the Virginians using these areas. When hunting seasons ends, the protection of the Wilderness Act would further ensure that the black bear, deer, grouse, bobcat, turkey, beaver, grey fox, and other rarely seen species that populate Virginia wildlands would have the room and remoteness to rear their young.

Wilderness often combines ecological and wildlife benefits with recreational ones. Like the mutual benefits to hunter and hunted, wilderness provides the assurance that wild streams, on the one hand, will remain free-flowing and unpolluted, and on the other hand, will continue to provide anglers with native trout to outwit. The Ramsey's Draft is enormously popular with fishermen, as is the St. Mary's River. The Rich Hole also supports native brook trout in all its major streams.

The problems attributed to recreational use may be the most controversial objection to statutory wilderness. Litter, overcrowding, and the deterioration of facilities which have accompanied the recreation boom of the last few years have led some rural residents to envision hordes of strangers and city folks descending on them in search of the ideal wilderness, bringing all their urban ailments with them. This situation prompts a Forest Service policy of nonpromotion in Virginia's first wilderness and presumably in those that are proposed for inclusion in the legislation before this Congress. "Right now we're following a policy of quiescence; you won't see any signs on maps or on the Blue Ridge Parkway saying 'the James River Face Wilderness,'" says Forest Supervisor Penfold.

It's understandable that rural residents prefer those uses of our National Forests that bring revenue into local economies or emphasize traditional uses like hunting. In making its recommendations to Congress, the Forest Service has to balance the needs of local residents against the sometimes national significance of public land. The relative lack of appropriate wild land in the East makes the protection of wilderness one such balancing act between local and national goals. "I think there is a need for

wilderness designation in the East," reflects Mike Penfold. "If you look at the land ownership patterns, the opportunity for appropriate forest land, it has to be provided and it boils down to the responsibility of the Forest Service in the absence of any similar state or private land."

Not that every wilderness area proposed is therefore worthy of designation. "In terms of studying wilderness and other roadless areas for inclusion, we need to get it out of the realm of controversy and emotionalism and deal with it on the basis of the best use of the resource. If we don't, the first national crisis on timber will erode the worst wilderness areas from the system and begin a dangerous precedent. Wilderness preservationists should ponder this," warns the Jefferson National Forest supervisor.

Most important to wilderness proponents is the understanding that wilderness is not just a recreational resource. As today's wilderness recreationist gets older and the leisure boom moderates, the emphasis on wilderness recreation may very well be replaced by an emphasis on the ecological and scientific importance of these undisturbed natural environments. When this occurs, whether one visits wilderness or not, one may benefit from its existence.

Concern for the long term preservation of these ecologically balanced enclaves is perhaps the driving force behind those who write letters and lobby for Congressional action on wilderness. In the instances where the Forest Service is currently managing these areas for their scenic, not commercial value, conservationists worry that changing priorities could wipe out what remains of the primeval forest that once covered Virginia.

Wilderness proponents urge that, as citizens of a state that values its historical landmarks, Virginians base their present efforts in an appreciation of the past. If those working for wilderness are successful, Virginians would not only be able to proudly claim places like Mount Vernon, but also the last remnants of a wilderness heritage that stood even as George Washington himself surveyed it.

#### FIREMEN—OUR BEST FRIENDS

**Hon. John E. "Jack" Cunningham**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. CUNNINGHAM. Mr. Speaker, this week is National Fire Prevention Week as designated by Congress. Many designations of special days or weeks are merely honorary. However, the observance of National Fire Prevention Week is a most serious matter. Last year over 700,000 families were struck by flaming disasters. Lives are lost and untold millions of dollars are wasted each year due to fire.

Fire Prevention Week dramatizes the need for more effective communication with our citizens to help them save lives and property—lives and property that are sometimes lost due to a failure to adequately prepare for and prevent fires.

Mr. Speaker, for the past 2 weeks my staff and I have had the privilege of having a fireman from my home district in Seattle serve as a special projects intern in our office. Mr. Robert H. Clark, a 19-year veteran of the Seattle force is a fine example of all our Nation's fire-

fighters. Men dedicated to saving the lives of our citizens. Men with particular traits designed to cope with waiting for and coping with disaster.

Bob Clark performed a great service for me. As Members of this body know, we are faced with a wide variety of issues in our day-to-day work. Sometimes we may not have the time to fully explore those issues and problems facing various segments of our society. Bob shared his expertise with my staff and myself and I can say that now we are aware of certain problems facing those in the firefighting profession. These problems range from training programs, arson prevention, pension plans, and a myriad of others.

The experience of having Mr. Clark in our office was both illuminating and enjoyable. I urge my colleagues to consider implementing an intern program such as this and to get to know the men who fight fires. They may be our best friends.

I congratulate Bob Clark and every single fireman in this Nation for their hard work and devotion to duty.

#### FLUIDIZED BED COMBUSTION

**HON. TIM LEE CARTER**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. CARTER. Mr. Speaker, over the past few weeks I have been inserting in the RECORD information concerning a new process for burning coal known as fluidized-bed combustion (FBC) system. The two previous inserts can be found in the Extensions of Remarks on September 20 and on September 23.

To briefly review the information in those articles, FBC uses sized and crushed coal and limestone that are mixed in a heated chamber in such a manner that the mixture of coal and limestone is aerated to produce a mass of particles that behave like a fluid. The coal and limestone fluid is then burned. Water flows through coils that are submerged in the combustion chamber and is heated into steam.

The FBC process promises low sulfur dioxide and nitrogen oxide emissions coupled with high overall efficiency in generating heat and power. In addition, FBC boasts the capability of burning many types and grades of coal, including eastern coal, as well as municipal sludge and refuse, industrial and agricultural cellulosic waste material, oil shale, and petroleum fractions. Also, FBC offers low capital and operating costs as compared with conventional coal-fired boiler systems.

With these articles on FBC, I have been trying to bring to the attention of every Member that there is a need for more research and development into cleaner and more efficient methods of burning coal.

Coal is a vital part of this Nation's energy future. In the development of the national energy plan, we have found that the well-being of the United States

will depend heavily upon a continuous and secure supply of fossil fuels and especially, on a greater use of America's coal.

Why is America's coal so important? The General Accounting Office in a report entitled "U.S. Coal Development—Promises, Uncertainties," states that—

It (coal) represents 90 percent of the Nation's total fossil fuel reserves. Yet, it currently supplies only 18 percent of energy needs. Coal's importance grows, however, when you consider that domestic oil and gas supplies are limited, and declining rapidly . . . and that the dependence on (uncertain) foreign energy sources continues to increase.

It is well established that coal constitutes a secure and abundant alternative energy source. Increased use of coal would greatly reduce the amounts of oil and gas used by the utility and industrial sector. It would thus make domestic supplies of these fuels available for the unique requirements of the residential, commercial, and transportation sectors of the economy.

It is expected that coal will provide for at least one-half of our domestic energy needs by the year 1984. Such an increased use of coal would help in balancing our foreign trade deficit and lessen the U.S. dependence on foreign energy supplies.

Most important, the increased use of coal for heat and power would benefit not only the coal mining regions of the United States but would ease the supply problems facing the energy-starved Northeast, the cold Midwest, and, to a great extent, all other areas of this great country of ours.

Mr. Speaker, fluidized-bed combustion is one technology being developed to provide more clean and economically efficient ways to use our vast coal resources to meet national energy needs. The objective of the Federal Government's coal program is to develop, on an accelerated and cost-effective basis, technology that will permit rapid commercialization of processes that are technically and economically sound, environmentally acceptable, and which represent efficient use of natural resources. The FBC system has been given optimistic reviews by both the Energy Research and Development Administration and the Tennessee Valley Authority with respect to these objectives. ERDA and TVA have pilot projects underway which have every indication of success.

I am pleased to insert into the RECORD today a summary of a report entitled "Application of Fluidized-Bed Technology to Industrial Boilers." This report summarizes a new area in which the FBC technology is being applied successfully: industrial boilers. The manufacturing industries that consume most of the industrial boiler fuel in the United States include chemicals, petroleum refining, paper, primary metals, food, and many other industries. The application of the FBC process to industrial boilers is one design, a step away from being put into commercial use. ERDA has funded several projects on FBC. Among these are the Georgetown University/Fluidized-Bed Combustion Corp. and the Exxon Research and Engineering Co.

The report that follows was written by M. H. Farmer, E. M. Magee, and F. M. Spooner of the Exxon Research and Engineering Co., Linden, N.J.:

**SUMMARY**

This study is a small part of the Government's program to develop coal-fired fluidized-bed combustion technology. The study is confined to industrial boilers, and the purposes are to determine the potential for applying coal-fired FBC to industrial boilers with a firing rate of at least 100 million BTU/Hr. and to assess the various impacts associated with deployment of the technology through the year 2000.

A survey of operators of large industrial boiler systems shows that the installation of coal-fired FBC boilers will be considered when:

The reliability of FBC technology is commercially demonstrated to achieve continuous boiler operation of about one year duration and with effective control of emissions.

The economics of FBC technology are demonstrated to be competitive with alternative ways of firing solid coal.

The principal alternatives with which FBC must compete are:

Use of low sulfur "compliance" coal in a conventional boiler, with an electrostatic precipitator (ESP) to control particulate emissions.

Use of high sulfur coal in a conventional boiler, with a flue gas scrubber to control SO<sub>2</sub> emissions and particulates.

The economics of these alternatives have been developed in 1975 constant dollars, for a Gulf Coast location, on a basis excluding the cost of coal itself, whether it is of compliance quality or high sulfur. As an example, the results for alternative technologies are shown below for the case of adding a single coal-fired 100 KPPH industrial boiler system at an existing manufacturing plant that has a petroleum-fired boiler system.

**SINGLE COAL-FIRED BOILER SYSTEM ADDING TO EXISTING OIL-FIRED PLANT**

[Steam cost (ex. fuel) in 1975 dollars per thousand pounds]

	High-sulfur coal		Low-sulfur "compliance" coal	
	Conventional FBC	with scrubber	FBC	Conventional with ESP
100 KPPH...	3.59	3.95	3.15	2.90
400 KPPH...	2.49	2.83	2.05	2.01

The estimates (based on current FBC costs) indicate a distinct advantage for FBC technology over conventional coal-firing plus flue gas scrubbing for high sulfur coal. With compliance coal, results are a stand-off in cost at the larger size, with a moderate advantage for conventional firing at the 100 KPPH size. All FBC costs (in constant dollars) are expected to improve significantly as this new technology matures.

FBC technology has potentially important and even decisive, advantages that are not captured by the above estimates. The advantages include flexibility to combust different coals, good control of NO<sub>x</sub> emissions, flexibility to readily achieve higher sulfur capture if SO<sub>2</sub> emission regulations are tightened, relatively unobjectionable solid wastes for which uses are under development, and ability to be fabricated and shipped in modules for simple field assembly.

However, it is important that commercial development should occur before the growing coal-fired industrial boiler market is preempted by other coal-use technologies. Preemption is possible if, at the time industrial decision-makers must make commitments to new boilers, other technologies are commercially available while FBC technology has not been fully demonstrated. It is believed that the indus-

trial boiler potential of FBC could be impaired if the technology is not demonstrated to be commercially reliable by 1981. Major Governmental funding of FBC development programs suggests that reliability will be demonstrated in time. The estimates of coal-fired FBC potential assume that this will be the case. On this basis, the most probable nationwide potential is estimated to be:

Year	Cumulative number of industrial FBC boilers	10 <sup>12</sup> Btu per year	1,000 bbl/d of oil equivalent
1980.....	7	0.01	5
1985.....	200	.29	136
1990.....	685	.99	462
1995.....	1,170	1.69	793
2000.....	2,050	2.97	1,400

Most of the estimated potential is expected to be in the chemicals, petrochemicals, petroleum refining, paper, primary metals, and food industries. Geographically, more than 90 percent of the potential is expected to be in regions that FEA has designated Appalachian, Southeast, Great Lakes, and Gulf Coast.

The FBC potential can be related to the value of manufacturing that is estimated to be supported by large coal-fired FBC boilers. For the above regions, the FBC-related "Gross Product Originating" is estimated to be:

[In billions of 1975 dollars]

Region	FBC-related GPO			
	1985	1990	1995	2000
Appalachian.....	3.5	12	22	30
Southeast.....	3.1	11	19	35
Great Lakes.....	3.1	11	19	36
Gulf Coast.....	4.2	15	26	48
Total.....	13.9	49	86	159

The above estimates are for the "most probable" case considered and apply to existing manufacturing applications. Separate estimates were also made of maximum and minimum potentials and amount, respectively, to slightly less than double and approximately one quarter of the above figures.

Other estimates associated with the most probable potential are that:

The equivalent of 2000 industrial FBC boilers, with an average capacity of 200 KPPH and a cumulative erected cost of almost \$6 billion (1975 constant \$), would be installed through the year 2000.

Coal requirements for the FBC boilers would approximate 140 million tons in the year 2000, and would have an F.O.B. mine value of \$2 billion.

Associated limestone requirements would be about 50 million tons in the year 2000, with an F.O.B. quarry value of \$170 million.

Also, in the year 2000, emissions relating to the coal-fired FBC boilers in compliance with Federal Standards for new point sources, would approximate 48 million tons of solid wastes, 132,000 tons of particulates, 660,000 tons of NO<sub>x</sub>, and 1.6 million tons of SO<sub>2</sub>.

Despite the seemingly large estimates of emissions, examination of two Air Quality Control Regions (Metropolitan Houston-Galveston and West Central Illinois) suggests that utilization of FBC-technology industrial boilers is likely to have a much smaller impact on ambient air quality than (a) the impact caused by sources other than industrial boilers, and (b) the emissions impact of existing coal-fired equipment in regions that currently use coal to a significant degree. In the latter case and in the long run, a net beneficial effect is possible if FBC installation replace existing coal-fired units.

Low sulfur coals containing appreciable

amounts of alkaline ash, when used in conjunction with FBC technology, may alleviate the problem of switching to coal from natural gas and oil. Available technical data are inadequate, and thorough experimental investigation of this important possibility appears desirable. Most Southwestern lignites, which also contain appreciable amounts of alkaline ash, are not compliance coals if combusted conventionally but may become so in fluid-bed units. This possibility is of considerable potential importance to industry located in the Gulf Coast area. Thorough experimental investigation appears desirable.

Compliance with New Source Performance Standards (NSPS) may not be sufficient in some industrial areas of the country which are already at, or beyond, the Federal or state/local limits for ambient air quality. The Metropolitan Houston-Galveston area (AQCR 216) is an example of a highly industrialized area, of critical economic importance to the nation, where current levels of particulates and NO<sub>x</sub> are close to the primary standards for ambient air quality. Directionally, even with excellent control technology, coal use in new installations will make matters worse unless the existing situation is improved.

Where FBC technology is not the technology of choice, industrial boiler fuel demand is expected to be satisfied by a combination of:

Conventional use of compliance coal  
Application of control technologies such as FGDS ("scrubbers") to non-compliance coal

Use of solvent refined coal or other forms of cleaned coal

Use of coal-in-oil slurries  
Continuing use of oil and natural gas

Additionally, it is speculated that some industrial plants will purchase steam from central plants while others may substitute electricity for steam in some industrial processes.

**COFFEE VERSUS OPIUM**

**HON. EDWARD J. DERWINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. DERWINSKI. Mr. Speaker, the Chicago Tribune's distinguished columnist, Bob Wiedrich, very effectively discusses the new crop substitution program aimed at eradicating the opium poppy crop in his column of Tuesday, October 11. This program could have a dramatic effect on the international drug racket.

His column directs attention to the overall importance of the new Asian coffee market:

THAI COFFEE MAY CROWD OUT OPIUM

(By Bob Wiedrich)

LOS ANGELES—Some of northern Thailand's Meo hill tribesmen are converting their primitive economy from junk to java.

In fact, they are getting so adept at growing coffee beans instead of opium poppies that there are fears that the industrious Thai might become serious competitors on the Asian coffee market.

And that has prompted Kenya and several South American countries to balk at furnishing the Thias with any more seeds with which to carry out a program aimed at substituting other crops for the deadly but traditional opium.

Maj. Gen. Pow Sarasin, a Thai police official here for meetings with his American counterparts, disclosed the blacklisting of

Thailand in the world coffee marketplace during an interview.

"The nations of the world all deplore the international heroin traffic from Southeast Asia that has created an intolerable addiction problem for Western Europe," he said.

"But few of them seem ready to meet their responsibility with the kind of financial aid necessary to end the production of 600 tons of raw opium a year in the Golden Triangle region of Southeast Asia."

Right now, Gen. Sarasin said, Thailand only has 500,000 young coffee trees under cultivation by about 1,000 Meo tribesmen living in some 25 villages near the junction of the Thai, Laotian, and Burma borders.

Under a \$2.3 million, five-year United Nations crop substitution program that ends this year, the hill people have slowly discovered that growing coffee and other crops can be just as financially productive as raising opium poppies on the hillsides.

This year saw the first harvest of Thai coffee grown at altitudes of more than 3,000 feet.

And the report received from an impartial expert in Geneva, Switzerland, is that the initial crop is of very high quality.

"Bearing in mind that the coffee tree lasts between 50 and 100 years and that villagers are now asking for 30,000 to 40,000 seedlings for each village, we can see the beginning of a settled agriculture and prospects of an income that will satisfy these people," Gen. Sarasin said.

The Thai government has asked the UN for a three year extension of the crop substitution program, the bulk of whose funds come from the United States.

However, it is Sarasin's conviction and that of the Thai royal government, that the nations of Western Europe also should make greater contributions to Southeast Asian opium eradication.

Because, as Sarasin points out, at least 500 tons of the Golden Triangle opium comes from Burma on its way to Western clandestine markets.

And Thailand, because of its strategic location as a major drug trafficking route, also has become a victim country of the burgeoning smuggling operations.

In 1959, there were about 79,000 registered opium addicts in the country. Now, there are an estimated 300,000 heroin addicts in Thailand, 50 per cent of whom are between the ages of 14 and 25, injecting and smoking Southeast Asian heroin that often reaches 99 per cent purity.

Compare that with the 2 or 3 per cent average strength of the street level Mexican heroin being sold on most American streets and the extent of the Thai heroin problem becomes dramatically apparent.

Only the United States, with 500,000 to 600,000 heroin addicts, ranks ahead of Thailand in the severity of drug addiction.

Three years ago, 3½ pounds of raw opium sold for \$200 to \$250 at the Burma-Thai border. Now it sells for a mere \$50.

"That means people are afraid to buy opium because of the fear of arrest," Sarasin explained. "The price has been down since 1976."

"In that year, our forces seized 642 kilograms [1,412 pounds] of heroin. They arrested over 100 major traffickers."

"This forced the traffickers to stop moving opium in 10 ton quantities by caravan from Burma into Thailand. They have now started converting the opium to morphine base or heroin on the Burma side of the border. They are having to resort to individual body carriers to smuggle drugs through."

"And our goal—the game plan—is to keep the pressure on through enforcement efforts to keep the price down and to force the hill farmers to turn to other agricultural crops."

The average opium farmer used to derive about \$250 a year from a half acre plot of opium poppies. Now he gets only \$50 at depressed prices.

However, the same Meo tribesman can grow about \$400 a year worth of coffee on the same half acre. And he also can plant another \$60 worth of kidney beans a year between the coffee trees.

Cabbages are another crop that can share living space with coffee at a profit of about \$350 annually per half acre, Sarasin said.

In all, the crop substitution program is teaching the hill people how to grow 17 different agricultural crops, including potatoes at \$600 a half acre annually.

And there are long range plans for a coffee processing center at Chiang Mai, the last large population center in Northern Thailand before the jungles of the Golden Triangle embrace the mountainous terrain.

Obviously, eradicating the 50-ton-a-year Thai opium poppy crop isn't going to solve the problem. There still are the 550 tons grown annually in neighboring Laos and Burma.

But, as Sarasin explains, the hill tribesmen recognize no international boundaries. And good news travels fast. Burma has also started a crop substitution program with UN help. And there is hope that Communist Laos might do the same.

#### FOREIGN AID DOESN'T AID

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. DORNAN. Mr. Speaker, the issue of whether or not foreign aid actually helps the people of the countries concerned is one that comes before this body at frequent intervals. I would like to call my colleague's attention to an article on this subject, in the summer issue of *Policy Review*, a publication of the Heritage Foundation of Washington, D.C. The authors, Prof. Peter Bauer of the London School of Economics and John O'Sullivan, an economic journalist for the *Daily Telegraph* of London, present a perceptive analysis of the new international economic order (NIEO) as it was presented at such recent conferences as the Commonwealth Conference in London and the north-south dialog in Paris.

Their analysis covers the underlying assumptions of the proposed system, its likely results, as well as the value of its main policies such as greater foreign aid, stabilization of commodity prices, debt cancellations, and the transfer of technology. They point out that the material backwardness of Asia and Africa is not due to Western exploitation and assert also that Third World poverty is not as severe as often stated, due to problems involved with statistics and differing means of measuring income.

The authors conclude that the objectives of the NIEO—and of government-to-government foreign aid in general—are both undesirable and unattainable, especially since only a world government with extensive or almost totalitarian powers could enforce NIEO goals. I would like to insert their informative and interesting analysis of the actual effects

of well-intentioned foreign aid in the RECORD at this time:

#### ORDERING THE WORLD ABOUT: THE NEW INTERNATIONAL ECONOMIC ORDER

(By Peter Bauer and John O'Sullivan)

In 1975, to mark Somalia's commitment to the ideals of the International Women's Year, the President announced that in the future women would enjoy equal rights of inheritance with men. Twelve Muslim religious leaders protested that this violated Koranic law. Whereupon they were shot.

This instructive tale should warn us that the liberal ideas and phraseology of the West, once transplanted to the Third World, often assume fantastic and distorted forms. We might bear this in mind when assessing the interminable discussions on the establishment of a "New International Economic Order" (NIEO) at the "North-South Dialogue" in Paris, The Commonwealth Conference in London and the numerous United Nations Conferences on Trade and Development (UNCTAD) and other UN gatherings in Geneva, New York, Nairobi, Delhi and wherever else luxury hotels are to be found.<sup>1</sup>

For, on the face of it, the NIEO boasts an impeccably Western, indeed English, genealogy. It is the most far-reaching application of Fabian socialist theories of wealth distribution, state control and economic planning to international economic relations yet attempted by Third World governments and their Western cheerleaders. In no sense, of course, is it new. Its Fabian inspirations apart, the various UN and other declarations, in which the NIEO is embodied, contain wearisomely familiar demands for still greater foreign aid; comprehensive schemes for "stabilizing" (i.e. raising) commodity prices, transferring technology and cancelling debt repayments by developing countries; and even hazy notions of restricting Western production of synthetic substitutes for Third World products.

But some little novelty is introduced in the arguments justifying these claims. No longer is foreign aid solicited as an act of charity. Indeed, charity is indignantly rejected as demeaning. Nor is it still justified principally as the means of ensuring economic development in less developed countries—though that remains a secondary argument. Today, in international forums, the large-scale transfer of resources from the West to the Third World is demanded as a right. It is presented as some small recompense for the West's unjust economic exploitation, past and present, which is alleged to have caused the poverty of the developing world. But the NIEO goes beyond even this. Its demands clearly imply that everyone everywhere should be entitled to a substantial income by virtue of being alive, regardless of economic performance.

Dr. Julius Nyerere, the austere Tanzanian dictator, put these arguments succinctly during his 1975 state visit to Britain:

"In one world, as in one state, when I am rich because you are poor, and I am poor because you are rich, the transfer of wealth from rich to poor is a matter of right; it is not an appropriate matter for charity."

"The objective must be the eradication of poverty and the establishment of a minimum standard of living for all people. This will involve its converse—a ceiling on wealth for individuals and nations, as well as deliberate action to transfer resources from the rich to the poor within and across national boundaries."

<sup>1</sup> For a restrained and relatively reasonable statement of the views of the proponents of the NIEO see a new book by a UN civil servant of Indian nationality: Jyoti Shankar Singh, *Toward a New International Economic Order*, N.Y., 1976.



Endlessly and sanctimoniously repeated, almost never rebutted, such arguments have not been without effect. Mr. Callaghan told Commonwealth statesmen that 650 million people had *per capita* incomes of less than \$34 a year and that this was "the most serious challenge to our age and to our leadership." At the recent Paris Conference, the West, alias the "North," agreed to set up a commodity stabilization fund and to grant more aid, beginning with another \$1,000,000,000 to the hardest-hit poor countries. And, expressing a general journalistic consensus, Mr. Keith Richardson of the *London Sunday Times* admits that the West enjoys a "disproportionate share of the world's wealth" (does it not also have a disproportionate share in creating that wealth?) and doubts if we can keep our present ill-gotten living standards.<sup>2</sup>

But are the arguments in support of the NIEO valid? And would the consequences of implementing it be those desired by the Third World's Western sympathizers? Or those experienced by the Somalis?

#### WAS LENIN RIGHT?

Is it, first, really true that Western prosperity is founded on the economic exploitation of Asia and Africa? For this seems to be plainly contradicted by common observation. Sweden and Switzerland, two of the world's richest nations, had no colonies at all and few direct economic contacts with the Third World. Portugal, on the other hand, which relinquished large colonies only recently, is the poorest nation in Western Europe.

Nor can the extreme poverty and backwardness of aborigines, pygmies, nomads and African tribesmen be due to exploitation in international transactions since these groups have almost no links with the rest of mankind. Indeed the usual relationship is between material backwardness and lack of external contacts. If we examine the "Fourth World" countries listed in the U.N. agency documents as least developed, namely Burundi, Chad, Lesotho, Ethiopia, Rwanda, Afghanistan, Bhutan, Nepal and Sikkim, we find that they are scarcely involved in trade with the West. Certainly their trading links are fewer and less extensive than those between the West and Malaysia, Hong Kong, Venezuela, South Korea, Singapore, Mexico and Taiwan—all relatively prosperous and developing rapidly in flat contradiction to NIEO reasoning.

Such examples clearly support the traditional pre-Leninist view of international trade, namely that it benefits both parties. In more modern jargon, it is not a "zero-sum game" in which one man's gain is necessarily another's loss. Western nations undoubtedly benefited from the access to raw materials brought by trade. Yet did not developing nations also obtain access to markets, to a variety of goods, to new ideas and information and to such complementary resources as capital, enterprise and specific skills? Without these, would not the Third World be much poorer today?

Moreover, even amongst developing countries with equal access to trade opportunities, some have prospered more than others.<sup>3</sup> Why?

<sup>2</sup> Two recent articles in *Commentary* further elucidate a more critical view of the NIEO. See Peter Bauer, "Western Guilt and Third World Poverty," *Commentary*, January 1976 and Peter Bauer and B. S. Yamey, "Against the New Economic Order," *Commentary*, April 1977.

<sup>3</sup> Edwin J. Feulner, Jr. in *Congress and the New International Economic Order*, Washington, D.C., 1976, provides a brief and incisive comparison of two island economies, Sri Lanka and Taiwan:

"Another comparison is between the island nations of the Republic of Sri Lanka

Surely the principal reason is that nations, peoples, tribes, communities and ethnic groups are not equally endowed with those qualities which mainly determine economic achievement. These are not, as is commonly supposed, plentiful raw materials and the supply of capital on easy terms, but aptitudes, social customs, motivations, modes of thought, social institutions and political arrangements. For it is these qualities which influence people's willingness to save, work hard, take risks, and to seek and develop the economic opportunities, however limited, that are available.<sup>4</sup>

How else can we explain the many startling group differences in economic performance where economic opportunities have been identical, or broadly similar, or even relatively unfavorable to the successful group—the Chinese, Indian and Malays in Malaya, the Asians and Africans in East Africa and the Greeks and Turks in Cyprus? Have not some groups "failed" in the narrowly economic sense because of such factors as a preference for the contemplative life over the active; a reluctance to undertake profitable tasks traditionally regarded as demeaning; and a social hierarchy in which mere economic success is not particularly esteemed? Why should such preferences necessarily be condemned?

#### HUMAN RIGHTS IN THE THIRD WORLD

In recent years, however, a less justifiable influence favoring poverty and economic backwardness has made its appearance—namely, the economic and other policies pursued by Third World governments. Everyone is well-informed about the expulsion of Asians from East Africa which, incidentally, at a stroke reduced *per capita* income in those countries and widened the gap between them and the heartless West. But, in general, Western liberal opinion has been strangely and culpably blind to the extent of the persecution of economically productive, perhaps relatively well-off, but politically unpopular minorities.

It ranges in kind from discrimination in employment to expulsion and even massacre, and geographically from Algeria to Burma, Egypt, Ghana, Indonesia, Iraq, Kenya, Malawi, Malaysia, Morocco, Nigeria, Sri Lanka, Tanzania, Uganda, Zaire and Zambia. So

(Ceylon), a nation of 14 million and the Republic of China (Taiwan) a nation of 15 million inhabitants. Foreign capital was a major factor in the early post war development of both Taiwan and Sri Lanka. Then the government of the latter started a widespread nationalization program in 1961 and strengthened this in 1970 to form a national plan for a socialist society. The effect of these policies has been to limit the investment of new private funds in Sri Lanka. Per capita output has dropped from \$128 in 1963 to \$110 in 1974.

"The Republic of China was also essentially an agrarian economy but they have followed a policy of industrialization encouraging private investment by a liberalization of government control and tax concessions. Today Taiwan is one of the fastest growing economies in Asia. In 1967 output per capita was \$209, in 1974 it had jumped to \$700, second only to Japan among Asian countries. Even allowing for the possibility that significant error is present in the figures, the correlation between economic freedom (including private foreign investment) and successful development (and improved personal well-being) is vividly illustrated by these comparisons."

<sup>4</sup> A full-length analysis of the underlying conditions and of their economic importance is provided in Peter Bauer and B. S. Yamey, *The Economics of Under-Developed Countries*, Chicago, 1957. For a debate on some of these issues, see Barbara Ward and Peter Bauer, *Two Views on Aid to Developing Countries*, London, 1966.

much for the theory that wealth is synonymous with power.<sup>5</sup>

And when such groups as the enterprising Indian community in Burma are driven out, they take with them scarce skills, the ability to generate capital locally and often an indispensable service to the local community. President Mobutu's expulsion of Greek and Portuguese traders from Zaire, for instance, caused a breakdown in the bush trading and distribution system. Farmers were thus unable to market their produce effectively: in some cases, planting stopped altogether.

Some regimes do not stop at persecuting minorities. Dr. Nyerere's government in Tanzania has in the last decade forcibly moved millions of people into collectivized villages, and sometimes simply into the bush. Among the methods of encouragement employed are the destruction of existing homes, physical force and barring recalcitrant elements from such social facilities as communal transport, beer shops, ceremonial dances and cattle auctions. The numbers of people subjected to this new life certainly runs into millions. Some estimates are as high as six to eight million (*The Washington Post*, May 6, 1975) and even thirteen million (*The Times*, April 20, 1977) out of a total population of fifteen million.

It is hardly likely that agricultural prosperity will be improved by this disruptive move to a variant of the collective farming that has been a disaster everywhere else. Another article in *The Washington Post* (February 7, 1977) reports that both food production and rural living standards have in fact declined. Is that perhaps the reason there is so little official data on the economic achievements of *ujamaa* policy, as a sympathetic official of the World Bank lamented?

Tanzania's general economic failure, relative to less ideological neighboring countries, is unmistakable. It has indeed provoked Dr. Nyerere into sour complaints that Kenya's prosperity is merely the tawdry jewelry of the harlot. He can hardly claim, however, that Tanzania aims at a higher goal than wealth—equality, spartan virtue, African socialism, or whatever. For, like a quiz contestant who asks both to open the box and take the money, President Nyerere demands that nations which have successfully sought enrichment should subsidize his nation's austerity.

That is only one, admittedly glaring example. Other government policies, which have served to impoverish further the people in developing countries, include restrictions on the inflow of foreign capital and on the activities of expatriates; the establishment of costly and inefficient state monopolies in trading, transport, banking and industry; widespread restrictive licensing on economic activity; penal taxation of small-scale farmers; the political diversion of resources to state-sponsored enterprises that cannot survive unassisted; and the suppression of private firms that inconveniently compete with them.

#### HOW POOR IS THE THIRD WORLD?

But the Third World is far from being a homogeneous, uniform group of countries, all sunk in an identical poverty that is irremediable without foreign aid. Numerous regions and groups there are actually more

<sup>5</sup> In order to carry out such policies a tame press is, of course, highly desirable. There has been much discussion among Third World nations (who disagree on many points but who tend to agree on this one) on the best means of insuring a controlled flow of information. The Fall 1977 issue of *Policy Review* will include an article by the American journalist, Jeffrey St. John, on this increasing tendency toward organized suppression of a free press. For a broad view of the decline of human rights around the world, see Robert Moss, *The Collapse of Democracy*, New Rochelle, N.Y., 1976.

prosperous than some in the West—compare Chinese communities in South-East Asia with much of rural Ireland and Southern Europe. And among Third World countries which have enjoyed rapid economic growth are South Korea, Taiwan, Hong Kong, Malaysia, the Ivory Coast, Kenya, Brazil, Colombia, Mexico, Venezuela and, of course, the oil states of the Middle East which were treated as less developed until 1973 despite high *per capita* incomes.

Properly considered, then, the Third World is little more than an arbitrary classification covering half the world's population and including societies ranging from millions of aborigines to populous cities—the composition of which is occasionally altered with an arbitrariness bordering on caprice. The developed world is only slightly more homogeneous. It would make little sense to talk of an income "gap," especially a "widening gap," between two such shifting classifications, even if the statistical bases for comparison were otherwise valid. Of course, they are nothing of the sort.

Professor Oscar Morgenstern, in his book, *On the Accuracy of Economic Observations*, quotes an unnamed civil servant as admitting: "We shall produce any statistics that we think will help us to get as much money out of the United States as we can. Statistics which we do not have, but which we need to justify our demands, we shall simply fabricate." His light-hearted approach is certainly not contradicted by the black comedy of the Nigerian population estimates. When Professor Peter Kilby, a leading independent American scholar, put the population at 37.1 million, the official 1963 census produced an estimate of 55.6 million—a figure not unconnected with the then government's need for inflated parliamentary representation. Even today, when parliamentary representation is of little moment in Nigeria, the UN's estimate of its population is ten million less than the Nigerian government's.

Honest statistics, however, would be only marginally less inaccurate. National income comparisons, for instance, are rarely adjusted for differences in age composition. Yet the proportion of children is much larger in developing countries than in the West. And both the incomes and requirements of children are lower than those of adults—not to allow for age composition in such statistics is to transform age differences into income differences.

Another major flaw arises from how changes in life expectation are interpreted statistically. In the last 25 years, mortality has declined substantially in the Third World. Since most people like to live longer and to see their children survive, this is surely an improvement. Without much doubt the standard of living of those who would otherwise have died has improved. But there are, as a result, more children and old people in the population. So this improvement is registered in national income statistics as a decline in per capita income and a widening of the gap.

The aggregate effect of these and other flaws is to exaggerate, often wildly, the poverty of developing countries and hence the gap between them and the West. In an article published in 1963, subsequently expanded into a book, Professor Dan Usher, who lived and worked for several years in Thailand, estimated on the basis of personal observation and sophisticated statistical analysis that living standards there were approximately one-third of those in Britain. Yet, as Professor Usher points out, calculations based on conventional statistics put per capita income in Britain at fourteen times that of Thailand, where accordingly the people must be "desperately, if not impossibly, poor." It is such Laputan estimates which form the basis of NIEO declarations, of presi-

dential demands for "reparations" from the West and of Mr. Callaghan's conviction that 650 million people have to subsist each year on less than the goods and services that £20 would purchase in Britain or \$34 in the United States, or one breakfast every three weeks with nothing left over for other meals, accommodation, clothing, medicine or any other goods and services.

So much for the arguments justifying the NIEO. What of its likely effect?

#### IS FOREIGN AID ENOUGH?

Let us first deal with two general points. Were the NIEO to be implemented seriously, it would clearly mean a transfer of resources from groups in the West to groups in the Third World. If people's aptitudes, motivations and economic capacities were everywhere the same and official policies broadly favorable, this could be achieved without a reduction in the wealth and income of mankind as a whole. NIEO documents often assume tacitly that this is so.

Yet we have already noticed that people's abilities to take advantage of economic opportunities differ very radically. And, paradoxically, this is confirmed by one of the NIEO's principal demands—namely, debt cancellation. For the argument that debtors face great, even insurmountable, difficulties in repaying loans means that the borrowed capital has been wastefully employed. Otherwise the incomes in recipient countries would have increased by more than the cost of the capital. This is further confirmed by the fact that the great proportion of Third World government debt arises from foreign aid loans on concessionary terms. Often the grant element in these loans has been over half the nominal value, sometimes over 90 percent. Moreover, the burden of debt has already been much reduced by inflation and by various disguised forms of substantial default.

The NIEO, therefore, especially in the form of debt cancellation, represents a transfer of resources from those who can use them productively to those who cannot. World income as a whole must therefore either fall or fail to rise as it otherwise would. If this effect were concentrated in the West, some NIEO advocates would presumably count it as a gain—a step towards a more egalitarian, if poorer, world. But, insofar as the West's income is reduced, so is its capacity to trade with developing countries, some of which in consequence share in this virtuous impoverishment.

Secondly, official wealth transfers go to Third World governments, not to the population at large. Inevitably, this increases the power of the ruling groups over their peoples—an effect often reinforced by the preferential treatment accorded to governments establishing state-controlled economies.<sup>6</sup> To Western supporters of aid programs, there is nothing objectionable in this.

<sup>6</sup> A clear-cut example of how government-to-government aid programs often enrich the class at the expense of the needy is given in an article entitled "Food Bungle in Bangladesh" by Donald F. McHenry (Ambassador Andrew Young's deputy at the UN) and Kal Bird (a journalist for *Newsweek International*). Writing in the Summer 1977 *Foreign Policy* they relate in detail how approximately 90 percent of the U.S. food aid to Bangladesh went to favored groups in the cities (bureaucrats, the armed services, rich businessmen, etc.). Practically none went to the starving people in the countryside. This sort of activity is not confined to the Third World, of course. *The Washington Post* on July 7, 1977, reported that a substantial amount of Small Business Administration funds intended to help minorities actually went to white (and prosperous) businessmen using blacks as fronts.

They enthusiastically urge vigorous state action to promote development and social and economic equality.

But this is where the Somal distorting mirror effect intrudes. For between the intentions of Third World governments and those of their Western sympathizers, there is a wide and widening gap.

It is the over-riding aim of almost all Third World governments to consolidate and extend their own power over their subjects. Surely this is patently clear from the policies they consistently pursue? Monopolies, valuable licenses and other privileges are granted to those who support the government, often very prosperous people. Quite small properties and businesses, on the other hand, are often confiscated wholesale. Small-scale producers of export crops have often been singled out for penal taxation at the hands of state export monopolies. And there have been countless instances of massive discrimination against poor members of ethnic minorities distinct from the ruling group, even though they may sometimes be indigenous to the country—such as Tamil plantation workers in Sri Lanka and Ibo clerks and laborers in Nigeria.

What have such policies got to do with promoting either equality or development? Very little. In fact, they hold development back. But they have a great deal to do with placating government supporters, winning over entrenched groups, making more and more people dependent upon government decisions for their economic success or failure, and depriving potential opponents, or merely disfavored groups, of power, advantages and even of their livelihood. Indeed, a Burmese cabinet minister was candid enough to admit privately that, although the expulsion of foreigners damaged the economic interests of the Burmese, he favored the policy simply in order to rid his country of aliens.

And, as for equality, some conspicuous beneficiaries of aid are relatively well-to-do, even very rich. They are rulers, politicians, civil servants, members of Westernized elites, businessmen close to the government and the more politically astute local academics—not to mention foreign economic advisers and employees of international organizations.

Would not the large-scale transfer of resources under the NIEO strengthen such governments in power, keep them financially solvent, help to conceal the disastrous results of their policies, and generally increase state power and politicization of society? And, in a contemporary politicized society, the rewards of political power rise proportionately; but the penalties of exclusion rise exponentially.

During Mrs. Gandhi's rule in India, well over ten million people were sterilized, very many forcibly, sometimes with great brutality and fatal results. According to an academic Indian report, which forms the basis of an article in *New Scientist* (May 5, 1977) the compulsory sterilization campaign included such methods as: organized man-hunts; dawn police raids to catch people, physical force to hold down the victims; entire villages fleeing from sterilization squads; refusal to admit unsterilized people to hospitals; the withholding of licenses from taxi-drivers, rickshaw-drivers and others unless they could produce sterilization certificates; and the use of economic policy and civil service pay and promotion to foster the program "voluntarily." And the report noted significantly that compulsion was exercised on a partial basis. Administrators, the urban elite and local politicians were able to avoid it, even when they had more than the usual quota of children; whereas an almost random brutality was employed against poor people, village-dwellers and minorities like the Muslims, who rioted in consequence and were shot down.

It is, of course, commonplace in societies that are both multi-racial and highly-politicized for minorities to find themselves economically ruined and even physically threatened. Who controls the government becomes a life-and-death matter, sometimes literally so. Asians have been expelled from East Africa, Ibos massacred in Northern Nigeria and the Chinese subjected to various degrees of discrimination all over South-East Asia. Naturally they suffer most. But such struggles, expulsions and civil wars also inflict extreme hardship on the rest of the population as, for instance, food shortages when the trading system breaks down.

Does all this sound a far cry from bland World Bank communiques hymning "partnership in development"? Well, in November 1976, at the very height of the compulsory sterilization campaign, Mr. Robert McNamara, the President of the World Bank and a large supplier of finance to India, congratulated the Indian Health and Family Planning Minister on his government's "political will and determination" in popularizing family planning. It is the Somali distortion again—some spice being added by the report that Somalia is Mr. McNamara's "second favorite African country." His "real African favorite," however, is Tanzania where he doubtless imagines an exciting development in rural democracy is spontaneously erupting.

Third World governments have nonetheless taken precautions against Mr. McNamara and others suddenly realizing what Somalia is really like. Into one of the NIEO declarations they have written the condition that: "Every country has the right to adopt the social and economic system that it deems most appropriate for its own development and not to be subjected to discrimination of any kind as a result." Discrimination here is broadly defined; it includes failure to provide aid.

#### DO THE POOR REALLY BENEFIT?

We have so far assumed that the NIEO will actually transfer resources from the rich to the poor. But will it do so? Take, for instance, one specific and widely-canvassed proposal to which Western countries have now reluctantly agreed—commodity agreements to maintain stable prices. If these are intended to transfer wealth from rich to poor, then they are inefficient to the point of perversity.

To begin with, primary producers of raw materials are by no means necessarily poor. The OPEC countries are an extreme example of the opposite—and were so long before 1973. Rich countries, in fact, are net exporters of major primary products and their close substitutes. Moreover, within the less developed world, those countries which export such products are generally to be found among the most prosperous. And, within the exporting countries themselves, the main beneficiaries of commodity agreements and higher prices are likely to be existing producers, the scheming administrators and politicians—all relatively prosperous people already.<sup>7</sup>

And how will such schemes work in practice? Commodity agreements can normally be maintained only if they exclude potential producers from entering the market. Only thus can supply be restricted and prices raised. Yet the excluded producers are usually poorer than those inside the cartel—and than those who otherwise gain, both internationally and within exporting countries. Their poverty is thus perpetuated.<sup>8</sup>

It is also noteworthy that most of the suggested agreements cover commodities (e.g., tea, rubber, copper) that are subsequently used in mass consumption products. Poor

Third World countries are net importers of many of these. So the contrived increase in prices will tax consumers, often regressively, in rich and poor countries alike, at a time of world-wide inflation. And the experience of the OPEC cartel suggests that poor people will not be protected against these price rises by anything more substantial than rhetoric.

But commodity agreements also tend to be unstable. If the incomes of those inside the cartel are to be kept up, then not only must the supply of the commodity reaching the market be controlled effectively; so must the supply of its close substitutes. Yet the resulting high price itself stimulates the search for new sources and the development of new substitutes. So, save in very exceptional circumstances where control of a scarce and indispensable resource is confined to a few countries, any commodity scheme will succeed in raising prices for a prolonged period only at the cost of large sums of the money being tied up in unsold stocks.

In the meantime, while prices remain high, potential producers and excluded countries will grow increasingly hostile and restive. Why should they not be allocated export rights and quotas? Why should they be denied this arbitrary and guaranteed "license to print money"? Only massive international pressure could prevent them from undermining the agreement by introducing or expanding their competing supplies. International tensions far more destructive than those exhibited in the North-South dialogue would thus be stimulated by the scheme's continuance; and, should it eventually collapse, incomes and prices would fall through the floor.

It is clear, therefore, that commodity agreements would harm many poor people, benefit few poor people and enrich quite a number who are already prosperous. Some relatively rich people in the West might also be discriminated, but that is surely an insufficient benefit for so much waste, conflict and distress. So much for his cornerstone of the NIEO. Debt cancellation, as we have already shown, specifically benefits the improvident and affects the poorest least of all. And the transfer of technology, as expounded in NIEO documents, is a notion too vague and mystical for systematic assessment.

#### WOULD AN NIEO WORK IN PRACTICE?

But all this does not justify dismissing the NIEO as unimportant. If the "eradication of poverty" and the confining of income differences, both within and between countries, to within a narrow band were to be seriously pursued, then a far-reaching, intensive and persistent coercion would be required. Nothing less would remove or overcome the wide and deeply-rooted variety of attributes, motivations, values, customs, social institutions, living conditions and political arrangements of different countries, societies, groups and individuals which lie behind income differences.

NIEO advocates admit, for instance, that the use of substitutes and the application of new inventions in Western industries would need to be limited in order to protect commodity agreements and to maintain Third World export earnings. What else is this but the internationalization of industrial restrictive practices, maintaining high-cost production and thus harming the poorest everywhere? Yet if Western governments fail to enforce such luddite interventions, will they not be pressed to step up direct tax-financed wealth transfers by way of compensation? Indeed, Dr. Nyerere has obligingly made clear that they will be required to step up such transfers in any event—until world economic equality has been substantially achieved or, in practice, indefinitely.

But who will enforce these policies and transfers? Western governments acting voluntarily? Hardly. National governments acting under pressure from a combination of

other governments, or from international organizations, in accordance with agreements they had thoughtlessly endorsed? Perhaps, but for how long? Would policies that substantially depressed or retarded the living standards of Western voters survive more than a few democratic elections? Again, hardly. Only a world government with extensive, or indeed almost totalitarian powers would stand a reasonable chance of enforcing such an economic order indefinitely.

And such powers would need to be exercised indefinitely. As with commodity agreements, the exercise of some powers would perversely create and reinforce economic differences rather than reduce them. They would thus be continually manufacturing the justification for their own existence; and if, for whatever reason, economic differences were to be reduced within and between countries, this would not abate egalitarian demands one whit. As Tocqueville observed, when social differences have narrowed, those that remain appear particularly offensive.

And, finally, the commitment to the NIEO is by its very nature open-ended. Third World incomes, as we have already seen, depend principally upon domestic factors, not on external donations. So any obligation to establish minimum living standards in the Third World, or to reduce international income differences substantially or to any specified extent, implies a completely open-ended Western commitment, determined by the Third World's performance. At the very least, international redistributive taxation would be required. Attempts to enforce this permanent, world-wide standardization, then, would lead to increasing international tension, a Hobbesian war of all against all, the spread of totalitarian powers and to further erosion of the West's power and influence.

Is it unreasonable, in the light of these considerations, to regard Dr. Nyerere's call for a world "ceiling on wealth" as "first and foremost a matter of political will and determination" as something more, and more sinister, than harmless cant? Or to hope that, when Western leaders warmly endorse the NIEO's objectives, they are simply indulging in the political equivalent of singing "Auld Lang Syne" on New Year's Eve?

In summation, the objective of the NIEO is, of course, quite unattainable. There is no prospect whatever of transforming the Third World into a series of prosperous, socially just, high-income Swedens by the methods proposed. But we might well create one, two, three, many Somalias.

#### HIGH CANCER RATES IN COUNTIES WITH PETROLEUM INDUSTRIES

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. CARTER. Mr. Speaker, I should like to call to the attention of my esteemed colleagues a recent article about the pattern of elevated cancer death rates in counties where the petroleum industry is most heavily concentrated.

That article, from the October 7 issue of Science magazine published by the American Association for Advancement of Science, concludes that "further study is needed to determine whether these patterns result from exposure to chemical carcinogens, including polycyclic hydrocarbons, involved in the manufac-

<sup>7</sup> William Schneider, Jr., of the Hudson Institute, has written a useful book on this subject, *Food, Foreign Policy and Raw Materials Cartels*, N.Y., 1976.

<sup>8</sup> See Peter Bauer, "Foreign Aid Forever?" *Encounter*, March 1974.

turing of petroleum." Nevertheless, the statistics show significantly higher rates for cancer of the lung, the nasal cavity and sinuses, and of the skin in those counties.

On October 4, I had noted another Science article about a National Institute for Occupational Safety and Health sponsored study of which industries are most hazardous to their workers. That study indicated that the petroleum industry ranked as the sixth most hazardous in exposing workers to carcinogens or toxic chemicals.

While we are concerned about the on-the-job hazards to America's working men and women, I submit that this new article points to perhaps the greater concern about the possibility of a pollution hazard spreading beyond the workplace.

I want to stress that I note this information not as an attack on the oil industry but as further evidence that we need to continue the critical work of finding the causes of cancer and, where possible, eliminating them. We also need, as the article points out, further study before reaching final conclusions about what actually may be causing our alarming cancer incidence.

Mr. Speaker, I include for the RECORD this article about the cancer mortality in U.S. counties with petroleum industries:

CANCER MORTALITY IN U.S. COUNTIES WITH PETROLEUM INDUSTRIES

Abstract. A survey of cancer mortality from 1950 to 1969 was conducted in U.S. counties where the petroleum industry is most heavily concentrated. Male residents of these counties experienced significantly higher rates for cancers of the lung, the nasal cavity and sinuses, and the skin (including malignant melanoma) compared to male residents of counties with similar demographic characteristics. Further study is needed to determine whether these patterns result from exposure to chemical carcinogens, including polycyclic hydrocarbons, involved in the manufacturing of petroleum.

Polycyclic aromatic hydrocarbons (PAH) are found in crude petroleum, in the high boiling residues of catalytically cracked oils, in other pyrolysis products, in soots, and in air surrounding refining operations (1). Although exposure to PAH in several occupational groups has induced cutaneous and pulmonary cancers in man (1, 2), there has been no clear indication that petroleum refinery workers are exposed to excess risk (3). However, indirect evidence of a hazard was suggested recently by a national survey of lung cancer mortality indicating that such mortality was higher among males in U.S. counties with petroleum manufacturing industries, and by a Los Angeles study correlating lung cancer rates in census tracts to airborne levels of PAH emitted, in part, from petroleum refineries (4). To evaluate this issue further, we compared the mortality rates from various cancers during 1950 to 1969 in U.S. counties involved in petroleum manufacture with the rates in a group of counties with similar demographic characteristics but no involvement in the industry.

A total of 604 U.S. counties had plants engaged in petroleum manufacture (standard industrial classification code 29) according to the 1963 *Census of Manufactures*, although there were less than 20 employees in over one-third of these counties (5). Selected for study were 39 petroleum-industry counties (PIC) where at least 100 persons were employed and where the estimated number of workers divided by the county population exceeded 0.01. The fraction employed reached 0.07 in one PIC but was usually under 0.02. It was 0.017 for the 39 PIC combined, involv-

ing about 50,000 petroleum workers. The number employed by sex was not available per county, but national statistics show a predominance of male workers over female (ratio 7:1), with 95 percent of all of the employed being white (6).

TABLE 1.—Demographic indices for the petroleum-industry counties (PIC) and control counties in 1960

Indicator	PIC	Control counties
Percentage urban.....	74.2	71.1
Population density*.....	53.5	58.1
Median school years completed by adult population.....	10.6	10.7
Median family income.....	6083	5635
Percentage nonwhite.....	11.2	9.4
Percentage foreign parentage..	10.5	11.1

\*Population per square mile.

Nearly all the PIC were involved in petroleum refining, at least since 1940. Although located in 16 states, over one-half were concentrated in Texas, Louisiana, Arkansas, Oklahoma, and Kansas. The PIC ranged in population from about 5000 to 500,000 (median 37,000) as of 1960, the midyear of the study period, with a total of about 3 million.

For comparison, we selected 117 counties comparable by geographic region (same or neighboring state), population size, and various demographic indicators (Table 1). Non-petroleum manufacturing industries were nearly equally apportioned between the PIC and control counties, except that chemical manufacturing plants tended to occur in the PIC. In 11 of the 39 PIC the chemical and petroleum work forces were about equal. Only 6 of the 117 control counties had similar involvement (a fraction employed of at least 0.01) in the chemical industry.

Age-adjusted mortality rates during 1950 to 1969, for 23 cancer sites, were calculated among white residents in the individual PIC and control counties (7), in all PIC combined and all control counties combined, and in groups of PIC and control counties stratified by urbanization category. Standard errors were computed (8) for comparisons (Student's t-test) of the differences in mortality rates between the PIC and control groups.

Ratios of the age-adjusted cancer mortality rates among white males in the PIC to the rates in control counties are shown in Table 2. Mortality in the PIC was significantly high for all cancers combined. The largest ratios were for cancer of the nasal cavity and sinuses and for lung cancer. In addition, mortality was significantly high for cancers of the skin (both malignant melanoma and nonmelanotic skin cancer), testis, stomach, and rectum. Low mortality was observed for brain cancer.

Table 3 lists the mortality ratios for these cancers among white males in three groups stratified by population. The rates for cancers of the nasal cavity, lung, and skin were high for all three groups, while the excesses for other cancers were limited to highly populated counties (9). Among white females in the PIC, the mortality rates were significantly high for lung cancer but not for cancers of the nasal cavity and skin nor for all cancers combined (10).

The cancer patterns in the PIC may be due partly to the concomitant presence of chemical industries, which have been previously correlated on a county level with various cancers, including cancers of the nasal cavity, lung, and skin (11). For the 11 PIC with heavy involvement in the chemical industry, the nasal cancer mortality rate was exceptionally high, while the rate for the remaining 28 PIC exceeded the control rates to a far lesser extent (12). For lung and skin cancers, rates were also highest in those PIC with chemical plants, but

the relative excess associated with the presence of both industries was not as great as for nasal cancer (13). Bladder and liver cancers, prominently correlated with chemical industry counties (11), were not excessive in the PIC.

If, in fact, the higher cancer rates in the PIC resulted mainly from the small percentage of males employed in the industry being exposed to petrochemicals, and if the remainder of the population were at normal risk, then the relative risk to workers would be substantial, particularly among subgroups exposed to hazardous processes. However, these correlations should be interpreted cautiously. Information was not available on the occupations or other exposures of county residents who died of cancer, or on their specific location or duration of residence within the county. Nonfatal cancers were not ascertained, and the information obtained from death certificates may not accurately reflect incidence. Although the PIC and control counties were generally comparable with respect to region, urbanization and socioeconomic status, there may be differences in other variables that influence the results.

TABLE 2.—Ratios of age-adjusted mortality rates, 1950 to 1969, among white males in petroleum industry counties to those in control counties by cancer site

Cancer site	Ratio
Buccal cavity and pharynx.....	1.04
Esophagus.....	1.06
Stomach <sup>1</sup> .....	1.09
Colon.....	1.02
Rectum <sup>2</sup> .....	1.07
Liver.....	1.06
Pancreas.....	1.05
Nasal cavity and sinuses <sup>1</sup> .....	1.48
Larynx.....	1.09
Lung <sup>1</sup> .....	1.15
Prostate.....	0.98
Testis.....	1.10
Kidney.....	1.05
Bladder.....	1.02
Melanoma and other skin <sup>2</sup> .....	1.10
Brain <sup>2</sup> .....	0.94
Thyroid and endocrine.....	1.04
Bone and connective tissue.....	0.98
Hodgkin's disease.....	0.96
Other lymphomas.....	1.01
Multiple myeloma.....	1.05
Leukemia.....	1.03
All sites combined <sup>1</sup> .....	1.06

<sup>1</sup> P<.01.

<sup>2</sup> .01<PL.05.

TABLE 3.—Ratios of age-adjusted mortality rates from 1950 to 1969 among white males in petroleum industry counties to rates in control counties separated according to population size for selected cancer sites

Cancer site	Population (1,000's)		
	Less than 25	25 to 99	100 plus
Stomach.....	0.99	1.02	<sup>1</sup> 1.15
Rectum.....	0.85	1.01	<sup>1</sup> 1.13
Nasal cavity and sinuses.....	1.29	<sup>1</sup> 1.78	<sup>1</sup> 1.45
Lung.....	<sup>2</sup> 1.10	<sup>1</sup> 1.15	<sup>1</sup> 1.17
Testis.....	0.89	0.94	<sup>2</sup> 1.18
Brain.....	1.01	0.98	0.93
Melanoma and other skin.....	1.21	1.03	<sup>2</sup> 1.12
All cancers combined.....	1.03	<sup>1</sup> 1.05	<sup>1</sup> 1.08

<sup>1</sup> P less than .01.

<sup>2</sup> .01 less than P less than .05.

Nevertheless, the geographic patterns are in line with published observation on cancer in related occupational groups. Squamous skin cancers have been reported as a complication of exposure to PAH among wax

pressmen, workers in the shale oil industry, and mule spinners and machinists exposed to cutting oils (1). A possible excess of melanoma was recently noted among workers who handled polychlorinated biphenyls in a northeastern petrochemical plant (14). Nasal cancers have not been related to petroleum exposures, except for tumors of the ethmoid sinus in a small group of workers manufacturing isopropyl alcohol (15). Potentially leukemogenic is exposure to benzene in the petroleum industry (16), but no significant excess of leukemia was found in the PIC. The correlations with lung cancer in the study are a cause for concern because lung cancer occurs excessively among other PAH-exposed groups, including roofers, coke-oven workers, and gas-generator employees (1, 2); and the high rates of lung cancer among female residents in the PIC raise the possibility of a pollution hazard spreading beyond the workplace.

The findings of this survey suggest the need for industry-wide epidemiologic studies to clarify the risk of cancer among various groups of petroleum workers and to evaluate the possible effects of petrochemical emissions released into neighboring communities.

WILLIAM J. BLOT,  
LOUISE A. BRINTON,  
JOSEPH F. FRAUMENI, Jr.,  
B. J. STONE.

Environmental Epidemiology Branch, National Cancer Institute, Bethesda, Maryland 20014.

#### REFERENCES

- Committee on Biologic Effects of Atmosphere Pollutants, *Particulate Polycyclic Organic Matter* (National Academy of Sciences, Washington, D.C.; 1972); M. D. Kipling and H. A. Waldron. *Prev. Med.* 5, 262 (1976).
- R. Doll, M. P. Vessey, R. W. R. Beasley, A. R. Buckley, E. C. Fear, R. E. W. Fisher, E. J. Gammon, W. Gunn, G. O. Hughes, K. Lee, B. Norman-Smith, *Br. J. Ind. Med.* 29, 394 (1972); M. Kawai, H. Amamoto, K. Horada, *Arch. Environ. Health* 14, 859 (1967); E. C. Hammond, I. J. Selkoff, P. L. Lawther, H. Seidman, *Ann. N.Y. Acad. Sci.* 271, 116 (1976); J. F. Fraumeni, Jr., *J. Natl. Cancer Inst.* 55, 1039 (1975).
- V. C. Baird, *J. Occup. Med.* 9, 415 (1967); L. Wade, *Arch. Environ. Health* 6, 730 (1963); Tabershaw/Cooper Associates, *A Mortality Study of Petroleum Refinery Workers*, Project OH-1, prepared for the American Petroleum Institute, Washington, D.C., September 1974.
- W. J. Blot and J. F. Fraumeni, Jr., *Am. J. Epidemiol.* 103 (1976); B. E. Henderson, R. J. Gordon, H. Menck, J. Soohoo, S. P. Martin, M. C. Pike, *ibid.* 101, 477 (1975).
- U.S. Department of Commerce, *Census of Manufactures* (1963) (Government Printing Office, Washington, D.C., 1966), vols. 1 and 2.
- U.S. Bureau of the Census, *U.S. Census of Population* (1960), vol. 1 and 2, *Characteristics of the Population* (Government Printing Office, Washington, D.C., 1963).
- T. J. Mason and F. W. McKay, *U.S. Cancer Mortality by County: 1950-69* (Government Printing Office, Washington, D.C., 1973).
- C. L. Chiang, *Vital Statistics Selected Reports* (Government Printing Office, Washington, D.C., 1973), vol. 47, No. 9.
- For lung cancer, the rates (deaths per year per 100,000 population) increased from 30.0 to 35.7 to 45.5 among the three urbanization groups of the PIC as opposed to 27.2 to 31.1 to 39.0 for the control counties. The rates for nasal cancer varied little with urbanization, remaining at about 0.6 in the PIC and 0.4 in the control counties. Skin cancer rates declined with urbanization (4.2, 3.3, and 3.3 in the PIC compared to 3.4, 3.2, and 3.0 in the control counties).
- The PIC/control counties mortality ratios for white females were (total and three urbanization categories of Table 3, respectively): lung cancer, 1.06, 1.21, 1.07, 1.05; nasal cancer, 0.77, 0.70, 0.58, 0.76; skin cancer, 1.01, 1.00, 1.05, 0.99; all cancers combined, 1.01, 0.98, 1.02, 1.02.
- R. Hoover and J. F. Fraumeni, Jr., *Environ. Res.* 9, 196 (1975).
- The mortality rate for nasal cancer for the 11 PIC combined was 0.8 (about double the control and national rates) and exceeded 0.7 in eight of the 11 counties. The rate for the 28 PIC without heavy chemical industrial involvement was 0.5.
- The mortality rates for each of nasal, lung, and skin cancers were reported to be higher by 10 percent in chemical-industry counties (II). The mortality rates for lung and skin cancers in the PIC where chemical industries were heavily concentrated were roughly 10 percent higher than in the PIC without a heavy concentration of chemical industries, which were in turn higher (12 percent for lung cancer and 7 percent for skin cancer) than the control rates. However, rates for nasal cancer in the PIC with chemical industries were over 50 percent higher than rates in the remaining PIC.
- A. K. Bahn, I. Rosenwalke, N. Herrmann, P. Grover, J. Stellman, K. O'Leary, *N. Engl. J. Med.* 295, 450 (1976).
- C. S. Weil, H. F. Smyth, T. W. Nale, *AMA Arch. Ind. Hyg. Occup. Med.* 5, 535 (1952).
- J. J. Thorpe, *J. Occup. Med.* 16, 375 (1974).
- January 1977; revised 17 May 1977.

WHO IS CHARLIE MATTHEWS?  
WHAT DOES HE HAVE TO DO  
WITH H.R. 1037 AND H.R. 1614?

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. MURPHY of New York. Mr. Speaker, who is Charlie Matthews?

He is the executive director of the National Oceans Industry Association.

Who or what is the National Oceans Industry Association?

NOIA was established by Thomas D. Barrow, the president of Humble Oil Co.—now the Exxon Corp.—to promote the interests and protect the privileged status of Exxon and the big oil companies who subsequently became members—and the big oil companies' foreign-flag fleet.

The foreign-flag fleet was set up by U.S. oil companies to carry foreign oil to America. By using foreign-flag ships, big oil can avoid millions of dollars a year in U.S. taxes; they can employ low-paid foreign crews who work for as little as \$160 a month; and they can use cheap, unsafe ships—such as the *Argo Merchant*, the "rust bucket" that had inadequate navigational equipment—she was 24 miles off course when she grounded—and a multicountry foreign crew including a captain and helmsman who could not communicate with each other in the minutes before disaster struck. That floating time-bomb ran aground and spilled 7.5 million gallons of oil off Nantucket Island creating an oil slick 120 miles long.

The above are represented by Charlie Matthews.

On May 5, 1976, at high noon, Charlie Matthews told the administrative assistant of the Outer Continental Shelf Committee:

You'd better tell Jack (Murphy) to cancel going before the Rules Committee on Wednesday because we have eight sure votes there and he is going to be embarrassed when he loses.

He did not have the votes in the Rules Committee, but he did put full-page two-color ads in newspapers such as the Washington Post claiming the OCS bill would set up a Federal oil company, which it would not, of course. However, Charlie's "Exxon's" propaganda worked—the OCS bill was recommitted by a 2-vote margin, on September 26, 1976, 2 days before the 94th Congress ended. The stated reason of the bill's opponents was that it would set up a Federal oil company.

On October 6, 1977, Charlie Matthews said:

We stopped him (Jack Murphy) on cargo equity and we're going to stop him on OCS this session.

On September 29, Charlie "Exxon" and his friends sent a letter to NOIA members with the following message:

... We are working with House Rules Committee members in an effort to kill the bill in that Committee this year. This, however, is more a hope than a reality. The bill could be on the House floor as early as the week of October 10th or more likely the week of the 17th.

The OCS bill is on the President's and on Speaker Tip O'Neill's "must list" of legislation for completion this year. The Maritime and Building Trades Labor Unions are unitedly supporting the Murphy version of the bill as reported by his Committee. Joining forces against us also are environmentalist groups, consumer groups, no-growth advocates and the coastal zone management forces in the state government on the East and the West Coasts.

Late last week we met with representatives of the Departments of Energy and the Interior and some of the House and Senate Committee staff people to tell them what we didn't like about the bill. All the government people at the meeting were either responsible for drafting or implementing the OCS legislation. This was undoubtedly the most distressing meeting I ever attended. The average age of those people involved was approximately thirty years. We are about to place in their hands control over our future activities on the OCS. They cannot have on the average more than one month's exposure to what the OCS is all about and they totally lack any understanding of our business.

I found these people to be very pleasant, congenial, well-meaning, and idealistic. Their lack of experience and almost total naivete and the years of "catch-up" education which they require is very scary. It is frightening to think they will be responsible for the future orderly development of the OCS under the new legislation. If they get their way with this bill, it will have a crippling effect on our business and yours.

And so on.

And on August 18, 1977, Charlie's friends at Exxon sent a letter to their 687,000 stockholders again darkly warning of the OCS bill. They trotted out the same old argument, that the bill would put the Federal Government in the oil and gas business. They even made up an acronym for it—FOGCO, the Federal

Oil and Gas Co.—as if this term were used in the bill.

And these are the same people and the same tactics being used against H.R. 1037, the cargo equity bill.

And they are doing it in the mass media—especially the New York Times and the Washington Post, the latter now identified with the major groups opposing the bill. These two newspapers have incessantly, repeatedly and hysterically attacked the cargo equity legislation.

The most noxious charge is that the cargo bill is a "political payoff" to President Carter, to members of the Merchant Marine and Fisheries Committee and to me for accepting legal contributions from the maritime industry.

Never mind the fact that the bill would:

Start to rebuild America's merchant marine flag fleet and its shipbuilding industrial base;

Increase seafaring, shipyard, and related jobs by 25,000 especially among minority groups;

Protect the marine environment by using well trained U.S. crews on safely equipped U.S. vessels;

Aid our balance of payments deficit by \$75 million.

These newspapers have alleged impropriety on the part of the bill's supporters, and they have enlisted public interest groups by "scare" stories of the high cost of the bill. They have used Charlie Matthews' figures developed by the big oil/foreign-flag fleet lobby.

When the General Accounting Office study, which I requested, proved that against all of the bill's benefits it would cost the average American consumer only \$1 a year in extra gasoline costs, a hysterical newspaper campaign was developed to inflate the GAO figures.

What could possibly be the relationship between these attacks on a modest cargo equity bill by two newspapers who purport to be the pillars of journalistic excellence and Charlie "Exxon"?

Perhaps there is none.

But consider the following facts.

The major oil companies do not want the bill—everyone knows that.

And neither do the operators of the foreign-flag fleet.

And who are they? Here is a list of foreign-flag tanker ownership:

*Foreign-flag tankers owned by major petroleum companies*

	Number of vessels	Total dead-weight tons (thousands)
British Petroleum.....	71	6,547
Chevron .....	30	4,449
Exxon .....	164	16,257
Gulf .....	29	2,572
Mobil .....	45	5,168
Shell .....	123	14,499
Texaco .....	55	5,889
Total .....	517	55,372

Notice the last five companies who own 80 percent of the foreign-flag tankers:

Exxon, Gulf, Mobil, Shell, and Texaco.

Now how much did the New York Times earn in advertising revenues from the major oil and gas companies in recent years?

A sum of \$1,000,000 in the first 8 months of 1977—\$4,000,000 since 1974.

And this does not even include money spent on product advertising, such as the "put a tiger in your tank" ads. These were only revenues on policy statements by the oil giants—statements against Congress attempts to pass energy legislation like H.R. 1037 and H.R. 1614. The total advertising revenues if product advertising were included would be even more astronomical.

And who paid 95 percent of that \$4,000,000 to the New York Times?

Exxon, Gulf, Mobil, Shell, and Texaco.

And what about the Washington Post, who timed their most hysterical attack on cargo equity the day before H.R. 1037 was to come up on the floor of the House? How much did the Washington Post earn in advertising revenues from the major oil and gas companies since 1974, \$619,000 in the first 8 months of 1977—\$2,358,000 since 1974.

And who paid 82 percent of that \$2,358,000 to the Washington Post?

Exxon, Gulf, Mobil, Shell, and Texaco.

Now I do not say there is anything wrong with that. But if you accept the standards these two papers have used concerning the legal campaign contributions made to the President, members of the Merchant Marine and Fisheries Committee, and myself, is it not fair to question their aggressive advocacy of the vested interests of Charlie Matthews—and Exxon and Gulf and Mobil and Shell and Texaco?

Charlie Matthews said on October 6, 1977:

We stopped him (Jack Murphy) on cargo equity and we're going to stop him on OCS this session.

And that is all right, Charlie.

You represent the "big guys" who use a foreign-flag fleet because they do not want to pay U.S. taxes; they do not want to pay highly trained U.S. merchant seamen; and they do not want to pay for the safety equipment on their floating rust buckets.

That is your job, Charlie—but I have mine.

I am committed to a U.S.-flag merchant marine crewed by U.S. seamen on U.S. ships and a U.S. shipbuilding industrial base to support the United States in times of national emergency.

And when you and your big oil bosses "pooh-pooh" the defense argument and claim the foreign-flag tankers will be available in an emergency, just remember, Charlie: President Tolbert of Liberia did not support the objectives of the United States in the Middle East war and in 1973 ordered the American-owned tankers flying his nation's flag not to go to the Middle East. And remember during the Korean and Vietnam conflicts, foreign crews on foreign-flag tankers refused to sail or sailed under violent protest, the ships carrying war supplies to

our troops in South Korean and South Vietnam because they disagreed with the wars.

Finally, I say to Members who have witnessed the supposed unbiased mouthings of those who have lied and unleashed an unbelievable barrage of garbage against this bill and its supporters, to consider the ultimate source.

And I ask Members to remember, a vote against H.R. 1037 or H.R. 1614 is a vote for Charlie Matthews—and Exxon and Gulf and Mobil and Shell and Texaco.

#### HUMAN RIGHTS IN SOUTH KOREA—I

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. FRASER. Mr. Speaker, the conference of Japanese and United States Parliamentarians on Korean problems, which was held in Washington September 19 and 20 under the sponsorship of the Institute for Policy Studies, produced a number of significant papers which addressed problems of concern to the House, including human rights in South Korea. One of the papers on that subject which I found very useful is "Political Repression and Economic Development in the Republic of Korea: A Necessary Relationship?" by Prof. Bruce Cumings of the University of Washington.

In his paper, Professor Cumings develops the provocative thesis that political repression and authoritarianism in South Korea is related more to the pattern of economic development that has been pursued in South Korea since the mid-1960's than to either national security concerns or political culture. His argument is that the economic development strategy adopted by South Korea of export-led growth, using cheap labor as the primary lure to foreign investment, has required the exclusion of political parties, unions and other organizations which would otherwise represent the interests of workers.

This is a very disturbing thesis, but one which deserves careful consideration. If Professor Cumings is correct, the relationship between economic development strategy and political repression in South Korea is one to which we should pay far more attention than we have in the past. I would like to enter into the RECORD excerpts from Professor Cumings' paper:

EXCERPTS FROM POLITICAL REPRESSION AND ECONOMIC DEVELOPMENT IN THE REPUBLIC OF KOREA: A NECESSARY RELATIONSHIP?

(By Bruce Cumings)

We must start this discussion paper with the obvious: the Republic of Korea has, in the past several years, changed from a system of formal procedural democracy to one of frank, thorough-going authoritarianism with only the slightest pretense of democracy (what is called "Korean-style democracy"). We must also begin with the understanding that South Korea is not unique in this respect. The past decade has witnessed the proliferation of similar authoritarian regimes throughout the world; Brazil, Chile, Argentina, Iran, and others, taking their place

alongside existing dictatorships of the right and left. Unlike earlier authoritarianisms, however, the above cases occurred in nations with at least rudimentary democratic systems (with the exception of Iran) and the promise that there might be more democracy to come as their economies developed. Thus we witness the defeat of the hopes of an entire generation of democrats, in the U.S., Korea, and elsewhere.

How are we to understand and explain this phenomenon? In the case of Korea, we find multiple explanations, each worthy of our discussion. Some suggest that Korea has always had an authoritarian political pattern; the years of formal democracy under Syngman Rhee (1948-60) and Chang Myun (1960-61) simply put a facade on this traditional system. Others find in Korean culture, or in the Korean family, or in childrearing patterns, a continuing hierarchy of unquestioned authority. Gregory Henderson has interpreted the Park regime's dictatorial tendencies in terms of a military intrusion into a tradition of civil rule. One could also cite the specific background of Park Chung Hee in unquestionably authoritarian structures, meaning the Japanese Imperial Army before 1945 and the ROK Army ever since. Last, we hear the argument that South Korea never institutionalized fundamental guarantees of human and political rights; thus the principles that Americans have taken to be "self-evident" are hardly so in the Korean context, and who are we to impose our standards on them? (This has become almost a litany among apologists for the Park regime, in Korea and elsewhere.)

We do not lack for explanations, it seems. I would like to offer yet another one (which I think is better, of course!) which has the virtue of linking Korean authoritarianism with that found in many other developing countries. In this way Korea, long held to have a political pattern so unique that it required unique theories (Henderson, 1968),<sup>1</sup> joins the world. In short, I wish to argue that Park's authoritarianism is directly linked to the pattern of economic development that has been pursued in the ROK since the mid-1960's; indeed, that given the economic strategy of export-promoted growth the political outcome (repression) is almost overdetermined. I will briefly outline the argument and then provide some detail and a couple of case studies.

#### IV. THE PARADIGM: FREE EXPORT ZONES

The pattern we are discussing reaches its logical conclusion with the so-called free export zones, of which Korea has two: in Masan (MAFEZ) and a newer one in Iri. Here foreign firms (almost exclusively Japanese and American) invest directly in wholly-owned subsidiaries or joint ventures with Koreans; these are labor-intensive enterprises, mostly electronic component manufacturers and simple things like nuts and bolts, screws, nails, etc. Advanced technology is not required; cheap labor is. The Korean government is expected to provide "adaptable low-cost labor, all with at least primary education . . . expected to be continually available from the surrounding towns . . . workers are not allowed to organize labor unions or to take any collective action." (Choe, 1975) In addition to this, the government is expected to provide all sorts of "service": guarantees of certain levels of profit remission to the metropolitan country; tariff and tax exemption; simplified customs procedures; law and order. In 1973 the MAFEZ paid 11,500 won (or about \$28) per month to its unskilled workers who in turn constituted 83 percent of the total MAFEZ work force. Of these 70 percent were females, mostly young girls from the surrounding countryside. Anti-pollution meas-

ures are nonexistent. Finally, there is not even the trickling-down of technology in such circumstances; the "product cycle" (Vernon, 1966) stops working when people are just sampling out nails, making integrated circuits with hand-me-down technology, and so on (Choe, 1975). The MAFEZ is simply an industrial platform that would be in Japan or the United States if either country could supply labor at about 15 cents per hour.

#### V. THE LEADING SECTOR: ELECTRONICS

It is a common feature of "late" (in world time) industrialization that the less-developed countries maximize their comparative advantage in cheap labor to lower the costs of producing a given item, so that the item is then competitive on the world market. Then, through diffusion of technology, entrepreneurship, and innovation the backward country outstrips the competition and comes to dominate world trade in a given commodity. The Japanese have done this with electronics, automobiles, steel, and other items. If the Koreans can do likewise, so the argument goes, the current repression of labor is simply the price that must be paid for future development, when Korea's comparative advantages shift to other areas. Unfortunately the Korean electronics industry, constituting 10 percent of all exports in 1973, does not exhibit this pattern. South Korea did not begin exporting electronic equipment and components until 1962. In the mid-1960's, major multinational firms such as Motorola, Fairchild, Signetics, Toshiba, Control Data, and others entered the Korean market. By 1972 eight foreign firms produced 34 percent of Korea's total production and 54 percent of electronic exports (Suh, 1975). They came to the ROK, of course, because of the abundant supply of skilled labor at low cost.<sup>2</sup>

They brought with them capital, advanced technology, production know-how, and market structures abroad. As Suh points out, "when the already developed technologies are brought in for predetermined markets, there is unlikely to be any incentive for technical innovation." He finds, indeed, a conspicuous lack of any such innovations on the Korean side, which bespeaks the inequality in resources between greater and lesser in this international system.

Growth targets for the Third Five-Year Plan envision a trebling of 1976 levels of electronics production and exporting. In 1980 the ROK is expected to produce \$2.5 billion in electronics exports. When Japan reached that level, its exports accounted for only 25 percent of its total production; the rest went to the domestic market. In 1980 in Korea, however, exports will constitute 60 percent of total production. Yet without a big domestic market, the product cycle effect rarely works.

Suh concludes his excellent article with the following statements:

"The relationship between the product cycle and the shift of comparative advantage among nations becomes meaningless to those countries where the international specialization of electronics is based only on labor cost advantages.

" . . . there is a real danger that the Korean electronics industry may develop into a permanent satellite of a few advanced countries under the guise of the international division of labor."

We are thus left with the possibility that this pattern of very "late" development may mean little real development at all; drawing an analogy with agriculture, one wag termed this a sort of "slash-and-burn" program.

<sup>2</sup>Suh quotes a top manager of the leading multinational corporation in Korean electronics as privately admitting that "the average productivity of the Korean workers was 20-25 percent higher than similar workers in the U.S. But, the wage rate in Korea is less than one-tenth the U.S. rate."

That exaggerates the situation, but it delineates metaphorically the current costs of Korean development, quite apart from the political and social ones we have been discussing.

#### CONCLUSION

There are no doubt examples of countries where the Korean-type pattern of economic development has not had authoritarian political consequences, although they do not pop easily to mind. It is also true that other factors entered into Park's decision to go authoritarian in the early 1970's. Two prime ones would be the serious threat to Park's power posed by Kim Tae-jung in 1971, and the American withdrawal from Indochina which bred in South Korea the perspective of the last domino in East Asia. Yet the turn to frank authoritarianism was possible only because of the existing repressive apparatus, symbolized by the KCIA. In other words, we witness in the early 1970's a kind of "breaking out" of the basic repressive structures; what was latent became manifest. This structure was, in turn, elaborated under American guidance after the coup in 1961. If Americans did not actually urge such structures on the Koreans, they at least provided *post facto* blessings by lauding the stability of the regime. In this they have been joined by Japanese, World Bank, and IMF pundits who frankly advocate a repressive political economy. In other words, the responsibility for Korean repression spreads widely; it is not limited to Park Chung Hee. To answer, finally, the question posed in Part III, I am convinced that such a politics is contingent on and interdependent with the pattern of economic development pursued in South Korea.

There remains one last question, that of the projected U.S. troop withdrawal and its effects on the Korean political economy. Since this will be treated in detail in our conference, I will simply make one point. The center-periphery dependency relationship in which South Korea finds itself is now guaranteed not just by the economic arrangements we have been discussing, but by the presence of American power on the ground in Korea. Most analysts believe that this American guarantee was essential to the initial, mid-1960's, foreign investor confidence in South Korea that made possible the very high subsequent capital inflow. In other words, the troops have been another element in the required political stability in the South. If and when they are withdrawn, the military component will be weakened (of course) but the psychological sense of security and confidence will suffer even more. Although South Korea seems to me to be fully capable of defending itself, by itself, many in Korea and elsewhere do not believe this and consequently see their economic interests threatened. I would suggest that this is a key source of the current opposition to the withdrawal.

#### WAYNE GIRL SCOUTS CROP WALK FOR HUNGER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ROE. Mr. Speaker, on Sunday, October 16, residents of the township of Wayne, my congressional district and State of New Jersey will join with Senior Girl Scout Troop 29, first-class Scouts of our community, in a 10-mile walk through Wayne in a CROP Walk for Hunger to raise funds to help hungry people; participate, by experience, in the

<sup>1</sup> See suggestions for additional reading at the end of this paper.

daily existence of millions of poverty-stricken people throughout the world; and register, by their deep concern, the need for food and self-help aid to CROP to help hungry people help themselves.

I rise in support of their efforts and seek national recognition of the outstanding public service that CROP—the Community Hunger Appeal of Church World Services—is making to the world's hungry. To better understand this distinguished organization's purpose, goals and objectives, with your permission, I would like to insert at this point in our historic journal of Congress the following information:

CROP works to do two things: To make people in the United States aware of the extent and nature of world hunger, and to raise funds for Church World Service—CWS—and other agencies to use in combating it. For hundreds of thousands of Americans, CROP is the way they can extend a helping hand to fellow humans they could not otherwise reach. For hundreds of thousands in other lands, CWS and CROP are indeed the hand of friendship and God's love—not a handout, but a hand up.

Church World Service is the cooperative agency through which some 30 denominations bring relief and development aid to people in great need. Through offerings taken in their congregations, these denominations provide the basic financial support for the work of CWS. CROP, the Community Hunger Appeal of CWS, works outside the regular church channels to raise public awareness of hunger issues and to seek additional funds.

The way CWS applies CROP resources outlines its approach to world need:

Food—for nutrition centers and food-for-work—to help people who are hungry now build a future with food—and more.

Appropriate Technology—equipment and other materials that may seem primitive to us, but are "just the thing" in other societies.

Technical consultants—augmenting appropriate technology with the experience, knowledge, and ideas of experts.

Seeds—for small farms, home, and school gardens—perhaps the most welcome aid CWS gives.

Emergency aid—people in a Guatemala earthquake or a Colorado flood, both are the concern of CWS/CROP. Aid to refugees, family planning, and development education round out a comprehensive program of assistance now, self-development for the future and learning together to understand hunger's causes.

Across the United States of America volunteers form the backbone of CROP. They speak at community gatherings, schools, service clubs, and churches. They write articles or appear on radio and TV. They tell their friends and neighbors, and they organize fund raising events that educate about world hunger while raising much-needed resources.

Some of the more popular CROP events are:

Hunger walks. Walkers secure sponsors who give on the basis of miles walked. Many local committees now use

this method to stimulate both giving and community interest.

Fasts for the hungry. Participants identify personally with hungry people while raising funds through sponsors who give according to how many hours the fasters go without eating.

Home-to-home canvasses. For years the chief method of carrying out CROP appeals, volunteers raise funds and commodities by calling on their neighbors and organizing others to do the same.

Friendship farmer program. Whether cooperatively farming a large tract, donating the proceeds from an acre of grain or selling an animal for CROP, many rural Americans have found this to be an ideal way to share.

Individual and group projects. Vacation church school projects, coin cards, special offerings, work days and other marathons such as bowl-a-thons and hymn-a-thons are just some of the ways people are showing their concern.

Educational programs. Schools, clubs, churches, ecumenical meetings, wherever people want to learn more about world hunger, CROP has supportive materials—films and filmstrips, program and study resources—as well as speakers and leaders, ready to help them out. Last year CROP provided assistance to educational gatherings in nearly every State.

Mr. Speaker, may I also take this opportunity to express my personal deep concern which I know is shared by all of us in the Congress for the worldwide hunger and malnutrition that exists today—and yet should not be with the vast wealth of natural and human resources, knowledge, technical expertise, and know-how available today—and respectfully urge early consideration of the following legislation that I have joined with many of our colleagues in sponsoring to provide a greater commitment by the people of the United States of America in this critical area of need:

#### H. CON. RES. 44

Whereas an estimated four hundred and sixty million persons, almost half of them young children, suffer from acute malnutrition because they lack even the calories to sustain normal human life; and

Whereas those who get enough calories but are seriously deficient of proteins or other essential nutrients may include half of the human race; and

Whereas the President, through his Secretary of State, proclaimed at the World Food Conference a bold objective for this Nation in collaboration with other nations: "that within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted by malnutrition"; and

Whereas all the governments at the World Food Conference adopted this objective; and

Whereas in our interdependent world, hunger anywhere represents a threat to peace everywhere, now and in the future;

Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that—

(1) every person in this country and throughout the world has the right to food—the right to a nutritionally adequate diet—and that this right is henceforth to be recognized as a cornerstone of United States policy; and

(2) this policy become a fundamental point of reference in the formation of legislation and administrative decisions in areas such as trade, assistance, monetary reform, military spending, and all other matters that bear on hunger; and

(3) concerning hunger in the United States we seek to enroll on food assistance programs all who are in need, to improve those programs to insure that recipients receive an adequate diet, and to attain full employment and a floor of economic decency for everyone; and

(4) concerning global hunger this country increase its assistance for self-help development among the world's poorest people, especially in countries most seriously affected by hunger, with particular emphasis on increasing food production among the rural poor; and that development assistance and food assistance, include assistance given through private, voluntary agencies, increase over a period of years until such assistance has reached the target of 1 per centum of our total national production (GNP).

#### H.R. 1184

To establish grants for research endeavors for the purpose of assisting in the development and utilization of new and improved methods of food and fertilizer production.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Food Research and Development Act of 1977".

SEC. 2. (a) The Congress finds that—

(1) the world is facing a serious shortage of food;

(2) current agricultural techniques are inadequate to meet the food needs of future generations in the United States and other countries;

(3) with many areas of the world facing actual or imminent malnutrition and starvation, it is essential that the proportion of food resources used to produce meat and dairy products in the United States be reduced so as to free greater amounts of food resources for direct human consumption;

(4) dependence on energy-intensive agricultural techniques has made the food system in this country vulnerable to disruption by drastic price increases in energy sources and to the exhaustion of available supplies of fossil fuels in the years ahead; and

(5) the large amount of fertilizer and chemicals now used to produce agricultural commodities in the United States is having an adverse impact on our environment.

(b) It is the purpose of this Act to fund new research for the purpose of assisting the development and utilization, in the United States and other countries, of (1) new low-cost foods of high nutritional value, and (2) improved, low-cost methods of food and animal feed production, fertilizer production, and irrigation which make maximum efficient use of energy, land, water, and protein resources and promote the preservation of environmental quality.

SEC. 3. There is established a Food Research Advisory Committee within the United States Department of Agriculture (hereinafter referred to as the "Committee").

SEC. 4. (a) The Committee shall be composed of one representative from each of the following organizations:

(1) the Board of Agriculture and Renewable Resources, National Academy of Sciences;

(2) the Cooperative State Research Service, United States Department of Agriculture;

(3) the Agriculture Research Service, United States Department of Agriculture;

(4) the Experiment Station Committee on Organization and Policy of the National As-



sociation of State Universities and Land Grant Colleges, Division of Agriculture;

(5) the Food and Agriculture Organization of the United Nations;

(6) the National Science Foundation;

(7) the Office of Sea Grant of the National Oceanic and Atmospheric Administration, United States Department of Commerce;

(8) the Office of Technology Assessment of the Congress of the United States;

(9) the Agency for International Development, United States Department of State;

(10) the Food and Nutrition Board, National Academy of Sciences;

(11) the Industry Liaison Panel, Food and Nutrition Board, National Academy of Sciences; and

(13) the Consumer Liaison Panel, Food and Nutrition Board, National Academy of Sciences.

(b) The representative from each such organization shall be appointed by the head of such organization.

(c) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

**Sec. 5. The Committee shall—**

(1) determine the specialized research areas for which the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall appoint review boards described in section 8;

(2) accept evaluations of applications for research grants under this Act from such review boards for the purpose of evaluating them further on the basis of scientific merit and on the basis of funding priorities, and making recommendations to the Secretary with regard to the applicants who should receive such research grants;

(3) accept recommendations from such review boards and make recommendations to the Secretary pursuant to section 9(d); and

(4) make the recommendations specified in subsections (b) and (g) of section 8.

**Sec. 6. (a) Members of the Committee shall serve without pay.**

(b) While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

**Sec. 7. (a) The Committee shall appoint a Director who shall be paid at a rate not to exceed the rate paid an individual holding a grade GS-17 of the General Schedule.**

(b) With the approval of the Committee, the Director may appoint and fix the pay of such additional personnel as he deems desirable.

(c) The Director and the staff of the Committee shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Upon request of the Committee, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Committee to assist it in carrying out its duties under this Act.

(e) The Administrator of General Services shall provide to the Committee, on a reimbursable basis, such administrative support services as the Committee may request.

**Sec. 8. (a) There is created within the Committee a review board for each specialized research area with regard to which the Committee makes recommendations for the purpose of awarding grants under this Act.**

(b) Each review board shall be composed of not more than six members appointed by the Secretary upon the recommendation of the Committee. These members shall be selected from distinguished authorities in the specialized area of agricultural research for which the review board to which they are appointed is responsible.

(c) Each member of each board shall serve for a four-year term, except that the Committee may provide that not more than one-half of the first members appointed to each board shall serve a two-year term.

(d) Any member who has served on such review board may not serve on such board for a period of at least two years after his previous term on such a review board expires.

(e) The specifications which apply to the Committee and which concern pay, travel expenses, staff personnel, use of personnel of other Federal agencies, and administrative support from the Administrator of General Services shall apply to each review board.

(f) Each review board shall accept and review applications for research grants to be made under this Act with respect to the specialized area of research for which the review board is responsible. After reviewing such applications, the board shall make recommendations to the Committee that certain of the applications should be considered by the Committee for purposes of the Committee's making a further recommendation to the Secretary concerning the applicants who should receive a grant under this Act. Each board shall review and evaluate such applications on the basis of the scientific merit, feasibility, and significance of the research project proposed in the application and on the basis of the competency and facilities of the applicant to perform the project.

(g) Each review board shall meet as often as necessary, as recommended by the Committee, to perform its functions under this Act.

**Sec. 9. (a) In January of each year the Secretary shall make grants to colleges and universities, agencies of the Federal or State governments, and private or international organizations and businesses which have applied and been selected for such grants under this Act. These grants shall be made to applicants for the purpose of financing research projects which are designed to develop new, low-cost foods of high nutritional value and to improve methods of food and fertilizer production through making maximum efficient use of energy, land, water, and protein resources while promoting environmental quality. These research projects may include—**

(1) the treatment of waste materials with microorganisms;

(2) the separation of protein from inedible plant fibers;

(3) the enhancement of nitrogen fixation and photosynthesis in plants;

(4) the improvement of aquaculture techniques;

(5) the development of methods of increasing the protein content and yield of crops;

(6) the development of methods of improving the resistance of crops to insects, diseases, weather conditions, and other growth-inhibiting factors;

(7) the development of improvements of fertilizer production through the more extensive use of natural fertilizers and microbiological techniques;

(8) the development of improved methods of irrigation and dry-land farming, including techniques involving the use of desert areas and salt water;

(9) the development of improved methods of processing vegetable and nonanimal protein into nutritious, low-cost foods and low-cost livestock feed; and

(10) improving the digestibility of foods.

(b) Each application shall be filed no later than the July 1 which precedes the January in which the awards of grants will be made.

(c) Not less than 10 per centum of the sums available for grants in any year shall be reserved for grants to applicants who are from or working in agriculturally underdeveloped nations, as determined by the Secretary, and whose work is directly related to serving the food needs of such nations, except that such sums may be made available to other applicants if the Committee advises the Secretary that not enough meritorious applications from applicants from or working in such nations were submitted.

(d) Each applicant who receives a grant under this Act shall commence the research project no later than six months after receiving the grant and shall file an annual progress report with the Secretary who shall review such report. If the Secretary determines that any project is progressing unsatisfactorily, he shall notify the appropriate review board which shall evaluate the progress of such project and may make a recommendation to the Committee that funding under this Act for the project be terminated. The Committee may be recommended to the Secretary that such funding be terminated by the Secretary in an appropriate manner.

(e) No grant made under this Act shall be made for the purpose of funding a project for a period exceeding five years.

(f) Payments pursuant to any grant made under this Act shall be made in annual installments.

**Sec. 10. There is created a Special Food Research and Development Fund (hereinafter referred to as the "fund"). The fund shall consist of sums appropriated to it and shall be used for the sole purpose of making research grants under this Act.**

**Sec. 11. (a) The Secretary may make full use of the Agriculture Extension Service, the Agriculture Marketing Service, and other appropriate bodies within the Department of Agriculture for the purpose of encouraging market acceptance of food products and production techniques developed as a result of research projects funded under this Act.**

(b) The Secretary shall take steps to utilize, as much as practicable, in nutrition programs funded by the Federal Government the food products developed as a result of projects funded under this Act.

(c) The Secretary, in conjunction with the Commissioner of the Food and Drug Administration, shall take such steps as may be necessary to insure that any food product developed in whole or in part pursuant to a grant issued under this Act is both safe and nutritious before it may be commercially marketed or used in federally sponsored nutrition programs.

**Sec. 12. Any commercially marketed food product developed in whole or in part pursuant to a grant issued under this Act shall be labeled according to its ingredients and their percentage predominance, and vitamin, protein, fat (saturated, unsaturated, and polyunsaturated), and calorie content in accordance with regulations which shall be promulgated by the Commissioner of the Food and Drug Administration.**

**Sec. 13. The Secretary of Agriculture shall convene annual International Conferences on Food Research and Development. At such conferences he shall present and disseminate information relating to new developments in food and fertilizer production, including information derived from projects funded under this Act. The Secretary shall provide assistance to participants from underdeveloped nations with food shortages to attend such conferences.**

**Sec. 14. The Secretary of Agriculture shall conduct a study of the effect of existing public policy, including Federal and State regu-**

lation of food products, on the utilization of new methods of food production, fertilizer production, irrigation, and processing vegetable protein. The study shall be submitted to Congress no later than eighteen months after the date of enactment of this Act.

Sec. 15. The Secretary shall conduct a study of the effect of new methods of food production, fertilizer production, irrigation, and processing of vegetable protein on the economic condition of small farmers. The study shall be submitted to Congress no later than eighteen months after the date of enactment of this Act.

Sec. 16. (a) There are authorized to be appropriated for the purposes of carrying out the provisions of this Act \$50,000,000 for the fiscal year ending June 30, 1976, and such sums as may be necessary for any fiscal year thereafter.

(b) Not less than 85 per centum of the sums appropriated for any fiscal year under this section shall be appropriated to the fund described in section 10.

Sec. 17. The Committee shall continue to exist until Congress provides a specific termination date.

#### H. RES. 792

Whereas hunger and malnutrition remain daily facts of life for millions of people throughout the world;

Whereas there is a need to examine the continuing paradox between increasing worldwide hunger and malnutrition and the burdensome grain surpluses in the United States;

Whereas it is in the interest of the United States to reduce significantly hunger and malnutrition and to assist in the efforts of nations and people to improve the capability to feed themselves;

Whereas the economic, food, and development policies of the United States significantly affect the nutritional, social, economic, and political conditions of developed and developing nations;

Whereas the United States needs to develop a clearly defined and coordinated food and development policy that reflects the interrelationships between domestic and international hunger and malnutrition;

Whereas Americans are concerned about, and wish to make a valuable contribution to, the process of formulating policies to meet basic human needs; and

Whereas in this time of greater national emphasis on protecting basic human rights, there can be no higher priority than the preservation of life itself: Now, therefore, be it

*Resolved*, That the President should establish a Commission on Domestic and International Hunger and Malnutrition (hereinafter referred to as the "Commission") so that the President and the Congress may better understand the pervasiveness of hunger and malnutrition and take necessary steps to counteract the problem.

Sec. 2. (a) The Commission should—

(1) establish clearly the causes of hunger and malnutrition and the relationship between domestic and international hunger and malnutrition;

(2) identify and evaluate existing Federal programs and policies related to hunger and malnutrition; and

(3) develop for the President and the Congress specific recommendations for policies and legislation to reduce significantly hunger and malnutrition throughout the world and assisting in implementing such recommendations.

(b) To carry out the purposes of subsection (1), the Commission should—

(1) assemble, correlate, integrate, and generate information and resources on food, hunger, malnutrition, and related concerns;

(2) assess the organization and structure of current programs which affect domestic and international hunger and malnutrition;

(3) analyze and present findings to the President, the Congress, and the Public; and

(4) assist the President and Congress in implementing its findings, conclusions, and recommendations.

Sec. 3. The Commission shall be a balanced membership composed of fifteen persons appointed by the President from individuals who represent diverse backgrounds, taking into account age, wealth, and relationship to the problems of hunger and malnutrition.

Sec. 4. The Commission should—

(1) not later than six months after the date of the appointment of its final member, prepare and transmit to the President and the Congress an interim report on the progress achieved in implementing the provisions of section 2 of this resolution together with a schedule of activities and goals for the following six months;

(2) not later than one year after the date of appointment of its final member, prepare and transmit a report containing a detailed statement of findings, conclusions, and recommendations; and

(3) assist for a period of up to one year after the transmission of the final report in the implementation of its recommendations, and conduct an educational program to disseminate its findings to the people of the United States.

Sec. 5. The Clerk of the House shall transmit a copy of this resolution to the President.

Mr. Speaker. I appreciate the opportunity to call your attention to our Girl Scouts CROP Walk for Hunger and know you will want to join with me in extending our best wishes and deep appreciation for their noble action program to help eliminate human misery and the enormous waste of mind and body that hunger and poverty feed upon.

In closing, let me share with you for thoughtful consideration the CROP appeal for the future which reads as follows:

#### A FUTURE WITH FOOD . . . AND MORE

The future is bleak for the 1.85 billion people of the developing world. More than half of them are malnourished. Some are starving. Almost all are impoverished.

CROP is committed to change this. Through food for today's hunger. Through self-help programs for tomorrow. Through changing life-styles. By providing the resources. By helping people develop their full potential . . . with dignity . . . justice . . . and food for all.

It's not going to be easy. It won't happen overnight. But it must happen. In our interdependent world, their hunger is our hunger. Their future our future.

Will it be a future free from hunger and poverty? It can be, but more is needed.

More than food. More than relief. More than a handout. A helping hand. The means to grow. To develop.

That's what CROP is giving. Won't you help.

#### COUNCIL ON WAGE AND PRICE STABILITY REPORT ON AMERICAN STEEL INDUSTRY: HOW LONG IS "FOR VERY LONG"?

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. VANIK. Mr. Speaker, on October 7, the Council on Wage and Price Stability released its report to the President on "Prices and Costs in the United

States Steel Industry." Like most Government reports, it offers a good deal of information but no solutions.

I was interested in statements which appeared on pages 12 and 13 of the summary of the report. On page 12, the report noted—

The present discounts of as much as 10 to 20 percent below U.S. list prices are indicative of aggressive price competition by European and Japanese exporters. Given their production costs, they cannot sustain such deep cuts for very long. Nor will they continue to discount at this rate if world demand for steel revives. Until such a revival takes place, however, U.S. steel firms, like their foreign counterparts, will continue to suffer from aggressive price competition. (Emphasis added.)

What is politely described in this paragraph is massive dumping and continued selling below cost of production by state-backed-and-subsidized European steel firms. If the various European governments cannot keep up these massive subsidies "for very long," then American private enterprise steel firms probably can survive. But since in many cases, the foreign government and its entire national treasury stands behind the foreign steel companies, they can continue to sell drastically below price indefinitely. And on the next page of the report, it is stated:

Worldwide demand for steel, heavily dependent on the pace of continued economic recovery, is expected to fall short of supply over the next few years, creating pressures in many countries to increase exports to maintain operating rates and employment. The U.S., a net importer with low tariff barriers, will be sharply affected by these competitive pressures from imports. (Emphasis added)

In other words, the pressures which led various foreign governments increasingly to subsidize their steel operations to maintain full employment will continue over the "next few years."

Thus it appears to me that there is a contradiction within these two pages of the council's report: Foreign producers cannot keep exporting at prices so drastically below the cost of production "for very long" but the pressures to do so will continue for the "next few years."

Mr. Speaker, U.S. steel companies cannot survive the "next few years" of continued dumping and foreign government-subsidized exports.

The council's idea of "for not very long" means the destruction of tens of thousands of domestic steel jobs and the economic collapse of steel mill towns throughout the Nation.

We need solutions, Mr. Speaker, not studies promising relief sometime "over the next few years."

#### CHILD PORNOGRAPHY FOUGHT BY THE HONORABLE DALE E. KILDEE

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. BLANCHARD. Mr. Speaker, one of our colleagues, the Honorable DALE E.

KILDEE of Flint, Mich., has worked hard his freshman term in Congress to advance legislation to prevent the exploitation of children in pornographic materials. While such abuse of children is widely deplored, developing legal language to effectively put a stop to the practice requires both skill and diligent work. A Flint Journal editorial described his work on the bill and the issues faced by the Senate at the time it neared a vote on this vital legislation. I was happy to support Congressman KILDEE in his effort.

Therefore, it is my pleasure to insert this editorial so that all of us may share its account of our colleague's efforts:

#### SENATE'S APPROVAL DUE PORN BILL

Passage of the bill introduced by Rep. Dale E. Kildee, D-Flint, aimed at halting trade in child pornography may prove to be a landmark piece of legislation.

Its importance lies as much in the manner in which it approaches its objective as it does in the objective.

The objective is, of course, to prevent the exploitation of children to satisfy the sexual aberrations of a few. It is difficult to imagine many areas in which a law could gather wider support.

Kildee's bill approaches the problem not from the traditional basis of trying to halt the activity because it is obscene and offends the popular moral standards, but from the grounds that the law is necessary to protect children from harm.

This bill met some opposition from members of the House Judiciary Committee, which is considering a bill of its own. It was argued that the bill might be unconstitutional because it provides for the prosecution of distributors and sellers of pornography without requiring that the matter be proved obscene.

Kildee disputed the arguments by pointing out that his bill does not deal with the Constitutional question of obscenity, but aims at stopping child abuse in the manner of child labor laws passed early in this century.

Kildee also argued that those child labor laws set a precedent for making the sale of the products produced by illegal child labor subject to prosecution.

It is this distinction that makes the Kildee bill of even greater interest than the bill itself might warrant.

The fact the House passed the bill by the overwhelming margin of 375 to 12 is significant, but it is necessary to point out that this does not settle the question of constitutionality. Who wants to be on record as having voted in opposition to any bill designed to do away with such a reprehensible act as using immature children for pornographic purposes?

Nor does the fact the Kildee bill attempts to evade entirely the question of obscenity and freedom of speech necessarily mean that the courts will not ultimately decide the bill does limit the rights of the sellers of the material.

The decision on that is what makes it quite possible it will become a landmark piece of legislation.

The Flint Journal along with a growing number of others have urged new approaches to the problem of pornography to avoid those pitfalls such as trying to decide what is obscene or what constitutes a set of moral standards common to the people or how far the First Amendment can be stretched—or limited—without undermining the concept of free speech and a free press.

One way in which to do this is to consider pornographic activities in the light of the harm they do to individuals. Such an ap-

proach cannot deal adequately with the overall production and distribution of pornography without slipping back into the problems mentioned above, but it does provide an avenue for dealing with specific phases of the pornographic industry.

The very obvious phase of the industry to consider first in this approach is the exploitation of children. Here are self-evident victims, individuals who are being harmed by any acceptable social standard. Furthermore, they are members of a class (the immature) with a long history of legislation designed specifically to protect them from harm.

The Kildee bill offers a simple, clear test for the concept of dealing with pornography separate from having to decide what constitutes a universal set of moral standards in a diverse and changing society.

It is a sound and promising approach to a particularly obnoxious aspect of pornography and as such deserves a full hearing before the public and a complete examination in the courts.

That is why we urge the Senate to accept it as it stands for early consideration and quick adoption.

#### INDOCHINA LIBERATION

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. DORNAN. Mr. Speaker, in all of the praise over the liberation and democratization in which many in this country have seen fit to revel since the fall of Saigon in April 1975, one fact is quite clear. During the last 2 years, internal events in the countries of Indochina, especially Cambodia, have shown that these so-called "liberation movements," which the Peter Bourne, Sam Browns, and Tom Haydens of this country so enthusiastically defended, have unleashed a repressive reign of terror which history will surely rank alongside those as fiendish and dehumanizing as Stalin's purges and Hitler's concentration camps.

A recently published article in the Washington Post and an editorial in the New York Times cogently commented on this point and I insert it in the RECORD at this point.

#### "LIBERATION" COMES TO VIETNAM

In the swell of opposition to the war in Vietnam during the decade before America's withdrawal, there was always a minority, small but vehement, that looked to the Communists as saviors of that unhappy land. They carried Vietcong flags in peace demonstrations, hailed Ho Chi Minh as the George Washington of his country, and invariably spoke of the North Vietnamese as liberators.

One organ of this celebration was The New York Review of Books, and so it comes as a surprise—a welcome one—to find reprinted in a recent issue an article from the French journal L'Express by André Gelin, a French-Canadian Catholic priest and Chinese scholar who settled in Vietnam in 1948, and was expelled in July 1976, 15 months after the North Vietnamese troops arrived in Saigon.

The picture that Father Gelin paints of South Vietnam since its "liberation" is one of widespread misery, constant surveillance, incessant propaganda, endless indoctrinations, arbitrary arrests, executions, imprison-

ments, and exile to remote areas. He describes a society where an arrogant bureaucracy reaches into every corner of life, where books are burned, citizens are denounced, and informers thrive.

Father Gelin observes that "the methods, the doctrine and very weight of the police and bureaucratic apparatus" in the South now "are entirely Russian." That seems right. At least, it is in accord with Hannah Arendt's observation, based largely on the experience of Stalinism, that "terror is the essence of totalitarian domination." In the list of countries that are today suffocating the rights of their citizens, Vietnam must rank high.

To be sure, this finding, however repugnant, does not make a case in favor of the American intervention in Vietnam. The men we supported were scarcely true-blue democrats. Nor should it impede the ongoing efforts by the Administration to establish relations with Hanoi. There are good reasons for coming to diplomatic terms with regimes that do not share American values, and the United States owes a special debt to the Vietnamese people. But for those who opposed the war, Father Gelin's report contains bitter and inescapable ironies.

The British magazine Spectator has drawn an interesting parallel between our war against the Vietcong and the British war against the Boers: "The pro-Boers and the pro-Vietcong were wrong about the 'enemy' but right about the war. The Boers were idealized as gallant underdog nationalists, which, like the NLF [the National Liberation Front], they were, but which view overlooked the fact that they were fighting as well to keep their hands on the wealth of the Rand and to continue oppressing the blacks, as the NLF was fighting to institute a mindless totalitarian dictatorship."

The Vietnam experience was always more complex than ideologues of either side could allow. America may have played a villain's role there, but the heroes of that tragedy were never easy to discern.

[From the Washington Post, Aug. 1, 1977]

#### SOUTH VIETNAM TODAY: A HARSH LIFE

(By Lewis M. Simons)

BANGKOK, THAILAND.—One year after the unification of the two Vietnams, life in the southern part of the country and its former capital, Saigon, seems not so much oppressive as harsh.

The Hanoi government has put pressure on the southerners to make them conform to Communist ways, but this pressure has been applied gradually and according to a well-defined plan.

Gathering details of how this plan is taking effect is somewhat easier than learning about xenophobic Cambodia and, to a certain extent, Laos. An extensive foreign diplomatic corps lives in Hanoi and there are some consulates in Saigon, now called Ho Chi Minh City.

The main sources of information about life in the south, however, are letters from residents to relatives living abroad, the government's own news media and the continuing flow of refugees.

These bits and pieces of information making their way to Bangkok, a major Vietnam-watching outpost, make it clear that life is tough, but unlike Cambodia, that there apparently have been few executions of anti-Communists.

Instead, the regime has arrested, isolated or, as Prime Minister Pham Van Dong put it recently, "rehabilitated" active supporters of the U.S.-backed Nguyen Van Thieu government. This is a euphemism for psychological or physical punishment.

Groups singled out for particularly harsh treatment are former senior military officers, activist clergy, and private businessmen.

Between 40,000 and 400,000 southerners, many of them senior officers in the former southern army, have been sent to "rehabilitation" or "reeducation" camps since the Communist victory more than two years ago.

According to reports from some of the 15,000 refugees who have fled Vietnam since the end of the war, life in these camps is extremely hard. An unknown number of inmates have died from malnutrition and disease, they say.

A refugee who reached Thailand last month said in an interview that his two brothers, who had been officers in non-combat positions, were arrested just after the fall of Saigon. "No member of our family has heard from them since. We don't know where they are or if they are dead or alive," said the refugee, who asked that he not be identified, for fear of jeopardizing his relatives still in Vietnam.

Both Buddhist and Roman Catholic clergymen are having difficulty. As they have done in the North, the Communists are working toward eliminating organized religion in the South, or at least reducing its effectiveness.

A Western diplomat who served recently in Hanoi said that the authorities have moved to bring the clergy under their influence by granting them privileges and by creating such groups as the Patriotic Buddhist Organization.

Although Communist authorities in Hanoi often make a point of conducting Western visitors to church services, this diplomat said, young Vietnamese were being taught to shun religion and most congregations comprised only older people.

According to several Western and non-aligned diplomats here who observe Vietnamese affairs, the authorities have been rounding up clergymen who had been active opponents of the Thieu government simply because it was feared that they might organize opposition to the Communists.

A Vietnamese monk who has lived in Bangkok for six years said two Catholic bishops, Tran Huu Thanh and Nguyen Van Thuan, were arrested and died in jail of "unknown causes." Other Catholic clerics still held include Archbishop Nguyen Van Binh; the bishop of Danang, Pham Ngoc Chi; and the bishop of Vinhlong, Nguyen Van Diep.

The monk showed personal letters and circulars from Saigon, Paris and several cities in the United States that contained these and the names of others reportedly arrested in the last few months.

Among them were Thich Tri Quang, a leader of Saigon's An Quang pagoda, who had been labeled "the red monk" by Thieu and was perhaps the most important religious figure to oppose the former government. Others were the leader of the Hoa Hao sect, Luong Trong Tuong; most leaders of the Cao Dai sect, and a highly venerated wandering monk, Nguyen Thanh Nam.

There have been some news reports in recent months of large-scale self-immolations of Buddhist monks.

Some observers, however, believe that these reports are somewhat exaggerated. One diplomat whose government maintains an embassy in Hanoi said he had seen only one confirmed report of six nuns and three monks burning themselves to death last year in Cantho, a city in the Mekong Delta.

Another, and perhaps the most obvious, target for the new government is the capitalist system in the South. The Ho Chi Minh City Communist Party organization recently announced that it intended to "complete the transformation" of private industry and commerce and turn all farms into collectives in the next two years.

Private business still goes on in the South, but the government's statements, monitored in Bangkok on radio and over the Vietnam News Agency wire, make it clear that entrepreneurs are being squeezed out of the economic picture.

"Capitalists" and "speculators" are frequently blamed for the massive economic problems that have plagued southern Vietnam since the flow of U.S. aid was halted.

Although the economy is still described as "multi-sectoral," the Communists emphasize the takeover of the private sector by the state. The Vietnam News Agency has warned businessmen that they must realize that socialism is the "inevitable law of the Vietnamese revolution."

The news agency and Vietnam Radio mention from time to time that the government faces considerable problems, particularly in the South. Usually though, reference to difficulties is couched in reports of progress, such as increases in irrigation canal mileage or electrical power wattage.

Some observers believe that the drive toward socialism in the agricultural sector is partly to blame for a 45,000-ton rice shortfall this year, although they concede that Vietnam was struck by a severe drought and unusual cold in the rice-producing areas of the Mekong Delta and the Red River.

One of the problems the Communists inherited from the Thieu government was unemployment. According to official statements, some 1 million Saigonese were out of work when the Communists came to power. Since then, half of these people have been sent out of the city to "new economic zones," collective farms reclaimed from the jungle.

Another 200,000 "volunteers" have also gone out to the zones. Some refugees reaching Thailand have told of extreme hardships in these areas, including shortages of food, tools, housing material and medicines.

One Eastern European diplomat described the new economic zones as a "brilliant stroke of organization talent" by the Communists. But, he conceded, "There probably have been some deaths from malnutrition and disease. This is only natural because of bureaucratic shortcomings in a project of such scope."

Some observers in Bangkok and in Western capitals believe that the impressive organizational ability of the Vietnamese government is responsible for keeping the flow of refugees out of the country relatively low.

Compared with an estimated 15,000 Vietnamese, mainly the so-called "boat cases" who have reached various Southeast Asian countries, 25,000 Cambodians and 88,000 Laotians have fled to Thailand.

Refugee workers here believe though, that the basic reason for the relatively small number of Vietnamese leaving is that their journey is much more hazardous.

"I'm sure that if it was as easy to cross the South China Sea as it is to swim the Mekong from Laos to Thailand, we'd have many, many more Vietnamese making a run for it," one international agency officer said.

## BOUNDARY WATERS, A ROMANCE

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. FRASER. Mr. Speaker, the October/November issue of *Outdoor America*, an Izaak Walton League publication, contained an article describing the allure of the Boundary Waters Canoe Area to wilderness seekers. Written by Justin Isherwood, the article sketches a portrait of an area whose fate is now in the hands of Congress.

Isherwood eloquently constructs the case for bringing full wilderness protection to the area. He notes its uniqueness:

Few places remain in the United States where man and the wilderness can become

one, where the solitude of nature can be felt and the intricacies of the life-cycle can be explored to the fullest . . .

It is a place that a nation needs, a place to send its people so they might get a fix on where they are and where in continuing journey they wish to go.

And he draws attention to its history:

There is an answer to whether the BWCA should be preserved. It is an answer dictated by the long memory of that region. A memory that knows the curious chemistry that is compounded between people, water, rocks, and woods . . .

The earth keeps a diary of the way things were. With a pencil of its own manufacture it selects privileged places to write letters of its experience. The Boundary Waters is special container where the old correspondence is kept. A place that remembers.

He concludes:

Such should be reason enough to leave the BWCA alone, as a memorial to the planet's first days and to the ghosts of mountains.

I commend the article to my colleagues' attention.

#### BOUNDARY WATERS, A ROMANCE

(By Justin Isherwood)

The canoe is an invention of the earth itself. Born of birch and cedar and spruce it was a vehicle built for the highways that the American land provided. In the northern regions of this continent the canoe made it possible to go from sea to sea despite the almost impenetrable forest. It was sacrament in the religion of a race. The Iroquois Mesiah, Hiawatha, was said to have spent the last years of his life clearing rocks from the river roads that connected the many tribes of his people.

The canoe allowed the early explorers to reach the continent's interior long before overland exploration. The names of those explorers still ring with their achievement. Marquette, Joliet, Grosliers, Radisson, Carver, MacKenzie.

As men they were giants, they traveled the portages at a wolf's lope carrying 180 pounds. It could easily have been sadness, from the drugery, pain and dying, that they gave as inheritance. The sheer gut bustin' work that labored heart and drove the breath wild while tormented by flies. Sadness was not the inheritance, instead they bestowed a joy, the simple life loving pleasure they felt at being alive, a gift given to the generations by men who loved their work. The songs they sang reflected the cadence of the paddles in unique harmony with the land. They had a brag that as voyageurs they were the best of mankind, who could sing the sweetest, work the longest, carry the heaviest loads and love the best.

Much of that tradition has been lost in today's mechanized world. The canoe has almost been replaced by the power boat, and the satisfaction derived from a hard day's toil in the wild has become a rare experience instead of an accepted way of life.

Few places remain in the United States where man and the wilderness can become one, where the solitude of nature can be felt and the intricacies of the life-cycle can be explored to the fullest.

The course of history has been an endeavor to teach the land tricks, from which rise the farms, the cities, great dams, highways, mines, quarries, oil wells. The land became the obedient and loyal hired hand whose principle was to serve. We developed engines with which we can put furrows to any ground, only the question remains whether all ground shall be put to the plow. That question takes on its real value when a wilderness area sits astride a considerable wealth. It is easy to say yes to those natural and wilderness area for whom a use has not yet

developed. The test of course and courage is to leave be an area whose potential resource wealth is great.

The Boundary Waters is a long enduring romance. A romance fueled by the millions who have been to that kingdom of water, millions who have been there under primal conditions propelled only by muscle and bone. Many come to that country searching the unexplored wilderness that is within themselves. They come to hear in the silences the words of wood and water that are orchestrated with the workings of their own heart. Soldiers have come to the Boundary Waters after a war's end, to let their bodies uncoil from the fist that held them, to forget the sounds they have heard of anger at full throttle.

Others come to find their gods or some solid definition of goodness, a definition strong as the white pines that have grown huge among the rocks. They come to find definitions for words, much used words, to find fit for them in their own lives. It is this place, the BWCA, that permits a million travelers their search among the unchanged stillnesses. The wilderness experience is the quaint expression, being beyond tongue to properly tell it, for the nourishment comes direct, as if our bodies sprouted leaves to make muscle and sense of sunlight. A need that is ancient among us, Moses went to the wilderness, and Jesus, and Twain and Melville and Thoreau. Wilderness has had its wrench on the wisdom of man for as long as man has been. It is a long and constant romance, beginning with the raw stuff of tourists creating from them something more than a sightseer with a handful of photos to show where they have been. It is a place that a nation needs, a place to send its people so they might get a fix on where they are and where in continuing journey they wish to go.

There is an answer to whether the BWCA should be preserved. It is an answer dictated by the long memory of that region. A memory that knows the curious chemistry that is compounded between people, water, rocks and woods. This is a special reaction that leaves minds touched with the soft sound of winds passing over vanished mountains. And rocks that once hearing songs sung, echo and re-echo the music that builds in volume till the tune becomes manifest in each who pass.

One of those remaining places is the Boundary Waters Canoe Area in northern Minnesota.

The BWCA is an old and experienced place. The naked or thinly clad rocks of the region were once high and ancient mountains. Mountains that were higher than the Rockies, higher than the Alps, some say as high as any that ever were. The Laurentian Mountains that were made from the just cooled mantle of a new born planet. A crust heaved up by the titanic groans of continental collision.

Those mountains fell in gentle cataclysm with but thin thunder made of their passing. Time took the mountains down. Time incarnate with sinews of wind and rain, it was time that unbolted those mountains, grain by grain till only the foot prints of the lofty peaks remain. The rocks of the BWCA are like cellar walls left in the wake of old farm houses long after the farmer passes, a testament of what once was. The mind has instruments sensitive enough to touch old walls of house and mountain and hear the faint echoes of the hollers and shouts that the lives in those mountains and houses made.

The earth keeps a diary of the way things were. With a pencil of its own manufacture it selects privileged places to write letters of its experience. The Boundary Waters is a special container where the old correspondence is kept. A place that remembers. The soil is shallow there, glaciers polished the rocks smooth so there'd be memory of the

mountains. Other places got the till, layers and layers of sand, gravel and clay, a ground good for farmers, corn and potatoes. The BWCA was left a bare boned skeleton for the curious to see what is underneath, so to see how the land was made, a favor granted by creation itself. Such should be reason enough to leave the BWCA alone, as a memorial to the planet's first days and to the ghosts of mountains.

#### AID TO ARGENTINA

### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues a letter I have received from the Argentine Embassy yesterday and a few of my comments regarding the amendments in the foreign aid appropriations bill dealing with Argentina:

WASHINGTON, D.C.,  
October 12, 1977.

HON. ROBERT LAGOMARSINO,  
U.S. Congress,  
Washington, D.C.

DEAR MR. LAGOMARSINO: For your information I am enclosing the text of Law No. 21.650, as it was published in the Argentine morning daily "La Opinión". By this law, put into effect on September 27, 1977, the Government has restored the constitutional option to leave the country, granted to people held without charge under the state of siege.

I would also like to point out that on the same date a commission was established to study, on an individual basis, the corresponding cases.

Finally, I want to tell you that in the continuous process that is taking place and according to an information received yesterday, October eleventh, 132 persons were freed.

Sincerely

JORGE A. AJA ESPIL,  
Ambassador.

COMMENTS BY ROBERT J. LAGOMARSINO, M.C.

Mr. Speaker, I am strongly opposed to the amendments to bar funds for military training assistance and FMS sales credits to Argentina.

On May 23, the House rejected an attempt to eliminate these funds for Argentina. The reasons for not prohibiting such aid to Argentina are just as valid today as they were in May.

The issue of human rights is the focal point of debate on the question of providing assistance to Argentina. I believe as does the Carter administration that it can best implement its human rights objectives by retaining the option to make funds for training programs available. I must repeat what Assistance Secretary of State for Latin American Affairs Terrence Todman has said about security assistance. He says it is "a political tool that provides us an opportunity to exert some influence on (government's) attitudes and actions." The administration wants to retain these funds for Argentina so that it may have flexibility in pursuing its goals in human rights and in promoting hemispheric security. If we cannot maintain a dialogue with Argentina on the question of human rights, we will restrict the possibility of exercising any significant influence on them.

Already, we see that the conditions in Argentina are improving. Late this summer I had, along with several of my colleagues on the Inter-American Affairs Subcommittee, the opportunity to visit Argentina. Our dis-

cussions with government officials there left me with the clear understanding that American ties with Argentina serve as a positive influence in that country. I strongly believe, and my personal visit reconfirms this, that an elimination of assistance to Argentina would be counter-productive. By singling out Argentina, we offend their national pride and enhance the prospects of a new military regime—a regime which would be more repressive and less willing to accept American representations for improved respect of human rights.

Just recently, the Argentinian government has taken significant steps to improve its internal conditions. President Videla has given certain prisoners the option of exile over a term in prison and, on Oct. 11, released 132 prisoners. These positive actions in the area of human and political rights illustrate that, given the right combination of pressure and understanding, the situation in Argentina can continue to be improved.

Some of my colleagues have argued that U.S. assistance helps to glorify the military in Argentina and that it ties our country to the repressive policies of the Argentina government in the eyes of its people.

The repressive policies of that government, as unacceptable as they are, do not occur in a vacuum, but are prompted by serious terrorist activities. Threats to American diplomats and business executives, kidnappings of businessmen and even an American child, and destruction of American property are all acts which we should equally deplore. We certainly will not protect American interests by passing legislation in this body which only serves to reduce the administration's leverage and credibility with the Government of Argentina.

We met many individuals and groups concerned with human rights. While none of them could be said to be satisfied with the situation in Argentina, almost all of them did say they felt that President Videla was an honest man trying to do his best. They did say that things could, and probably would, be worse should Videla be replaced by others in the military.

Finally, I find it difficult to understand why, in particular, the training programs for Argentina should be so controversial. The courses included are: "Aircraft rotor-propeller repair," "aircraft electrician", "aircraft instrument repair," "maintenance management", "quartermaster officer advanced", "academic instructor school," "English language", and "personnel management officer". These courses are clearly not designed for police training or civilian police action.

#### HENRY REUSS ON THE URBAN DILEMMA

### HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Ms. OAKAR. Mr. Speaker, the commitment of HENRY REUSS to the solution of our urban problems is common knowledge to all of us in the Congress as well as those who dwell in our cities. Mr. REUSS, as chairman of the Banking Committee and the recently created Subcommittee on the City, has shown an extraordinary sensitivity to and understanding of the urban dilemma.

I would like to take this opportunity to place in the RECORD an interview with HENRY REUSS, conducted by Leo Penne of the National League of Cities (Nation's

Cities, September 1977). This is the first installment in a two-part interview. I believe that it demonstrates the work and wisdom of HENRY REUSS, and the article follows at this point:

**WHAT IS HENRY REUSS UP TO?**

(NOTE.—Last fall when Rep. Henry Reuss (D-Wis.), chairman of the influential Committee on Banking, Finance, and Urban Affairs, announced that hearings on the rebirth of the American city would be open only to experts and thinkers from the academic community as well as representatives of community and civil rights organizations, some eyebrows were raised in the urban fraternity, including ours (see "No City Officials Need Apply," Nation's Cities, October, 1976). Come the first of the year, Reuss announced that he would chair a non-legislative Subcommittee on the City and has, since, embarked on an ambitious series of hearings that have had as witnesses city officials, including Tom Moody, mayor of Columbus, Ohio, and NLC's second vice president, and Chris Lindley, council member from Rochester, New York, and NLC board member, as well as members of the wider community concerned with urban policy. "What," many people have asked since then, "is Henry Reuss up to?"

(To find out, we asked Contributing Editor Leo Penne to go to Capitol Hill and ask the man himself. Their conversation went on for an hour, and because it offers such a clear view of one of the most important and incisive minds in American urban affairs, we have decided to print it for you almost in its entirety, half this month and the remainder in the October issue.—F.J.)

**NATION'S CITIES.** Logically, the first question to ask about the subcommittee is, "why?" I guess especially since the Congress already has a transportation committee that deals with public transportation, a housing committee that deals with urban housing; a public works committee that deals with urban public works. One can go down the line, and for every problem and program area, you have a committee or a subcommittee operating. But you thought it important to exert some effort and to invest considerable resources in creation of a subcommittee on the city. Why?

**REUSS.** Simply because Congress wasn't looking at the overall problem of the city in any systematic way. Your listing of the various committees with jurisdiction is itself a reason why some central focal point to look at it altogether was needed.

Incidentally, to your list you could have added Ways and Means with its tax and social security and welfare programs; Government Operations with its revenue sharing; and Interior with its open space and historic area programs, and many, many others.

In fact, in my view, the problems of the city are inseparable. Those problems, indeed, do make a seamless web. And our effort has been to try to see the interrelationships between various problems and various programs designed to deal with them.

One of the troubles, of course, is that Congress over the years has responded to individual problems by individual programs, and the side effects and by-products of those programs have frequently contributed to the problem rather than the solution. It's necessary to have a highway system, but we found that urban highways were splitting neighborhoods and causing economic devastation to the central city. It is necessary to have mortgage insurance, but as is well known, the application of FHA over the years has contributed considerably to the proliferation of suburbs and exurbs and urban sprawl generally.

So we'd want in the Congress one place where we could take an overall look at things. And the mere fact that we don't have legis-

lative jurisdiction, that is, the power to ourselves produce a statute, is, in my view, a good thing rather than a bad thing because we aren't diverted by the necessity of working endlessly in the specific wording of specific statutes.

**N.C.** So you don't see the subcommittee as a sort of residue committee that is simply picking up items that are not picked up elsewhere. Rather, you see it as a place where coherence can be made or a place where questions pertaining to the intersection of separate issues are taken up?

**REUSS.** Definitely the latter. To the extent that no committee pays attention to some issues, we are, I suppose, a residue, catchall subcommittee. But our main function is to look at things that do receive intensive attention from other committees.

For example, I certainly don't fault Ways and Means for not spending plenty of time considering the taxes that affect the city. Yet, it is apparent that large parts of the federal tax code either work in ways that hurt cities or produce consequences that Congress never really foresaw and didn't specifically legislate.

**N.C.** I'm interested that you think that not having legislative responsibility is an advantage. I would think that at first glance an outsider would perceive that to be a disadvantage or a weakness—that the subcommittee would be less likely to be taken seriously because it didn't have power.

**REUSS.** A man alighting here from the moon would probably say that it doesn't make sense to boast about one's lack of power. But, in fact, if we were to try to set up a committee here that would have jurisdiction over everything having to do with the cities—all housing, all transportation, all taxation, all revenue sharing, all job legislation, all environmental legislation—it would be a committee with 435 members and be the entire House. So it just wasn't within the realm of practicality to think of that. So maybe my gloating about the fact that we don't have legislative jurisdiction is making the best of reality, but actually if we are to be a thinking committee rather than a committee that fusses around with specific statutory language, it is just as well not to have the responsibility of getting out 10 bills a year, which would absorb all our time.

Part of this, I suppose, is personal. I've been here now for 23 years. I'm chairman of the Committee on Banking, Finance, and Urban Affairs, which is the closest to a city committee, I believe, that we have, comprising as it does the Subcommittee on Housing, the Subcommittee on Economic Stabilization, which deals with traumas like New York City, and several other subcommittees that have some city jurisdiction like that on financial institutions.

So being here and in charge and having been, long before I got to Congress, intensely interested in the city, and, I must confess, being apprehensive of the fact that nature abhors a vacuum and that if we didn't fill it with something, some other enterprising committee might do it, we're doing it.

**N.C.** Would you expect that at any time in the future it would become a legislative committee?

**REUSS.** No. I wouldn't want to start trying to raid other committees of their jurisdiction. One, it would fail. And secondly, it would make everybody hopping mad in the process and absorb all my time in a war that I was sure to lose.

**N.C.** On the substance side, you've had now, I think, three hearings—one on the impact of the federal budget on cities, one on foreign experience and its relevance to American cities, and one on the impact of tax policy. Out of those hearings, what have you concluded that might be forwarded as recommendations to legislative committees?

**REUSS.** We are drawing up a report on the first hearing that you mentioned, namely, that on the impact of the federal budget, and our recommendation, assuming my subcommittee goes along with me, would be that the Office of Management and Budget and the congressional budget committees that are working on similar problems work out an arrangement whereby to the maximum possible extent the impact of the budget on cities is separately delineated, just as the impact of the budget on state and local government is now separately delineated.

So we will get out a very specific report on it. On our European experience and its relevance to activities here, there have been a whole series of spin-offs from that. I'm not yet sure we're going to get out a generalized report on that, but from the hundreds of ideas dredged up at the hearing from foreign experience, we're now planting those ideas quite broadly in city governments, in congressional committees, in the executive branch, and wherever.

On the third hearing you mentioned, namely, the hearing on the effect of the federal tax code on urban development, we plan to get out a set of recommendations very shortly to both the Ways and Means Committee, which is going to have to write tax reform legislation, and to the administration, namely, the Treasury, which is going to have to forward its recommendations by next fall, and we want to get in our recommendations in timely fashion before they start work on whatever changes in the code they're going to make. And this is very important because in bygone days, the taxwriting committees have had to work on city problems starting at scratch on their own. We think that we can have a constructive impact there.

We've got another couple of hearings coming up within the next couple of months that I think will be timely. One on the city and energy: what will be the impact of the president's energy program on the cities, and what other things can the cities do that will help on the energy question.

In my view, the city is due for somewhat of a renaissance because of the energy shortage. The city is a marvelous way to save on commuting and travel. It is a marvelous way to save on heat by grouping housing together, row housing or clusters or whatever.

**N.C.** I think, to follow up on that issue, our point of view is very much consistent with what you have expressed, that the city is inherently an energy conserver. But we saw very little in the president's packaging proposals that either explicitly or implicitly took that into account.

There seemed to be much less emphasis on alternative sources; alternatives to the traditional fossil or to nuclear that might be appropriate for cities. There was no mass transit money contained in the proposal. There was very little indication that what was being proposed in the energy package consciously had been related to what had been or might be proposed in transportation or in housing or in other areas of policy. Do you agree?

**REUSS.** Yes, I note the same gap, but nobody is perfect, and there will be a round two on energy. And that is why we want to have a series of hearings at which, of course, the leading witnesses will be city people to try to evolve a city-oriented energy Phase II program in which special attention will be given to the energy-saving potential of mass transit, more use of bicycles, and the shanks' mare for walking, changes in city planning to effect energy conservation, and architectural methods of conserving energy, which really hold out, in my view, quite as much promise as some of the things in the president's existing program.

**N.C.** What is the strategy for trying to take the kinds of recommendations that the Subcommittee on the City might develop

and that might pass Congress to the point where they can actually be implemented by the executive branch, where fragmentation of urban responsibility also exists?

REUSS. You're right in saying that the executive branch is also in a state of turmoil as far as the city is concerned. And one of the first things I did after setting up our city subcommittee here in Congress was to urge upon the new Carter administration the evolution of some institution in the executive branch that would take an overall view. It may well be, and maybe we should be optimistic about it, that the urban committee headed by the secretary of HUD, Pat Harris, can evolve into just such a city-concerned coordinating agency.

So far as I know, OMB hasn't institutionalized the problems of cities at all. They need a lot of basic education over there. They look to their regular budget headings, and as long as it falls under that, that's the extent of their concern.

But as I view what's needed, you need, one, a city-oriented committee or subcommittee in Congress. I think we've got that now in the House. You need a city-oriented coordinating body or agency in the federal government. They are now, given a little luck, moving toward that though they certainly need to co-opt the Office of Management and Budget in the coordinating process.

Thirdly, and very importantly, an urban—a national urban policy, which is what our subcommittee is all about, requires huge institutional input from the mayors and governors and other local officials, and from the public: business, labor, and thoughtful citizens.

And my idea is that we ought to get these groups together: the Congress, the executive, state and local government, plus private citizens and institutions. But at least we're started on the process in the Congress, and I hope in the executive.

N.C. That last point suggests maybe a theme consistent with the hearings on the taxation and on the impact of budget, that we may be well advised to look less to federal direct grant programs for solutions to city problems and more to the causes and results of public actions in the private sector.

REUSS. Yes, that's fair. It's my feeling that it doesn't really help much to talk about a great new Marshall plan for the cities, implying the expenditure of unrealizable billions each year to rescue them from the agonies to which they have been put very largely by the federal government.

N.C. What do you mean by that?

REUSS. By that I mean that it was the federal government that brought about the unemployment and the inflation that has dogged the city during the 1970s and brought New York City, for instance, to its knees. It's the federal government that has bollixed up the welfare system so that it is detested alike by those that contribute to it and those who receive its benefits. It's the federal government that spawned knock-them-down urban renewal projects, neighborhood-dividing urban highways, inhuman high-rise public housing projects like Pruitt-Igoe in St. Louis and lack of attention to rehabilitation and neighborhood development.

It's the federal government that has set up a tax system that is absurdly costly in terms of revenues lost and largely produces, so far as appears, bonanzas for the wealthy, whether they are in the form of second and third homes for millionaires who get very juicy tax subsidies or in the form of rewards paid to speculators for building suburban shopping centers and, thus, doing their bit to fracture the economics of the central city.

So if the federal government would simply stop doing that which is wrong, the cities might surprise their detractors by doing a good deal of reviving all by themselves. Hav-

ing mentioned some things for which I think the federal government is responsible, I should point out, too, that the states are considerable sinners. It's the states that have failed to provide localities with either tax systems that enable them to survive or geographical and metropolitan arrangements that enable them to govern. There are some honorable exceptions, of which Minnesota is a shining example.

But, it's the states like New York, which loaded New York City up, shortchanging it of welfare funds, shortchanging it of higher education funds, and creating ridiculous municipal employee pension schemes without funding them, that have failed.

So if the states and federal government would reform themselves and stop ruining the city, it would be just amazing how soon the city could recover. Having said all that, I certainly would not for one moment suggest that the federal government does not have an important and money-heavy role to play in aiding cities. It's got to help on housing; it's got to help on general expenditures; it's got to help on air and water pollution; it's got to help on mass transit and other things.

But if we would stop doing that which is wrong and then put adequate assets onto the commanding heights of urban problems such as those that I've just named, I think we could forget about three or four hundred dinky programs that give psychic joy to their authors but are inadequately funded and don't really accomplish very much.

N.C. Do you think that the likely squeeze on the availability of federal grant money makes this approach not only right but necessary?

REUSS. Yes, I do because if we go on as we have, continuing the errors that contribute to the sickness of the cities and then attempting to put bandages on the wounds by hundreds of little underfunded or unfunded programs, we're just going to see more fiscal decay and social bitterness.

N.C. You have apportioned shares of the blame to the federal government and to the states. What about city governments?

REUSS. There is enough blame to go around, but in general my observation is that even the best mayor in the world with a sensitive and cooperative local common council or legislature can't really make headway against the mass of wrongheaded federal and state programs or lack of programs.

#### EPA SHIFTS TO EMPHASIZE RECYCLING SEWAGE ON LAND

### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. VANDER JAGT. Mr. Speaker, an article by Tom Grubisich appears today in the Washington Post titled "EPA Shifts to Emphasize Recycling Sewage On Land." As Members of the House are aware, I have had a long term interest in this method of management of municipal wastewater, so, of course, I am pleased by this new direction being emphasized by the Environmental Protection Agency under the very capable leadership of its Administrator, Douglas Costle; Deputy Administrator, Barbara Blum, and Assistant Administrator for Water and Hazardous Materials, Thomas Jorling.

It is gratifying to note the article's credit to the Muskegon system in my dis-

trict which provides ample demonstration of the low cost and high quality water resulting from the utilization of this approach. It simply makes great economic and environmental sense. It makes particular sense when compared with "conventional" and so-called "advanced waste treatment" processes that attempt to "dispose" of wastes, the out-of-sight, out-of-mind syndrome that we must outgrow, because it is too costly and too wasteful of resources. Common chemicals in sewage are pollutants and cause severe problems when discharged to lakes and streams, but are nutrients when applied to crop land. Attempts to remove those "pollutants" from sewage by physical, chemical, or biological means have become very costly in recent years. The Muskegon type alternative avoids those costs by recycling the "pollutants," nitrogen, and phosphorus, through farm crops. The result is clean water and agriculture production to help offset the cost of sewage treatment.

Mr. Grubisich discusses related legislation now being considered by the House and Senate conferees as they work out differences in amendments to the Water Pollution Control Act. Our very capable and highly esteemed colleague, Mr. CLAUSEN, has developed this legislation earning the nearly unanimous support of his House associates in the conference. Combined with the EPA directive, it will provide a powerful incentive for mayors, county and city council members, and the sanitary engineering profession to stop building "conventional" treatment processes that are costly and leave water dirty, and give much more attention to recycling systems that are less costly and provide clean water. Mr. Speaker, I commend this article to your attention and to the attention of our colleagues in both the House and the Senate:

#### EPA SHIFTS TO EMPHASIZE RECYCLING SEWAGE ON LAND

(By Thomas Grubisich)

After years of promoting expensive, elaborate plants that treat sewage and then discharge it into streams and rivers, the federal Environmental Protection Agency, in a major shift, plans to "press vigorously" for recycling sewage on land.

Under the process emphasized by the new policy, partially treated sewage would be sprayed onto fields where it would be absorbed slowly and enrich the soil. The change was detailed last week in a memo from EPA administrator Douglas M. Costle to officials at the agency's regional offices throughout the country.

One immediate effect, according to an official at the regional office covering metropolitan Washington, is that "it will stiffen our backs" in resisting Montgomery County's efforts to build a 60-million-gallon regional sewage treatment plant at Dickerson that could cost over \$400 million. The plant would discharge treated wastes above water intake pipes on the Potomac River.

Because EPA dispenses the federal grants that pay for 75 per cent of the cost of constructing water clean-up projects, the new policy could have a major impact on the technology and politics of sewage treatment.

Instead of concentrating on choosing among types of expensive sewage-plant hardware, as many local jurisdictions did in the past, communities seeking federal money to help build sewage treatment facilities will have to show they gave thorough consideration to land treatment.

Such treatment involves extensive spraying of pretreated sewage onto agricultural land or other open space. The sewage is absorbed and purified by the soil instead of being discharged into rivers and streams, officials say. The spraying operation is similar to irrigation projects on farmland in the Western states in the sense that movable sprayers are used.

If land treatment becomes widespread, it could have a major impact on land use. A large sewage treatment operation would require thousands of acres that would be used over and over again. The sprayed fields could be farmed but not developed for housing or other similar uses.

Besides getting a big, new push from EPA, land treatment also is gaining more support in Congress. Conferees from the House and Senate public works committees are considering legislation that would increase the federal contribution from 75 to 87½ per cent, to promote use of the widely known but not extensively used process.

In his memo, EPA administrator Costle said:

"... The utilization of land-treatment systems has the potential for saving billions of dollars. This will benefit not only the nationwide water pollution control program, but will also provide an additional mechanism for the recovery and recycling of waste water as a resource."

This is because substances that would be pollutants in the water become nutrients when sprayed on the soil.

Applicants for clean-up funds, to build treatment plants, he said, in an underlined passage "should be required to provide complete justification for the rejection of land treatment."

In asking for federal funds to build a big regional plant at Dickerson, Montgomery County officials said they had considered land treatment, but rejected the alternative because it was too costly and required too much land.

However, EPA, in rejecting the Montgomery application last year, said the county had not given land treatment enough attention and that, furthermore, the proposed Dickerson plant was itself too expensive as well as oversized.

One of the few major municipal land-treatment operations started in recent years is in Muskegon, Mich. For some time after it opened, in 1973, the facility limped along and was widely criticized for not living up to expectations.

But all that changed, says its director, Dr. Ara Demirjian, after irrigation equipment became fully operational, objectionable odors were eliminated through equipment changes, and corn yields on land sprayed with the treated sewage were increased from 30 to 81 bushels per acre.

Demirjian said Muskegon's land treatment, which covers 5,200 acres, costs 17 cents per thousand gallons, versus 50 to 60 cents per thousand gallons in an advanced treatment plant.

Last year's corn crop, he said, brought in \$1 million, and revenues from this year's should be higher. There have been no recent increases in sewage service rates, he said, even though the cost of energy—used in the pumping and spraying operation—has doubled.

In addition to influencing negotiations between EPA and Montgomery County on the Dickerson proposal, the new policy thrust also could have an impact on rapidly growing Poolsville in northwestern Montgomery.

The town commissioned Kamber Engineering Inc. of Rockville to assess land treatment, but after the consulting firm's negative analysis was criticized, local officials hired another firm from Chicago to take another look.

"We've got one helluva fight going on," Sam E. Zattiero, president of the town council,

said. Some landholders, he said, oppose land treatment because "let's face it, the process takes a lot more acreage out of development than a sewage-treatment plant."

## HUMAN RIGHTS IN SOUTH KOREA—II

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. FRASER. Mr. Speaker, on September 19 and 20, parliamentarians from the United States and Japan met in the caucus room of the Cannon House Office Building to discuss problems of U.S. and Japanese policy toward Korea. The Japanese delegation included 17 members of the Diet, representing four different Japanese political parties as well as a contingent of independents. They brought with them a deep concern over the issue of human rights in Korea and over the high level of tensions between North and South Korea. I was privileged to participate in some of the discussion at this conference.

I would like to call to the attention of my colleagues three papers in particular dealing with the subject of human rights in South Korea. Prof. Richard Falk of Princeton University presented a paper on "Human Rights and U.S. Policy toward Korea," Prof. Jerome A. Cohen of Harvard Law School wrote on "The State of Human Rights in South Korea," and Prof. Bruce Cumings wrote on "Political Repression and Economic Development in the Republic of Korea: A Necessary Relationship?"

I would like to enter into the RECORD excerpts from the paper by Prof. Falk, which analyze U.S. policy toward human rights in South Korea and concludes that the Carter administration is moved to take human rights into account in its policy mainly because it is dependent on large appropriations of funds from Congress. His analysis emphasizes that congressional funding of South Korea constitutes the main form of leverage available to the U.S. Government in regard to human rights in South Korea. As he points out, verbal declarations on this subject are empty as long as there is no willingness to take into account the performance of the Park regime on human rights when enacting appropriations bills in Congress. I commend this paper by Professor Falk to my colleagues:

#### HUMAN RIGHTS AND U.S. POLICY TOWARD KOREA

There is an obvious tension between the abuse of human rights by the South Korean government and continued American support for that government by way of aid and protective security arrangements. A basic contention of this paper is that the Carter Administration is seeking, so far at least, to resolve this tension without altering fundamental U.S. policy toward Korea as it has evolved since 1945. At the same time, the Carter stand on human rights places the new Administration in a defensive posture on Korea. As such, it creates an opening through which to mount pressure for a new approach toward Korean issues. To be effective, this pressure must be mounted by the

U.S. Congress, reinforced by Japanese support at the highest possible levels. My objective in this paper is to clarify this opportunity as it relates to human rights as well as to suggest the direction of a different, more positive Korea policy for the United States.

#### II. THE CARTER PERSPECTIVE

In his campaign for the Presidency, Jimmy Carter displayed a concern for American policy in Korea. He promised to withdraw nuclear weapons and the remaining American troops from South Korea. Candidate Carter singled out South Korea, along with Chile, as a country where American support for a repressive regime was objectionable. In the primaries preceding his nomination Carter said, "It should be made clear to the South Korean government that its internal oppression is repugnant to our people."

The transition from candidate Carter to President Carter is still underway. The results to date are mixed. Most attention has been fixed on the fulfillment of the troop withdrawal pledge. The announcement by President Carter of an intention to withdraw 33,000 of the 41,000 or so American troops in South Korea over the next few years has been hailed as an important step in disengaging the United States. Even Richard Barnet, an acute critic of Carter's overall foreign policy, calls "the Korean withdrawal . . . the most explicit foreign policy initiative yet made by the Carter Administration; unlike most of the others, it does not appear riddled with exceptions, caveats, and loopholes . . ." (Barnet, "Carter's Patchwork Doctrine," Harper's, Aug., 1977, p. 34). To similar effect correspondent William Beecher writes that, "On Korea, the President overrode the doubts of his generals, his CIA director and some of his most experienced diplomats . . ." (The Boston Globe, Aug. 19, 1977, p. 23). What is less noticed, however, are the compensatory reassurances made by the Carter Administration to soften opposition to the withdrawal both in Washington and Seoul. Part of this process involves assisting with the military buildup of Korean armed forces to the tune of \$2 billion over the next few years. Another more relevant part of this process is the reaffirmation of the reality of America's strategic interest in South Korea. This reaffirmation has gone so far as to have President Carter reassert more or less, the Schlesinger view that American nuclear weapons would be available, if needed, to halt a North Korean military advance.

Most relevant, however, in relation to our inquiry here is the clear indication by authoritative Administration officials that the American security commitment to Seoul will not be influenced by failures on the part of the South Korean government with respect to human rights. In a significant sense, I think it is fair to conclude that the Carter Administration has traded off human rights in exchange for relative acquiescence in the troop withdrawal. In the background of such an approach is the older view that North Korea is so repressive that human rights for Korea as a whole is upheld by assuring the security of South Korea, no matter how repressive the latter becomes.

In effect, human rights is automatically assimilated into the containment approach to security in the peninsula. As William Barnet expresses this view, "Even a minimal concern for human rights requires the recognition that a takeover of the entire peninsula by North Korea—one of the most rigid totalitarian states on earth—would spell the end of any hope that Koreans would enjoy the most basic human rights (Worldview)."

Referring specifically to Korea (and Iran) Secretary Vance indicated quite clearly that in these instances where "the strategic situation is of critical importance," the United States would not allow human rights considerations to get in the way of arms transfer



or sales (see Press Conference, Dept. of State Bull., Feb. 28, 1977, p. 164). More comprehensively, Richard Holbrooke, Assistant Secretary for East Asian and Pacific Affairs, in testimony before Congress, suggested that the essence of U.S. policy toward Korea is "to phase out our ground forces in Korea, while insuring that the security of Korea is in no way threatened" (Dep/State Bull., LXXVI, April 4, p. 322). In the course of this testimony Mr. Holbrooke indicated that the "primary objective" of the United States is "to maintain a deterrent that will insure peace on the peninsula" (p. 324).

As was also made clear, such an objective could only be achieved by helping "in the strengthening of the armed forces of the Republic of Korea through a program of foreign military assistance . . . designed to concentrate on areas where Korean capabilities need improvement," (p. 324). In the course of this testimony Mr. Holbrooke also indicated, somewhat ritualistically that the United States was concerned about human rights in South Korea and asserted that, "We will continue to express our concern in authoritative ways" (p. 325). He qualified this posture, however, by arguing that whatever was happening vis-a-vis human rights "it would be a serious mistake to cut back our longstanding assistance to the South Korean armed forces which helps forces better cope with the formidable task of protecting their country against the threat from the north" (p. 325).

It would appear, then, that human rights considerations are relevant mainly because the Carter Administration realizes that its security policy for Korea depends on large appropriations of funds that must be approved by Congress. To the extent that the Park government engages in blatant forms of repression, especially against widely respected individuals, it will arouse Congressional resistance.

Such resistance will be an embarrassing encounter for a leadership that has placed such a premium on its commitment to the realization of human rights. For this reason there seems to be evidence of Carter-based pressure on Seoul to do away with the most blatant outrages. It is in this spirit that we should understand reports from South Korea of "intense psychological and physical pressures" on imprisoned political dissidents "to get them to sign statements of repentance" so as to gain release from jail (NYT, Aug. 3, 1977, p. A3).

As one dissident leader said to an American journalist: "We think these partial releases are a public relations facesaving gimmick and an effort to divide us" (NYT, Aug. 3, 1977, p. A3). It is indicative of the human rights situation in South Korea that such a statement to a foreigner is made punishable by emergency decree and can lead to a seven-year jail sentence, constituting the crime of criticizing the government to a foreigner.

At this stage I find it persuasive to conclude that American policy toward Korea is unchanged in the Carter Administration. The troop withdrawal represents an accelerated application of the Nixon Doctrine, and although controversial, cannot be understood as a decisive step toward military disengagement. What is more significant is that the withdrawal is occurring in a diplomatic context in which "security" considerations are being considered exclusively in the "containment" sense.

In other words, as yet, there is no evidence of any Carter initiative to redefine America's security interest by opening up possibilities for "peaceful settlement" of the conflict. Instead our role seems designed to perpetuate the conflict by encouraging South Korea to believe it can indefinitely count on U.S. military support in the event that the status quo

is challenged. Finally, the available evidence suggests that Carter's Korean policy will subordinate human rights concerns to security goals, although this assessment may be revised to the extent that Congressional support for military aid is less likely to be forthcoming unless the human rights situation in South Korea seems to be improving.

There is no indication however, that President Carter or his close advisors accepts the position argued by Congressman Donald Fraser to the effect that South Korea's capacity to defend itself militarily presupposes liberalization of governing policies and a widening base of political support among the Korean people (see also Barns, *Worldview* July/Aug. '77, p. 14). This position implicitly draws on the Vietnam experience to contend that military hardware is much less critical to the national security of a dependent ally than is political morale.

Such a view would have far-reaching implications, moving human rights from its present status as windowdressing to the very center of American efforts to make South Vietnam "secure." I do not think, therefore that there is much reason to be encouraged so far by what the Carter Administration has done or proposes to do about Korean policy, either on the diplomatic front or with regard to human rights.

#### IV. HUMAN RIGHTS AND A NEW U.S. POLICY TOWARD KOREA

Previous sections have argued that abuses of human rights in South Korea are severe and structural, and that American policy toward Korea in the Carter period appears to be only tactically different from that of previous administrations. The basic alternative position taken by both Donald Fraser and Kim Dae Jung argues that the political viability of South Korea depends on establishing democratic rights, and on an economic system that makes a far greater effort at fair distribution of the growth dividend.

Of course, even those who believe in the Fraser-Kim approach do not advocate that the United States now deal with Park Chung Hee as it did a few years earlier with Salvador Allende, or for that matter with Ngo Dinh Diem, or numerous others. "Destabilization" of a foreign government by covert operations is not an acceptable form of statecraft, and it should be renounced as an instrument of U.S. foreign policy. At the same time, the U.S. Government is free to condition its support for South Korean security as it sees fit, and it certainly has the discretion to insist upon a shift toward a political approach to security on the part of the Seoul government.

At present, these possibilities to exert influence seem virtually blocked by the play of forces within the executive bureaucracy. Whatever President Carter's personal preferences may be, it is unlikely that, as matters now stand, much can be practically done to encourage human rights in South Korea. Presidential dependence on Congressional authorizations (included in the context of engaging U.S. military forces under the 1953 Mutual Security Treaty), however, creates considerable leverage on the part of Congress, and ultimately for American public opinion. This leverage can be used to make Carter diplomats insist that a failure by Seoul to improve their human rights image will jeopardize American support, direct and indirect, and can be exerted in a variety of settings with different degrees of severity.

The degree of Congressional willingness to challenge Carter on Korean policy depends on several factors. First of all, the influence-peddling scandal has been aptly described as "a wild card" with reference to Congressional attitudes. A reliable public opinion poll, for instance reveals a surprisingly high level of concern among the American people about the scandal, with 63% of those inter-

viewed indicating that the investigation has not been going fast enough (NYT, Sept. 1, 1977, pp. A1, A14). In the aftermath of Watergate members of Congress may be exceedingly reluctant to support Seoul to the extent that such support could be construed unfavorably by voters, as evidence of having been influenced or taken gifts.

In this climate the Carter Administration may be under pressure to distance itself from the Park regime, especially if its repressive policies gain any prominence, and as a consequence, the Fraser-Kim approach to internal security may begin to attract significant support. In this event, the United States, besides becoming more pointed on the human rights situation, might be induced to undertake independent diplomacy designed to reduce tensions on the peninsula, including normalization of relations with North Korea, even making a move toward a "two Koreas" stand similar to the one Japan has been evolving (and similar in image to the American relationship since 1967 with both sides in the Arab-Israeli conflict).

If North Korea is receptive, as there is reason to think it would be, then South Korea would have to become increasingly "provocative" to maintain any credible claim that an emergency situation persisted to justify suspension of political freedoms. Moves in that direction would tend to stiffen American opposition to the mutual security commitment, and might create serious splits among the ruling groups in South Korea, including even some support in Seoul for tension-reduction in North-South relations.

For reasons indicated earlier, without repression Park would soon fall and therefore it is unlikely that advocacy of human rights from outside will alter the style of domestic governance, although a Korean variant of "decompression" may emerge. What is possible to envision, however, is a move away from the pretext that repression is a response to external danger. Ironically the human rights initiatives, therefore, open up a political dynamic in Korean-American relations that holds out some real prospect for contributing to peace in Korea without much hope of improving greatly the protection of human rights.

This limited improvement in the Korean situation could be better encouraged by Japanese diplomacy and public opinion. A major rationalization of the American approach to Korean policy, especially in recent years, is that its revision would upset the Japanese to such an extent as to endanger the Japanese-American relationship. If the Japanese diplomatic stance made it evident that the reverse were true—namely, that a continuation of the present American "tilt" on Korean security was deeply disturbing to the Japanese—then the pressure in the Carter Administration would become very great indeed.

Of course, there are uncertainties in the course proposed here. For one thing, the pressure produced has a polarizing effect on options and could lead Seoul to pursue a nuclear weapons program of its own as a way of perpetuating the status quo. Such a plan of action has some obvious frightening implications in the Korean context, but its plausibility is far from evident.

It is possible that North Korea would not be responsive to a diplomacy of tension-reduction. Such a development would tend to vindicate the orthodox American position that "containment" of North Korea via military means is the overriding priority of Korean policy. On balance, it seems unlikely that North Korea would reject American moves to move in a "two Koreas" direction; even if it did, adjustments could be made as the approach unfolded.

In conclusion, then, it seems possible to envision concern with human rights as an important element in "forcing" a new Ameri-

can policy on Korea, especially in the realm of security thinking and planning. Ultimately, the future of human rights in South Korea will be shaped by domestic factors, but these factors can be influenced in a positive way, by tension-reducing diplomacy that removes any credibility from claims that repression is an outgrowth of the external threat. Authoritarianism which is rampant throughout the Third World, and connected closely with economic strategies and imperatives, and should not, therefore, be primarily understood in South Korea as being a special legacy of divided country tensions or the American presence.

These features of the Korean situation may inhibit to some degree oppositional tendencies, and, therefore, it is arguable, but by no means assured, that American disengagement will contribute also to liberalizing pressures within South Korea.

## SOLAR AND WIND POWER

### HON. LES AU COIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. AuCOIN. Mr. Speaker, I rise today to introduce into the RECORD an exchange of letters between the Energy Research and Development Administration and me. My purpose in placing these letters in the RECORD is to underscore my concern for development of decentralized solar and wind power generating facilities.

We frequently hear that these new forms of power generation are not economically competitive today, and that they will not produce any major portion of our Nation's energy supply for many years to come. These remarks usually apply to centralized solar and wind generating facilities.

We also are told that even the most active solar heating systems on the market today have relative long pay off periods when compared to conventional fuel costs.

Advocates of solar and wind power contend that the best way to overcome these obstacles for both centralized and decentralized power facilities is to accelerate applied research and to devise tax incentives for their use.

I agree with those advocates. But I believe another ingredient to the eventual success of solar and wind power application is convincing the American public these are not will-of-the-wisp fantasies.

Not long ago man yearned to go to the moon, but thought it was an impossible dream. We proved that false. We also have disproved that we were powerless to combat and conquer debilitating and crippling diseases such as polio. We are even hot on the trail of killers such as cancer and heart disease. On a less grand scale, we have created virtual wonders in our computers, in our machines, even in our everyday household appliances.

Therefore, it is not unreasonable to assume we can overcome the obstacles preventing us from harnessing the Sun

and wind. If we want to bad enough, we can. It will take leadership and imagination, and it will take perseverance.

As my letter to the acting administrator of ERDA suggests, I believe the Pacific Northwest represents a prime testing ground for solar and wind power generating facilities.

I think our region, with its hydroelectric system in place, is an excellent place to begin experimenting, not just with large solar and wind power facilities, but also with decentralized systems. The reply from ERDA is encouraging in that it concurs with me that more must be done to advance solar and wind power generation opportunities of this type.

Further, I am encouraged that ERDA recognizes that small firms, indeed individuals, have the potential to make great contributions and, therefore, should not be overlooked in terms of supporting research they carry out:

Mr. ROBERT W. FRI,  
Administrator, Energy Research and Development Administration, Washington, D.C.

DEAR MR. FRI: Lee Johnson, editor of a publication called *Rain*, has written me, as he has you, regarding his concern over attempts, whether deliberate or not, to undermine small efforts everywhere to accelerate development of solar power.

Mr. Johnson, in his letter, complains that Honeywell, Inc., the contractor for the Transportable Solar Laboratory, undercut public confidence in efforts to develop solar power in the Northwest, calling it one of the poorest regional candidates for solar power in the nation.

Without engaging in polemics with Honeywell, Inc., I would like to register my own displeasure with such notions.

I have been among the leaders in the Northwest in calling for a national experiment combining the existing Columbia River hydroelectric grid with centralized and decentralized solar and wind generating facilities. The value of this would be to offset solar and wind powers' weakness of generating power when the sun shines or the wind blows and not being able to store power for dormant periods. The Columbia River dam system, with its tremendous capacity to impound water, could literally serve as a giant battery.

My idea has received brickbats from those who claim centralized solar plants are not commercially competitive with other generating sources. I will concede that. However, as Mr. Johnson noted in his letter, there are a number of existing solar technologies, largely decentralized in nature, that are competitive now. Installed on a large enough scale, they could be a significant factor in a subregional energy conservation/new generation strategy.

Moreover, the argument advanced that the Pacific Northwest with its relatively cheap hydroelectric power is a poor candidate to enter into solar power development is off base.

The exact opposite should be true. The base of a cheap power source gives the Northwest greater negotiating room to experiment. Indeed, legislation already is being placed before Congress to consolidate power sources in the Northwest into a pooling arrangement to maximize the benefits from this resource of cheap energy in order to build new, expensive thermal generating plants.

Surely, if the concept has validity as a way to buffer the impact in terms of cost passed on to consumers from the construction of nuclear plants, the concept can be applied to solar and wind power sources.

Finally, let me conclude by theorizing that power generation in the future may not be

as we know it today. That is, power may be generated in localities for use in the immediate area around the generation source.

There are many reasons arguing for this approach, not the least of which is the waste involved in transmitting power great distances. The power loss, not to mention the unused ground swallowed up into right-of-ways, is inefficient.

Thus, we should do all we can to encourage, rather than discourage, efforts to develop small power sources. It is no reflection on large firms, but, in truth, we might expect such a breakthrough to come because of the diligence of a small firm, if not a single man toiling at a work bench.

Regardless of the outcome, however, I believe it is extremely important to stimulate exploration in this field, and to instill public confidence in possible alternative energy sources.

With warm regards,  
Sincerely,

LES AU COIN,  
Member of Congress.

WASHINGTON, D.C.,  
September 30, 1977.

HON. LES AU COIN,  
House of Representatives.

DEAR MR. AU COIN: Thank you for your letter to Mr. Robert W. Fri, Acting Administrator, dated August 17, 1977, which has been sent to me for reply.

I am impressed with the time and thought you have devoted to using solar and solar-derived energy in conjunction with the hydro storage potential in the Northwest.

A considerable dialogue continues among energy planners on centralized and decentralized applications of solar technologies. Of course, solar space heating and cooling applications are on-site applications, and the Northwest indeed can make much use of such direct thermal conversion systems. Other solar related technologies can be modular in nature and adaptable to both on-site and centralized utility oriented applications.

It is in the solar electric applications areas, and principally with wind systems, photovoltaics and thermal power systems, that a choice can be made. In our program activities up until now, we have tended to emphasize large systems because these require the most development and offer an easily accessible market (the utility grid). However, we are developing a strong program in dispersed solar thermal power systems and are funding a number of activities in the area of small-scale wind systems. Our program plan for photovoltaics calls for a wide variety of demonstrations of different size and application. Our technology assessment activities for FY 78 center around a comprehensive program to assess the social, economic and technological feasibility of decentralized solar systems. We estimate that about half of our funding goes toward decentralized applications.

Enclosed for your information is a copy of a letter to Mr. Lee Johnson of *RAIN* Magazine in response to his comments about the ERDA Transportable Laboratory appearance in Portland in 1976. Also included are copies of the study entitled "Solar Energy in America's Future" and the Mitre analysis of the economics of "Solar Space and Water Heating."

We also are quite aware of the contribution which small firms can make to the energy efforts. It is ERDA's policy and practice to encourage and support the participation of small business in our programs. A recent analysis indicates that 25% of the Solar Energy outlay for FY 1976 and the Transition Quarter went to small and minority businesses. We are proud of this record of achievement.

The solar solicitations have been drafted in such a way as to encourage maximum par-

ticipation by small business concerns. We have simplified the application process by providing specific proposal instructions, by imposing page limitations, and by including sample task diagrams and blank forms. Small business involvement is itself one of the selection criteria.

A number of solar solicitations are being released with a predetermined proportion of the awards set aside for small businesses. Some are only open to small businesses. We plan to expand these efforts in the future to further increase the amount of funding going to such enterprises.

Thank you for your interest in the ERDA solar energy program. Please let me know if we can be of any further assistance.

Sincerely,

H. H. MARVIN,  
Director, Division of Solar Energy.

### SON OF FAP

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. ASHBROOK. Mr. Speaker, President Carter's welfare reform proposal—the job and income security program—is a dismal flop. Despite all the ballyhoo, what Carter has given us is a warmed-over version of the family assistance plan.

I am in strong support of welfare reform. The current situation is an expensive mess. It is fraught with abuse and poor administration.

President Carter's job and income security program, however, is no solution to this mess. Instead, it would establish a single nationwide program of cash assistance. This is a return to the ill-fated guaranteed family income concept which went down to a ringing defeat during the Nixon administration.

If the Carter proposal is accepted, more, not less, people would be the recipients of public funds. More, not less, money would be required to finance the program. I am sure that this is not what most taxpaying Americans have in mind when they consider welfare reform.

For the information of my colleagues I am including an editorial by nationally syndicated columnist James J. Kilpatrick on the Carter welfare proposal:

[From the Washington Star, Oct. 11, 1977]

MEET JISP, SON OF FAP

(By James J. Kilpatrick)

This was the way the headline read, a couple of weeks ago: "Moynihan Unhappy at Welfare Plans." From the news story, it appeared that Daniel Patrick Moynihan, who had praised the President's welfare program in August, had changed his mind in October. Now he found it "grievously disappointing."

"My God," cried the junior senator from New York, "it's certainly not liberal legislation."

For all practical purposes, the senator's pronouncement made it unanimous. Heavens to Betsy, I would add, it certainly is not conservative legislation either.

What we have, in Mr. Carter's Job and In-

come Security Program, is a direct descendant of Mr. Nixon's ill-fated Family Assistance Program. The same causes that brought the death of FAP are likely to kill off JISP as well. And fine with me.

One hates to be excessively critical, for today's welfare mess is precisely as Mr. Carter has described it: a mess. The several programs are shot through with fraud and maladministration. The present system tends to encourage a status of permanent dependency. Almost any change, it might be supposed, would represent an improvement.

But liberals and conservatives alike are discovering, as they dig more deeply into Mr. Carter's program, that often it is indeed better to bear the ills we have than to fly to others that we know not of.

The White House asserts, in defense of JISP, that Mr. Carter's program would "simplify" the administration of public welfare. The President would abolish Food Stamps, Supplementary Security Income and Aid to Families with Dependent Children. In their place he would substitute a single uniform, nationwide program of cash assistance.

This sounds simpler. But on close examination, it becomes evident that the proposed reforms are far more complicated than the existing programs; they would require vastly more checking and monitoring by inspectors and auditors; they would not reduce the number of welfare claimants, but rather would make the number greater still.

When the President first started tinkering with "welfare reform," he was confident that a more equitable plan could be devised at no higher price. He knows better now.

At the federal level, welfare now costs about \$27.9 billion a year. Mr. Carter would raise that sum to \$30.7 billion, but that is only for starters. The White House projection gives no account of \$3.4 billion that would be lost to the Treasury through Mr. Carter's income tax credit proposals. These days, everything gets inflated. In net added costs to the Treasury, we are talking of a price tag around \$36 billion.

A line could not be held even at that figure. Once JISP were written into law, Congress would confront an irresistible temptation to raise the level of cash assistance in every election year. The Carter program is compounded like a basic recipe for lemonade: Add sweeteners as desired.

The President's greatest problem, as Sen. Moynihan's blast made clear, is that the White House has no constituency for this bill. Almost everyone is vaguely in favor of "welfare reform," but few persons feel passionate on the issue. Take away the federal bureaucrats, and whom do you have left?

Welfare claimants might provide a potent constituency in themselves, but people on welfare instinctively distrust the name of "reform." Well they might. As a general proposition, poor people are better off in the hands of their oppressors than in the arms of their benefactors.

Most of the truly important elements of Mr. Carter's plan already have been written into law. Federal welfare statutes already contain stiff work requirements; the food stamp program already has been made more generous, so that it amounts to a veritable guaranteed annual income. The administration already has taken significant steps to cut down on fraud.

My thought would be to hang onto the mess we have, which is at least a known and familiar mess, and to make haste slowly in fashioning "reforms." Mr. Carter's warmed-over hash made no hit with Sen. Moynihan, and the senator has a chef's credentials. After all, Pat Moynihan was father to FAP.

## HUMAN RIGHTS IN SOUTH KOREA—III

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. FRASER. Mr. Speaker, I have previously mentioned my participation in a conference of United States and Japanese Parliamentarians on Korean Problems held on September 19 and 20 here in Washington. One of the papers presented to this conference which I believe deserves careful consideration by Members of this body is Prof. Jerome A. Cohen's paper on "The State of Human Rights in South Korea." Professor Cohen has been one of the most assiduous and careful students of human rights in Korea, both North and South, for many years, and has testified before my Subcommittee on International Organizations on human rights problems in both North and South Korea.

In his paper, Professor Cohen documents in detail some of the aspects of the violations of human rights. He describes the use of torture by the Korean Central Intelligence Agency, including running a flame over an individual's whole body, forcing cold water into nostrils through a tube and electric shocks applied to genitals. He also mentions the case of a Korean student, So Sang, who was so horribly disfigured by torture by the time he appeared in court on espionage charges that his eyelids and ears had disappeared and his fingers no longer separated from each other. Professor Cohen also mentions a case which is too little known to Members of this body: 13 former members of the national assembly were arrested and tortured by the KCIA after President Park seized emergency powers in 1972, and one of them was paralyzed from the waist down as a result of his torture. Professor Cohen's paper is a grim reminder of conditions in South Korea. I enter into the RECORD excerpts from his paper prepared for the conference of Japanese and United States Parliamentarians on Korean Problems:

#### THE STATE OF HUMAN RIGHTS IN SOUTH KOREA

"Human rights practices in Korea have been carefully considered in formulating this proposed security assistance program." So reads the United States Defense Department's "Congressional Presentation" for the fiscal year 1978 security assistance program, which attempts to justify the recently authorized appropriation of \$280,400,000 for military aid to the Republic of Korea (ROK).

What does this delphic statement mean? What weight should the United States and Japan attach to human rights considerations while jointly seeking to maintain the peace and security of East Asia? What "human rights" should we be concerned with in Korea? To what extent are they being observed? What policies can we suggest to promote the observance of human rights in Korea?

These, I take it, are fundamental questions to be discussed at this important conference. We meet almost five years after President Park Chung Hee declared martial law and

dissolved the National Assembly in October 1972, as the first formal steps toward ending the then existing constitutional system and substituting in its place the so-called "Yushin Constitution." Since then, Park's "revitalizing reforms" have made South Korea a far more repressive place than it was during the decade that followed his 1961 military coup against democratic government. The role that I have been assigned at this conference is to summarize the fate of human rights in the South during the past five years. I have not been asked to discuss the even graver repression that exists in North Korea, nor the extent to which South Korea's KCIA has inhibited Koreans in the United States, from exercising rights guaranteed to them by our law. But my views on both the situation in the DPRK and in this country have been made known in my testimony before the Fraser Subcommittee on various occasions.

This summary will focus on political and civil rights rather than economic and social rights, for it is the former that have created the major controversy both inside and outside Korea. Moreover, other speakers will focus on economic and social policies and their implications for Korea's development and for human rights. Observers plainly differ over the costs and benefits of the ROK's developmental strategy that makes the country increasingly dependent upon foreign capital and resources, and they debate such matters as whether the ROK has done enough to reduce income differentials among various strata of its population or to improve the status of women. Yet it seems clear that in many respects the ROK has continued to make impressive, if uneven, economic and social progress. We would not be meeting here had the Park regime made commensurate progress in fostering political and civil rights. Instead, what we have witnessed since 1972 is tragic retrogression repression so thorough and comprehensive that it has created profound doubts in the U.S. and in Japan about the long-run viability of our two countries' support for the Park regime and even perhaps for the ROK itself.

This brief report on the state of human rights in South Korea will focus on three aspects: (1) state officials' arbitrary violation of the integrity of the person outside the judicial system; (2) arbitrary manipulation of the judicial system for purposes of political repression; and (3) restraints upon freedoms of expression.

#### ARBITRARY VIOLATIONS OF THE PERSON

As to the first, political murder has not become a staple of life in the South as it has at various times in certain communist countries and as it is today in Uganda, to cite only the leading non-Communist example. Nevertheless, there have been cases of "mysterious" deaths. For example, on October 16, 1973, Professor Tsche Chong-Kil, who spent the year 1970-72 at Harvard Law School on a prestigious Harvard-Yenching Fellowship, was picked up by the Korean Central Intelligence Agency shortly after having lamented, in a supposedly secret faculty meeting, policy brutality against some of his colleagues and students at Seoul National University's Law Faculty. He was never seen alive again. Four days later the government announced that Tsche had been arrested on charges of spying for North Korea and that after making a full confession he had committed suicide by jumping out the window of an interrogation center. Yet the accusation of spying was never substantiated, Tsche's supposed confession was never published, the report of his "suicide" has been treated with the utmost skepticism, and the fact that his widow, a medical doctor, was denied permission to examine the corpse hardly inspired confidence in what appears to have been a hastily contrived story.

Even more mysterious was the subsequent death of the ardent patriot and intellectual leader, Chang Chun-Ha, who initiated a "one million citizens' petition for a democratic amendment of the Yushin Constitution" in early 1974. When the movement began to snowball, the Park regime put an end to it by invoking newly-promulgated "emergency decrees" that authorized up to 15 years in prison for any person who "asserted, introduced, proposed or petitioned for revision or repeal" of the Yushin Constitution. Chang was arrested with his colleagues, was "hanged upside down and simultaneously . . . burned with a flame on several parts of his body," and then sentenced to the maximum term by a court-martial rather than regular court. Domestic and foreign pressures later forced the regime to release Chang and hundreds of intellectuals, students and religious and literary figures condemned by the military tribunals. Shortly afterward, however, Chang, an experienced mountain climber who had once conquered the formidable mountains of Western China to join the Chinese and Korean forces resisting Japanese imperialism, was reported to have fallen to his death from a cliff while climbing a hill near Seoul. An unidentified man was reportedly seen near him just before he fell. When a prosecutor showed interest in the circumstances of Chang's death, he was immediately hushed. Many others were puzzled but no one could afford to be too curious.

Kim Dae Jung, the charismatic democrat who made such an impressive showing against Park in the 1971 presidential election that Park put an end to such elections, was undoubtedly targeted for a similar fate. After kidnapping Kim from a Tokyo hotel room and spiriting him out of Japan by ship in August 1973, the KCIA was on the verge of dumping him overboard, bound, gagged and weighted, when a nationwide outcry in Japan and vigorous behind-the-scenes diplomacy by the United States saved Kim's life. Kidnapping itself, of course, is one of the most flagrant violations of the person short of murder.

Obviously, mysterious deaths and kidnapping have a profoundly chilling effect upon those who might wish to speak out against the policies of the Park regime as Tsche, Chang and Kim did, each in his own way. Yet far more intimidating has been the widespread use of torture following arbitrary arrest. This is why Korea's only living ex-President, Yun Po-Sun, has characterized the Park regime as "government by torture," for it has been highly dependent upon pervasive and systematic violations of human bodies and minds to maintain its control. The "Genghis Kan cooking" to which Chang Chun-Ha was subjected when the KCIA ran a flame over his body is only one of many exquisite and esoteric techniques the Park's missions have devised. The reports of Amnesty International and other organizations that have investigated KCIA torture have documented how cold water is forced up the nostrils through a tube, how electric shocks are applied to the genitals, toes and other sensitive parts, and how people are hung from the ceiling and spun around, beaten and kicked mercilessly, stripped naked in sub-zero weather and doused in water, made to stand or sit without sleep for days on end, and subjected to various forms of psychological intimidation.

Most of those tortured are unknown to the press and the outside world. Those whose detention tends to attract publicity are often better treated. Nevertheless, even well-known persons suffer physical abuse if their behavior is considered sufficiently provocative, as occurred in the cases of Tsche, Chang and Kim. In 1975, after students recently paroled from jail spoke out against the tortures they had

suffered, 13 former opposition National Assemblymen revealed that they too had been tortured shortly after President Park seized emergency powers in the autumn of 1972. One of them, Ch'oe Hyong-U, was paralyzed from the waist down as a result of this mistreatment. In his statement to the National Assembly he noted that several cattle dealers had recently been arrested for forcing their animals to drink a large amount of water to increase their weight just before they were sold for slaughter. Ch'oe asked: "Why haven't the KCIA and other agents who used water torture on national assemblymen been arrested? Are the assemblymen less important than the cattle?"

In these circumstances is it any wonder that the Park regime has gone to great lengths to hinder Congressmen like Donald Fraser and agencies like Amnesty International from interviewing victims of Park's terror? Of course, after they are released from interrogation centers and torture chambers, most victims are extremely reluctant to talk about their experiences, out of fear that government agents might make good their threats to retaliate against those who break their silence. In some cases shame is also a factor. For example, in his speech to the National Assembly, Ch'oe Hyong-U declined to reveal details of his wife's torture on the ground that human decency prevented him from describing it. A number of women students who protested against Park's repression have been arrested by the KCIA, tortured and repeatedly raped, as in the case of several Ewha University students in late 1973. Understandably, most of these rape victims have kept silent about their ordeal.

In many cases people have been tortured not so much to elicit information and evidence from them as to intimidate them. Large numbers of persons have been detained, interrogated, tortured and then released after a few days, with no thought apparently given to bringing any legal proceeding against them. Like the even more widespread overt surveillance of people's homes, their activities and their mail, this type of official action is designed to frighten Koreans into conformity.

In other cases torture has been applied for the specific purpose of obtaining evidence to be used in criminal prosecutions. One of the most grisly instances of this involved So Song, a handsome Korean resident of Japan who had returned home to study at Seoul National University. By the time he appeared in court on espionage charges after interrogation by the KCIA, his body and face were horribly burned. His eyelids and ears had disappeared, his fingers had adhered together, and his eye-glasses had to be bound to his head. His condition presented a certain challenge to interrogators who operated under bureaucratic requirements that the accused authenticate his confession by placing his fingerprints upon it. Since So had no fingers left, his captors proved as imaginative as they were punctilious by having him authenticate his confession with a toe-print. The fact that the Yushin Constitution maintains the previous Constitution's prohibition of torture did not lead the court to exclude the confession from evidence, for the new Constitution pointedly fails to retain its predecessor's ban on the admission of coerced confessions.

Another gruesome case that is far from unique is that of medical student Suh Kwang Tae, who in late 1975 was seized by the ROK Counter Intelligence Corps on suspicion of espionage. By the time he appeared for trial, he was obviously deranged and unable to recognize his relatives. Nevertheless he was sentenced to 15 years in prison. After a month in a hospital he recovered his sanity and repudiated the purportedly "voluntary"

confession that had helped to convict him. Suh's arms were scarred by what he said had been the lighted cigarettes of army investigators. He also testified that he had been beaten and forced to kneel with a stick behind his knees while men wearing army boots stamped on his legs, that he had been denied food and sleep for seven days, that he had been tortured until he became unconscious and that a stick had been poked into his stomach until he vomited blood. Yet, Suh claimed, it had been the psychological torture of being held in solitary for six months without access to family visitors, and not the physical abuse, that had driven him mad. After hearing Suh's testimony the appellate court confirmed the verdict but reduced his sentence to eight years.

#### ARBITRARY MANIPULATION OF THE JUDICIAL PROCESS

If such drastic methods have to be used to obtain evidence for formal legal proceedings, the pressure becomes enormous to distort those proceedings in order to prevent revelation of the methods of extracting the evidence as well as the dubious nature of the evidence itself. Thus the judicial process has inevitably become corrupted in various ways despite the continuing claim of regime spokesmen that "the independence of the judiciary is guaranteed by the Constitution, and is not subject to interference by anyone." The classic case was the 1974 conviction of 22 members of the so-called "People's Revolutionary Party" for allegedly having organized to overthrow the government and replace it with a regime sympathetic to North Korea. By universal—not merely Western—standards of fairness, the judicial process by which those defendants were tried can only be termed a farce.

The trial was held not before a regular court but before a military tribunal established by the 1974 emergency decrees. Hearings were closed, with only one member of each defendant's family allowed to attend. The "confessions" submitted as evidence were admitted even though they were extracted under hideous forms of torture. Moreover, 42 prosecution witnesses testified in the absence of defense lawyers, who were apparently under house arrest at the time. In any event the defense was not permitted to question prosecution witnesses and statements. No defense witnesses were allowed. Government-controlled media proclaimed the guilt of the accused before judgment was rendered. No foreign journalists were permitted at the trial because, according to the Prime Minister, "[t]here was too great a risk they might misunderstand and misrepresent what happened in court." In April 1975, after the Supreme Court upheld the eight death sentences and all but two of the prison sentences meted out below—but before the accused could exercise their rights to petition the Supreme Court for retrial and petition the President for mercy—the eight condemned to death were unlawfully hung, despite assurances from the Public Prosecutor's Department that no executions would take place until the accused had an opportunity to exhaust their rights.

The government cremated the bodies of a number of those executed, thereby preventing any examination for signs of physical torture. After a careful investigation that pieced together a coherent account of this case, Amnesty International concluded that the charges against the so-called PRP had been fabricated just as a 1964 prosecution of the same group had been.

Because of the outcry at home and abroad against these judicial murders—even the normally discreet U.S. Department of State protested—and because resort to courts-martial for punishing civilians is generally unattractive, military tribunals no longer en-

force Park's continuing rule by emergency decree. Yet the regular courts that have had to deal with subsequent political prosecutions have behaved in most irregular fashion. This was demonstrated by the trial of Kim Dae Jung and the 17 other prestigious leaders who on March 1, 1976, issued a declaration of national conscience calling upon President Park to resign and restore democratic government. The March 1 group was immediately proscribed for violating Emergency Decree No. 9, a Draconian catch-all that prohibits "disseminating falsehood," opposing the new Constitution that guarantees Park's one-man rule and publicly defaming "the emergency decree itself. The three levels of judicial proceedings that resulted in long prison sentences for the principal "offenders," and even longer deprivations of political and civil rights for virtually all, mocked minimal standards of fairness.

Although the accused and their families demanded an open and free trial, the admission of spectators was restricted to limited numbers of ticket-holding friends and relatives, and the trial was conducted in what the Washington Post reporter on the scene called "an atmosphere of intimidation and hostility." Since the defendants were charged with disseminating groundless rumors and misrepresenting facts, they sought to call a variety of witnesses to demonstrate the truth of what they had stated, but the court permitted merely three. The only defense witness allowed to testify in support of their statements on the economy was taken to the KCIA office prior to his court appearance, so that, by the time he testified, he had become a prosecution witness; this economist who had often criticized the regime's reliance upon foreign lenders and investors dropped his head and kept silent when questioned by the defense. Frustrated by the court's refusal to allow the testimony and documentary evidence they sought to introduce, defense attorneys walked out in protest. They were also outraged by the regime's refusal to allow them freely to confer with the dependents who were in detention.

The bizarre nature of the trial is best illustrated by the fact that the accused were not permitted to challenge the validity of the decree they were charged with violating because by its terms it had prohibited judicial scrutiny. Moreover, despite the fact that the prosecutors were permitted to quote passages from the March 1 declaration to support their case, the defendants were precluded from showing why those statements were accurate. Nevertheless, in the hope of giving the appearance of a fair trial, the defendants were allowed to deliver long orations, often including opinions that would bring arrest outside the courtroom, since the court was confident that the heavily censored news media would give the public no hint of the views expressed. "These aren't legal proceedings," one diplomat declared. "They remind you of showcase trials in Communist countries."

There was never any danger that the defendant's arguments might persuade the judges. Not only were they precluded by law from considering challenges to the emergency decree itself, but Park's "revitalizing reforms" have subjected the judiciary to a "reappointment" process that has screened out the less cooperative elements. Scores of judges have been purged, including nine of the ten Supreme Court judges who constituted the majority vote in a landmark decision rendered just before "revitalization" that aroused Park's ire. Thus one can well understand why the March 1 group called for the creation of a judiciary that is truly independent of the political authorities and capable of protecting the people against tyranny.

#### LEGAL SERVICES FOR THE ELDERLY AND POOR

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. MURPHY of New York. Mr. Speaker, the United Jewish Council of the East Side is an organization providing social services for the elderly and poor on the Lower East Side of Manhattan. The executive director of this council, Rabbi Joseph Langer, has been very active in securing improved legal services for the ethnic poor of the Lower East Side. Rabbi Langer recently appeared before the Board of Directors of the Legal Services Corporation to discuss the council's interest in this matter. I include his statement at this point which I commend to your reading:

#### LEGAL SERVICES FOR THE ELDERLY AND POOR

The United Jewish Council of the East Side, a coordinating body of forty-five neighborhood religious, secular, civic and fraternal organizations, has been serving as an advocate on behalf of the elderly and poor for almost a decade. The Council sponsors a variety of projects to assist Lower East Side residents, currently operating out of seven offices within the neighborhood. Similar Jewish Community Councils can be found in more than 20 neighborhoods throughout New York City and in most major metropolitan areas within the United States.

Many Jewish Community Councils were born as a result of feelings of systematic exclusion of the Jewish Poor and other ethnic poor from Office of Economic Opportunity (OEO) programs when they were initiated during the mid-sixties. A report by the New School for Social Research then estimated that 272,000 or 15.1% of the Jewish population of New York City fell below the poverty level. On the Lower East Side of Manhattan a study for the Brookdale Foundation indicated 26.5% of the Jewish population can be considered poor.

The Inspection Division of OEO and the New York Human Resources Administration Office of Review have confirmed the exclusion of the Jewish poor from New York City anti-poverty projects. Senator Daniel P. Moynihan has excellently documented this factor in his book *Maximum Feasible Misunderstanding* which I highly recommend. Since my time is limited to elaborate comprehensively on this topic, I will be glad to provide a copy of my paper *Anti-Poverty Efforts and the Ethnic Poor: A Decade of Exclusion* to the members of the Board of the Legal Services Corporation.

I am happy to report that during the last few years the City's Administration has made significant attempts to resolve the many issues that particularly affect the ethnic poor. In the forefront of this effort have been the members of New York City's Congressional delegation.

The Jewish Community has always been a strong supporter of the concept of free legal services to the poor. I would like to underscore and reaffirm our belief in the need for legal protection to all regardless of economic circumstances. Personally I am proud to have served on the Advisory Board to the Brooklyn C.A.L.S. office for the last three years.

To successfully provide legal services to all the poor I would like to offer some suggestions and comments from our experiences during this last decade.

#### OUTREACH

To successfully fulfill the mandate of service to the poor a neighborhood storefront cannot be opened with the expectation that all poor will immediately "break down the doors" seeking assistance and relief.

There are many barriers; age, handicaps, language, cultural isolation or tradition, fear and economics are just a few that prevent utilization of this service by all poor. This is an area neglected by some offices.

The delivery system established in each office should provide the mechanism to address these problems. There are many innovative approaches that result in success. They range from circuit riding—outposting staff in local institutions, i.e. senior centers, housing projects, clubs, schools—to door to door information outreach in certain specified residential sections of a neighborhood.

It can include speaking engagements by the managing attorney at locations where the poor congregate informing them of their legal rights—preferably in their own language—and describing the services the Local Legal Services office can provide. It may be necessary to deal with the entire framework of free service, which to many groups of poor smack of welfare and is frowned upon through a traditional cultural reluctance of taking "relief". A useful tool is the utilization of the ethnic media, press, radio, and television, to get this message across. Multi-language mailing is highly effective to target population groups. Lists are available through churches, senior centers, housing projects, clubs and local governmental agencies.

In New York City outreach is continuously waged by the Department for the Aging, in mandating that programs under Title III and VII of the Older Americans Act, have outreach components. Many of the techniques mentioned previously have successfully been adapted in Council projects aimed at reaching the isolated, homebound and non-English speaking.

Other governmental agencies—the Social Security Administration, Department of Social Services, to mention just a few—have initiated projects aimed at reaching this population.

Of course language proves to be the fundamental problem.

#### LANGUAGE

I am sure I do not have to elaborate on the problem of language in the delivery of legal services. Section 1006(b)(6) of the Legal Services Corporation Act states "In areas where significant numbers of eligible clients speak a language other than English as their principal language, the Corporation shall, to the extent feasible, provide that their principal language is used in the provision of legal assistance to such clients." I am afraid that some legal services projects, intentionally or unintentionally, are violating this part of the Act.

We find a lack of adequate Yiddish speaking personnel in legal services projects in New York City. This is true at all levels—attorney, clerical and social work.

In other areas of government there have been affirmative attempts to meet the need of the Yiddish speaking. As a result of Executive Order 11625 the Department of Commerce has effectively extended their services and those of the Office of Minority Business Enterprise to the Yiddish speaking. The Social Security Administration publishes Social Security, S.S.I. and Medicare informational pamphlets and forms in Yiddish. Department of Health, Education and Welfare Secretary Joseph Califano has directed HEW agencies to make efforts in this area. The Alcohol, Drug Abuse and Mental Health Administration Minority Advisory Committee has been asked by the Secretary to include the Yiddish speaking community in its deliberations.

New York State and City employ Yiddish as a language in hiring personnel for programs and composing documents and forms. The New York City Board of Education offers bi-lingual programs in its schools in Hebrew, Yiddish and Russian. Incidentally, the concentration of Soviet immigrants in New York has become overwhelming. They are unfor-

tunately a new large class of Jewish poor that must be assisted.

#### GROUP REPRESENTATION

Perhaps the most difficult question facing legal services projects is the representation of groups or classes of poor clients. This issue must be addressed by the Legal Services Corporation in the context of developing policy and adequate grievance procedure for when inter-group conflict arises. Compliance with Section 1607.3(a) of the Legal Services Act, providing integrated poor representation of Legal Services Project Boards, is one step to resolution of this issue.

We have witnessed legal services projects strongly emphasize community development; with the net result of the exclusive representation of one group, leading to conflict and the polarization of poor against poor. Hand in hand goes the role as "house counsel" to anti-poverty agencies. The goals of some of the agencies may be questionable.

As you are aware, community development is not primarily limited to appearance in the courts. It is the systematic representation at all levels of governmental agencies and elected officialdom. This means local school boards, community planning boards, hospital boards, mental health boards, poverty boards, health systems agency boards, and local housing projects boards. It means meeting with planners, developers, financiers, packagers, banks, private and non-profit housing companies.

One poor group will see the benefit of the utilization of urban renewal land for the development of much needed low income housing. Another may see it as a tool for economic development projects that translate in jobs for poor neighborhood residents. This group is not against housing for the poor. . . . It perceives the interests of the poor differently.

Exclusive representation can actually exclude a poor group from the entire system with no mechanism to legitimately represent its interests. Inter-group conflict intensifies polarizing poor against poor. A vehicle must be established to represent the poor denied counsel.

I appreciate this opportunity to present my views. I respectfully urge that the Corporation focus on these significant issues with corrective action wherever possible to be an immediate goal. Thank you.

### WHEN EVERY FARM HAD A HIRED MAN

#### HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 13, 1977

Mr. NOLAN. Mr. Speaker, for enjoyment and something light to think about, I direct the attention of my colleagues to the following article, which aptly describes what it was like "when every farm had a hired man."

#### WHEN EVERY FARM HAD A HIRED MAN

(By Dave Wood)

Strides in agricultural mechanization are sweeping a picturesque character from our midst. Time was when every one of our neighbors who farmed more than 80 acres and milked more than 15 Holsteins also fed and sheltered that wonder of rural wonders, a Hired Man.

Nowadays, with pipeline milking systems, self-propelled combines and tractor-powered augers that dig a post hole zip-zip, the hired man has been dumped on the garbage heap of progress, along with the sulky plow, the corn binder and the DeLaval cream separator.

But anyone who grew up on a farm in the '40s remembers the three basic types of hired men.

First, there was the Married Hired Man,

Edward. He and his wife Mathilda worked for the "well-fixed" farmer and lived with their kids in a rent-free bungalow down by the cow pasture. He got free milk from the milk house, free eggs from the hen house, a side of beef every year and \$50 to \$75 a month, whether he needed it or not. Edward lacked vision and the spirit of adventure—but he was "steady."

Then there was the Neighbor Boy Hired Man, Leroy. He came from a large family at the end of the coulee. He helped with chores morning and night during the winter and rode the bus to high school in town. In the summer, Leroy worked a 12-hour day, his pay went up, he bought an old Model A, hung a squirrel tail from its aerial and then rolled it over the first time he drove it to a Wednesday night dance. The following week, Leroy joined the U.S. Army.

And finally there was the Confirmed Bachelor Hired Man, Adolph. Adolph was Norwegian. And he was 54 years old. He'd sold his share of the home place to his married brother Norris years back. Although Norris had never bothered to pay him, Adolph was happy to have shucked off "awl dat ree-sponsability." Adolph wore long johns year 'round, smelled not unpleasantly of sweat and horse manure.

He said little to the farmer and nothing at all to his wife, managing a wisp of a grin if she served lutefish, gamme! ost or blood klub for supper. But he was good to their kids. He teased the little girl about "dat Nelson boy" across the road, and he taught the boy how to whittle.

Adolph built the straightest fence in the coulee. He knew more horse remedies than the veterinarian. He shocked a shock of oats that never fell down. He stacked straw at threshing time with the artistry of Peter Paul Rubens.

And he drank. Like a fish. On Saturday night, Adolph got his pay check and headed for town, on foot, and didn't return until the money was gone. Prof. Einar Johnson of Augsburg's Education Department well remembers his father's Adolph. Seems that Einar worked every Saturday with Adolph:

"Val, Einar, it's Saturday agin, kid."

"That's right, Adolph."

"Yah, it's Saturday. Ay gass ay gott go tew town tewnight an' get drunk. Dew-ay ever dread dat!"

And off he'd go to Alexandria, where the bartenders were waiting.

Curiously, the rigors of such a weekly ritual never seemed to take their toll on Adolph. "Goldarn, but that Adolph sure is a tough son-of-a-buck," said the townspeople as they watched Adolph stride back toward the farm on Monday morning, late for milking.

Recently, two farmer friends and I traded Adolph stories regarding his physical durability. Art Munson told us a story about an Adolph he'd hired back in the '40s.

"Damned if Adolph didn't go tew town diss vun weekend. He came back tew home on Sunday night, but he couldn't find da house. He got intew da silo rehum an' apparently taught it vuss hiss bedruehm. I gass he must haf laid down right in al da silage jewce. Becuss when vee found him on Monday morning, hiss hair vuss froze right tew da floor! Vee had tew pore hot vatter on hiss hair justt tew gat him lewce."

"My God, Art, did he die?"

"Die, Hell! Heece op at da old folk's home right now. Heece ninety-tree jeece old."

Our Adolph never got frozen to the silo-room floor, but he was usually late for Monday morning milking. And he didn't live to be 93. Just 81. When I read in the Whitehall Times last week that Adolph had "passed away at the home of his sister," I thought hard about Adolph, how he smelled, how he built fence, how he stacked straw, how he shoveled lutefish, and I went down into our south Minneapolis basement and got me a stick to whittle.