

EXTENSIONS OF REMARKS

TRIBUTE TO REV. HENRY CLINKSCALE OF YOUNGSTOWN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. CARNEY. Mr. Speaker, on Sunday, August 27, 1978, the Reverend Henry Clinkscale, Jr., pastor of Elizabeth Baptist Church, was honored at a testimonial dinner at the Mahoning Country Club in Girard, Ohio.

The benediction was given by the Reverend Willie Mitchell, associate pastor of Elizabeth Baptist Church. The principal speaker for the occasion was the Reverend Lonnie A. Simon, pastor of New Bethel Baptist Church. Reverend Simon praised Reverend Clinkscale for his many good works—both church and civic—and also for the outstanding leadership he has provided to the community.

A city of Youngstown proclamation was presented to Reverend Clinkscale by Mayor J. Phillip Richley, Second Ward Councilman Herman "Pete" Starks, and Mahoning County Commissioner Thomas Barrett. In addition, an Ohio Senate resolution was presented to Reverend Clinkscale by State Senator Harry Meshel. On behalf of his church members, Mrs. Ora Lee Brown presented Reverend Clinkscale with a monetary gift as a token of their high esteem and appreciation of his services.

Rev. Henry Clinkscale, Jr., the son of the late Henry and Mattie Clinkscale, was born in Youngstown, Ohio. He attended Covington School, Hayes Junior High School, South High School, International Correspondence School, Youngstown State University, Malone College in Canton, Ohio, and 4 years at the Central Bible College in Cleveland, Ohio. He also attended the Human Engineering Institute of Niles, Ohio, for 3 years. In addition, he received a certificate for completing the course in hydraulic maintenance, I and II, which was sponsored by the Commercial Shearing & Stamping Co., where he is employed.

He served as an ordained deacon of the New Bethel Baptist Church for 6 years and was called to preach in 1965. He was licensed to preach by the New Bethel Baptist Church, where the Reverend L. A. Simon is the pastor. He served as assistant pastor of the Antioch Baptist Church, where the Reverend Alfred Ward is the pastor.

Ordained in 1967, Reverend Clinkscale was called to pastor the Beulah Baptist Church, where he served for 2 years. In September 1969, he was called to pastor the Elizabeth Baptist Church.

Under his pastorage, the present edifice was purchased, the mortgage was burned, and two additional lots were purchased for parking. Membership has increased by approximately 300 people.

The Altar Guild and Junior Church are additional auxiliaries, as well as the newly organized Young Matrons Mission, and a minibus was purchased to transport members of the congregation.

Reverend Clinkscale is a member of Harvest Lodge Mason No. 26, the NAACP, the Urban League, the Baptist Ministers Alliance, and the Interdenominational Ministers Alliance.

He is married to the former Odessa Harris, and they have four daughters: Rose Clinkscale, Sandra Harden, Judith Paul of Youngstown, and Darnell Williams of Cleveland, Miss., and five grandsons.

Mr. Speaker, Reverend Clinkscale is a deeply religious man who has dedicated his life to serving God and his fellow man. Because of his work, the city of Youngstown is a better place to live. We are most fortunate to have him and his family as members of our community. It is fitting and proper that this testimonial dinner was held in his honor, and I take this opportunity to extend my sincere congratulations and best wishes to him. ●

DONALD G. WEINERT APPOINTED EXECUTIVE DIRECTOR OF NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. FISHER. Mr. Speaker, the board of directors of the National Society of Professional Engineers (NSPE), at its annual meeting in St. Louis July 22, appointed Donald G. Weinert, P.E., successor to Paul H. Robbins, P.E., as executive director of the 76,000-member organization. Robbins will retire in August 1979 after 32 years as executive director.

Weinert is a graduate of West Point with a Masters Degree in Civil Engineering from Purdue University. He is retiring from the Army Corps of Engineers after 26 years' service. While in the corps, he attained the rank of Brigadier General and has most recently served as a Special Assistant to the Chief of Engineers in Washington, D.C. Previously he has served as an engineer unit commander and staff officer and as a contract construction manager at locations in Europe, Korea, Vietnam, and the United States. A member of NSPE and the Society of American Military Engineers, Weinert is a registered professional engineer and has served on several NSPE committees.

A search committee under the chairmanship of NSPE past president Harry E. Bovay, Jr., P.E., chairman of Bovay Engineers, spent nearly 6 months

screening applicants and recommended Weinert for the position.

I am certain that my colleagues join me in wishing Mr. Weinert all the best in his new position. ●

CITY ACTIVIST ROSALIE N. DEITZ, LEADER IN HISTORIC PRESERVATION

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. THOMPSON. Mr. Speaker, my home city of Trenton, N.J., quite recently lost one of its most outstanding civic leaders with the death of Mrs. Rosalie N. Deitz. Mrs. Deitz did not hold an elective office in our city but her achievements in preserving Trenton's historic area around the statehouse will be remembered as long as the city endures.

Mrs. Deitz was an outstanding citizen whose regard and love for her community exemplified itself in her life. I have lost a personal friend and my city has lost one of its treasures. I commend to the House the following obituary from the Trenton Times:

[From the Trenton Times, Sept. 14, 1978]
CITY ACTIVIST ROSALIE N. DEITZ, LEADER IN

HISTORIC PRESERVATION

(By Robert Joffe)

Rosalie N. Deitz, one of Trenton's most effective community activists, died last night at Mercer Medical Center after a long illness. She was 68.

Orland's Memorial Chapel is in charge of arrangements, which were still incomplete this morning.

Neighbors and civic leaders say Mrs. Deitz deserves most of the credit for obtaining hundreds of thousands of government dollars for preserving and rehabilitating the historic area around the New Jersey State House.

The success of those efforts was celebrated only last Sunday in a "State Street Stroll," a block party featuring guided architectural walks, home tours, mini-parades with antique cars and square dancing.

But Mrs. Deitz, who had organized the event to show off the neighborhood, wasn't there. By that time she had sunk into a coma and it was obvious that death was near.

She also is credited with being a prime mover behind such things as the sweeping revision of the Trenton city charter, the establishment of golden-age groups in the city, the founding of a Trenton city museum and many other civic and philanthropic projects.

Mrs. Deitz ran for City Council in 1966 and later considered running for mayor, but she never was elected to public office. She worked full-time on various pet projects for two decades, but never received money for her work.

Yet, as a self-proclaimed "professional volunteer," she was a formidable political force. She did her homework, mobilized her charm, made her phone calls, showed up with supporters at public meetings, and

made eloquent presentations for her causes. Politicians found it difficult to turn her down.

"It was hard to say no to her because she was so sincere and so dedicated," said Senate President Joseph P. Merlino of Trenton.

"She had a genius for organization," said Trenton Mayor Arthur Holland. "She was one of Trenton's greatest resources."

In 1973, Mrs. Deitz held a meeting in her living room and spearheaded the formation of the State House Historic District Association, a group of landlords and tenants who wanted to improve the State House area. Under her leadership, the group accomplished the paperwork needed to have the district declared historically valuable by the city, the state and finally the National Register of Historic Landmarks.

Landmark designation cleared the way for grants and low-interest loans to rehabilitate buildings in the area, which has fine examples of Federal, Greek Revival and Beaux Arts architecture.

The Deitz home, one of the most remarkable of those buildings, has eight rooms furnished in authentic Victorian period pieces, with gas-light fixtures, a gazebo and a formal garden. Mrs. Deitz, who had an irreverent sense of humor, used to say the inspiration for her decorating ideas came from Gay Nineties San Francisco bordellos.

Perhaps because of this irreverence in the face of pomposity and conservatism, Mrs. Deitz had some political enemies. But her persistence in bringing about change also won her lasting friends.

She made a name for herself in city politics in the early 1960s as a League of Women Voters' activist pushing for the city charter changes that gave Trenton its present mayor-council form of government. It was during that period that she became a close associate of Holland and also of S. Howard Woodson.

Woodson is now president of the state Civil Service Commission and the highest-ranking black in state government. But in 1962, the year of the first election under the revised city charter, no black had ever been elected to citywide office in Trenton. He said he wouldn't have won a city council seat that year had it not been for "Rosalie's insistence on the creation of an interracial ticket."

According to Jeffrey Laurenti, a Merlino protege, Mrs. Deitz's friends in city government and the Legislature "gave her access to the governor and commissioners at the state level." She used those friends to promote the cause of historic preservation.

Woodson, who had gone from City Council to the state Assembly, and Merlino, who had gone from city attorney to the Assembly to the state Senate, both helped her obtain state landmark designation for the Kelsey Building, the 60-year-old structure at the corner of West State and Willow streets.

"The Kelsey Building became a kind of anchor for having the rest of the State House area designated an historic district," Laurenti recalled. "What is remarkable is that an entire area is being transformed as a result of the actions of a single woman. It was her persistence that set things in motion."

"Rosalie not only had ideas, she carried them out," said another friend, retired Judge Sidney Goldmann of the Appellate Division. He recalled Mrs. Deitz's leadership of the Trenton chapter of the National Council of Jewish Women, and the active role she played in the sisterhood of Har Sinai Temple. "She originated the golden-age group in the Jewish community, an idea that later spread to other groups in the city," he said.

Goldmann said Mrs. Deitz also was a founder of the Nearly New Thrift Shop, which raised money for several Jewish philanthropies.

Mrs. Deitz was ever the optimist when it came to the future of Trenton. She had said

of her efforts in the State House area, "We . . . created a neighborhood. People had not known each other. Now we had mutual self-help, cooperation with the police, and plans for outdoor lighting, parking, preserving facades and an off-street playground. We wanted to inspire other sections of Trenton to develop their latent possibilities.

"I do not think cities are dead," she continued. "And city living is a charmer. With no commuting we have lengthened the day. You lengthen your life. All of life is here in the city, so exciting—and so close." ●

BALANCE(S) OF POWER SERIES: BOOK IV(G)—MILITARIZATION OF SOVIET SOCIETY

HON. JOHN B. BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. BRECKINRIDGE. Mr. Speaker, since the expiration of the draft on June 30, 1973, the United States has been committed to the concept of an All-Volunteer Force (AVF). Despite initial success, however, the AVF remains the center of controversy. In general, debate has focused on four principal areas: First, whether the AVF can continue to attract sufficient numbers of young people; second, whether the AVF can attract the quality of personnel that can be both efficient and combat ready; third, whether the growing share of the defense budget allocated to manpower costs needed to implement the AVF could not be better invested in R. & D. as well as procurement; and, fourth, whether the AVF undermines a necessary public sense of duty to the country.

What has not received sufficient attention is the impact the AVF has had upon the Nation's mobilization capabilities in times of national emergency, its ability to fight a war, and its morale vis-a-vis national security issues.

This question is brought into better focus, perhaps, by recognizing the fact that, as the following article explains, the Soviet Union adopted over half a century ago the opposite policy of universal military training.

"Universal Military Training in the USSR" is an article by Harriet Fast Scott which describes in detail the steps taken in Russia today to maintain an omnipresent, broad-based, highly competent military structure. As the article indicates, universal military training not only affords the Soviet military machine a large manpower pool, but also creates a morale which lends broad national support to those measures the Soviet leadership finds necessary to the attainment of its strategic objectives.

The article, which first appeared in Air Force Magazine in March 1978, follows:

UNIVERSAL MILITARY TRAINING IN THE U.S.S.R.

(By Harriet Fast Scott)

Sometime this month, notices will appear all over the Soviet Union announcing the call-up of all males who will have turned eighteen by July 1. In September, the Defense Ministry will post another order calling

up those who will reach eighteen by January 1, 1979. This twice-annual call-up is part of the Soviet military conscription that has existed in one form or another during the Soviet Union's sixty-year existence.

The Soviet Armed Forces consist of a relatively small cadre of regular officers, warrant officers, and "extended-duty" soldiers and sergeants, along with a constantly changing force of several million young men in training.

The number of officers is estimated to be between 600,000 and 1,000,000. The number of warrant officers and extended-duty servicemen is between 250,000 and 400,000. This permanent cadre is responsible for maintaining a combat-ready military force, and at the same time for training "almost all" Soviet males—to use the late Marshal Grechko's expression—and then discharging them into the Reserves. The Party leadership has said that any future world war will likely be nuclear and will "demand multimillion-man armies." This demand can be met only through the mobilization of millions of trained men.

This year, in response to the Defense Minister's order, approximately 2,600,000 young men born in 1960 will report to the local military office, called the military commissariat (*voyenkom*). Half this number reports in April and May, and the rest in November and December.

They will be examined by a call-up commission headed by the local military commissar, with representatives from the local Party organization, trade unions, the militia, and medical agencies. The military commissariat will have all of the conscript's records, including education, preliminary military training, and any specialist training he might have been given after he first registered for military call-up at age seventeen.

The call-up commission assigns each man to a service, branch, or arm. Physical characteristics have some bearing on assignment. For example, to qualify for flying duties, the eighteen-year-old must be between five feet two inches and six feet tall, weigh less than 176 pounds, and have legs at least thirty inches long.

Of major importance to the individual at the time of call-up is the fact that the call-up commission also designates noncommissioned officer candidates. These candidates are sent directly to sergeants school for approximately six months of training. For the remainder of their eighteen months in service these young men will be in charge of other eighteen- and nineteen-year-olds—the bulk of the Soviet Armed Forces.

CHANGING PATTERNS OF CONSCRIPTION

Conscription for the Red Army was decreed May 29, 1918, but nationwide military obligation was not introduced until September 1925, after the military reforms. Military obligation for all males aged nineteen to forty consisted of two years of Beginning Military Training, followed by five years of active duty starting at age twenty-one. This training was based on a territorial militia system of intermittent service or cadre service mixed with long leaves of one to three years.

A new Law on Universal Military Obligation was adopted September 1, 1939, almost two years before Hitler invaded the Soviet Union. This law required an annual call-up in September and October of all nineteen-year-olds except those receiving secondary education. After World War II, compulsory military service was three years for the Air Forces, Ground Forces, Troops of National Air Defense, and Strategic Rocket Forces, and four years for the seagoing components of both the Navy and Border Guards.

In 1967, the Law on Universal Military Obligation was rewritten. The age of induction was lowered to eighteen for all males. Two call-ups each year replaced the single,

annual call-up. Service was set at two years and, for those serving at sea, three years. Initially, those with higher education had to serve only one year, but this was raised in 1977 to two years for those serving at sea and eighteen months for all others.

Even before World War II, the Soviet Union had a system of Beginning Military Training in which youths were taught basic military skills before entering the Armed Forces. To help compensate for the 1967 reduction in length of service, Beginning Military Training was made compulsory for all males on reaching age fifteen. This training is given in the ninth and tenth grades. Though given in the schools, the Defense Ministry is responsible for instruction. Much of the training is conducted by Reserve officers. For those not in school, military study centers are established at factories or at other places of work. Instruction also is given at specially equipped schools by DOSAAF, the Voluntary Society for Cooperation with the Army, Aviation, and Fleet.

Some youths are designated for specialist training when they register with the military commissariat at seventeen, one year before they are due to be called up to active military duty. This training is given at professional technical schools or by DOSAAF.

The 1967 law also set a time limit on deferments. Those who are ill, or who for family or compassionate reasons have their call-up deferred, are exempt on reaching age twenty-seven. Those who are deferred to continue their education are excused on reaching age twenty-seven. There are limited-service positions for those not physically fit for combat-type duty.

Up to fifteen percent of young Soviet men may be permanently excused for physical reasons. Another five percent may have invalid parents or other reasons for deferment, and never serve. In all, about twenty percent will be fully excused from military service. This means that every six months about 1,000,000 youths will be entering the Soviet Armed Forces, and approximately the same number will be discharged into the Reserves. In 1978, about 4,000,000 conscripts will be serving in the Soviet Armed Forces, which include the Border Guards of the KGB and the Internal Security Troops of the MVD, though the latter two are not under the Ministry of Defense.

Although the rigors of military life are many, the average Soviet citizen sees them as necessary to defend the country and complains very little. After all, he and his peers are all in the same boat.

THE CALL-UP CENTER

Soon after being reviewed by the call-up commission, those without deferments or physical disabilities are notified to report to a collection center. The "young soldier," as all conscripts are called until they formally take their oath, is now on active duty in the Armed Forces of the USSR.

At the collection center he is issued a uniform and boots, a set of underwear, a towel, a spoon, a mug, and toilet articles. These are kept in a small suitcase or bag, together with documents from the call-up commission. He gets a short haircut and turns in his civilian clothes, which are sent home for the duration.

The young soldier turns in his internal passport, if he has one, to the military commissariat and is issued a military card. (Present plans call for internal passports, without which most travel and permission to live in cities is impossible, to be given to all citizens by 1981.) At the collection center, the young soldier gets his first taste of active military duty. He wakes up on schedule, eats on schedule, and drills on schedule. He gets more medical examinations, shots, and lectures.

Soon travel groups are formed to take the young soldiers to their units. According to

Soviet accounts, the train platform overflows with local Party and city officials, parents, relatives, wives, and girl friends. The band plays loudly and off they go.

LIFE IN THE MILITARY

On reaching his military unit, the young soldier is assigned to a separate platoon where the fundamentals he has learned in Beginning Military Training are reviewed.

He is issued three uniforms (dress, service, field) and fatigues. The barracks where he will live has a large sleeping room, a room to shine shoes and press uniforms, and a shower and shaving room. Each conscript is given one large bar of household soap each month to use on his weekly visit to a communal steam bath—a Russian custom suited to the cold climate. Soldiers must wash their feet each night before going to bed.

Meals are served three times a day with the interval between meals not to exceed seven hours. The basic diet provides about 3,700 calories a day, and "norms" providing additional calories are calculated for abnormal environments and some kinds of work. Each serviceman is given the norm set for his type of work. Thus, those located at radar posts high in the mountains, or on flying crews, or in aviation ground crews of the engineer-technical service, get special high calorie diets, as do soldiers over six feet two inches tall.

There are forty different dietary norms operating today in the Soviet Armed Forces, according to the Chief of the Central Food Directorate. Each soldier's food allowance is given in carefully measured helpings; those entitled to higher caloric norms may have a fourth meal each day.

After several weeks, but no later than two months, the whole unit attends a ceremony where the young soldiers take the military oath of allegiance. This is done with great solemnity and is considered a holiday for the unit. Often a symbolic place is selected for the ceremony to make a lasting impression on the new privates: Red Square in Moscow or the battlefield memorial at Volgograd (Stalingrad).

The serviceman generally will spend his entire two years in the same unit. He will get no leave during this time, except for emergencies or as a reward for unusual achievement.

Candidates for sergeant attend a school that is run by the regiment. Specialists go to classes up to six months for additional training or are assigned to on-the-job training in the unit.

PAY AND BENEFITS

Young men leaving a job at a factory or a farm, or who are on a scholarship at school, are given two weeks of their civilian job pay as a bonus when they are called into service.

The monthly pay for privates, according to unofficial reports, is three rubles. Pay rates for the Soviet soldier and sergeant, however, are not published. Specialists get higher pay than others of the same rank. Additional pay also is given for exceptionally hard or dangerous work, including flying. Medical personnel get 15 percent higher pay. Soldiers and sergeants with second-class, first-class, or master's rating get extra pay as long as they hold a position for which that rating has been established. Bonuses, based on rank, are given at the end of service when servicemen are transferred into the Reserves. If the serviceman is returning to a distant area, the bonus is doubled.

If the conscript is married and has children, and his family lives in a city or town, his wife gets fifteen rubles a month for one child and twenty-two rubles for two or more children. A wife living in a rural area will get 7.5 rubles for one child and twelve rubles for two or more children. Wives of conscripts will be given special assistance in finding work, and places are provided in nurseries for children, if requested.

When released into the Reserves after two years, servicemen have certain privileges. Within one month they must be given jobs compatible with their specialty and experience. Those who were students have a right to return to the same course from which they were called. Servicemen have the right to keep their housing or position on the housing list while in service. Servicemen do not pay taxes, and they have free mailing privileges.

Servicemen are encouraged to offer suggestions for improving efficiency. Special commissions examine all suggestions and if accepted, make awards that can be large. A suggestion that results in a saving of more than 100,000 rubles a year can earn an award of as much as 5,000 rubles. There are lesser forms of encouragement and rewards such as citation at a parade, a two-day pass, or ten-day leave, or a decoration.

The backbone of Soviet military training is the proficiency rating for specialists. Third-, second-, and first-class ratings may be earned in that order by servicemen who are taking part directly in servicing armaments or military equipment, or training.

Soldiers who have finished either a course conducted by their unit or a school for specialists and who earn "good" or "excellent" scores on a test become third-class specialists. Those who receive a "satisfactory" score must get further on-the-job training. Some are given only on-the-job training and then take the examination. Their scores must be at least "good" to get a third-class rating.

Examinations are given at the end of the winter or summer study period. Those who pass are awarded certificates and badges. Those who fail to qualify may take the test again in five months.

Second-class, first-class, and master specialists must reconfirm ratings each year, higher ratings cannot be given in less than six months after the previous rating. Those who seek higher ratings must do well in both military and political training.

Commanders authorized to award ratings may also take them away for failure to take care of equipment or as punishment. Unsatisfactory ratings drop the specialist one grade. Tests to regain lost ratings may be taken after five months. All other things being equal, the serviceman with the higher class rating gets promoted first. For those who wish to enter officer commissioning schools, first-class and masters' ratings earn preferential treatment.

SOVIET DISCIPLINE

Discipline is very strict. For treason, i.e., acts resulting in damage to state independence, territorial integrity, or the military might of the USSR; defection; espionage; giving state or military secrets to foreign states; refusal to return from abroad; hostile acts against the USSR; and plots to seize power, punishment is ten to fifteen years' loss of freedom with confiscation of property and sometimes with exile from two to five years. The sentence for extreme acts of treason can be execution and confiscation of property.

For crimes against military order—insubordination, nonperformance of orders, AWOL, desertion, divulging military secrets—servicemen are punished according to military law. For instance, insubordination may be punished by one to five years' loss of freedom; group insubordination, three to ten years; insubordination in wartime or in combat, from five to ten years up to the death penalty. The penalty for AWOL in peacetime can range from three months' to two years' assignment to a disciplinary battalion. Time served in a disciplinary battalion does not count toward national service obligation.

REENLISTMENT POLICY

Several months before the end of his service obligation, the conscript may decide to stay on for additional duty. Certain positions can only be filled by extended-duty service-

men. Commanders encourage their best men to apply for these positions for two-, four-, or six-year enlistments. Reservists can also volunteer for active duty up to age thirty-five. Some specialist positions are handled by contract, usually for four years. These may be signed up for before the regular two-year service obligation is completed.

The regimental or equivalent level commander selects candidates for extended service. A board makes the final choice. Generally, men are expected to continue after reenlistment in the same unit.

On being accepted for extended service, privates are promoted to privates first class. Sergeants, who have held their rank for six months and whose position calls for higher rank, are also promoted.

Servicemen also may volunteer to become warrant officers. This rank was introduced in 1971 to replace extended servicemen. In 1973, the law was amended to include both extended servicemen and warrant officers. Candidates for warrant officer, if accepted, are sent to school for one or two years. Those with an equivalent civilian education in a military specialty may be given a warrant at once. The initial period of service for warrant officers is five years, with subsequent three- or five-year periods to age forty-five. A warrant officer can serve five additional years in special cases. Extended-duty servicemen can serve to age fifty.

Two years may seem a short time to produce a well-trained airman or soldier. However, pre-military training must be taken into account.

The Soviet citizen begins receiving military-related training from the age of seven, first as a member of the Octobrists, where patriotism and group discipline are taught, and later with the Pioneers, where instruction is given in rifle marksmanship and other military skills.

Nationwide military sports games are used to teach military skills to teenagers. The Zarnitsa games, for youths eleven to fifteen, include competitions in overcoming mock minefields and radioactive areas. The Orlenok games, for youths sixteen to eighteen, feature more advanced military exercises, including simulated nuclear attack drills.

Also, two years of Beginning Military Training is required of all boys in high school. For those who have dropped out of school, DOSAAF provides training in military and military-related skills.

Undoubtedly there are many weaknesses in the Soviet conscript military force. But as the Party leadership gives priority to research, development, and the production of weapon systems—such as the SS-20 and Backfire bomber—it gives equivalent attention to ensuring the combat readiness of its military personnel. The question is how effective—or ineffective—is the Soviet conscript force compared to the volunteer force of the United States. That is the context in which the vulnerabilities and strengths of the Soviet Armed Forces must be examined. ●

NOW, AN INTERNATIONAL
COMPANY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. VANDER JAGT. Mr. Speaker, I have the privilege of representing a city in Michigan that boasts an unemployment rate of less than 3 percent. In fact, the city of Holland, situated on the shores of beautiful Lake Michigan, is one

of the fastest growing, most productive cities in all of Michigan.

Among the leaders of the many energetic, innovative, and highly successful businesses operating in Holland is a family-started business (formerly known as Brooks Products), SquirtPak. Already the largest distributor of 7-Up in Michigan, SquirtPak is now international in scope. The "start-small-get-big-through-hard-work philosophy" of SquirtPak is best captured in the words of James Brooks, chairman of the board of the company. "Growth in business is not arbitrary," says Brooks. "It's mandatory." And for SquirtPak, that philosophy has produced a 25 percent compound growth rate.

Mr. Speaker, I submit for the record the following news article from a recent edition of "The Holland Sentinel" which explains the phenomenal and inspiring success of SquirtPak:

[From the Holland (Mich.) Sentinel, Aug. 21, 1978]

FROM BROOKS TO SQUIRTPAK: BIG CHANGES
FOR LOCAL BOTTLER

(By Bob Nledt)

"Bio-Label Lathiated Lemon-Lime Soda" How well does that go with a hamburger? Today that not-too-familiar product is the familiar 7-Up, and probably when any resident of Holland thinks of 7-Up (or Squirt, Hires Root Beer, Crush, etc.) they would think of their very own local bottler, SquirtPak, formerly Brooks Products, Inc.

And well they should. Brooks (SquirtPak) and Holland have had an interesting relationship. The company is another one of the area organizations which has grown up from a very small outfit to one of international recognition.

But success hasn't gone to the company's head. Although it's a company which has grown incredibly over the years, it still keeps that hometown Holland atmosphere, a cut above many organizations which could quickly become top heavy.

But to clear up any confusion the reader may be having, the record should first be set straight. Brooks Products, as it's been known to Hollanders for the past few decades, is now SquirtPak, one of the holdings of the multi-franchise holding company Squirt and Company, based in Holland.

The new name was announced in mid-July, after major re-structuring of Brooks Products, Inc., as a result of the purchase of The Squirt Company in Sherman Oaks, Calif. in 1977.

At the reigns of Squirt and Company is James F. Brooks, son of the founder of Brooks Products, Inc., Phillip Brooks.

James Brooks is the Chairman of the Board, President and Chief Executive Officer of the company, which own SquirtPak, SquirtFruit (the citrus processing and laboratory operation for Squirt, based in Glendale Ariz.), SquirtCo. (the new name for The Squirt Company which is the national Squirt franchiser, also based in Sherman Oaks) and a new SquirtCo subsidiary, Squirt International, Sherman Oaks, which will help develop and broaden distribution of Squirt on a domestic and international level.

SquirtCo also has an affiliate in Mexico, Refre-Mex, which markets Squirt, the leading carbonated soft drink in that country.

James Brooks, the head of SquirtCo, was asked why he decided to change the name of the company to SquirtCo instead of keeping his name at the top of the entire corporation.

"That's a natural question," said Brooks, "but the answer is really very simple: outside of the Holland area, who ever heard of

Brooks? If one of our company representatives walked into a meeting in another state and said 'I'm from Brooks' they'd probably say 'Who?' But if he said 'I'm from SquirtPak,' that's a little more well known."

The restructuring of Brooks Products had been in the process for a while, especially after the acquisition of The Squirt Company. Brooks and other management personnel felt that it was necessary to unify the multiple beverage operations owned by Brooks Products under one name. It was a matter of bringing together the marketing, manufacturing, franchising and citrus technologies together into one company and under one parent name.

Brooks felt that it was necessary for people to become more aware of the company throughout the country, and to begin expanding into new national and international markets.

It was Walter Landor Associates, the internationally known and respected corporate design consultants, who studied the holding of Brooks Products and came up with the idea of putting Squirt at the head of each of the operational units of the company.

Walter Landor Associates, according to Brooks, have been responsible for corporate identity campaigns for the Bank of America, Marlboro cigarettes, Wells Fargo Banks and Miller Lite Beer. Their creativeness and international reputation persuaded Brooks to go to them.

"Their firm operates out of a ferryboat docked in San Francisco," said Brooks. "It's the same ferryboat which used to ply the waters of the San Francisco Bay before the Golden Gate bridge. That ferryboat is just the right atmosphere for creative people to work in. I thought that was interesting—and innovative, and for that and various other reasons we decided to retain them to come up with a corporate design for us."

Although the company is no longer Brooks Products, Inc., it still is a family operation, privately owned by the Brooks.

And the humble beginnings (if a cliché can be forgiven) started out right here in Holland in 1934.

It was in that year that Phillip Brooks was granted a franchise license to bottle 7-Up in Western Michigan. He had observed how well the new soft drink had been doing in Portsmouth, Ohio, when he decided to try his hand at bottling the lemon-lime drink known as "Bio-Label Lathiated Lemon-Lime Soda."

Brooks wanted a Michigan license for the new soft drink, and after receiving it, he bottled the drink through the Underwood Bottling Co. Family members, including young James, would help him by putting paper labels on the bottles with a paintbrush, one at a time, in the basement of their home.

For ten cents a case Brooks would get bottles from the Berghoff Bottle Co., and when the mix was bottled, Brooks would then deliver the product during the day from the back seat of a 1929 Buick sedan, which had the back seat removed in order to accommodate the cases of 7-Up.

Brooks lost \$600 in his first year of operation, and in the second year made \$600. Profits, as can be seen, were not too high. In fact there wasn't any.

So Brooks sold the business for \$400. One year after that, after some persuasion from the man he sold it to, Brooks bought the business back and acquired property on River Ave. (which is still being used as a bottling plant).

By 1937, Brooks felt that he could bottle the drink better himself, so he borrowed the money to buy some used washers and fillers. Prior to this time he had been renting out the Grand Rapids Bottling Company facility at night to bottle the mix. Ironically, Brooks bought out the Grand Rapids Bottling Company years later, and members of that com-

pany who helped him out are still with SquirtPak.

World War II saw hard times for Brooks Products, especially when sugar rationing came along. This meant that they had to cut their volume by 50 percent of what they could produce.

James Brooks joined his father in the family business in 1945, after serving with the armed forces during the war. Going into the family business isn't exactly what James had in mind.

"I was going to be a doctor," said Brooks, "everyone in my family was all for it. But when I got out of the army and went back to the University of Michigan, I saw how many more years I would be in school. It was then that I decided to go into the business."

The company became incorporated in 1953, with James Brooks the President and his father, Phillip, became Chairman of the Board and Treasurer. Business was growing incredibly, and plant additions were tacked on.

Expansion was needed, and the company bought land on 32nd St. near U.S. 31 in the Industrial Park. Plans for the new facility were carefully laid out with the thought of expansion always in mind.

Because of the versatility and features of the new plant, Brooks Products and the 7-Up Bottling Company of Northern Michigan in Cadillac consolidated in 1967. Brooks territory increased from 19 counties to all of Western Michigan. It now encompasses 58 counties for distribution of 7-Up, the largest in Michigan.

Other franchises were acquired by 1968. The Grand Rapids Bottling Company, which at one time rented its facilities to Brooks at night, was bought out by Brooks Products, Inc., bringing with them the franchise rights to Hires Root Beer, Dr. Pepper and the Royal Blend Sun-Glo soft drink line, which was later shortened to Sun-Glo beverages.

Sun-Glo, as a point of interest, is marketed not only in the Western Michigan area, but five other states as well.

In 1969, Vernors Bottling Company of Southwestern Michigan became a part of Brooks, bringing in the unusual taste of Vernors along with Orange Crush.

When Brooks built the 105,000 sq. ft. facility in the Industrial Park near 32nd St., growth was anticipated. In 1977 an 87,500 sq. ft. addition was tacked onto the plant, and even that space was quickly filled.

The year 1977 also brought the acquisition of the Squirt Company, making it a subsidiary of Brooks Products. Growth of Squirt as a popular soft drink is now expected to accelerate even faster. There are plans to build a much stronger operating base for Squirt by adding more funds to expand Squirt staffing, advertising and marketing.

There's a lot of excitement at SquirtPak in Holland over the growth of Brooks, especially at the management level. Talking with James Brooks, one can see that he's done his homework thoroughly when it comes to Squirt—and grapefruits.

"We let nothing go to waste with our grapefruits," he beamed. "We are the largest grapefruit processor in Arizona. And do you know what we do with our grapefruit rinds when we're finished with them? They're used to make cattle food. Can you believe that?"

James Brooks has a good feeling about the change, as he sees that this brings a decentralized decision management to SquirtPak.

No longer are all the important decisions made by one person or the top level. Many important decisions, according to Brooks, are made at the lowest level of management, and accountability and responsibility for those decisions is adhered to by the decision-maker.

Adds Brooks: "This creates involvement and commitment on the part of more people. We needed this formal plant to pull through this planning management."

Right now SquirtPak is getting ready to gear up for the returnable bottles, which becomes mandatory in Michigan Dec. 3. Non-returnable bottles and cans will become a thing of the past.

Brooks was not happy about this decision by the voters to dump non-returnable bottles. "I don't think they know what they're getting themselves into," he says.

"It cost us a lot of money to change over our facilities recently. And it's going to cost a lot to maintain non-returnable bottles in the future. I don't think the consumer realizes that the cost of the changeover and maintaining of the returnable bottles is going to be borne by them."

But SquirtPak is ready for the change, which isn't so unusual. The company has always been known for its innovations in the soft drink industry, and more likely than not will have some new concept in returnable soft drink containers or packaging in the works.

"We have to be innovative," says Brooks. "Growth in business is not arbitrary . . . it's mandatory."

"Right now we have to know where we are before we worry about anything else. It's like Roger Bannister (the runner) running the four-minute mile. He knows that he has to run that first half in two minutes . . . down to knowing how far he must be in the first thirty seconds . . . Let's not worry about anything except the first 30 seconds."

"That kind of thinking has enabled us to have a 25 percent compound growth rate." ●

TRIBUTE TO MR. LEHMAN W. TOMLIN OF YOUNGSTOWN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. CARNEY. Mr. Speaker, on Friday, September 1, 1978, a testimonial dinner was held for Mr. Lehman W. Tomlin of Youngstown, Ohio. Mr. Tomlin was honored by the Clarence Robinson Center's advisory board in appreciation of his many years of service to the community.

Lehman Tomlin attended Youngstown public schools, where he graduated in the top 10 percent of his class. While a student at South High School, he was an all-city halfback, all-county for 2 years, and captain of the varsity track team. He attended Wilberforce University for 2 years on an athletic scholarship and played football. He continued his education at Youngstown State University, and also took special courses there in social services and recreation.

He went to work at the old Haselton Center in charge of boys' programs; he coached teams in basketball and football, running leagues and ping-pong tournaments. For 10 years, he served as a playground director for the Youngstown Parks and Recreation Department. From 1941 to 1948, he was in charge of athletics at Youngstown Sheet & Tube Co., and he is credited with organizing the athletic program at the Buckeye Elks, as well as initiating numerous other programs.

Mr. Tomlin began working with the associated neighborhood center programs in 1967 on a part-time basis. He served on the associated neighborhood center board for 7 years. In 1970, he re-

signed as first vice president of the associated neighborhood center board to become director of the Clarence Robinson Center. In March of this year, he retired and was honored by the council and administration of the city of Youngstown for his dedicated service to the community.

Mr. Tomlin and his wife, Katherine, reside on Glenaven Avenue; they are the parents of two sons and two daughters.

Mr. Speaker, Lehman Tomlin has given unselfishly of his time and energy in behalf of the youth of the city of Youngstown. His guidance and counsel have helped many boys and girls become responsible adults and good citizens. Accordingly, I want to take this opportunity to commend him for the great contribution he has made to the well-being of our community. I wish him good health and happiness in his retirement.

RENT AND REAL PROPERTY TAX RELIEF FOR THE ELDERLY

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. FISHER. Mr. Speaker, the following resolution was adopted by the American Federation of Government Employees recently at their 26th Biennial Convention in Chicago.

While the resolution does not necessarily represent my views on the subject, I thought it would be of interest to my colleagues:

RESOLUTION: RENT AND REAL PROPERTY TAX RELIEF FOR THE ELDERLY

Whereas, the elderly poor are being burdened with higher rents and higher real property taxes caused by the needs of state and local governments to raise revenues; and

Whereas Resolution No. 202, incorporating the above, was approved at the 23rd National Convention of AFGE in 1972 at Hollywood, Florida; and

Whereas, Senate Bill S. 1255 was introduced in the 93rd Congress, 1st Session, on March 15, 1975, by United States Senators Muskie, Percy, Mathias, Bayh, Humphrey, Metcalf, Ribicoff and Tunney to provide for a program of assistance to State and local governments in reforming their real property tax laws, as well as to provide rent and real property tax relief for low-income individuals including, but not limited to, the elderly, i.e., the needy and the disabled; and

Whereas, Senate Bill S. 1255 was defeated in a meeting of the Senate Committee on Government Operations; and

Whereas, the American Federation of Government Employees, affiliated with the AFL-CIO, adopted a similar resolution No. 414D at its 25th Biennial Convention in Las Vegas, Nevada, on September 24, 1976; and

Whereas, the American Association of Retired Persons at their 10th Biennial Convention in Chicago, Illinois, on May 1-4, 1978, adopted a similar resolution; and

Be it therefore resolved that this convention go on record that the AFGE will urge the AFL-CIO to petition Congress in its next session to enact legislation by the re-introduction of the earlier Senate Bill S. 1255 in both the Senate and the House of Representatives as an opening bill and that the AFL-CIO will actively seek passage of the

re-introduced bill so as to accomplish real property tax relief and rent relief for low income individuals, including but not limited to, the elderly poor; and

Be it further resolved that copies of this resolution be sent to Senators Muskie, Percy, Mathias, Bayh, Humphrey, Metcalf, Ribicoff and Hayakawa, Byrd (Va.), Scott (Va.) and to their counterparts in the House of Representatives.

Date: June 8, 1978.

KENNETH E. DUNLAP. ●

PROPOSED SAFE DRINKING WATER
REGULATIONS FOR ORGANIC
SUBSTANCES

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. ROGERS. Mr. Speaker, on September 25, the Subcommittee on Health and the Environment will be holding oversight hearings on the Safe Drinking Water Act. At that time, the subcommittee plans to go into some depth on the proposed regulations for removing known and suspected cancer-causing organic contaminants from drinking water supplies.

As my colleagues will recall, this matter was given some attention during consideration of the fiscal year 1979 HUD-independent agencies appropriations bill, H.R. 12936. I commend the Committee on Appropriations for its handling of very difficult issues and problems in that bill.

I particularly want to express my appreciation to subcommittee chairman BOLAND and to the able members of the subcommittee and its staff, for their assistance on the portion of the bill relating to funding of transportation and air quality planning. I know that it is difficult to resolve competing claims for scarce funding. While I personally favored a more substantial appropriation for this purpose, I think the subcommittee and committee made a creditable and fair effort to meet the need in this important area.

There is one aspect of the committee report that I found quite troubling, however. And I call it to my colleague's attention in order to make clear that there are a substantial number in Congress who cannot now agree with some of the conclusions stated in the committee report. The aspect of the report that I find so troubling is on page 25 and relates to the proposed regulations on organics.

I am troubled by this language in the report for several reasons. First, the report language refers to a proposed rule not a final rule. I believe it is premature for Congress to reach conclusions on these difficult health, economic, and technological issues before the record of the rulemaking process is closed. In my view the administrative agency charged with implementing the law should be given the opportunity to reach its final judgment. Congress should have the whole record in front of it before Congress reaches any conclusions on the feasibility of, and necessity for, the rule.

Second, the committee report language is not based on oversight hearings on this

issue. Neither the public, nor the Agency had an opportunity to present its views on the proposed rule to the Appropriations Committee. For the record, I would like to submit a copy of the Agency's response to my questions on the proposed rule.

In submitting this information from EPA for the record, I do not mean to imply that I necessarily agree or disagree with the tentative judgments of EPA or the other parties in this dispute. As I have mentioned, the Subcommittee on Health and the Environment will be holding oversight hearings on the Safe Drinking Water Act and the organics problem September 25.

After that a more complete basis for evaluation may be possible. In the meantime I introduce this response by the Agency merely to show that there are two sides to this question and to request my colleagues to reserve judgment pending completion of an orderly rule-making and oversight process.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Washington, D.C., June 14, 1978.

HON. PAUL G. ROGERS,
House of Representatives,
Washington, D.C.

DEAR MR. ROGERS: This letter is in response to your inquiry on the status of the Proposed Amendments to the National Interim Primary Drinking Water Regulations. The proposal was published in the Federal Register on February 9, 1978, and consists essentially of two separate parts: (1) a maximum contaminant level for trihalomethanes of 0.10 milligrams per liter (100 micrograms per liter); and (2) Granular Activated Carbon (GAC) or its equivalent would be used to control pollution-related synthetic organic chemicals in those communities using significantly contaminated sources. A detailed synopsis of the regulations is included as Attachment A.

To date, seven public hearings have been held; the final hearing is scheduled in Washington on July 11 and 12. The public comment period has been extended through July 31, 1978, a total of six months. More than 300 additional comments have been received, as well as more than 180 congressional inquiries.

A very large portion of the comments received so far were generated by the strongly negative position taken by the American Water Works Association.

INDUSTRY COMMENTS RECEIVED

The comments received from the water utility industry have been generally negative. The most frequent concerns voiced, and our response, are listed below:

1. The health effects of organics in drinking water are small or non-existent, so action is not justified at this time.

Comment: EPA's regulations are based on the judgment that any human exposure to chemicals which cause cancer in laboratory animals presents some risks and should be reduced to the extent that it is feasible and the cost reasonable. This judgment has underlain all regulatory actions concerning carcinogens over the last decade. It is the course of action recommended by the NAS and has been endorsed by Dr. Arthur C. Upton, Director of the National Cancer Institute and Dr. David P. Rall, Director of the National Institute of Environmental Health Sciences (Attachments B and C). The AWWA has repeatedly misinterpreted the NAS Report "Drinking Water and Health" as recommending against establishment of an MCL for trihalomethanes, in spite of the clear statement that "strict criteria" should be applied for chloroform (p. 717). AWWA comments have

focused on the need for more research contained in the NAS Report.

2. GAC treatment is new and unproven.

Comment: GAC treatment has been used (without frequent regeneration) in over 40 water utilities in this country for taste and odor control. It has been used, with frequent regeneration, for the last 10-15 years in Europe. It has also been used extensively with potable water in the beverage industry, in sugar refining and other food purification applications, as well as in municipal and industrial waste treatment. While the use of GAC, as proposed in the regulations, is not now current practice for U.S. utilities, it is not a new and unproven technology.

3. The costs of GAC treatment are exorbitant.

Comment: EPA's initial estimate of the costs of GAC were in the range of \$6-\$10 per family per year, which seemed to us to be a reasonable cost. Following industry claims of costs 6-10 times larger than the Agency's estimates, we asked our consultants to contact those water utilities that had made independent estimates to try to reconcile the differences. Numerous meetings with officials of these utilities have been held and detailed analyses are being conducted. While this work is just being concluded, the results so far indicate that our original estimate of an average cost of \$6-\$10 per family, per year was low and should probably be increased to perhaps \$8-\$13 per family per year—still on the order of a penny per person per day. This is far short of the large increases suggested by many utilities.

4. GAC can itself produce adverse health impacts.

Comment: None of the suggested adverse effects of GAC appear to warrant serious concern. Small amounts of heavy metals are contained in GAC and some might leach out into the water, but both laboratory measurement and worst case theoretical calculations show that the amounts would be orders of magnitude below levels allowed under the drinking water standards. Certain types of bacteria can grow on activated carbon, but there is no evidence of disease-producing organisms; in any case, the bacteria are easily controlled by normal disinfection practices. Some of the organic chemicals removed from the water might "desorb" slowly back into the water under certain conditions, but this is minimized by frequent regeneration. No one can seriously argue that GAC would not successfully remove most of the organics in the water.

5. GAC regeneration is energy-intensive and produces air pollution.

Comment: The total energy impact of the proposed regulations would be less than 1,400 barrels of oil per day; this is less than 0.01 percent of the Nation's daily oil consumption. While it will no doubt be a considerable increase in the energy consumption of the water utilities, it is negligible in relation to the national energy problem. With respect to air pollution, the regeneration furnaces would be equipped with pollution control devices which enable them to satisfy all air pollution requirements. Even the largest installations would have emissions so small they would not be covered by the "non-attainment" and "prevention of significant deterioration" offsets under the Clean Air Act.

EPA is currently putting together a White Paper on the above issues which we plan to release for public comment through the Federal Register. In this way, we hope to demonstrate our responsiveness to comments and our desire to overcome the tone of confrontation which has characterized much of the public comment period thus far.

We believe the public interest will be best served if the remainder of the public comment period is a time for thoughtful comments on feasible regulatory steps which

can be taken to begin to reduce harmful organic contaminants in drinking water. We believe that action in this area is necessary and hope that the final public comment record will provide us with reactions to the specifics contained in the proposed regulations as well as alternative approaches which should be considered.

Sincerely yours,

THOMAS C. JORLING,
Assistant Administrator.●

IMPROVING THE QUALITY OF LAW ENFORCEMENT

Hon. John E. (Jack) Cunningham

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. CUNNINGHAM. Mr. Speaker, recently I was privileged to have as a member of my staff Mr. Jim Lundin, a detective in the Seattle Police Department. Jim is also a member of the board of directors of the Seattle Police Officers Guild.

I submit for my colleagues the comments of Mr. Lundin on the issue of a bill of rights for public safety officers. Two bills have been introduced in the 95th Congress: H.R. 181 by Mr. BIAGGI of New York and H.R. 6716 by Mr. ANNUNZIO of Illinois. Both of these bills go considerably beyond the scope of the present bill of rights which is an integral part of the agreement between the city of Seattle and its police.

It is time, Mr. Speaker, to realize that public safety officers need the protection afforded in such agreements as those mentioned in Mr. Lundin's article. I thank Jim Lundin for giving me the opportunity to learn from him, and I recommend to my colleagues his thoughts on this important issue.

The article follows:

POLICE OFFICERS NEED A BILL OF RIGHTS

(By Jim Lundin)

Sometimes I wonder just how many of us have entertained the thought, at one time or another, of becoming a police officer. I will concede that for the majority of us, it was probably when we were seven or eight years old, but still there is something about being a police officer or a fireman that generates in each of us a feeling of adventure.

After nearly nine years with the Seattle police department, I have had the fortune or misfortune to witness first hand more segments of life than the majority of people will ever see in a lifetime. There is certainly adventure in being a policeman.

I am more fortunate than many of my brother officers throughout the Nation, for the Seattle police department is one of the most advanced law enforcement agencies in the United States. This was confirmed recently when I served as a delegate from the Seattle Police Officers Guild to the International Conference of Police Associations in Washington, D.C. I heard first hand from officers across the Nation who work for departments that are many years behind Seattle. With the exception of New York, Detroit, and California, police departments are in desperate need of revitalization to incorporate basic rights and benefits so important to the true professionalism of American police officers as fundamental rights.

Among the basic rights is the right to bargain collectively with the right of bind-

ing arbitration in lieu of striking, when an impasse occurs. In my mind, such a right would make city administrations more responsive to the needs and ideals of officers, and officers would feel more a part of the system which they serve.

Being a police officer is adventurous. At times it is downright hazardous. Occasionally incidents occur which involve the investigation of an officer by his fellow officers in the department. Such internal investigations are governed by tight rules in Seattle. However, officers in other regions of the country do not always have such protection.

These internal investigations often deprive officers of their basic legal rights. Officers are expected by some to be super humans. Most people only encounter policemen when they are involved in minor traffic infractions. Internal investigations often occur following a serious incident and the filing of a citizen or department complaint.

The premise of a police officer's Bill of Rights is that since the wide ranging powers and duties given to police officers can involve them in all manner of contacts and relationships with the public, it is therefore inevitable that questions will be asked concerning the actions of a given police officer. These questions often require swift investigation by the officer's superiors. The police officer's Bill of Rights is what I consider an effort to insure that the investigations conducted on the behalf of the complainant will be done in a manner which is conducive to good order, discipline, and respect for the police officer.

In Seattle, the following six articles are from the agreement between the Seattle Police Officers Guild and the city of Seattle. They appear to be very basic, yet these rights are denied to officers in many jurisdictions:

(1) The police officer shall be informed in writing if he so desires of the nature of the investigation and whether he is a witness or a suspect before any interrogation commences, including the name, address, and other information necessary to reasonably apprise him of the allegations of such complaint.

(2) Any interrogation of a police officer shall be at a reasonable hour, preferably when the officer is on duty unless the exigencies of an investigation dictate otherwise. Where practicable, interrogations shall be scheduled in the daytime.

(3) The interrogation (which shall not violate the officers constitutional rights) shall take place at a police station facility, except when impractical. The officer shall be afforded an opportunity and facilities to contact and consult privately with an attorney of his own choosing and/or a representative of his police bargaining, benevolent organization, or Guild who may be present during the interrogation, but not participate in the interrogation except to counsel the officer.

(4) The questioning shall not be overly long and the officer shall be entitled to such reasonable intermissions as he shall request for personal necessities, meals, telephone calls, and rest periods.

(5) The police officer shall not be subjected to any offensive language, nor shall he be threatened with dismissal, transfer, or other disciplinary punishment as a guise to attempt to obtain his resignation, nor shall he be intimidated in any other manner. No promises or rewards shall be made as an inducement to answer questions.

(6) It shall be unlawful for any person, firm, or corporation of the local, state, its political subdivisions or municipal corporations, to require any police officer to take or be subjected to any lie detector or similar tests as a condition of continued employment.

The Bill of Rights currently in force in Seattle says a lot, but is it any more than you as a non-police officer would expect of your profession? Due process is long overdue

in the contractual rights of police officers. Police organizations with such contractual rights are all too few. It is time for localities, states, and possibly federal action to insure the basic rights of law enforcement officers throughout the Nation.●

THE CONGRESSIONAL RESEARCH SERVICE LOOKS AT AIRBUS INDUSTRY

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. HANNAFORD. Mr. Speaker, the sale of 23 A300 aircraft by Airbus Industrie to Eastern Airlines earlier this year raised several questions about the fairness of financing terms offered by the European consortium. My inquiries into the matter at that time raised even more fundamental questions about the nature of Airbus Industrie itself. Thus, I requested the Congressional Research Service (CRS) to investigate and analyze the corporate structure of Airbus Industrie in an attempt to clarify our understanding of it.

The CRS analysis, which I am inserting below, points out several areas where Airbus is definitely not a private corporation. I am convinced that it cannot be put into the same class as either our private aircraft manufacturers or the national aircraft manufacturers of Great Britain or France. Not only does it incorporate the advantages of participation by the national manufacturers (for example, Aerospatiale), it apparently enjoys indirect loans from the treasuries of the participating European governments (passed through private banks of the participating countries), direct loan guarantees from several European national governments, and advance orders for aircraft from several national airlines (that is, Air France, Lufthansa, and Iberia Airlines). Other than the \$250 million loan guarantee that our Government extended to Lockheed several years ago, and which was terminated last year, our private aircraft manufacturers receive none of these advantages.

Airbus Industrie is perhaps a prototype of the kind of multinational, government-subsidized corporation of which we may see more and more as the European community welds itself together into a supranational entity. All protectionist rhetoric aside, we should begin now to consider how our traditional concepts of free enterprise will have to evolve to meet this challenge.

THE LIBRARY OF CONGRESS,
Washington, D.C., September 1, 1978.

To: The Honorable Mark W. Hannaford
Attention: Michael Lovendusky
From: Economics Division

Subject: Information on Airbus Industrie
This is in response to your request for information on Airbus Industrie. I am enclosing a pamphlet on Airbus Industrie that I received from the company which provides information on the structure and operations of this aircraft manufacturing consortium.

Major partners to Airbus Industrie represent three countries: France, Germany, and Spain. One of the major partners in Airbus

Industrie is Aerospatiale, the French national aerospace firm. Aerospatiale produces 36.1 percent of the components for the A300 aircraft. Another important partner is Deutsche Airbus which is a joint venture of two privately owned German firms—Messerschmitt-Bolkow-Blohm and Vereinigte Flugzeug Werke-Fokker. This venture's share of the production is also 36.1 percent. The third member is a privately owned Spanish company, Construcciones Aeronauticas S.A. (CASA). CASA's production share is 4.2 percent. In addition to these member companies the consortium also includes two associates: Hawker Siddeley, a national English firm, that has a production share of 17 percent; and a privately owned Dutch firm, Fokker VFW, that has a 6.6 percent share.

The banks of the member countries finance each partner's contributions to A300 production. They also provide credit insurance and sales financing to customers. According to this pamphlet, the governments of the various countries mentioned act as bankers to the A300 program and do not get involved in detailed technical and commercial matters. Production of the A300 is backed by French and German government guarantees which insure that adequate funds are made available through normal commercial channels.

Unlike the Airbus consortium arrangement which involves considerable government support, U.S. aircraft producers operate with much less government involvement. Generally, the structure of the domestic aircraft industry promotes competition among individual producers as opposed to a consortium type arrangement like Airbus. Domestic manufacturers in the United States ordinarily develop specification for new aircraft through consultation with carriers that expect to be in the market. However, the carriers are not obligated to buy the aircraft.

Many of the domestic airlines use financing similar to the equipment trusts employed by the railroads; that is, title is held by a lessor, who will often mortgage the equipment as much as possible and then lease it to the air carrier. In this way the lessor receives the benefit of depreciation, and when applicable, the investment tax credit, both of which can be applied to reduce his liability on other income. This kind of financing is especially attractive to carriers that might encounter problems in financing the purchasing of equipment themselves.

The kind of subsidy that the United States government has provided our aircraft manufacturers has, with few exceptions, been indirect. The most important has been the technology, labor force and physical facilities that have evolved from the development and production of aircraft for military purposes since World War II.

Loan guarantee programs all embody elements of a subsidy. The amount of the subsidy represented by a loan guarantee is a function of the degree of risk of the project and the financial soundness of the borrower. The riskier the project or the riskier the borrower, the greater the subsidy.

The best known direct subsidy to a U.S. aircraft manufacturer was the \$250 million government loan guarantee extended to Lockheed in 1971. Loans provided by the Export-Import Bank are another form of government subsidy. These loans assist in the sales of U.S. commercial aircraft to foreign nations. By providing loans to finance exports of commercial aircraft, the Bank has made it possible for foreign carriers to obtain U.S. produced aircraft at reduced cost. The activity of the Export-Import Bank in this area is covered in the report, *The Importance of the Eximbank to the U.S. and Its Airplane Industry*, which I sent you earlier.

GWENELL BASS,
Analyst in Industrial Organization,
and Corporate Finance. ●

RESOURCES, CLIMATE AND EXTINCTION

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. RYAN. Mr. Speaker, I would like to bring to the attention of my colleagues articles appearing in the Los Angeles Times and a short article appearing in the September 18, 1978, edition of Time. The September 9 article by Sandra Blakeslee and the September 10 article by Robert A. Jones report on the First International Congress of Research in Conservation Biology, which was recently held in La Jolla, Calif.

The congress was held out of concern for the devastation of the tropical rain forests around the world by developing nations and exploitive multinational concerns. The combined activities of these institutions some estimate may cause millions of species of tropical plant and animal life to become extinct in less than 50 years. The loss of such plant and animal species would be one of the greatest tragedies in the history of this planet. The other concern of these scientists is the virtual halting of evolutionary processes on the Earth because of the destruction and reduction of wildlife habitat.

Because of the failure of governments and large corporations to engage in comprehensive long-range planning, we can only speculate on what the loss of the tropical rain forests will mean to life as we know it on Earth. Certainly there is a need to take stock of what exactly is being lost both in terms of plant and animal species and to seek a way to conserve such species in some way.

As noted in the Time article, there is an equally large problem with the increasing amount of carbon dioxide being released into the atmosphere as a by-product of man's activities. The Earth depends on plant life, largely in the tropics, and the oceans to remove most of the carbon dioxide in the atmosphere.

According to Jones, rain forests are "being reduced at a rate of 51 acres a minute, or 73,400 acres per day." Without the forests helping to take in the carbon dioxide spewing into the atmosphere at an ever increasing rate, then man may very well bring about a warming of the Earth and suffer the consequences. World governments and business need to control their activities that contribute to this problem. The United States must take the lead in calling for the conservation of plant and animal life and the study of the long-term effects of adding carbon dioxide at an increasing rate into the atmosphere.

The articles follow:

[From Time Magazine, Sept. 18, 1978]

WARMING EARTH? CO₂ MAY CHANGE WORLD CLIMATE

Nature could hardly have created anything that seems more innocuous. An invisible and odorless gas, carbon dioxide is a simple molecular linkup of just a single atom of carbon and two atoms of oxygen (CO₂). It constitutes a mere fraction of the atmosphere

(.03 percent vs. about 78 percent for nitrogen and 20 percent for oxygen) but becomes dangerous to man and other air-breathing creatures when it accumulates in concentrations higher than 10 percent as, say, at the bottom of deep wells or mine shafts.

Yet CO₂ is vitally important to the earth's well-being. A key ingredient in photosynthesis—the miraculous process by which green plants grow and produce oxygen—CO₂ directly or indirectly sustains all terrestrial life. Now it appears that the gas may carry the potential for trouble as well. Accumulating in the atmosphere at an accelerating rate, carbon dioxide could significantly raise global temperatures by early in the next century and dramatically alter the quality of life. With such a prospect under study, a federal official says: "We have about ten years to come up with an answer."

As the density of CO₂ increases, the gas acts somewhat like a one-way mirror. Rays of life-giving sunlight can pierce it, heating the surface of the earth. But when this heat is radiated back by the ground in the form of longer infra-red waves, it is screened by the CO₂, which absorbs it, thereby raising its own temperature and that of the ground. This so-called greenhouse effect is dependent on the concentration of atmospheric CO₂; the greater the amount, the warmer the earth may become.

There is nothing mysterious about the buildup of atmospheric CO₂. All fires, from the smoky flames of cave dwellers to the searing hearth of a modern steel plant, produce CO₂. It makes no difference whether the fire is fueled by wood, coal, oil or gas. The inevitable byproduct is always dumped into what scientists sardonically call the "sewer in the sky."

Enormous quantities of CO₂ have been belched into the atmosphere since the start of the Industrial Revolution. But only recently has the increase become a cause of concern. In the past 20 years, it rose almost as much as it did in the century before. These measurements, made by the Scripps Institution of Oceanography atop Mauna Loa volcano on the island of Hawaii, are confirmed by similar readings at locations as far-flung as the South Pole, Alaska and Samoa.

Of the millions of tons of CO₂ poured into the atmospheric sewer each day, about half apparently remains there. Still unclear is where the rest goes. The oceans provide a major natural "sink," soaking up much of its solution, as do the world's great forested zones, which sop up CO₂ for photosynthesis.

But an increasing number of scientists maintain that the forests are being slashed and burned at a perilous rate. This is being done both to extend agriculture and, especially in the impoverished developing countries, to use the wood as a fuel. By desiccating and destroying the land, the ruthless felling of trees has still another harmful side effect: it exposes rich topsoil, or humus, and allows the escape of CO₂ formerly trapped in it.

Yet by far the most significant factor in the accumulation of CO₂ is the burning of fossil fuels. Especially worrisome is the Carter Administration's choice of coal as the U.S.'s great energy hope. Unlike competing nuclear power, which gives off no CO₂, coal will inevitably add to a buildup of the gas, as will the increased consumption of other fossil fuels. A National Academy of Sciences study panel warns that if the use of coal proceeds along the Administration's projections, atmospheric concentration of CO₂ might reach four to eight times that of the pre-industrial level by the year 2150. That, predicts the panel, could produce an increase in the global mean air temperature of more than 6° C (11° F.)—creating climatic conditions that the earth has not seen since the

age of the dinosaurs more than 70 million years ago.

Even if the hike in temperature were smaller—say only a degree or so—the effects might not be minor. Applied year round to the entire earth, such an increase could shift whole forests, grasslands and deserts. At the polar regions, enough ice could melt to elevate sea levels by as much as 5 m (16 ft.). That would eventually inundate low-lying coastal areas round the world, including parts of The Netherlands and the Atlantic seaboard.

There would be some benefits, to be sure. Heavier rainfall would possibly restore Africa's dry Sahel, the Sahara and the Arabian desert to their ancient fertility and make vast tracts in Siberia and Canada suitable for growing cereal grains. But the rich wheat and corn belt in the central U.S. would probably become too dry for these crops. Hundreds of millions of people might suffer from these dislocations.

Still, scientists are by no means certain that nature will follow their scenarios. The earth's climate is the product of such a complex mix of factors that it becomes impossibly difficult to isolate just one. For example, climatologists do not yet know the exact role of atmospheric dust. Dust can cool the earth by screening out warming sunlight, as has been noted after major volcanic eruptions like that of Krakatoa in 1883, yet also act as at atmospheric cap keeping in heat. Says Scripps' Charles Keeling: "Dust impedes radiation in both directions. We do not know if the net effect is heating or cooling." No less puzzling is the possible effect on world temperature of changes in the atmosphere's ozone layer.

There is another wrinkle in these climatological complications. For about two decades ending in the early 1970s, the earth was in what seemed to be a cooling phase. Some climatologists suggested that the chill marked the beginning of a "little ice age," like the one that persisted in Europe from about 1550 to 1850. If they are right, then the cooling forces—which could be attributable to anything from increased atmospheric dust to subtle changes in the amount of heat received from the sun—will be pitted against the warming force of the so-called greenhouse effect. For a while, at least, these two opposites might balance each other neatly.

But if the burning of fossil fuels continues to increase at an annual rate of 3% to 4%, as scientists like Stephen Schneider of the National Center for Atmospheric Research consider likely, then the greenhouse effect may well prevail. In that case, it will be a hot time on earth. And once the warming has taken place, even if all discharges of CO₂ into the atmosphere could be abruptly halted, it would take centuries for the excess gas to be absorbed by the oceans and dwindling forests.

[From the Los Angeles Times, Sept. 10, 1978]
RAIN FORESTS VANISHING—TROPICAL ANIMALS, PLANTS IN PERIL, BIOLOGIST WARNS
(By Robert A. Jones)

LA JOLLA.—A "terrific onslaught" is destroying the earth's tropical rain forests at such a rate that thousands of plants and animal species—some of which are still unknown to man—could disappear if preservation methods are not adopted soon, a British scientist has told a conference on conservation biology here.

Timothy Whitmore, a biologist at Oxford University, described the second half of the 20th century as "the brief period during which man reduced the area of the world's richest and most complex ecosystems to about one-third of their potential area."

The tropic regions of the earth are now estimated to contain about 90% of all plant

and animal species and scientists believe that only half of those have been identified by man.

As late as 20 years ago, tropical forests were regarded as so vast that they would never be seriously diminished by man. But since 1960 the arrival of the lightweight chainsaw and bulldozer have made possible the clearings of enormous tracts of forest in Brazil, Malaysia and other countries for lumber products and for domestic agriculture.

At present, Whitmore said, rain forests are being reduced at a rate of 51 acres a minute, or 73,400 acres per day. And the rate itself is accelerating, he said, so that by the year 2000 only 30% of the present area will remain.

The result may be the tragic loss of "the most complex ecosystems which scientists are only beginning to investigate and which, because they are the most intricate ever to have existed on earth, have enormous value to the science of ecology," Whitmore said.

The three-day conference was the first such gathering of its kind. Michael Soule, one of the organizers, described the conference as an attempt to bring together population biologists with experts of other disciplines devoted to the conservation of natural areas. "What we're really trying to do is kick off a new biological discipline, that of conservation biology," Soule said.

While there have been many conferences devoted to wildlife species in the past, Soule maintained that scientists devoted to the study of entire ecosystems have largely remained uninvolved. "We've been reluctant to muddy our hands in applied conservation," he said, "but now we're going to try."

Significantly, all of the conference's presentations were devoted to work that has been carried out in the tropics. While temperate regions of the globe also have their problems, scientists here describe the tropics as the place where the earth's huge diversity of plants and animals will be saved or lost.

And clearly the trend that disturbs all of them is the disappearance of habitat. In some cases, the land is being cleared for the extraction of hardwoods, which are largely exported to Western industrial nations of Europe and North America. In other cases, land-hungry farmers of developing countries are making inroads into forests for subsistence cultivation.

"The basic problem is not biology, but the population explosion and multinational corporations exploiting tropical resources for the benefit of industrial countries," Soule said.

"There must be a counterbalance to human greed, and perhaps we are seeing the beginning of that," he added.

The consequences of overexploitation could go far beyond the loss of plants and animals, Whitmore speculated. Several studies have shown, he said, that the removal of forests from tropical areas could affect world climate, altering the present heat balance between different sections of the earth's surface.

The seriousness of the possible consequences, Whitmore noted, could possibly lead to countries altering the present course of large-scale land clearing. "Our argument may appeal to enlightened self-interest," he said, "if our leaders are convinced that this kind of thing is going to matter."

[From the Los Angeles Times, Sept. 9, 1978]
ANIMAL EVOLUTION ENDING, EXPERT SAYS
(By Sandra Blakeslee)

Five hundred million years of animal evolution are coming to a halt within this generation, a population biologist told a meeting of conservationists in La Jolla Friday.

Warning that the world is in the midst of a "biological holocaust without prece-

dent," Michael Soule, a professor at UC San Diego, said that the evolution of vertebrates in the tropics will cease by the year 2000.

This does not necessarily mean that all of the animals will become extinct, Soule explained, although extinction is inevitable for many species. Rather, tropical mammals and birds will simply stop evolving—changing their genetic traits slowly through time within the trial and error laboratory of the natural world—for lack of enough space.

Soule addressed the first international congress of research in conservation biology in La Jolla.

His theme was reiterated by other experts in talks describing the state of wildlife on the planet.

Tropical forests are being cut down at unprecedented rates. Animal populations are diminishing from disease, predation and starvation as never before.

The earth's stock of living things is being rapidly depleted, Soule said. As many as a million species—ranging from insects to large animals—will become extinct in the tropics alone by the turn of the century—which is somewhere between 10% and 20% of all species on the planet. Nine-tenths of all species live in the tropics, he said.

The cause of the problem, according to the biologists at the meeting, is mankind itself. Rapidly expanding human populations are pushing the animals onto smaller and smaller parcels of land. As this occurs, there is simply less space for the natural processes of evolution to occur.

The crowding of species onto isolated preserves will not allow for one critical evolutionary process to continue, Soule said. It is called speciation.

Speciation is a process by which two or more groups of animals within the same species become separated from one another for long periods of time. Natural barriers such as mountains or streams are often enough to isolate groups. With time, genetic changes appear that will in some cases wipe out a population of animals and in some cases make the animals much more successful.

It is through speciation that the most important evolutionary changes have always occurred, Soule said. Other evolutionary changes, called adaptations, are often to a creature's advantage. But speciation is the driving mechanism behind evolutionary change, Soule said.

In the world today, where most of the wild animals in the tropics have been crammed into just a few small areas, speciation will stop, according to many biologists. Novelty in nature will be wiped out.

There is but one stopgap solution—the creation of as many animal preserves as possible.

However, there are many dangers for the animals even if such sanctuaries are formed. One is disease. If all the animals of a species are concentrated in one area, epidemic can destroy the entire population.

Also, animals kept in captivity frequently lose natural resistance to diseases encountered in the wild. After several generations, because they are no longer continuously exposed to the disease, they lose the genetic defenses their ancestors evolved.

Another danger lies in natural catastrophes such as drought and floods. With "all the eggs in one basket," an entire population of an animal could be wiped out rapidly.

Another issue involves the speed with which species "collapse" once they are isolated. It has been observed that when animals are packed too tightly into small game reserves, the rate of extinction shoots up. Extinction begins to occur in decades, not millennia.

Extinction rates rise when population size is chronically small. Predictions are, for example, that one-half of the species present today in Kenya's largest game reserve will

be gone in 50 to 200 years. The large predators will go first. It is known, Soule said, that birds and mammals have higher extinction rates than other animals since they are warm blooded and need more territory in which to acquire enough food to meet their relatively high energy needs.

Inbreeding of captive animals is a dangerous business, Soule said, since it results in a loss of genetic variability. With continued inbreeding of a small number of animals, the litter size drops and the babies are less vigorous. There is a dramatic loss of productivity. "Inbreeding is like radiation," Soule said. "There is no harmless amount. It is also like cancer or slow poisoning. It sneaks up on you and by the time you notice, it's too late."

For many such reasons, biologists at the conference stressed that more animal preserves are needed in the tropics and they must be as large as possible.

Studies of island mammals and birds indicate that vast spaces are needed for speciation to occur, with Madagascar being the minimum size for optimum evolutionary health. No preserves in the tropics are that large.

There is but one interim solution, Soule and others said. Preserves must be carefully managed by trained biologists who will have to swap animals back and forth between preserves to keep genetic pools the genetic mix of each species—dynamic.

However, this strategy of animal management will not permit speciation. On the other hand, it will prevent animals from becoming extinct.

That is the choice which must be faced, Soule said. If many animals are to survive on the planet, they will not be able to continue evolving as in the past.●

BALANCE(S) OF POWER SERIES:
BOOK II(I) (ii)—NATIONAL MO-
RALE

HON. JOHN B. BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. BRECKINRIDGE. Mr. Speaker, in the last issue of the CONGRESSIONAL RECORD, I inserted the first part of an article entitled "The 'Militarization' of Soviet Society" by Col. William E. Odom which first appeared in Problems of Communism, September 1976. The conclusion of Colonel Odom's article follows:

THE CIVIL DEFENSE STRUCTURE

When General-Colonel A. T. Altunin made his public debut as Deputy Minister of Defense and head of "Civil Defense USSR" in October 1972, he did so with an article ostensibly occasioned by the 40th anniversary of civil defense in the Soviet Union.⁵⁴ The advent of nuclear weapons, he declared, meant that "defense must be conducted in every city, village, and production unit in the economy, on the entire territory of the state." In principle, Altunin was adding nothing to what Red Army leaders had said fifty years earlier about defense of rear areas.⁵⁵ Technically, however, nuclear weapons have complicated matters and made necessary a more complex system than the old tradition of localism in Soviet civil defense. Altunin explained it thus:

The tasks of defense of the population and the economy from contemporary weapons demanded the creation of a completely new all-state defense system which could, with

the leadership of the Communist Party of the Soviet Union, under a unified military command, together with all the armed forces, with active participation of the entire people, secure the life activity of the state in conditions of severest war. That system emerged as Civil Defense USSR.

What is new in this system? Put briefly, two features are novel, both of which have developed within the last decade or so.⁵⁶ First, the dominant administrative role of the Ministry of Defense has gained more substance than ever before. Second, local civil defense organizations have been linked for the first time into an all-union system of command, control, and maintenance. While the subject is too vast for detailed treatment here, let us briefly examine some of the major evidences of these two features.

Although the structure of General-Colonel Altunin's Civil Defense staff in the Ministry of Defense is not public information, this staff is clearly the nerve center of a system with extensive linkages to the civil bureaucracy. It appears to be tied to the State Planning Committee (GOSPLAN) and the production ministries in the civil economic sector and to the General Staff of the Armed Forces in the military sector. It is probably also represented in most other ministries, but especially in the Ministry of Internal Affairs. This ministry controls all the nation's fire departments, most of which are staffed by the MVD troops under the ministry's jurisdiction.

The same close linkage with the civil bureaucracy is still more evident at the republic level, although the structure differs slightly from that at the center. Here, the formal "chief" of civil defense is normally the civilian chairman of the republic executive bureaucracy, but the real direction of civil defense activities is vested in a military "chief of staff" for civil defense—usually an officer of relatively senior rank, e.g., a General-Colonel in the Ukraine.⁵⁷ The pattern is the same at the oblast, district, and city levels. In Moscow, for example, the chief of civil defense is V. F. Promyslov, Chairman of the Executive Committee of the Moscow City Soviet (Mossovvet gorispolkom), and General-Major S. A. Kuzovatkin is his chief of staff for civil defense.⁵⁸ Thus, there is an interlocking arrangement at every level from the all union center down to the lower echelons of the state territorial administration.

Moreover, Altunin does not simply sit at the top of an apparatus intertwined with the state bureaucracy; he also has special troops under his command. Civil defense units are normally of battalion or company size, but there have also been occasional references which suggested the existence of regiment-size units.⁵⁹ Civil defense exercises are frequent, and the troops also participate occasionally in relief operations at times of natural disaster—as, for example, in operations to control the enormous forest fires around Moscow in the extremely dry summer of 1972.⁶⁰ To provide command cadre for these units and for the civil defense staffs, there is a relatively new civil defense officer-training school offering a three-year course.⁶¹ Taken together, the staff hierarchy and network, the specially trained officers, and the civil defense troops add up to something like a sixth branch of service—not as large as the other five (Ground Forces, Air Force, Air Defense, Navy, and Strategic Rocket Forces) but with an institutional status that is outwardly similar to that of the others in many respects.

Altunin's organization, however, is only the taproot. It is surrounded and fed by a dense growth of ancillary organs. Every factory, school, institute, hospital, and collective farm is required to have a civil defense organization. The "chief" is normally the head of the institution, but he, too, depends on a "chief of staff" to do the real

work. The main difference between these organizations and the local soviet executive committee's civil defense structure is that there are seldom any uniformed military personnel. A bakery, a tire plant, or a steel mill normally has a civilian chief of staff for civil defense, who takes charge of organizing all workers into teams, training them in the use of civil defense equipment, and preparing personnel evacuation plans. He is also concerned with ensuring that new construction takes into account civil defense criteria such as adequate water and fuel supplies, blast resistance, and so on.⁶²

Some might view all this as tokenism or wishful thinking rather than as a genuinely effective civil defense system. But even though it might prove defective in the event of war, it cannot be dismissed as less than a serious effort. Literally thousands of civil defense exercises are held each year, with city districts quite commonly stopping all activity for training exercises that last a full day.⁶³ Factories, plants, schools, and other such institutions hold still more frequent exercises.⁶⁴ According to press reports, the executive committees of local and regional governments perennially keep civil defense on their agenda of problems for discussion.⁶⁵ Conferences on civil defense occur rather frequently as well, reflecting efforts to achieve interdepartmental coordination, especially among the various ministries concerned.⁶⁶

The new civil defense system, unlike the old, puts more than a formal effort into the rural areas.⁶⁷ One reason for this is fairly obvious. Radioactive fallout makes agriculture far more vulnerable than in the past; yet the damage can be greatly reduced if the farm population is effectively trained in defensive measures and decontamination techniques. Perhaps more important, however, is the potential role of the rural villages in receiving and housing evacuees from urban areas. This takes highest priority in village exercises and frequently ties the villages near an urban center into joint city-village exercises.⁶⁸ It is only with the planning of defense against nuclear weapons that it has become necessary to prepare for large urban evacuations. Naturally, such planning must include utilization of the agrarian sector in a supportive role.

Public education is, of course, a major prerequisite for making the whole civil defense system viable, and it takes up the largest part of day-to-day program activity. Courses in civil defense are taught in the public schools in the second and fifth grades of the standard academic curriculum—that is, to eight- and eleven-year-old children.⁶⁹ Public lectures play a key role not only in mass education but in organizing residential blocks for phased evacuation. The economic ministries are required to carry most of the financial burden involved in efforts to make civil defense "a way of life,"⁷⁰ but they are frequently reluctant or slow to provide the funds needed to meet all the demands of the civil defense program.⁷¹

To sum up, this program amounts to a massive system of military education in peacetime. In wartime, it would play a key part in maintaining administrative control of the civil sector. The Ministry of Defense has been given the task of putting the core of the centralized structure together, but the costs in money, material, and labor are borne mostly by the civil sector—the economic ministries and state bureaucracy, production units, and the public schools. Administratively, the system creates a new military presence at all levels of the state bureaucracy, thus approaching Frunze's ideal of militarizing the population through the state apparatus.

CONCLUSIONS

One can hardly explore the labyrinth of Soviet military training programs and structures without coming away with a sense of their pervasiveness and integration into all

Footnotes at end of article.

aspects of Soviet life. By the time a child is in the second grade, he receives his first formal instruction in survival in nuclear war. He learns not only that survival is possible but also how to go about saving himself personally. By his midteens, he confronts the "military supervisor" of his secondary school. About the same time, the local military commissariat is suggesting that he "volunteer" for one or more of the specialized military training courses offered by DOSAAF organizations. By age 18 or 19, he expects to be called to two years of active military service. If he matriculates at an institute of higher learning, he implicitly commits himself to becoming a reserve officer. If he wants to pursue any of a number of engineering specialties at the graduate level, he will learn that the best training in those areas—sometimes the only training—is found in military research facilities and in the graduate programs of military academies and schools. Even if he is a gifted musician and makes his way to the Moscow State Conservatory, he will not escape the militarization of Soviet education, for there he will find a military music department with generals as professors of directing and composition.⁷⁴ If he becomes an economist and finds employment in GOSPLAN, discovering a General-Colonel in the post of a deputy chief would hardly surprise him.⁷⁵ Throughout his adult life, the omnipresence of the military will strike him as normal, to be expected. He does not see the military as a thing apart but as something of which he is a part.

He will not find it strange—even though he probably will consider it onerous—to be importuned for contributions of money and time to the local DOSAAF programs long after he has lost interest in "military sports" such as shooting, parachuting, and tank-engine repair. Nor will he be outraged at finding himself on a civil defense decontamination team in the factory, farm, institute, or school where he is employed. He may resent the training sessions and may not put his heart into such forms of "continuing adult education" in the arts of modern warfare, but it probably would not even occur to him that Soviet society is abnormal in displaying so many aspects of a "garrison state."⁷⁶

We have suggested at least two sources of this militarization of Soviet society. First, socialism, as a political ideology and as a guide to social and economic organization, correlates highly with warlike states. It would, of course, be wrong to say that socialism per se causes a polity to militarize. As Quincy Wright has observed, "socialism is more often developed from necessity than from theory, though in recent instances the latter has played a part."⁷⁷ The necessities can vary, but leaders inspired by various necessities frequently turn to the same ideological banner to justify militarizing programs. The reason is not far to seek. Socialism emphasizes the social or public interest over the interests of individuals. And that is precisely what a state and its army must do in war—sacrifice individuals and their private interests for the state's political objectives.

When the Bolsheviks took power, the very act was a declaration of war on society throughout the old regime's imperial territories. The ensuing internal war has waxed hot and cold throughout the nearly sixty years of Soviet history. Army General V. G. Kulikov, Chief of Staff of the Soviet armed forces, declared in 1973 that the Soviet military's "internal" role had virtually ended, giving way in the present stage of "developed socialism" to a growing "external" role not simply to defend the Soviet Union but also to secure the expanding territories of the socialist bloc.⁷⁸ Kulikov may be excessively optimistic about the internal front, but his

notion of a regime at war at home and abroad is instructive and cogent.

The second major source of the militarization of Soviet society has been the military-political tradition of the Tsarist empire. Before the advent of the Bolsheviks, the old regime had already been at war internally. If urban industrial strikes were relatively new in Russia at the turn of the century, peasant disorders and armed opposition by ethnic minorities in the borderlands were chronic. The empire ensured its own collapse when, in addition to internal struggles, it entered a vast foreign campaign on its European borders. The upshot was that the Bolshevik regime, arising amidst these unresolved and precarious military circumstances, both internal and external, had to accept as its birthright most of the tensions that had made militarization of the old state seem imperative to the imperial leadership.⁷⁹ Thus, the Tsarist military-political tradition was genetically transmitted to the Soviet regime.

One is forced to conclude, therefore, that the militarization of Soviet society is neither an aberration nor an unusual or extraordinary state of affairs. It is a traditional policy which is merely being currently expressed and justified in Marxist-Leninist ideological terms. When it comes to the future, it is important to recognize that the key problems that gave rise to the Tsarist military-political tradition in the first place and that were inherited along with that tradition by the Soviet regime—the peasant-agricultural problem, the nationality problem, and the foreign policy problem of a colonial, expansionist power—have remained largely unsolved despite the strong efforts of the Soviet leadership. If it cannot be said that the application of Marxist-Leninist ideology caused these problems, it can be argued cogently that it exacerbated them. Thus, both sources of the impetus to militarize persist today. We should not expect, therefore, that Soviet society will be spared the policies of militarization in the foreseeable future—unless there are significant changes either in the economic and social structure or in the ideology that shapes the leadership's thinking.

FOOTNOTES

⁷⁴ *Ibid.*, Oct. 4, 1972.

⁷⁵ *Cf. The Soviet Volunteers*, pp. 43-44.

⁷⁶ For a description of the civil defense system prior to these developments, see Leon Gouré, *op. cit.*

⁷⁷ *Krasnaya zvezda*, Jan. 15 and March 16, 1975.

⁷⁸ *Ibid.*, Jan. 15, 1975.

⁷⁹ See Altunin's reference to *chast'*, a somewhat imprecise term which normally is understood to mean "regiment," in *ibid.*, Oct. 4, 1972. Also see *ibid.*, March 17, 1973, for an editorial on civil defense troop training and pictures of such troops; and *ibid.*, Oct. 3, and Nov. 24, 1973, for other references.

⁸⁰ See *ibid.*, Feb. 7, 1973.

⁸¹ *Ibid.*, March 7, 1973.

⁸² N. P. Krechetnikov and N. P. Olivyanishnikov, *Grazhdanskaya oborona na mashinostroitel'nykh predpriyatiyakh* (Civil Defense in Machine-building Enterprises), Moscow, Izdatel'stvo "Mashinostroyeniye," 1972, pp. 32 ff; and *Grazhdanskaya oborona* (Civil Defense), Moscow, "Vysshaya shkola," 1973, pp. 6-11.

⁸³ See *Krasnaya zvezda*, June 13 and July 15, 1972; July 8, 1973.

⁸⁴ See *ibid.*, July 15, Aug. 5, Aug. 29, Sept. 7, and Nov. 15, 1972; May 16, Aug. 25, and Nov. 29, 1973; Feb. 8, 1974; and Feb. 8, 1975. Also *Sovetskiy patriot*, Aug. 30, 1972, and Feb. 14, 1973.

⁸⁵ See *Moskovskaya pravda* (Moscow), Jan. 17, 1973.

⁸⁶ See, e.g., *Krasnaya zvezda*, July 19, 1972, and Jan. 17, 1975.

⁸⁷ See the chapter on agriculture in *Grazhdanskaya oborona*, *supra*, pp. 138-54. For an example of a rural civil defense exercise, see *Krasnaya zvezda*, Feb. 8, 1974.

⁸⁸ For examples of such joint city-village exercises, see *ibid.*, Aug. 5, 1972, and Feb. 8, 1974.

⁸⁹ *Sovetskiy patriot*, Aug. 16, 1972.

⁹⁰ *Krasnaya zvezda*, Feb. 13, 1975.

⁹¹ For the candid remarks of the Chairman of the Lithuanian Council of Ministers on many of the problems of program implementation but particularly of funding by ministries and other state agencies, see *Sovetskaya Litva* (Vilnius), Oct. 4, 1972.

⁹² See the obituary of General-Major I. V. Petrov in *Krasnaya zvezda*, June 6, 1975.

⁹³ For example, at the time of his death in July 1974, Engineer General-Colonel V. Ryabikov was serving as a first deputy chief of GOSPLAN. See *Krasnaya zvezda*, July 22, 1974.

⁹⁴ We are mindful of the special meaning which H. D. Lasswell has given to the concept of a "garrison state" in his *World Politics and Personal Insecurity*, New York McGraw-Hill, 1935. The likelihood of war and the threatening character of the international environment would, in his view, incline political leaders to become increasingly dependent on their military chiefs, allowing the latter to exert influence on the leaders to turn their societies into military camps continually preparing for war. In this scheme, international factors are the primary causes of domestic political changes leading to the garrison state. The present author would argue, however, that domestic rather than international factors are a more important primary cause of the garrison condition in the Soviet Union.

⁹⁵ *Op. cit.*, p. 1165.

⁹⁶ *Krasnaya zvezda*, Feb. 23, 1973.

⁹⁷ On the Bolshevik military birthright, see Bertram Wolfe, "The Influence of Early Military Decisions Upon the National Structure of the Soviet Union," *American Slavic and East European Review* (New York), No. 9, 1950, pp. 169-79. ●

REFUGEES AND LIBERTY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. DORNAN. Mr. Speaker, last week I experienced the deep joy of a visit by a Hungarian refugee couple and their son whom I had the privilege of assisting to come to this great Republic of ours. Noting the hope and eager anticipation on the faces of these fortunate escapees from a land overshadowed by the triumph of tyranny, I could not help recalling the lofty sentiments expressed by that greatest of American orators, Mr. Daniel Webster, in his commemoration of the first settlement of New England: "Forever honored be this, the place of our fathers' refuge! Forever remembered the day which saw them * * * broken in everything but spirit, poor in all but faith and courage * * * their trust in Heaven, their high religious faith, full of confidence and anticipations, all of these seem to belong to this place, and to be present on this occasion, to fill us with reverence and admiration."

While sharing our thoughts and sentiments on this joyful occasion, these

youthful refugees spoke words that one hears only sparingly, Mr. Speaker, in these troubled days of our Republic: "We are beginning to understand the meaning of freedom." It is a tragic but commonplace observation, Mr. Speaker, that those of us grown accustomed to the delights of liberty may grow complacent and, at length, oblivious, as to its nature and the price, in vigilance, to be paid for its preservation. The distinguished English essayist, Mr. Hilaire Belloc, perhaps best put the matter when he wrote that: "Those of us in seemingly secure and comfortable circumstances sit around a cheerful campfire and laugh at the Barbarian. But from the shadows beyond the firelight, great grim faces stare at us. And on those faces there is no smile."

Mr. Speaker, too many of us have grown indifferent in the dry desert of our ignorance. We have forgotten that the springs of liberty nourish and vivify. But, then, we are periodically reminded, whether by a hero of the stature of a Solzhenitsyn or by a trio of young Hungarian refugees, that liberty is a wondrous thing, a thing to be contemplated often and deeply. Liberty, as the poet has said, will not descend to a people; a people must raise themselves to it; it is a blessing that must be earned before it can be enjoyed."

Mr. Speaker, the heart-felt words of that Hungarian family expressed in awe at the spirit of liberty which vivifies our great Republic, should serve as a daily reminder to those of us entrusted with keeping alive that spirit, of the solemn nature of our task. Let us dutifully heed the eloquent words of the American orator Mr. R. C. Winthrop: "This widespread Republic is the true monument to Washington. Maintain its independence. Uphold its constitution. Preserve its union. Defend its liberty. Let it stand before the world in all its original strength and beauty, securing peace and order, equality and freedom, to all within its boundaries, and shedding light and hope and joy upon the pathway of human liberty throughout the world * * * *"

COMMITMENT TO LEBANON

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Ms. OAKAR. Mr. Speaker, last night one sentence of the President's speech before Congress was devoted to the country of Lebanon: The President said:

We must also join in an effort to bring to an end the conflict and terrible suffering in Lebanon.

It is my hope the President follows up this important statement with action. The sad fact is that our foreign aid appropriations bill contains absolutely nothing for this important ally while other countries receive millions and billions. The President has addressed the problem; let us pray that it is followed up with action.●

ANOTHER REASON YOU SHOULD SIGN DISCHARGE PETITION NO. 1

HON. RONALD M. MOTT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. MOTT. Mr. Speaker, in case you missed it, the Washington Post on September 18 carried a thoughtful article about the noted University of Chicago sociology professor, Dr. James S. Coleman, and his views on forced busing.

Dr. Coleman was a prime architect of forced busing in the 1960's. But just recently this prominent educator has concurred that it is not the answer to the question of improving educational opportunities for our children.

His views are incisively set forth in the article by Lawrence Feinberg. I would like to share the piece with you, and once again urge you to sign discharge petition No. 1 on the Clerk's desk which is designed to put behind us once and for all the issue of court-imposed busing.

The article reads as follows:

DESEGREGATION DISCOUNTED

(By Lawrence Feinberg)

Sociologist James S. Coleman, whose massive study in the mid-1960s has been widely used to support school desegregation, now says it is a "mistaken belief" that black students learn better in integrated classrooms.

During the past decade, Coleman said, research throughout the country has shown that "it is not the case that school desegregation, as it has been carried out in American schools, generally brings achievement benefits to disadvantaged (black) children."

In some situations, Coleman said, desegregation has brought slight gains in black achievement, but in many others there has been no change or a slight loss.

Even though he had argued a decade ago that "integration would bring about achievement benefits," Coleman said, "It has not worked out this way in many of the school desegregation cases since that research. . . .

"Thus, what once appeared to be fact is now known to be fiction," Coleman said.

Coleman, a professor of sociology at the University of Chicago, presented his new conclusions in a paper in April. He repeated them in an interview this weekend.

"Desegregation has turned out to be much more complicated than any of us ever realized," Coleman said. "There appear to be beneficial effects for some black kids, those who are better students, and harmful effects for blacks who are poorer students. It all seems to balance out, which is quite the reverse of the implications of my own research" in the mid-1960s.

Coleman's 1966 report, called "Equality of Educational Opportunities," was authorized by Congress in the 1964 Civil Rights Act and sponsored by the U.S. Office of Education. It still is the most extensive piece of educational research ever conducted, involving tests and surveys of about 600,000 students and 60,000 teachers in 4,000 schools around the country.

Its most widely noted conclusions were that the social class composition of a school had more impact on student achievement than either resources or teaching methods, and that lower-class black children scored somewhat higher on standardized tests in schools with a middle-class white majority than they did in schools where all the children were poor and black.

Coleman stressed that the achievement gain occurred not because of skin color but because of the middle class background and

"educational resources" that many white children bring from home.

After his report, Coleman expressed his views widely, not only in scholarly articles but also in testimony before congressional committees and in school desegregation cases in courts.

Among these was Julius Hobson's suit against the Washington school system. Coleman testified in Hobson's behalf and was cited by U.S. Judge J. Skelly Wright to support the court's finding that "Negro students' educational achievement improves when they transfer into white or integrated educational institutions."

Coleman said he now believes that this view is "incorrect . . . wishful thinking."

In the interview, Coleman said the difference between his conclusions a decade ago and the results of desegregation since then reflects two main factors—a difference in the way desegregation has been carried out, and the availability of new research.

When he collected his data in 1965, Coleman said, nearly all the black children attending integrated school in the South were well-motivated volunteers under "open enrollment" plans. In the north almost all integration had occurred in neighborhood schools where blacks and whites lived nearby.

Since then, Coleman noted, many school districts have been desegregated through mandatory busing programs, ordered by courts or state agencies, that bring children together from wide areas.

"Much of it has been accompanied by the kinds of things that don't foster achievement," Coleman said. "Often there's been some degree of turmoil and lower standards, with white teachers being afraid to apply the same standards to black students and therefore not teaching them as well."

Coleman said his 1966 report was based on data collected at one time, with conclusions drawn by comparing youngsters in schools with different proportions of black and white students.

Since then, he said, researchers have been able to follow children for several years after they switched to desegregated schools. Although Coleman has not been directly involved in any of this research, he said a review of over 100 desegregation studies in cities around the country—from Boston to Berkeley—shows "no overall gains."

"Some of the most carefully studied cases, such as in Pasadena and Riverside, Calif., Coleman said, "show either no achievement effects or else losses."

In the South some gains by blacks have been reported by the National Assessment of Educational Process, but Coleman said these occurred in both segregated and integrated classrooms. He said these gains probably are the result of "the broader impact of desegregation in the South . . . it drew a lot of attention to schools that used to be the worst in the nation," rather than a direct result of blacks and whites being taught together.

Before going to the University of Chicago in 1973, Coleman taught at Johns Hopkins University in Baltimore. He took part in civil rights demonstrations there, and was arrested in one of them.

He said he still strongly opposes legal segregation and strongly favors integrated schools. But he said mandatory busing in many cities has been "counter-productive" because it has been followed by an extensive loss of white students.

Coleman also rejects "the belief that an all-black school is inherently bad."

"That has a curiously racist flavor," Coleman said, "which I can't accept. There have been, and there are, all-black schools that are excellent schools by any standard."

"What is essential," he said, "is that if a child is in an all-black school, it should be because . . . his parents want him to be there,

not because it is the only school he has a reasonable chance to attend."

Coleman said he thinks the best ways of increasing school integration now would be to encourage voluntary transfers between city and suburban schools or to offer vouchers allowing parents to pick any school for their children but providing more funds for integrated schools.

"We ought to take measures so we can become a more integrated society," Coleman said, "but we ought to be clear that integrated education does not depend on maintaining romantic notions that are not true." ●

GUN CONTROLS AND CIVIL LIBERTIES

HON. EDWARD W. PATTISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. PATTISON of New York. Mr. Speaker, the issue of "gun control" is always of interest to politicians, especially in an election year. It is one of those issues which is often thought to be on the "liberal" agenda. Those who are generally thought to be in the "liberal" camp, but who oppose handgun legislation, are often accused of abjectly surrendering their principles out of fear of the electoral strength of the "gun nuts" in their districts.

Such is not always the case by any means. I happen to oppose the registration and control of handguns. In explaining that position I frequently make the point that the enforcement of a registration law would entail massive violations of other constitutional protections specifically, the protections against unreasonable search and seizure.

The September issue of Harper's contains an excellent article making this point, as well as a number of others of equal cogency. I recommend its reading to my colleagues.

The article follows:

AGAINST CIVIL DISARMAMENT—ON THE FUTILITY OF PROHIBITING GUNS

(By Don B. Kates, Jr.)

Despite almost 100 years of often bitter debate, federal policy and that of 44 states continues to allow handguns to any sane adult who is without felony convictions. Over the past twenty years, as some of our most progressive citizens have embraced the notion that handgun confiscation would reduce violent crime, the idea of closely restricting handgun possession to police and those with police permits has been stereotyped as "liberal." Yet when the notion of sharply restricting pistol ownership first gained popularity, in the late nineteenth century, it was under distinctly conservative auspices.

In 1902, South Carolina banned all pistol purchases, the first and only state ever to do so. (This was nine years before New York began requiring what was then an easily acquired police permit.) Tennessee had already enacted the first ban on "Saturday Night Specials," disarming blacks and the laboring poor while leaving weapons for the Ku Klux Klan and company goons. In 1906, Mississippi enacted the first mandatory registration law for all firearms. In short order, permit requirements were enacted in North Carolina, Missouri, Michigan, and Hawaii. In 1922, a national campaign of conservative business interests for handgun confiscation

was endorsed by the (then) archconservative American Bar Association.

Liberals at that time were not necessarily opposed in principle to a ban on handguns, but they considered such a move irrelevant and distracting from a more important issue—the prohibition of alcohol. To Jane Addams, William Jennings Bryan, and Eleanor Roosevelt (herself a pistol carrier), liquor was the cause of violent crime. (Before dismissing this out of hand, remember that homicide studies uniformly find liquor a more prevalent factor than handguns in killings.) Besides, liberals were not likely to support the argument advanced by conservatives for gun confiscation: that certain racial and immigrant groups were so congenitally criminal (and/or politically dangerous) that they could not be trusted with arms. But when liberalism finally embraced handgun confiscation, it was by applying this conservative viewpoint to the entire populace. Now it is all Americans (not just Italians, Jews, or blacks) who must be considered so innately violent and unstable that they cannot be trusted with arms. For, we are told, it is not robbers or burglars who commit most murders, but average citizens killing relatives or friends.

It is certainly true that only a little more than 30 percent of murders are committed by robbers, rapists, or burglars, while 45 percent are committed among relatives or between lovers. (The rest are a miscellany of contract killings, drug wars, and "circumstances unknown.") But it is highly misleading to conclude from this that the murderer is, in any sense, an average gun owner. For the most part, murderers are disturbed, aberrant individuals with long records of criminal violence that often include several felony convictions. In terms of endangering his fellow citizens, the irresponsible drinker is far more representative of all drinkers than is the irresponsible handgunner of all handgunners. It is not my intention here to defend the character of the average American handgun owner against, say, that of the average Swiss whose government not only allows, but requires, him to keep a machine gun at home. Rather it is to show how unrealistic it is to think that we could radically decrease homicide by radically reducing the number of civilian firearms. Study after study has shown that even if the average gun owner complied with a ban, the one handgun owner out 3,000 who murders (much less the one in 500 who steals) is not going to give up his guns. Nor would taking guns away from the murderer make much difference in murder rates, since a sociopath with a long history of murderous assaults is not too squeamish to kill with a butcher knife, ice pick, razor, or bottle. As for the extraordinary murderers—assassins, terrorists, hit men—proponents of gun bans themselves concede that the law cannot disarm such people any more than it can disarm professional robbers.

The repeated appearance of these facts in studies of violent crime has eroded liberal and intellectual support for banning handguns. There is a growing consensus among even the most liberal students of criminal law and criminology that handgun confiscation is just another plausible theory that doesn't work when tried. An article written in 1968 by Mark K. Benenson, longtime American chairman of Amnesty International, concludes that the arguments for gun bans are based upon selective misleading statistics, simple-minded non sequiturs, and basic misconceptions about the nature of murder as well as of other violent crimes.

A 1971 study at England's Cambridge University confounds one of the most widely believed non sequiturs: "Banning handguns must work, because England does and look at its crime rate!" (It is difficult to see how those who believe this can resist the equally simple-minded pro-gun argument that gun

possession deters crime: "Everybody ought to have a machine gun in his house because the Swiss and the Israelis do, and look how low their crime rates are!")

The Cambridge report concludes that social and cultural factors (not gun control) account for Britain's low violence rates. It points out that "the use of firearms in crime was very much less" before 1920 when Britain had "no controls of any sort." Corroborating this is the comment of a former head of Scotland Yard that in the mid-1950s there were enough illegal handguns to supply any British criminal who wanted one. But, he continued, the social milieu was such that if a criminal killed anyone, particularly a policeman, his own confederates would turn him in. When this violence-dampening social milieu began to dissipate between 1960 and 1975, the British homicide rate doubled (as did the American rate), while British robbery rates accelerated even faster than those in America. As the report notes, the vaunted handgun ban proved completely ineffective against rising violence in Britain, although the government frantically intensified enforcement and extended controls to long guns as well. Thus, the Cambridge study—the only in-depth study ever done of English gun laws—recommends "abolishing or substantially reducing controls" because their administration involves an immense, unproductive expense and diverts police resources from programs that might reduce violent crime.

The latest American study of gun controls was conducted with federal funding at the University of Wisconsin. Advanced computerized techniques allowed a comprehensive analysis of the effect of every form of state handgun restriction, including complete prohibition, on violence in America. Published in 1975, it concludes that "gun-control laws have no individual or collective effect in reducing the rate of violent crime."

Many previous studies reaching the same conclusion had been discounted by proponents of a federal ban, who argued that existing state bans cannot be effective because handguns are illegally imported from free-sale states. The Wisconsin study compared rates of handgun ownership with rates of violence in various localities, but it could find no correlation. If areas where handgun ownership rates are high have no higher per capita rates of homicide and other violence than areas where such rates are low, the utility of laws designed to lower the rates of handgun ownership seems dubious. Again, the problem is not the "proliferation of handguns" among the law-abiding citizenry, it is the existence of a tiny fraction of irresponsible and criminal owners whom the law cannot possibly disarm of these or other weapons.

Far from refuting the Wisconsin study, the sheer unenforceability of handgun bans is the main reason why most experts regard them as not worth thinking about. Even in Britain, a country that, before handguns were banned, had less than 1 percent of the per capita handgun ownership we have, the Cambridge study reports that "fifty years of very strict controls has left a vast pool of illegal weapons."

It should be emphasized that liberal defectors from gun confiscation are no more urging people to arm themselves than are those who oppose banning pot or liquor necessarily urging people to indulge in them. They are only saying that national handgun confiscation would bring the federal government into a confrontation with millions of responsible citizens in order to enforce a program that would have no effect upon violence, except the negative one of diverting resources that otherwise might be utilized to some effective purpose. While many criminologists have doubts about the wisdom of citizens trying to defend themselves with

handguns, the lack of evidence to justify confiscation requires that this remain a matter of individual choice rather than government fiat.

Nor can advocates of gun bans duck the evidence adverse to their position by posing such questions as: Why should people have handguns; what good do they do; why shouldn't we ban them? In a free country, the burden is not upon the people to show why they should have freedom of choice. It is upon those who wish to restrict the freedom to show good reason for doing so. And when the freedom is as deeply valued by as many as is handgun ownership, the evidence for infringing upon it must be very strong indeed.

If the likely benefits of handgun confiscation have been greatly exaggerated, the financial and constitutional costs have been largely ignored. Consider the various costs of any attempt to enforce confiscation upon a citizenry that believes (whether rightly or not) that they urgently need handguns for self-defense and that the right to keep them is constitutionally guaranteed. Most confiscationists have never gotten beyond the idea that banning handguns will make them magically disappear somehow. Because they loathe handguns and consider them useless, the prohibitionists assume that those who disagree will readily turn in their guns once a national confiscation law is passed. But the leaders of the national handgun prohibition movement have become more realistic. They recognize that defiance will, if anything, exceed the defiance of Prohibition and marijuana laws. After all, not even those who viewed drinking or pot smoking as a blow against tyranny thought, as many gun owners do, that violating the law is necessary to the protection of themselves and their families. Moreover, fear of detection is a lot more likely to keep citizens from constant purchases of liquor or pot than from a single purchase of a handgun, which, properly maintained, will last years.

To counter the expected defiance, the leaders of the national confiscation drive propose that handgun ownership be punished by a nonsuspendable mandatory year in prison. The mandatory feature is necessary, for otherwise prosecutors would not prosecute, and judges would not sentence, gun ownership with sufficient severity. The judge of a special Chicago court trying only gun violations recently explained why he generally levied only small fines: The overwhelming majority of the "criminals" who come before him are respectable, decent citizens who illegally carry guns because the police can't protect them and they have no other way of protecting themselves. He does not even impose probation because this would prevent the defendants, whose guns have been confiscated, from buying new ones, which, the judge believes, they need to live and work where they do.

These views are shared by judges and prosecutors nationwide; studies find that gun-carrying charges are among the most sympathetically dealt with of all felonies. To understand why, consider a typical case that would have come before this Chicago court if the D.A. had not dropped charges. An intruder raped a woman and threw her out of a fifteenth-floor window. Police arrived too late to arrest him, so they got her roommate for carrying the gun with which she scared him off when he attacked her.

Maybe it is not a good idea for this woman to keep a handgun for self-defense. But do we really want to send her to federal prison for doing so? And is a mandatory year in prison reasonable or just for an ordinary citizen who has done nothing more hurtful than keeping a gun to defend herself—when the minimum mandatory sentence for murder is only seven years and most murderers serve little more?

Moreover, the kind of nationwide resistance movement that a federal handgun ban would provoke could not even be broken by imprisoning a few impecunious black women in Chicago. Only by severely punishing a large number of respectable citizens of every race and social class would resistors eventually be made to fear the law more than the prospect of living without handguns in a violent society.

At a very conservative estimate, at least half of our present handgun owners would be expected to defy a federal ban.¹ To imprison just 1 percent of these 25 million people would require several times as many cells as the entire federal prison system now has. The combined federal, state, and local jail systems could barely manage. Of course, so massive an enforcement campaign would also require doubling expenditure for police, prosecutors, courts, and all the other sectors of the criminal justice administration. The Wisconsin study closes with the pertinent query: "Are we willing to make sociological and economic investments of such a tremendous nature in a social experiment for which there is no empirical support?"

The argument against a federal handgun ban is much like the argument against marijuana bans. It is by no means clear that marijuana is the harmless substance that its proponents claim. But it would take evidence far stronger than we now have to justify the enormous financial, human, institutional, and constitutional costs of continuing to ferret out, try, and imprison even a small percentage of the otherwise law-abiding citizens who insist on having pot. Sophisticated analysis of the criminalization decision takes into account not only the harms alleged to result from public possession of things like pot or guns, but the capacity of the criminal law to reduce those harms and the costs of trying to do so. Unfortunately most of the gun-control debate never gets beyond the abstract merits of guns—a subject on which those who view them with undifferentiated loathing are no more rational than those who love them. The position of all too many gun-banning liberals is indistinguishable from Archie Bunker's views on legalizing pot and homosexuality: "I don't like it and I don't like those who do—so it ought to be illegal."

The emotionalism with which many liberals (and conservatives as well) react against the handgun reflects not its reality but its symbolism to people who are largely ignorant of that reality. A 1975 national survey found a direct correlation between support for more stringent controls and the inability to answer simple questions about present federal gun laws. In other words, the less the respondent knew about the subject, the more likely he was to support national confiscation. Liberals advocate confiscation only because the liberal image of a gun owner is a criminal or right-wing

¹ I reach this estimate in this fashion: Surveys uniformly find a majority of gun owners support gun registration—in theory. In practice, however, they refuse to register because they believe this will identify their guns for confiscation if and when a national handgun ban eventually passes. In 1968, Chicago police estimated that two-thirds of the city's gun owners had not complied with the new state registration law; statewide noncompliance was estimated at 75 percent. In Cleveland, police estimate that almost 90 percent of handgun owners are in violation of a 1976 registration requirement. My estimate that one out of two handgun owners would defy national confiscation is conservative indeed when between two out of three and nine out of ten of them are already defying registration laws because they believe such laws presage confiscation.

fanatic rather than a poor black woman in Chicago defending herself against a rapist or a murderer. Contrary to this stereotype, most "gun nuts" are peaceful hobbyists whose violence is exclusively of the Walter Mitty type. Gun owners' views are all too often expressed in right-wing terms (which does nothing for the rationality of the debate) because twenty years of liberal vilification has given them nowhere else to look for support. If only liberals knew it, handgun ownership is disproportionately high among the underprivileged for whom liberals traditionally have had most sympathy. As the most recent (1975) national demographic survey reports: "The top subgroups who own a gun only for self-defense include blacks (almost half own one for this reason alone), lowest income group, senior citizens." The average liberal has no understanding of why people have guns because he has no idea what it is like to live in a ghetto where police have given up on crime control. Minority and disadvantaged citizens are not about to give up their families' protection because middle-class white liberals living and working in high-security buildings and/or well-policed suburbs tell them it's safer that way.

A final cost of national gun confiscation would be the vast accretion of enforcement powers to the police at the expense of individual liberty. The Police Foundation, which ardently endorses confiscation, recently suggested that federal agencies and local police look to how drug laws are enforced as a model of how to enforce firearms laws. Coincidentally, the chief topic of conversation at the 1977 national conference of supporters of federal confiscation was enforcement through house searches of everyone whom sales records indicate may ever have owned a handgun. In fact, indiscriminate search, complemented by electronic surveillance and vast armies of snoopers and informers, is how handgun restrictions are enforced in countries like Holland and Jamaica, and in states like Missouri and Michigan.²

Even in England, as the Cambridge report notes, each new Firearms Act has been accompanied by new, unheard-of powers of search and arrest for the police.

These, then, are the costs of banning handguns: even attempting an effective ban would involve enormous expenditures (roughly equal to the present cost of enforcing all our other criminal laws combined) to ferret out and jail hundreds of thousands of decent, responsible citizens who believe that they vitally need handguns to protect their families. If this does not terrorize the rest of the responsible handgun owners into compliance, the effort will have to be expanded until millions are jailed and the annual gun-banning budget closely seconds defense spending. And all of this could be accomplished only by abandoning many restraints our Constitution places upon police activity.

What would we have to show for all this in terms of crime reduction? Terrorists, hit men, and other hardened criminals who are not deterred by the penalties for murder, robbery, rape, burglary, et cetera are not about to be terrified by the penalties for gun ownership—nor is the more ordinary murderer, the disturbed, aberrant individual who kills out of rage rather than cupidity.

What we should have learned from our experience of Prohibition, and England's with

² According to the ACLU, St. Louis police have conducted 25,000 illegal searches in the past few years under the theory that any black man driving a late-model car possesses a handgun.

Michigan court records indicate that almost 70 percent of all firearms charges presented are thrown out because the evidence was obtained through unconstitutional search.

gun banning, is that violence can be radically reduced only through long-term fundamental change in the institutions and mores that produce so many violent people in our society. It is much easier to use as scapegoats a commonly vilified group (drinkers or gun owners) and convince ourselves that legislation against them is an easy short-term answer. But violence will never be contained or reduced until we give up the gimmicky programs, the scapegoating, the hypocritical hand-wringing, and frankly ask ourselves whether we are willing to make the painful, disturbing, far-reaching institutional and cultural changes that are necessary. ●

THE UNDERGROUND WAR

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. DORNAN. Mr. Speaker, in the game of narcotics trafficking the stakes are exceptionally high. With such vast amounts of money at issue, police apprehension of armed drug smugglers becomes an extremely dangerous venture. Those of us who have followed the narcotics problem in some detail know that Colombia has become the drug capital of the Western Hemisphere. Cocaine has been its major illegal export, but vast amounts of heroin and marijuana have also been confiscated. Traveling the high seas, Colombian narcotics are secreted into American ports, such as New York, Philadelphia, Baltimore, and New Orleans. Coast Guard officials have admitted that effective control of this influx is extraordinarily difficult.

The answer, ultimately, rests with Colombia herself. I sincerely hope that the reports of the recent crackdown are an indication of good faith on the part of the Colombian Government. But I realize that our best wishes are offered against the background of a political culture in which crime and politics have become entwined. Politically, Colombia remains a chaotic country. Despite a long tradition of civilian rule, the nation is plagued with guerrilla groups operating in the countryside. They are a mixture of bandits and left-revolutionaries and, at times, it is difficult to distinguish their political from their criminal interests and activities. Colombia is also burdened with the world's highest homicide rate, while kidnapping, as a criminal pastime, is almost as prevalent as it is in Italy.

Mr. Speaker, the problem is whether we can trust the man at the top. President Turbay Ayala, the leader of the Colombian Liberal Party, defeated Dr. Belisario Betancur of the Conservative Party in a democratic election last June. While his political preferences are similar to the left-of-center position of former President Lopez Michelsen, he himself has not escaped charges of being involved in illicit narcotics smuggling. I hope that the efforts of his Government are sincere, and that he can finally put a stop to these underground transactions in human destruction.

I ask that my colleagues give their attention to the editorial in the Washington Post of September 11, 1978, on this important subject:

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COLOMBIA'S DRUG WAR

Statistics describing the volume of the international traffic in illicit drugs tend to have a numbing effect. They define huge, almost unimaginable quantities of both narcotics and money. For example, in June Colombian drug officials, with help from U.S. agents, seized the largest cache of illicit drugs ever confiscated in one raid—574 tons of marijuana that was about to be shipped to the United States. That amount, worth about \$200 million wholesale, was enough to make 1 million cigarettes a day for an entire year.

It's no coincidence that the record haul was captured in the remote Colombian province of Guajira. Colombian authorities are literally at war with drug traffickers who have taken over vast tracts of land in the sparsely populated province along the Caribbean coast. Those traffickers are the reason Colombia in recent years has become the major source of marijuana and a major transit point for heroin and cocaine bound for the United States from South American countries. Next month peasants will start harvesting an area of new marijuana plants that is four times as large as the District of Columbia.

The harvest won't go unchallenged. Colombia's revitalized attorney general's office, which recently has seized or destroyed tons of marijuana and made several key arrests, has organized a special strike force to stop it. And Colombia's new president, Julio César Turbay, has signaled his commitment to the anti-drug campaign by urging the continuation of drug-control agreements between Colombia and the United States.

The situation in Colombia repeats the by-now familiar pattern of a developing country trying to rid itself of the corrosive presence of widespread drug production and trafficking. Experience indicates that Colombian authorities, while trying to root out the \$1-billion-a-year drug industry, also must attempt to resolve some large related problems. These include 1) bringing the Guajira region under the authority of the central government and including it in national development programs, 2) developing crop-substitution programs for farmers now dependent upon marijuana as a cash crop, 3) building a network of roads and outlets for produce that make legitimate farming possible and profitable and 4) thereby trying to stem the flow of jobless peasants into the cities.

In short, Colombia's war against drugs is at bottom a war for development. That Colombian authorities recognize the problem in these true dimensions speaks well for their determination to attack it. ●

THE CAMP DAVID SUMMIT: THE VIEW FROM CONGRESS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. FINDLEY. Mr. Speaker, this fall marks the third anniversary of the Sinai II agreement between Egypt and Israel. The Sinai II agreement initiated the process which has led to the Camp David framework for peace. But the 1975 bilateral agreement was a benchmark of another sort. It was in connection with that agreement that Congress accepted the enlarged and direct U.S. role in the Middle East.

The growing U.S. role in the Middle East was inevitable after the October 1973 war. During that conflict, the economic threat to the West of the oil embargo and the strategic threat of Soviet

intervention, stimulated an American appreciation of the risks involved and interests at stake in the Middle East. A new era of U.S. diplomacy and activity thus began in this region.

By lending its support to the Sinai II agreements, Congress signaled that it would concur in the American responsibility to promote a Mideast settlement. Congress participated in this responsibility by agreeing to a vast aid program to the region. Prior to 1975, U.S. economic and military assistance to the Middle East had averaged a few hundred million dollars a year, while since then Congress has authorized annual sums of \$3 billion. And though the U.S. experience in Vietnam had made Congress hesitate to engage this country in new overseas commitments, by an overwhelming majority, it voted to approve the presence of U.S. technicians in the Sinai.

Frankly, however, I am not sure that, in the fall of 1975, most Members of Congress expected the U.S. role in the Mideast to grow even further. Many thought movement toward peace would reduce the large amounts of foreign aid we were channeling to the Middle East. Peace, we were once told, would be cheaper than war. Few Members now believe that peace will decrease the levels of U.S. aid to the Middle East. Indeed, U.S. aid may well increase. There is now discussion of supplemental economic aid for Egypt and additional funds for Israel to build airfields in the Negev to replace those vacated in the Sinai.

And the expectation that the U.S. technicians would be out of the Sinai within a few years has disappeared. Not only is it very possible that those already there will remain, but it could well be that others will join them in new locations in the Sinai.

Congress has approved, in large part, this growing U.S. commitment to the Middle East and the expanding ties we have forged in that region. Not only has Congress reaffirmed old links with Israel, it has sought new friendships with Arab States. Only a few years ago, the idea of Congress agreeing to the sale of advanced fighter aircraft to Egypt and Saudi Arabia would have been unthinkable.

Congressional support for the U.S. role in the Middle East will now extend to the most recent results of U.S. diplomacy: The Camp David summit.

Congress does, however, approach the Middle East peace process from a different perspective than does the executive branch. This will influence and shape the congressional response to Camp David:

First. Despite all the talk of congressional activism in foreign policy, there is a fear in Congress of rocking the boat. This pertains to the Middle East in particular, because of the potential for conflict that exists there. Thus, although there may be criticisms of various aspects of the Camp David agreements, criticism will probably be muted. Members of Congress are not in a position to renegotiate an agreement should they refuse to accept the one offered. They are, therefore, reluctant to play a purely negative role. And, there is the feeling

that it is, after all, up to Egypt and Israel to decide the terms under which they can coexist. If those two parties enthusiastically embrace this framework for peace, it is not up to Congress to withhold its support.

Second. Support will also derive from our great desire for peace and from our concern for the security and well-being of our friends, Egypt and Israel. The Camp David agreements are, in a sense, a separate agreement between Egypt and Israel which satisfies many of Israel's most ardent supporters. And among those who would have preferred and who continue to prefer a comprehensive agreement, there is an appreciation of the risks involved in these agreements for Egypt as well as for Israel. Should Members of Congress withhold their support for the initiative that President Sadat has taken, we could undermine him and destabilize the region. President Sadat is widely liked and admired by Members of Congress. He has made an extremely favorable impression during his visits to the United States and during congressional visits to Egypt. He has been responsible, more than any other single individual, in conveying to Congress not only the interests of Egypt but the interests of the Arab world as a whole. He is an invaluable resource in the Middle East and one which Members of Congress would not want to jeopardize. There is a strong feeling, therefore, that Members of Congress should join in the jubilation over the agreements that President Sadat has expressed these past few days no matter what reservations about the agreements they may privately feel.

Third. Congress will approach the details of the Camp David framework differently from the negotiators. In international diplomacy, ambiguity is a useful tool, sometimes making possible agreement where none would exist were all differences clarified. President Sadat and Prime Minister Begin have reached an agreement which masks many differences—on issues such as Jerusalem, the settlements on the West Bank, the role of the Palestinians in reaching a future West Bank settlement, and the withdrawal of Israeli troops after a 5-year interim period. These are fundamental questions. Where a certain amount of ambiguity may be necessary to the negotiators at this time to gloss over differences and to permit the peace process to go forward, Congress will approach the documents from the vantage point of wanting to know and understand all. Members will seek an explicit and detailed explanation of each point in the documents.

Fourth. Congress, never satisfied completely, will also ask incessantly, where do we go from here? What is the next step toward peace?

Attention will focus on the role of Saudi Arabia and Jordan. There is a hope and desire that these two countries will support and play an active role in the peace process. I would have to admit here that few in Congress fully appreciate the intricacies of the political and diplomatic life of Arab nations which have caused Jordan and Saudi Arabia to refrain from enthusiastic support of the Sadat initiative. However, there remains

a strong feeling that the peace process is moving slowly forward and if Jordan and Saudi Arabia want to shape it and contribute to that process, they should find a way to join forces with Sadat and participate in the agreements. Surely, neither continuation of the status quo, the absence of their input, nor the risk of isolating Egypt in the Arab world could serve their needs.

Attention will also focus on the Palestinians and their role in the peace process. This framework does not present a solution to the question of the Palestinian refugees yet the Palestinians are and must be a central issue in any settlement. We have yet to grasp the difficult issue of the creation of a Palestinian homeland. Congress recognizes the existence, needs, and role of the Palestinians. It is less sure of exactly what comprises their rights. To date, most Members feel that the rights of the Palestinians conflict with the rights of the Israelis within the State of Israel. Therefore, if the Palestinian people wish to see a more universal understanding and acceptance of their rights within the U.S. Congress, they will have to make a concerted effort to insert themselves into the peace process in a positive fashion. This will involve the willingness to accept the existence of Israel and to live with Israel peaceably. Leaders who advocate such peaceful ways rather than those who promote acts of terrorism will most successfully advance the interests and the legitimate rights of the Palestinian people. And they will gain the ear and interest of Congress.

Charles deGaulle once said that in diplomacy one must accept the inevitable and turn it to one's own advantage. The Camp David framework underlines the inevitability of a peace treaty between Egypt and Israel and the inevitability of Israel's survival. It is now up to the Arab States and to the Palestinian people to take these two facts as a starting point and build upon them to their own advantage. If the Palestinians were to accept Israel's existence and Sadat's initiatives, they would be signaling their own intention of promoting peace in the Middle East. The initial framework of Camp David may disappoint most Palestinians now. But it will only be by peacefully buttressing the efforts of President Sadat and of the United States to create a homeland that they will advance their own cause. If they continue to believe, as do many, that the forces of nationhood are irreversible, they should take positive steps toward this end.●

IN MEMORY OF VERNON TYRONE SCIPIO

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. DE LUGO. Mr. Speaker, 2 weeks ago the tragic crash of an Antilles airplane on a commercial flight from St. Croix to St. Thomas in the U.S. Virgin Islands took the life of a prominent St. Thomian, Vernon Tyrone Scipio.

At the time of his death, Mr. Scipio was an official of the Virgin Islands Department of Education as director of health and physical education.

But to citizens of St. Thomas Vernon was more than a government official. He was an integral and dedicated part of the civic fiber and a most respected member of our community. Throughout the years Vernon involved himself in so many community projects, so many community organizations, so many community needs that he became a symbol of what can be accomplished when citizens become involved with their society.

Vernon Scipio will not soon be forgotten because he has left so much of himself to us. It is my honor to insert in the CONGRESSIONAL RECORD, in his memory, an article in the September 9, 1978, issue of the Daily News. His contributions and his commitment to Virgin Islanders are well documented and a source of inspiration to all who knew him.

The article follows:

VERNON SCIPIO WILL BE REMEMBERED

(By St. Clair Murraine)

The ill-fated flight of an Antilles Airboat which crashed last Saturday took the life of Vernon Tyrone Scipio, health and physical education director for the Department of Education. Scipio was more than just an official with the department as he was the founder of a movement that is currently educating several of St. Thomas' delinquent youths while giving them a chance for a brighter future.

The movement began during the early 1970's when Scipio and his co-worker at the Charlotte Amalie High School, Arthur Jamison, decided it was time to get the troubled youths back in school. The program has already produced as Glen William, a recent graduate of St. John University, went through the movement and later advanced to a professional basketball career.

In 1970, Scipio recognized the potential of Williams and Robert Gumbs and decided that something should be done to help the two top cagers to develop their abilities. With that he remembered the Lauringburgh Prep school in North Carolina and knew it had helped the likes of top pro basketball players Jimmy Walker, Sam Jones and Charlie Scott.

The next move was to contact Dr. McDuffey, coach of the North Carolina, to inquire of the islanders chances. McDuffey warned Scipio of the financial burden and all of the other shortcomings he might encounter if the deal did not work.

McDuffey agreed to take the two students and put up three fourths of the \$2,500 yearly tuition for each of the youngsters. The rest including transportation and all other expenses was up to Scipio and Jamison. They found the money and sent the first two players to North Carolina. But, it only went half way as Gumbs returned home after a brief stay at the school. Williams however, stayed on and it payed off.

Despite the halfway success Scipio encountered with his first try, he did not give up on the kids and the other island students who achieved academically. Sidney Bell and Arthur Solomon were among those who advanced their education and played basketball at their colleges with assistance from Scipio in getting funds.

Currently, Scipio's son, Darien, along with Willie Petersen, Sylvester Charles and several others are attending the Lauringburgh school.

At the time of his death, Scipio, 44, was returning to St. Thomas after attending a meeting with physical education program for this school year.

September 20, 1978

The North Carolina native came to St. Thomas during the late 1950's and worked as a teacher and chairman of the P.E. department at C.A.H.S. until he took over as director with the Department of Education in 1967. While at C.A.H.S., the West Virginia State College graduate began a program to upgrade the level of P.E. in the elementary as well as the secondary level of most of the islands' schools.

On his own time, Scipio served as president of the defunct St. Thomas Basketball Association. He also was a player with the Dukes in the association's league. The Dukes also participated in several other sports activities. Scipio was also active as a referee for the St. Thomas Basketball Players Association and the Inter-scholastic Association.

He was also a member of the Caribbean Olympic Committee, Columbus County Social Club of New York and the West Virginia State Alumni Association.

In memory of his many efforts for sports, the 1978 inter-scholastic football league will be played in his honor.

Scipio is survived by his wife, Naomi; two sons, Vernon Jr., sisters Margaret S. Stanley, Jacqueline Rienhardt, Evelyn S. Anderson and Dorris S. Dees, two brothers, Edwin and Rudolph, and several other relatives.

In view of Scipio's interest in promoting athletic development for the youth of the V.I., his family has requested that in lieu of flowers contributions be sent to the Vernon T. Scipio Memorial Athletic Scholarship Fund C-O the Department of Education.

Scipio will be buried in Chadborne, N.C. However, viewing of the body and memorial services are scheduled in St. Thomas. On Wednesday beginning at 2 p.m. until 5 p.m. viewing will be at the John Thomas Chapel. Thursday viewing is slated for 8 until 9:30 a.m. with services at 10 a.m. at St. Andrews Anglican Church. ●

THE BLAME IN RHODESIA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. McDONALD. Mr. Speaker, the idea current in American policymaking circles that Rhodesia is just another civil rights problem is certainly one of many American misconceptions on Africa in general and Rhodesia in particular. A case can be made that this and other mistaken notions of American policymakers will be responsible for additional bloodshed in Rhodesia. American support of the so-called Patriotic Front has encouraged the terrorists to believe that nothing they do will draw our criticism nor cause a withdrawal of American Government support. We even have the gross spectacle of the World Council of Churches subsidizing the people who are murdering missionaries and shutting down mission hospitals. A recent Washington Star editorial of Sunday, September 17, 1978, summed up this situation very well. I commend it to the attention of my colleagues. The editorial follows:

THE BLAME IN RHODESIA

The hopes for a negotiated settlement in Rhodesia were deteriorating last week—and, in fact, yielding to an unproductive quarrel about whose fault the breakdown may be.

Anglo-American diplomats, who have tried and failed to convene an "all-party" conference, were reportedly drawing back from

EXTENSIONS OF REMARKS

their efforts, some of them feeling that civil war is now inevitable, and reluctant to face the possibility that they have contributed to that disturbing prospect.

Meanwhile, Prime Minister Ian Smith, still caught between militant white supremacists on the inside and militant black guerrillas on the outside, complains bitterly that "the greatest contributing factor to our failure (that is, of the experiment in multi-racial transitional government) has been that the American and British governments, the leaders of the free world, have sided with our enemies, the Patriotic Front."

There is plenty of blame—if blame we must have—to go around for the dire situation in Rhodesia. Mr. Smith waited a long time, maybe too long, to make his peace with reasonable black nationalists, although it really isn't for outsiders to judge how much leverage he had at an earlier stage with his own following.

Britain, for its part, was too long guided by the belief that its former crown colony could be brought to heel by economic sanctions, following which a post-colonial settlement could be dictated from London. The failure of sanctions is partly explained by the discovery that the attempt to keep British oil out of the country was thwarted with the knowledge and acquiescence of high civil servants and government officials.

The attention of Americans might more profitably be drawn, however, to the curious role of the U.S. in Rhodesia. There was a promising interval in mid-1976 when Secretary of State Henry Kissinger, fresh from his success at Mideast shuttle diplomacy, took on the Rhodesian crisis for mediation. He was the first outsider to treat the Rhodesian problem as one susceptible to diplomatic management rather than high-toned posturing. But the interesting prospects opened by Dr. Kissinger faded when he left office in 1977 and the new Carter administration substituted officials who viewed Rhodesia in the context of American civil rights politics.

U.N. Ambassador Andrew Young, who was in the forefront, seemed to believe that the Rhodesian problem would yield to techniques that had proved useful in the Deep South in the mid-Sixties. The issue, as he saw it, was "majority rule"; and if guerrilla warfare and tribal rivalry for power divided various black factions and leaders in complex ways, that inconvenience could be ignored.

From the outset, Mr. Young also shared the British view that Mr. Smith's internal settlement of last March could not succeed, since it was unsupported by the Patriotic Front and the neighboring African governments; and this ultimately began to seem a self-fulfilling prophecy.

Mr. Smith may not be incontestably right in believing that U.S.-British support would have meant the difference between failure and success for the internal settlement. But in retrospect, it is probable that a valuable opportunity was missed when the U.S. and Britain shunned that half-a-loaf settlement and thus communicated to their friends in Africa the certainty that guerrilla warfare and terrorism could proceed without our disapproval.

Anglo-American policy in Southern Africa, as directed by Mr. Young and his colleague Dr. Owen, the British foreign secretary, must share the burden of failure. That policy undermined Mr. Smith's efforts to draw together moderate whites and moderate blacks, while at the same time it failed to bring the Nkomo-Mugabe guerrillas to collaborate in an alternative settlement.

The failure was a failure of perception and understanding. In the old days of outright colonialism imperial diplomats at least had a clear idea of what they sought and how to accomplish it. The new and idealistic interventionism practiced from Washington and London since early 1977 suffered from an

excess of ambition and illusion. Because it was disinterested, or at least seemed so to its practitioners, there was the illusion that we had a better grasp of what might be best for Rhodesia's future. But that was not the case. It was an inept, if well-intended, form of meddling in problems rooted in an altogether different history and experience from our own.

To treat an Ian Smith as a kind of African George Wallace was not only mistaken but fraught with the risk of pointless bloodshed and strife. It is not strange that parentage of the risk is being disclaimed right and left. ●

IT IS NOW OR NEVER FOR AN ENERGY PROGRAM DURING THE 95TH CONGRESS

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. SIKES. Mr. Speaker, for the greater part of 2 years, encompassing most of the life of the 95th Congress, the Congress has struggled to produce a workable concept of an energy bill. Time is running out. It is now or never for the 95th Congress. We now have a prospect of an early vote on a program before we adjourn. What will be before us is not a major accomplishment, but it is a beginning. Without it, there will be nothing on which to serve as a stepping stone in a future Congress for a more meaningful program. The entire monotonous procedure which we have experienced in the 95th Congress will have to be repeated if we fail to pass an energy bill this year.

It is not a question of whether the bill is adequate. It is not adequate to meet the Nation's energy problems, but it will aid in a significant way, particularly by helping to insure supplies of natural gas for the Nation's consumers. It also will provide price stabilization and new markets for the Nation's producers. This will be a good beginning.

We have fought the battle of deregulation on natural gas in Congress for a great many years. Time after time, efforts to produce a workable solution have failed. We cannot afford to fail now. We are an energy-deficient nation, simply because we use much more fuel than any other nation and we do not produce enough to meet our needs. Many nations are confronted with a much more critical energy problem than the United States in that they have no oil production of their own. Most of them have managed to put their house in shape by whatever stringent measures are necessary to reduce cash outflow. They restrict energy use and increase the price of fuel to the consumer. They are facing up to the problem; we are not.

These nations cannot comprehend our inability to cope with our own problem, blessed as we are with such great assets of coal and oil and with relatively untapped opportunities for the development of nuclear energy, alcohol for fuel from farm products, and solar energy. The fact is, we have simply assumed our problem will never reach crisis proportions. The near-crisis which developed during the Arab oil embargo was short-

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lived and is generally forgotten. The fact remains it could happen again and we would be hit even harder than before because we use more fuel each year.

The plan before us is not a panacea. It falls far short of solving all our energy problems. It is little more than a start, but we cannot delay the initiation of the necessary efforts to respond to America's energy problems. Day after day, month after month, year after year, American dollars are leaving our Nation to purchase foreign oil. They add up to many billions in the course of a year, roughly \$43 billion. Such an unfavorable balance cannot continue if we desire to maintain any semblance of the strong American economy which has led the world since the end of World War II. Each day that this Nation proceeds without an energy plan brings us all closer to a point of no return.

We must take steps now—and the proposal before us is the best that we can achieve after 2 years of work. I know it is not perfect. Seldom does compromise result in perfection. But compromise has given this Congress a workable energy plan—one which the Nation badly needs.

As I review this plan I see several significant benefits:

It would permit significant additional quantities of natural gas to flow between the States at prices below that of alternative fuels;

It will permit construction of an Alaskan natural gas pipeline which could easily result in increased supplies of natural gas on the order of 30 percent higher by 1985;

The increased natural gas flows would decrease the importation of foreign oil, at a potential savings of \$7 billion a year in our balance of payments; and

It will protect home consumers and cost them no more than the existing law, as well as providing substantial quantities of gas for new home hookups.

Increased costs are inevitable, with or without this legislation. Supply will be more consistent. Passage of the measure signifies progress in a long delayed program essential to the Nation's interest in energy conservation.●

SOMEONE OUT THERE WANTS YOU

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. SANTINI. Mr. Speaker, those of us caught up in the toil and turmoil of our congressional labors are well aware of the record number of our House colleagues—55—who will be leaving the Congress at the end of this year.

I recently received a job inquiry letter from a national life insurance company, demonstrating that the private sector is only too well aware of our diminishing ranks and precarious existence.

I share this job solicitation letter in the hope that it may represent an employment alternative for our retiring

Members or a future opportunity for those of us who fail the election test.

The material follows:

NEW YORK LIFE INSURANCE CO.,
Washington, D.C., September 5, 1978.

Mr. JAMES D. SANTINI,
Rockville, Md.

DEAR Mr. SANTINI: Your name has come to my attention as someone who may possess the necessary qualities to fill a position currently open in our Sales and Sales Management Training Program.

I have no way of knowing whether this would be of interest to you, but I believe that it could be of mutual benefit for us to meet personally, to discuss this matter further.

Please call me at 337-7505 so that a satisfactory time can be arranged for an interview.

Sincerely,

JEREMIAH A. KELLEY,
Assistant Manager.

HOUSE OF REPRESENTATIVES,
Washington, D.C. September 19, 1978.

Mr. JEREMIAH A. KELLEY,
Assistant Manager, Washington General Office,
New York Life Insurance Co.,
Washington, D.C.

DEAR Mr. KELLEY: I appreciate your unsolicited expression of interest about my future employment. Your letter reflects the general state of awareness about the uncertainties of my present occupation. It is true that a record number of my co-workers have retired this year. However, I intend to continue in my present job if I get the approval of all my employers in November.

Nonetheless, please keep my name in your active interest file because if my present contract is renewed it will only extend for two more years. With these two-year cycles of survival, I must keep my options open.

We may get together soon.

I remain,

Sincerely,

JAMES D. SANTINI,
Member of Congress.●

KEYNOTE ADDRESS: THE FIRST
NATIONAL CITIZENS CONFERENCE
ON ENERGY FACILITY SITING;
GLENWOOD, MINN.

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. NOLAN. Mr. Speaker, this past weekend, I was privileged to deliver the keynote address to the very first national conference devoted to the growing crisis over how we produce and transmit energy in this country.

The conference was made up of 2 days of workshops, discussions, and demonstrations by individuals from over 30 States—each with special concern over the direction we are pursuing. Sponsors included the Environmental Policy Center, Washington, D.C.; United Church of Christ Board for Homeland Ministries, New York; Minnesota Council of Churches, Minneapolis; National Catholic Rural Life Conference, Iowa; the General Assembly To Stop the Powerline, Minnesota; and Counties United for a Rural Environment (CURE), Minnesota.

Since many of my colleagues will undoubtedly be asked to address the same issue in the future, I would like to share my remarks:

ADDRESS BY HON. RICHARD NOLAN

My friends, what we have witnessed here together this weekend is the birth of a movement!

There are farmers here today: environmentalists here today: consumers . . . local officials . . . and many many others who never had a common ground or a common goal before . . . here to begin what I predict will be a National debate . . . a public National debate . . . not just on whether a powerline in central Minnesota or a nuclear power plant in Seabrook serves the public convenience and necessity (as the utility executives are so fond of putting it) . . . but whether the real public interest and public needs are served by the entire direction we are pursuing in the way we produce and transmit energy in this country.

In fact, we are here to demand that the term "public convenience and necessity" take greater account of the necessity to preserve our land, in addition to the necessity to generate electricity; take greater account of the necessity to preserve our farms, in addition to the need to transmit that power:

We are here to say that the public convenience is also the convenience of the farmer and the environment . . . not just the power companies.

We are here to talk about a new set of priorities overlooked and undervalued for far too long.

And out of this debate, I predict, will come not only serious questions about policy . . . but serious questions about the policy makers and the policy making process . . . questions and challenges which must ultimately and fundamentally change the way the policy makers think and act to supply our energy needs.

Many of you here today are veterans of other battles, where you have learned not only how terribly difficult, but how terribly necessary it is to challenge the policy makers and challenge the old ways of doing things.

Farmers, for example, who continue to see family farms disappear by the tens of thousands because we waited too long to question the policy makers:

Environmentalists who continue to see the air fouled and waters ruined because for too long, no one questioned the way we designed our cars, produced our goods, and disposed of our waste:

Ordinary citizens who became anti-war activists because they realized what was happening to our country and our society in the 1960's when the policy makers were not questioned:

But whether you're a veteran or a newcomer, the fact is that we know the war has stopped . . . that there are laws now to begin to protect the environment . . . that committed individuals and organizations can and do change a course of events.

So in this debate . . . whether it is the powerline protest here in Minnesota . . . the clamshell alliance in Seabrook . . . whether it's those who are going to fall in Portland or in California . . . what's being said is "Hold on! . . . wait just a minute . . . let's pause just for awhile before we cover another land area the size of Connecticut with transmission right of ways . . . before we place anymore liquified natural gas plants in highly populated areas like Staten Island or Boston . . . and let's examine the consequences of our actions . . . so that we stop making public policy with the idea that the damage needs to be done before preventative measures are taken.

That's not radical;
That's not unreasonable;
That's not irresponsible;
That, my friends, is just using your head!

The real questions here go beyond *where* we put the next high voltage transmission line . . . or *where* we put the next nuclear power plant or *where* we put the next coal gasification plant. Because quite frankly, no one wants them. No matter where we put them, somebody gets angry.

The real question is whether the environment, the public health, farmers . . . consumers . . . in short whether the public interest . . . the public well-being . . . is served by continuing to rely on a relatively small number of huge, concentrated, monstrously expensive facilities which produce and transmit energy . . . or whether we should instead move in another direction . . . perhaps toward a point where our future energy needs recognize the limited resources of our planet . . . and whether we can decentralize and deconcentrate energy production in this country.

We don't have any final answers. But people all throughout the country are beginning to recognize that priorities must change . . . that alternatives must be found. They are beginning to ask the right questions.

People concerned with the public health are asking: What are the consequences of exposing 50,000 rural citizens to almost 10,000 new miles of high voltage transmission lines within 12 years . . . exposure that will last a lifetime for everyone of those people.

There are those who are so ready to assume all is safe until somebody proves otherwise: No doubt many of the same ones who are so ready to assume that it was safe to dump billions of tons of asbestos into Lake Superior . . . and who were so ready to assume that nitrites and cyclamates were safe enough to introduce into the entire food chain.

People inside and outside of government are asking: Does any government or any industry have the right to allow citizens to be exposed to unknown dangers of nuclear wastes and high voltage radiation without full disclosure of the consequences or an effective voice in the decision-making process.

Those who are concerned with how we use our land as a limited and precious resource are asking: What are the consequences of taking 4 million acres of prime farmland out of production by 1990 for pipeline and power-line rights of way when we are already losing 3 million acres of our most fertile land each year to developers and to urban sprawl.

What are the consequences of our plan to build 110 more nuclear power plants by the mid-1980's . . . and moreover . . . what are the consequences of burying 11 million cubic feet of high level nuclear wastes below the ground by the year 2000?

What are we going to do when the 50 year life expectancy of the storage tanks runs out and those poisons begin to soak through the ground and into the soil?

Those who are concerned with our National Security are asking: What are the consequences of perpetuating a system of producing energy which is controlled entirely by multi-national energy conglomerates with no allegiance to anything but a combined annual profit of tens of billion dollars

If one small electrical storm can black out New York City and vast portions of the northeast coast . . . how in the same of reason can that kind of system be strategically safe in time of war or national crisis?

Any, my friends, government . . . by in large . . . has not only failed to answer the questions. Government has failed to even consider the questions.

We are spending \$4 billion dollars a year in energy research . . . and out of that total, only 18 percent is going toward developing any alternatives to the present system . . . alternatives like solar energy, wind energy, and geothermal energy.

And it's little wonder . . . because up until just a very short time ago, government has had no one else to listen to but the energy monopolies who spend millions of dollars and employ hundreds of technicians, experts, and lobbyists in Washington to see that the right questions are not asked.

So as you grow as a coalition and as a movement, you must begin to demand that public money be used to develop and realize alternatives in the public interest.

The truth is that there are alternatives. They aren't perfected. They may be somewhat elaborate or more costly, at least right now. But it is unacceptable for us to do anything less than pursue every alternative. It is unacceptable for the policy makers to tell us any longer that we are wrong if they can't prove it.

Finally, let me just say that you aren't alone in your anger and your frustrations. Let me tell you . . . the victories are few and far between . . . whether you're pressing for decent, progressive alternatives as a congressman or as any one of you here today.

But be that as it may, we must continue to drive home the point, again and again and again, that the real test of public policy is not whether the boards and commissions and the councils correctly follow the procedures for hearing your side of the story . . . but whether the solutions which come as a result are acceptable and just.

And the fact is that what has come as a result of the procedures in Minnesota and in Seabrook and time and time again throughout the country are not acceptable or just.

Law-abiding citizens don't tear down transmission towers or occupy nuclear power plants or go to jail when they are presented with acceptable and just solutions, and when they are treated fairly.

So I challenge you to vent your frustrations and your anger not by threatening lives and property but by building public support for your position and by using the tools of this democracy which are here to help assure that the public will be carried out.

I'm talking about forming an organization; Holding conferences like this one throughout the country;

Doing more research;
Generating more news coverage and getting your story out to the degree that you raise public awareness that generates public pressure and results in change.

Find out who your friends are.
Require your candidates for public office to state their positions;

Generate the kind of support that will force your State legislators to listen: Force Congress to listen: Force your Governors to listen; and force the President to listen.

At that point, I can guarantee you that Government will respond and change the way we go about supplying energy for people in this country. It can be done.

Tax money can go to research and develop alternatives—alternatives that encourage self reliance, not public dependence;

Alternatives that respect a man's farm and his property;

Alternatives that respect the environment;
Alternatives that respect the fact that our resources are limited in this world;

And laws can be changed to require that those alternatives, in fact be followed—that the power companies follow them—that Government agencies follow them.

Finally, let me add—don't become discouraged or lose heart.

People all over this country are being inspired by your example;

They are gaining strength and courage by your example;

They are renewing their own commitments because of your example;

As you leave this conference today, I challenge you to let everyone know that we are in this for the long haul. Because when your commitment has no time limit—your opposition knows that if they don't deal with you today—they will have to deal with more of you tomorrow.

We'll be seeing each other again.
Thank you very much! ●

MIA SIGHTINGS—VII: TWO MORE STUNNING LETTERS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. DORNAN. Mr. Speaker, through the good offices of the Defense Intelligence Agency, I have another translated letter from Vietnamese refugees on Americans listed "Missing in Action." This is a stunning letter. It reports live Americans, 15 of them, imprisoned in cells and properly fed.

I have only this to say: These documents alone are reason enough for us to refrain from hasty, ill-considered presumptions of death of Americans listed as "missing" in Southeast Asia. The fact that one letter reports good treatment illuminates the possibility that the Vietnamese may yet be forthcoming on this issue. I do not doubt that the diplomatic initiatives that the United States may have to undertake in this delicate area might be, under the ordinary canons of international diplomacy, rather bold. But I ask that Members of this House consider the need for us to press ahead in our search for a satisfactory solution to this grave problem, a problem that is, obviously, an agonizing trial for the families of these brave men.

Mr. Speaker, I know that some of us have been criticized for holding out hope. But I think that those who level this charge fail to remember that hope is a virtue. It is an optimistic vision that good may yet, no matter the darkness, prevail. We have no right to abandon a virtue. No, we have a duty to preserve it—even in the face of our blackest trials.

Mr. Speaker, I ask that every Member of this House give these letters their closest attention. And I ask them to remember these documents when they are called upon to employ their best judgment in making critical decisions in this area. They are a matter now of public record. And they will be forever viewed in that light. I insert letter No. 11 now into the RECORD:

DEAR MADAME: By accident, I read the short ad in the TRANG DEN newspaper. Knowing that you are interested in information about the U.S. POWs, I write you promptly and furnish you some simple details, and hopefully it will help to shorten the way of return to Vietnam to clobber the red communists of North Vietnam.

I want to introduce myself. Previously in Vietnam, I was a net chief, in charge of conducting research on the U.S. POWs (to verify that information is genuine, not fake).

In early spring 1975 (I do not remember dates because I've lost memory since 3 years,

due to a mental depression), I received intelligence information from our secret informant (double agent) in (deleted) hamlet (deleted) forest of (deleted). Early March 1975, the V.C. escorted 15 U.S. POWs, 5 black, 10 whites and incarcerated them in secret cells, fed them kindly. Our informant gave these details: one North Vietnamese platoon guarding the prisoners day and night and reportedly they will be for an eventual exchange. During the casual talks with the North Vietnamese our double agent reported overhearing that these precious customers should receive good treatment to be useful later.

I have reported this information to my superiors in Saigon, but they were all thrown in the waste basket because they had run away to the U.S. I was so eager in my work, therefore the net structure in U Minh, all fervent personnel were killed by the communists (letters from home said that my relatives were all dead after the red devils liberated our country).

After 3 years, I do not know whether these Americans were killed by them or moved anywhere. But one thing is certain that between January 1975 and March 1975, there was a presence of 15 Americans in the area mentioned in this letter.

If you do not believe me, if you have a capability to ask the present American in charge of POW to ask PHAM VAN DONG (Note: Source often refers to the communists including the North Vietnamese Prime Minister as having the head of a buffalo and the face of a horse, an insulting term) if he ever orders a move of a number of important POWs (all officers) to the south in the U Minh area or not.

I can guaranty my life to state with you that a number of U.S. POW's are still living and well fed by the North Vietnamese to coerce the U.S. government.

If you still doubt me then tell the Americans to send me back to RACH GIA for me to renew contact with the surviving personnel to realize this project, because I want to die in my country after having obtained tangible results that there are still surviving U.S. POWs.

Signed,

DELETED.●

BALANCE(S) OF POWER SERIES:
BOOK III (H)—ASIAN RIMLANDS

HON. JOHN B. BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. BRECKINRIDGE, Mr. Speaker, as was shown in the preceding selections in the regional balance series, the military balance in Northeast Asia is a problem which will continue to directly involve the United States. Elsewhere around the Asian Continent, or in the Asian rimlands, military confrontations since the war in Vietnam have been shaped more by national antagonisms and attempts by China and the Soviet Union to gain advantage over each other in these regions. Their attempts have used domestic insurgencies which are still a source of concern to virtually all governments in Southeast Asia, as described in the following article by Nayan Chanda taken from the New York Times of March 27, 1977.

Recent developments in Vietnam only serve to emphasize that the growth of these regional imbalances into seri-

ous international crises is not an impossibility, and must remain a concern for the United States.

The article by Nayan Chanda, "South Asia Is Never Quite Free of Insurgencies," follows:

SOUTH ASIA IS NEVER QUITE FREE
OF INSURGENCIES

(By Nayan Chanda)

HONG KONG.—Two years after victorious Communist armies marched into Saigon and Phnom Penh and the Communist-led Pathet Lao took over Laos, none of the other South Asian dominoes has "fallen," but real insurgencies do exist and the question of how to deal with them remains much in debate as it always was.

While Western analysts in the area approve the fact that the governments involved take seriously the threat posed by insurgent movements in Thailand and Malaysia, some are skeptical of the tactics chosen to counter the rebellions. These tactics are reminiscent of the search-and-destroy techniques of the United States forces in Indochina, failures by almost any measure.

The point is that military overkill could be counterproductive: Great popular advantage would accrue to the insurgents if government soldiers continue their mindless attacks. In the heat of military operations, little thought is being spared to removing the socio-economic roots of dissent.

Sometimes the rebellions overlap, but for the most part the threats to the dominoes are not directly related.

Thailand: One of the principal areas of military activity straddles the Thai-Malaysian border. The avowed purpose of the present joint Thai-Malaysian operation there is to destroy the revolutionary faction of the Communist Party of Malaysia believed to be taking refuge in Thai territory. Another drive is under way in Surat Thani, a province in south central Thailand, to turn large tracts of forested mountains into free-fire zones and so deny the insurgents food and other essentials. While such measures stand the risk of alienating the local people, little is being done to remove existing grievances. The secessionist movement of the four southern provinces of Thailand (80 percent of their population is Moslem and speaks a language akin to Malay) dates back to the beginning of the century. Years of neglect by Buddhist administrations in discrimination and corrupt and oppressive officials have aided the movement. Malay and Thai Communists have moved in to cash in on this potential.

More serious in terms of potential threat, however, is the insurgency in northeast Thailand where the number of armed guerrillas has almost doubled since 1973. The ethnic Lao population of Thailand's 17 northeastern provinces have a long tradition of resistance to the central authority in Bangkok. Long neglect of economic development in a region with arid soil and a fast growing population made it possible for the Communist insurgents to set up their first base. Apart from 4,000 armed insurgents in the northeast, the Thai Communist Party maintains 2,500 guerrillas in north Thailand, composed mainly of hill tribesmen who resent the central government's effort to resettle them in the plains and interfere in their traditional life-style.

The repression that accompanied the Oct. 6 anti-Communist coup in Bangkok, and the uncertainty caused by an unsuccessful coup attempt last week have given an unexpected boost to the insurgent cause. With several hundred students, intellectuals and parliamentarians going underground to join the Communists, the insurgents have gained a national constituency.

Malaysia: The occasional ambushes and assassinations committed by the 3,000 guerrillas under the three factions of the Communist Party of Malaysia are more of a nuisance

than a threat. Despite the Communist effort to draw in ethnic Malays and Indians, the insurgency remains a dominantly Chinese phenomenon relying on poor Chinese peasants and rubber plantation workers discriminated against by the Government's policy of seeking privileges for the backward Malay community. However, as education increases among the poor rural Malays, thanks to the Government's own liberal education policy, there is a growing awareness of the economic gulf between the rich and poor and a puritanical concern about the mores of urban life not in conformity with Islamic faith.

Burma: More than a dozen insurgent groups ranging from the pro-Peking Burma Communist Party, ethnic Karen, Kachin, Shan and Mon rebels to associated opium runners, bandits and Kuomintang stragglers have been plaguing Burma for 30 years, especially since the 1962 coup by Gen. Ne Win. The Burmese Government has neither the will to accommodate the desires of autonomy expressed by diverse ethnic groups nor the capability to meet their challenge.

Vietnam and Laos: Tribal insurgencies have been a plague for non-Communist regimes alone. The two-year-old Communist governments of Vietnam and Laos have yet to control their own tribal resistance. Although dwindling in number and resources, some members of the anti-Communist Montagnard group known as Fulro are still believed to be operating in the central highlands of South Vietnam. Remnants of the formerly Central Intelligence Agency backed Meo secret army are active in the mountains of north Laos.

The Cambodian regime, too, has to deal with small bands of anti-Communist resistance fighters as well as smugglers from Thailand. Lao rebels in the Sayaburi area in the north are also believed to enjoy Thai support.

The Philippines: Amid all the sputtering guerrilla wars in Southeast Asia, one that might eventually end is the Moslem rebellion in the southern Philippines led by the Moro National Liberation Front. The Moslems, who have been fighting central control since the arrival of the Spanish in the 16th century, mounted an organized resistance against the Catholic government in Manila after the imposition of martial law in 1972. They have the direct backing of their fellow Moslem regime in Libya. After four years of conflict, causing 10,000 casualties, President Ferdinand E. Marcos is now willing to concede some kind of autonomy to the Moslems in exchange for economic aid for his regime from the oil-producing Moslem countries, and last week announced that the rebels had tentatively agreed to those terms too.

The fragile cease-fire in force since Jan. 20 could be broken if Mr. Marcos does not accept the outright grant of autonomy to 13 provinces in the south.

Indonesia: The only country in Southeast Asia that does not have to devote a major share of its budget to fighting insurgency (excepting of course in the still unsettled former Portuguese colony of East Timor) is Indonesia, where the killing of nearly half a million Communists and their sympathizers following the abortive coup in 1965 and the continued detention of nearly 30,000 political prisoners have virtually decimated the once powerful Communist Party. Tough measures to depoliticise the people and the omnipresent shadow of security organizations have kept the lid on dissidence.

Some diplomats in Jakarta, however, wonder if the frustrations born out of growing unemployment, population pressure, pervasive corruption and a widening gap between rich and poor is going to burst out in riots as it did in January 1974.

The withdrawal of United States forces from the mainland of Southeast Asia has taken away one handy target from the

region's insurgents but there are still plenty of factors to feed their campaigns. The faith in draconian law and military suppression shown by some governments is a reminder how reluctant the regimes are to learn from yesterday's experience. ●

IS SOLAR POWER MORE DANGEROUS THAN NUCLEAR?

HON. GARY A. MYERS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 1978

● Mr. GARY A. MYERS. Mr. Speaker, the public perception of risk involved with different systems of energy production is often influenced by the appearance of these systems instead of through an evaluation of the total risk. The total risk includes the occupational risk, or the risk incurred by those involved in producing and operating an energy system, and the public risk, which is the risk incurred by everyone else.

The following article examines the results of an accounting of the total risk involved in 10 technologies, of which 4 are conventional and 6 nonconventional. The results suggest that the public tends to overlook all parts of the energy cycle except the visual aspects of the energy systems.

When risk is properly defined in terms of unit energy output, energy systems requiring large collection and storage apparatus rank high in total risk relative to conventional systems.

IS SOLAR POWER MORE DANGEROUS THAN NUCLEAR?

(By Dr. Herbert Inhaber)

Consider a massive nuclear power plant, closely guarded and surrounded by barbed wire. Compare this with an innocuous solar panel perched on a roof, cheerfully and silently gathering sunlight. Is there any question in your mind which of the two energy systems is more dangerous to human health and safety? If the answer were a resounding "No," the matter could end there, and the editors would be left with a rather unsightly blank space in their journal. But research has shown that the answer should be a less dramatic but perhaps more accurate "maybe".

How can this be? Consider another example. In the driveway we have two vehicles. One is a massive lorry, and the other a tiny Mini. Which of the two is more efficient? No, not larger—more efficient. Their relative size is easy to judge, but efficiency involves the amount of petrol used, the distance travelled, as well as the weight carried.

The moral? You can't judge the relative risk of an energy system merely by its size or fearsome appearance. You must find the risk per unit energy—that is, its total risk to human health divided by the net energy it produces. This is the only fair way of comparing energy systems.

In addition, we must consider the total energy cycle, not one isolated component. If you calculate the risk of only part of a system and compare it with the corresponding part of another, by judiciously choosing the component you could prove that any energy system is riskier (or safer) than any other system. You would obviously be proving precisely nothing.

You may wonder why the Atomic Energy Control Board (AECB), the main regulatory agency for nuclear power in Canada, is con-

cerned with this question. We do our best to minimize nuclear risk, but we are not in the business of regulating other energy forms. The answer is simple: the AECB has been studying the risk of nuclear power, but the results will have more meaning if they are put into context. That is, finding that nuclear power produces a certain number of man-days lost per megawatt-year has only a limited meaning to non-specialists. Knowing that this value is twice (or half) that of other energy systems means a lot more.

We can calculate the net energy output easily enough. But what is the total risk? The new field of risk accounting addresses this question.

By now, most people working on energy questions have heard of energy accounting. This extension of the accountant's part adds up all the energy required for components of a system in order to determine the overall energy requirement. For example, a coal-burning electricity plant needs X kilowatt-hours of energy to mine each tonne of coal, Y to lay each kilometre of track to transport it, Z to construct each turbine, and so on. By summing the required energy inputs, we can compare the result to the output.

Risk accounting is based on the same principles. All sources of risk are evaluated in terms of the deaths, injuries or diseases they cause. This implies that we evaluate not only the final stage of energy production, but the initial and intermediate stages. For example, in the two cases mentioned in the first paragraph, we would evaluate the risk in mining the sand, copper, iron, coal, uranium and other raw materials that are required, as well as the risk due to fabricating them into glass, copper tubing, fuel rods, steel and all other necessary components. To this would be added the risk associated with transporting material, manufacturing components, and the more obvious risk of constructing and operating the nuclear-powered station or solar panel.

Risk accounting has been around a long time, in various guises. For example, nuclear power, coal, oil and natural gas were compared in terms of risk per unit energy by C. L. Comar and L. A. Sagan in a landmark article in the 1976 *Annual Review of Energy*. They found that, when all the major sources of risk for each technology were summed, nuclear power had a substantially lower risk than coal- or oil-burning stations. Other studies both before and after have confirmed this.

But those who are uneasy about nuclear power, or who even denounce it, rarely advocate a return to coal and the smoky cities we all faced a few decades ago. Rather, they usually propose the use of "alternative", "soft" or "conventional" technologies such as solar, wind, ocean thermal, methanol, geothermal and a panoply of others. The question then is, what is the risk of each of these technologies compared with conventional systems like coal, oil and nuclear?

Results of our risk accounting are surprising, to say the least. They indicate that when all the sources of risk are accounted for, most non-conventional technologies fare rather badly in comparison with conventional ones. Figure 1 shows our results. The vertical axis refers to the total man-days lost by both workers and members of the public due to deaths, injuries or disease per unit net energy output for each system. To combine fatalities with less serious disabilities, an arbitrary number of man-days lost (6000) was assigned to each death.

[Figures 1 and 2 not in RECORD.]

Electricity produced from natural gas has the lowest risk of the 10 technologies (four conventional, six non-conventional). It is a factor of about two lower than the next highest, nuclear power. Third is a non-conventional system, ocean thermal, which can convert the temperature differences of ocean

layers into electricity. Most other non-conventional systems have far higher risk. However, the highest of all are coal and oil, with risk about 400 times that of natural gas.

MATERIALS AND RISKS

What are the reasons for these surprising rankings? The details are contained in a recent (AECB) report.* The main reason why non-conventional systems have relatively high risk is the large amount of materials and labour they require per unit energy output. Why should solar need more materials than coal or oil? It's because of the diffuse nature of the incoming energy: solar and wind energy are weak, and require large collection and storage systems to amass an appreciable quantity of energy. Coal, oil and nuclear systems deal with concentrated forms of energy and so require less apparatus. This argument is simplistic and glosses over many lesser considerations, but is generally found to be true. Figure 2 shows the results of these calculations.

The large quantity of materials required for unconventional systems implies huge industrial efforts in mining, refining, fabricating, and constructing the collectors, storage systems and all related apparatus. Every form of industrial activity has an associated risk, which can be found through accident statistics compiled by national organisations. When all the multiplications and additions are done, we find that the risk from unconventional energy systems can be substantial.

This raises an interesting point. Although these systems are labelled unconventional, their risk comes, in the main, from highly conventional sources. In other words, the risk from windmills doesn't come primarily from a blade flying off and hitting you on the head, and the risk from solar space heating doesn't arise from falling off the roof as you make that last little adjustment. Rather, it comes from the more mundane tasks of mining the coal, iron and other raw materials and fabricating them into steel, copper and glass.

The overall risk, as shown in Figure 1, may be divided into two categories: occupational and public risk. Occupational risk is incurred by those connected to the process of producing and operating an energy system: public risk is incurred by everyone else. Because of the different mixes of materials and labour in each energy system, the rankings within each of the two risk categories are not necessarily the same as for the overall risk. Results for each of the two categories are given in the Table.

In terms of occupational risk, natural gas used to produce electricity ranks lowest, followed closely by nuclear. This occupational risk includes, for example, that incurred in drilling, building pipelines, constructing distribution networks, and so on. Coal risk is much higher. While the risk per hour spent in the mine is not strongly dissimilar for coal and uranium miners, the latter worker produces far more energy per unit time worked. As a result, his occupational risk per unit energy is much lower.

The remarkably high occupational risk for methanol is primarily due to one factor—logging. In Canada (and elsewhere in the world), this is a job with quite high accident rates. Plans for methanol plants have implied that large volumes of wood would be gathered, so the risk would be commensurately large.

However, in terms of public risk methanol ranks second lowest, behind natural gas used to make electricity. As far as is known, the combustion of methanol produces little or no air pollution, so the risk to the public is close to zero. On the other hand, most of

* Risk of Energy Production, 1978, No. AECB-1119. Atomic Energy Control Board, PO Box 1046, Ottawa, Canada, K1P 5S9.

the large public risk from coal and oil combustion is derived from air pollution.

How can unconventional technologies like wind or solar thermal (the "tower of power" concept) have substantial public risk? The answer is simple. The production of the metals needed in many unconventional technologies requires that coal is burned, and this coal will produce air pollution, which in turn causes public health effects. In addition, public risk is produced by the necessary back-up system, required for when the Sun doesn't shine and the wind doesn't blow.

It may well be contended that the first of these two sources takes the analysis too far back, that the coal, iron ore and other raw materials are too removed from the final production of energy to play a part in risk accounting. However, the role of basic materials in the analysis is important. If energy is needed, the nuclear plants or solar panels must be built. To produce the plants or panels, we need to mine, refine, fabricate, and install the raw and intermediate materials, the components and finished products. We cannot avoid risk by ignoring it just because it happens to somebody else.

Risk in man-days lost per unit energy output

	Occupational	Public
Coal	73	2,010
Oil	18	1,920
Nuclear	8.7	1.4
Natural gas	5.9	—
Ocean thermal	30	1.4
Wind	282	539
Solar:		
Space heating	103	9.5
Thermal	101	510
Photovoltaic	188	511
Methanol	1,270	0.4

The energy system with by far the greatest amount of controversy about its risk is undoubtedly nuclear power. In a study of this type, we could not review all the claims and counterclaims about nuclear risk which have been made, especially with respect to reports such as the 4000-odd pages of the Rasmussen study on nuclear reactor safety (WASH-1400). Instead, a survey was taken of the major papers in the scientific literature which had estimated aspects of nuclear risk, including a monograph written by a well-known nuclear critic, John Holdren of the University of California at Berkeley. For each component of risk, the highest value from the group of scientific sources was used. This procedure, not followed for any other energy system, was chosen as a way of removing suspicion of pro-nuclear bias which often clouds energy debate.

ACCOUNTING FOR HAZARDS

There isn't room here for a full discussion of the methodology—the full AECB report contains further details of its features—however, because material acquisition and construction produce large risk for some energy systems, a brief review may be useful. Suppose mining X tonnes of coal or any other material to produce a unit output of net energy requires Y man-years. If the number of man-days lost per year of work is Z , then the number of man-days lost per unit of energy output is YZ/X . A similar calculation is made for the number of man-hours per unit energy output and the risk associated with various required occupational categories such as engineering, construction, operation and maintenance, and so on. We find the risk associated with each part of the system in the same way, and add them to determine the total. The calculations require no advanced mathematics or abstruse models; merely the ability to multiply and add.

This type of calculation implies that certain data are available: the time required per unit of production; rates of industrial accidents, disease and death; construction times; and, raw material requirements for industrial processes. While none of these data is known absolutely, they are known adequately for purposes of a general study such as this. Because the same methodology was applied to all the systems, wherever possible, potential inadvertent bias was reduced to a low level. Different methodologies were used for such risk sources as transportation, air pollution and waste disposal. Every effort was made to ensure that all energy systems considered were treated as uniformly as possible.

Contrary to the intuition of many people, the risk to human health (and its resulting consequences) per unit energy from unconventional energy sources such as solar and wind are apparently higher than those of conventional sources such as electricity produced from natural gas and nuclear power. There are at least two reasons why intuition fails: first, we tend to ignore all parts of the energy cycle except the last, most visible aspect; and secondly, we forget that risk must be compared in terms of unit energy output.

The above conclusions have implications beyond that of energy. Many people have advocated the use of decentralised energy systems as part of a political and economic process. Due to the risk they entail, material requirements alone may preclude this option. Neither I nor the Atomic Energy Control Board propose the use or non-use of any particular energy system. However, all of us must have knowledge of the risks involved in order to make reasoned judgments on the technical acceptability of a particular system. ●

RONALD WILLIAMS NAMED TO PRAIRIE-HILL SCHOOL BOARD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. DERWINSKI. Mr. Speaker, I would like to call the attention of the Members to an outstanding young Vietnam veteran from my district, Mr. Ronald Williams. Mr. Williams is a good example of the dedicated young men who, after returning from Vietnam, have made many great contributions to their home communities.

I would like to take this opportunity to congratulate him on accepting the important civic responsibility of serving as a member of the Board of Education of his local school district. A fine tribute to Ron appeared recently in the Penny Saver publication, serving the south suburban area of Chicago, which I wish to insert at this point:

NAMED TO PRAIRIE-HILL BOARD

Mrs. Bettyanne Howard, the President of the Prairie Hills Elementary School District Board of Education this week announced the appointment of Ronald Q. Williams to the position vacated by Board Member George Ross.

Mr. Williams, a resident of Country Club Hills, is a Social Science Analyst with the U.S. Government's Bureau of Labor Statistics in Chicago.

Mr. Williams was active in the Winston Park Homeowners Association, and he has a B.A. degree in Public Administration and Management from the University of Missouri.

Ronald and Gilda Williams are the parents of a 10 month old Asha, a girl. The Williams have lived in the Winston Park area for 3 years. Gilda Williams, who was born in Evanston, was a professional journalist in Chicago.

The 30 year old Williams was a Communications Specialist with the U.S. Air Force in Thailand during the Viet Nam Conflict and he is still on active status with the Ill. Air National Guard.

Mr. Williams was born in Columbia, Miss., and his present management position with the Bureau of Labor Statistics consists of managing, planning and co-ordinating several major employment statistic programs, surveys and research projects in the Region V area. ●

TRIBUTE TO HON. WM. LEHMAN

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. YATES. Mr. Speaker, a Middle East resolution was introduced by Representative WILLIAM LEHMAN on behalf of the U.S. delegation to the 65th Inter-Parliamentary Union Conference recently held in Bonn, Germany. The resolution which was offered by the United States and cosponsored by seven other nations was effective in setting the stage for a more moderate tone and political climate regarding the Middle East question, and resulted in a more favorable and less inflammatory Mideast resolution to be passed at the IPU than in any recent year. Because the U.S. resolution expressed not only Representative LEHMAN's views but those of so many of his colleagues, I would like to share with you the text of the formal draft resolution presented by the United States on the Middle East question.

THE MIDDLE EAST QUESTION

Draft resolution presented by the Groups of the United States of America, Austria, Belgium, Denmark, Germany (Federal Republic of), Luxembourg, Netherlands and United Kingdom.

The 65th Inter-Parliamentary Conference, Considering that a peaceful resolution of the Middle East dispute is essential for world peace and security,

Considering that the peace negotiations are at a very sensitive stage in their development,

Noting that the President of Egypt and the Prime Minister of Israel have agreed to renew face-to-face discussions facilitated by the President of the United States of America,

Noting further that these discussions constitute a significant step towards the ultimate goal of a comprehensive settlement.

1. Commends the Governments of Egypt and Israel for their willingness to further the cause of peace in the Middle East;

2. Calls upon Parliaments and Governments to encourage the negotiation process, which has been facilitated by the Camp David Summit, to bring about a peaceful settlement in the Middle East;

3. Urges the parties involved in negotiations to commit themselves to a peaceful settlement through direct negotiations and mutual concessions based on UN resolution 242;

4. Urges all nations involved in the conflict in the Middle East to support and join the negotiation process leading to a comprehensive settlement;

5. Calls on all nations concerned to refrain from provocative declarations or actions which may upset the sensitive deliberations now in process, and to support efforts for continued negotiation by the nations involved.●

**ENERGY ADVISORY COMMITTEE
REPORTS ON THE NATURAL GAS
COMPROMISE**

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. EDGAR. Mr Speaker, the Senate yesterday by a vote of 39 to 59 defeated a motion to recommit the natural gas compromise conference report back to the conference committee. It is likely that the other body will approve this report, and we in the House will have the opportunity to pass judgment on its merits.

I have shared with my colleagues various analyses on energy issues which were prepared by my Energy Advisory Committee. This committee is composed of energy producers, consumers, scientists, academicians, manufacturers, retailers, and representatives of labor, business, environmental and public interest groups with expertise in energy issues.

Last June, I wrote to the committee requesting an analysis of the natural gas pricing compromise. I received its report today, and I would like to share it with my colleagues.

I find the report most interesting in that it mirrors the uncertainty and lack of confidence in statistics which are being provided by proponents and opponents of this bill. Just as in the Congress and our Nation, there is no consensus on resolving this controversial issue. The only thing which the committee members agreed upon was that there was a need for an effective national energy plan. Those who supported this bill supported it not because the natural gas bill was a step in the direction of an effective plan; rather that approval of this bill would remove roadblocks to the enactment of the three other bills which the members see as part of such a plan.

I share the confusion of the committee as to why the other portions of the plan are being held up until there is a resolution of the natural gas pricing bill.

At this point, I would like to share with my colleagues the text of my letter to Mr. Joseph Woods, Chairman of my Energy Advisory Committee, and the response I received.

JUNE 30, 1978.

Mr. JOSEPH WOODS,
Corporate Manager,
Scott Paper Co.,
Philadelphia, Pa.

DEAR JOE: The House/Senate energy conference committee recently reached agreement on the complex and controversial issue of natural gas pricing. Within the next several months, I will be called upon to vote on this proposal.

I would appreciate it if you would convene the 7th Congressional District Energy Advisory Committee to analyze this agreement. Specifically, I would be interested in seeing a comparison of this compromise, the Carter energy bill, and current law, with respect to

natural gas supply, demand, and costs. I would also like to have an analysis of the impact of this compromise on energy producers, retailers, utilities, residential consumers, business and industry consumers, and the Northeast region as a whole, compared to current law and the Carter energy bill.

Enclosed is a copy of a booklet prepared by the conference committee staff detailing the provisions of the agreement. I will send to you published analyses of the agreement from other sources as soon as they are made available to me.

Please contact Cary Ballou of my Chester office if you feel a meeting of the Energy Advisory Committee is appropriate. Thank you for your continuing leadership in this effort to educate me about energy issues.

Cordially,

ROBERT W. EDGAR.

WALLINGTON, PA.,
September 15, 1978.

Representative ROBERT W. EDGAR,
117 Cannon House Office Building,
Washington, D.C.

DEAR BOB: The 7th Congressional District's Energy Advisory Committee has met at your request to study natural gas pricing legislation.

Although we, like many others, were unable to agree on the effect of the current natural gas pricing proposals, we were in agreement on the pressing need for an effective national energy plan. Such a plan should: decrease our country's use of oil and natural gas; recognize the price system as the best method to encourage energy conservation, the substitution of existing non-petroleum fuels and the development of new non-petroleum technologies; and create new approaches to cut the waste now existing in our society.

The Committee's detailed report is enclosed. I hope that you will continue to call upon us for our thoughts in the energy area.

Sincerely,

JOSEPH M. WOODS.

**REPORT ON THE NATURAL GAS PRICING BILL
BY THE 7TH CONGRESSIONAL DISTRICT
ENERGY ADVISORY COMMITTEE**

The 7th Congressional District Energy Advisory Committee met on Thursday, August 24, 1978, to respond to a request by Bob Edgar to analyze the natural gas pricing compromise.

Bob had asked "Specifically, I would be interested in seeing a comparison of this compromise, the Carter Energy Bill, and current law, with respect to natural gas supply, demand and costs. I would also like to have an analysis of the impact of this compromise on energy producers, retailers, utilities, residential consumers, business and industry consumers, and the Northeast region as a whole, compared to current law and the Carter Energy Bill."

The Committee recognized that Bob's request addressed the key issues, but no one on the Committee was expert enough to provide a documented analysis. There is doubt that anyone could provide an analysis that would win approval of a national majority. Several natural gas studies were presented at the Committee meeting, each with widely ranging projections. If several government agencies and responsible trade associations, each with large staffs and analytical resources, could not agree on future natural gas price, supply and demand, the Committee did not feel badly in their failure to do so.

The Committee did agree that, as a nation, we must attempt to decrease our use of petroleum fuels (oil and natural gas). Planned, definite increases in the prices of petroleum fuels to all users would encourage conservation, new non-petroleum technologies and substitution of existing non-petroleum fuels. Price increases, the Committee

felt, would encourage additional production from new and existing fields (secondary recovery). Instant deregulation of petroleum fuel prices was unacceptable due to its shock on the economy. Deregulation by the 1985 horizon proposed in the natural gas bill, while not entirely satisfactory to everyone was not that objectionable.

The Committee expressed concern for the hardship that higher prices would place on some members of society. This is a legitimate concern and must be addressed, but the Committee felt that such a concern should not deter the use of the price system to encourage conservation, new technology development and substitution of non-petroleum fuels.

The pressing need for an effective national energy plan was recognized by all in attendance. All thought the natural gas compromise was complex and the wide diversity of opinion on the effect of the bill is further evidence of its complexity.

Those in favor of the bill thought that the need for a national energy plan was so great that they would accept the natural gas compromise in order to get a national energy plan although the Committee wondered why other portions of the Plan must be held up by a resolution of natural gas pricing. Potential administrative problems were far less a concern than another year or more without a national energy plan.

Those against the natural gas bill based their objection on the complexity issue. Two memos written by FERC officials were quoted. One was written by FERC Chairman Curtis. The other by Shiela Hallis, FERC's Director of the Office of Enforcement, described the bill as "an impossible administrative burden." The complexity issue could also drive the small wildcatter out of business leaving the gas exploration in the hands of only the large petroleum companies.

There was some concern about the bill's incremental pricing provisions where industry would absorb most of the higher prices. Earlier in this discussion the Committee expressed support of the price system to encourage conservation, technology advances and fuel switching. Those thoughts apply here also with concerns for low income members of society.

The current natural gas pricing law does provide some incentive for discovery and production of new natural gas. However, it appears that unless the natural gas bill is passed, that other energy-related bills may not be passed either. On the other hand, there is some doubt about the strength of a national energy plan consisting only of a coal conversion bill, electric utility rate "reform", some conservation measures and a natural gas bill.

The Committee then discussed the large amount of energy waste and the waste of finished goods which consumes energy and other resources in their production. Neil Finlayson gave several examples which he had already communicated to Bob Edgar. Other Committee members mentioned other situations where conservation was possible or might be possible with some research, but there was little or no incentive to conserve. The economics of supply/demand do provide some incentives, but these are far from a complete answer.

Committee members are going to continue considering how to meet this challenge, but the Chairman suggested challenging Bob and his staff to also develop methods to transform ideas into action and reality. This is not an easy assignment, but neither was Bob's assignment to the Committee to analyze the natural gas bill. The Committee hopes that Bob will be more successful in these endeavors than they were in providing him a clear-cut analysis of the natural gas bill.

The Committee would like to acknowledge the hospitality of Bill Shergalis who hosted this meeting at Widener College.●

THE SLIDE OF THE DOLLAR

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for September 20, 1978 into the CONGRESSIONAL RECORD:

THE SLIDE OF THE DOLLAR

What does the slide of the dollar mean, and what should be done about it?

It is clear to me that many people are bothered by those questions. They may not understand all the complexities of international finance, but it makes them uneasy when they learn that the once mighty dollar fell by about half its value against the West German mark, by 55% to 60% against the Swiss franc and by 35% to 40% against the Japanese yen over the last several years. The dollar has dropped roughly 15% against a basket of ten foreign currencies in the past year alone.

The slide of the dollar has reached a serious stage and it threatens the stability of the international monetary system and the world economy. The cheapening of the dollar may add up to 1.5% to this year's rate of inflation. It both raises the cost of imports into this country and prompts American manufacturers to increase prices on goods that compete against the imports. As the products of other nations become harder to sell in the United States, their economies are weakened. At worst, the process would lead to a breakdown of world trade and investment if allowed to continue. It would also lead to a U.S. recession, brought about by inflation or a sharp rise in interest rates. Letting the dollar continue to slide undermines America's political authority to an unmeasurable but certain degree. It causes other nations to doubt the strength of the U.S. economy.

The reason for the slide is simply an oversupply of dollars in the hands of foreigners. Experts estimate that persons and banks abroad now hold \$600 billion in dollars, much of this because for years this country has bought more goods and spent more money overseas than it has taken in from foreign sales and investment. Rising inflation and the huge trade deficit are the chief causes of the oversupply and the dollar's difficult position. The dollar is just like other commodities that move in international commerce: when there are too many dollars around, their value falls.

Like most of our problems today, there is no quick and easy solution to the slide of the dollar. In the long term the solution is to achieve a lower rate of inflation and a balanced trade account. But what is needed now is evidence that the United States government is taking effective steps to deal with these issues. As soon as other nations believe that the United States is moving in the right direction, the value of the dollar will climb even before things are fully corrected. It is the perceived trend that is critical. Since permanent cures for inflation and the trade imbalance take time, short-term "bridging" actions are needed.

The general rise in interest rates brought about by the Federal Reserve's increase of the discount rate (the rate at which it lends to commercial banks) is an appropriate opening move. The adoption of an energy policy is also very necessary. It would show that this nation is serious about reducing its inordinate imports of oil and improving its balance-of-payments deficit. The United States could also assemble greater resources in hard currencies for intervention in the currency markets to prop up the dollar. Our basic policy of intervention only to modulate

disorderly markets will continue, but it would become more credible if the funds for large-scale intervention were on hand. The United States could borrow from the International Monetary Fund or sell more gold to obtain hard currency. The stimulation of exports is another key element in the dollar support program. We should consider cutting taxes for exporters or issuing special securities to be paid off in foreign currency, steps which would help soak up excess dollars abroad. Other steps can be taken to make it more attractive for American banks to borrow funds in the Eurodollar market instead of at home, thus reducing the oversupply of dollars in Europe. Although controls on the export of capital have been proposed, I would not favor them. They can be too easily circumvented.

There is some hope that the dollar's slide will eventually correct itself. It would spur U.S. exports by making them cheaper and cut imports by making them more expensive, thus lowering the trade deficit. Then the dollar could rise again. There are some signs that this may already be happening. Inflation has at least stopped getting worse, a fact which may calm foreigners who have been dumping their dollars before they lose more purchasing power. The U.S. economy remains strong enough to attract investment, and most experts agree that the dollar is undervalued in terms of its purchasing power against other currencies.

But more important than any short-range measures the United States may take to prop up the sliding dollar is a more disciplined approach to the U.S. economy, especially to inflation and the trade deficit. With America no longer a low-inflation country, and with it fighting to maintain its technological edge, the U.S. economy is being challenged in ways it has not experienced in the post-war period. Failure to take the necessary steps to address these challenges would be extremely serious, if not disastrous, for the U.S. economy.●

SENATOR ROBERT STAFFORD
ELECTED TO 11-MEMBER EXECUTIVE
COMMITTEE OF THE INTER-
PARLIAMENTARY UNION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. LEHMAN. Mr. Speaker, it has been my recent privilege to serve as a member of the U.S. delegation to the 65th Inter-Parliamentary Union Conference (IPU) in Bonn under the leadership of the chairman of our delegation, Senator ROBERT STAFFORD of Vermont. It is also my pleasure to report to my colleague that Senator STAFFORD has brought prestige and honor to the U.S. Congress by his well earned and much deserved election to the Executive Committee of the Inter-Parliamentary Union at the IPU Bonn meeting.

The IPU, which was founded in 1889, is an organization of legislators from 76 nations who meet regularly to consider the important public policy questions which affect all peoples. There is no other international gathering where lawmakers, who often serve long terms even through significant changes in their respective executive administrations, can meet and confer and learn to understand both each other and the needs of each

other's countries. Senator STAFFORD has been involved in such a leadership capacity in the IPU for a number of years. He headed the U.S. delegation to Bonn and was selected by the U.S. group to be the candidate for one of two vacancies on the 11-member executive committee.

The executive committee is the administrative organ of the Inter-Parliamentary Union, and its members are representative of the parliamentary delegations to the IPU. As a member of the executive committee, Senator STAFFORD will be in a key position to make judgments on budgetary matters and to recommend agenda topics for future meetings and study committees of the Inter-Parliamentary Union.

As a cochairman of the House delegation to the IPU in Bonn, I would like to say that I enjoyed working with Senator STAFFORD and look forward to our continued association with the Inter-Parliamentary Union.●

THE PUBLIC WORKS-ENERGY
APPROPRIATIONS BILL IS A
BUDGET-BUSTER

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. EDGAR. Mr. Speaker, there was spirited floor debate last week during consideration of the conference report to the Public Works energy research appropriations bill, H.R. 12928. During that debate, it was correctly pointed out that the bill is almost \$900 million under the President's budget. However, I pointed out there were at least \$1.14 billion in "paper savings" compared to the President's budget. When these "savings" are accounted for, the bill is actually \$235 million in excess of the budget for programs, compared to the President.

There is some controversy over what is termed "paper savings." I would like to put aside this term for the moment and just relay to you the budget figures listed in this conference report. Make your own conclusions over whether this bill is a budget-buster or not.

I would like to underscore my statement last week that I do not feel the conference committee improperly overestimated certain receipts and unobligated balances which have nothing to do with actual program cuts during the coming fiscal year.

However, I continue to feel that it is misleading to declare this bill to be significantly under the President's budget without concurrently explaining that had the President followed the same nonprogram estimates of receipts, this bill would then be at least \$235 million over the budget. I would also like to point out these figures were found by me and my staff solely from reviewing this conference report. Nothing is disguised. I have been informed that the Office of Management and Budget has located additional accounting differences in the

two budgets which favor the committee in its comparison, and which add more support to my view that the bill is a budget-buster.

Finally, it should be pointed out that the President's budget uses the same

technique of applying anticipated unobligated balances and miscellaneous receipts and revenues to program levels. However, in pointing out the \$1.14 billion in nonprogram accounting differences, I accounted only for differences between

the administration's estimates and the conference report's. Otherwise, the \$1.14 billion would be much higher.

The following information is taken directly from the conference report to H.R. 12928 (Report 95-1490):

Program	Fiscal year 1979 budget estimate	Conference allowance	Program	Fiscal year 1979 budget estimate	Conference allowance
DOE—operating expenses:			Bureau of Reclamation:		
Unobligated balances brought forward	-12,300,000	-172,770,000	Unobligated balances	-----	60,000,000
DOE—plant and capital equipment:			Corps, Bureau, DOE:		
Unobligated balances brought forward	-----	-11,000,000	Full funding for construction projects	*+686,900,000	-----
DOE—changes in inventories and working capital	+35,313,000	-6,000,000	DOE uranium enrichment revenues	-156,700,000	-256,700,000
Corps—Construction:			Totals	+553,200,000	-591,470,000
Unobligated balances brought forward	-----	-85,000,000			

*There is no actual line item for full funding in the report.

What these figures indicate is that the conference report has at least a \$1.14 billion cushion resulting solely from accounting differences between the administration budget and the conference report budget.

Since the conference report budget is officially \$879 million under the administration budget, this means that the report must be at least \$235 million over the budget in program funds.

What also needs to be pointed out is that the administration budget allowed for 26 new construction starts (Corps of Engineers and Bureau of Reclamation) at a cost of \$640.2 million. The conference report appropriates funds for 53 new construction starts, which will cost \$1.8 billion when completed. Obviously, this conference bill will commit more spending in future fiscal years above the increases in spending I have documented for fiscal year 1979. This commitment, which according to the Office of Management and Budget exceeds \$1.4 billion, will make it much tougher for the President to meet his commitment of balancing the budget in future years.●

ECONOMIES OF SMALL FAMILY FARMING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. BROWN of California. Mr. Speaker, a few weeks ago an article in the Los Angeles Times, "Look What's Coming for Dinner, America," by Patricia Flynn, prompted me to discuss some of the adverse social effects of agribusiness on small family farming. Many people still minimize these effects and defend large-scale farming for economic reasons. They claim that small-scale family farming is now technically obsolete and an inefficient supplier of food. To quote former Secretary of Agriculture Earl Butz:

When I said we were going to have upwards of a million fewer farmers by 1980, that didn't mean necessarily that I approved of that. I simply was reporting what is going to happen. I think it is inevitable.

I have some doubts about these prior conclusions that I would like to discuss here today. First, several studies show that small farms can be technically efficient and provide their operators with average or better incomes. Second, agribusiness promoters do not consider several nonmarket factors, such as the social implications of large agribusiness—as I previously discussed—soil erosion, the environmental consequences of chemical fertilizers, pesticides and the like, management-labor problems, and the energy inefficiency of highly mechanized farming. I believe, indeed, that small farms are disappearing only because of unfair market conditions and government interference. Therefore, I feel the Family Farm Development Act, of which I am a sponsor, is necessary to help small farmers maintain and improve their positions in our rural society.

J. Patrick Madden, then an agricultural economist for the Farm Production Economics Division of the Department of Agriculture, found, in his 1967 study "Economies of Size in Farming," that "an average total cost as low as any of the larger farms" could be obtained on one person operated farms. Prices and technologies were based on 1962 levels. The efficient farms included a 440 acre Texas High Plains cotton farm, a 300 acre heavy soil, and a 240 acre light soil Fresno cotton farm. Madden found that the main advantage of large farms was higher profits rather than lower costs.

One of the more comprehensive studies I have seen on the economies of small-scale farming was published in 1973 by Warren Bailey, then the deputy director of the Commodity Economics Division of the Economic Research Service of the USDA, entitled "The One-Man Farm." Bailey found the seed, fertilizer,

and pesticide costs per acre to be almost constant regardless of farm size. The advantage large farms received from discount or wholesale prices of some inputs did not exceed that which most farm cooperatives could also receive. Capital production costs were the main variable. Bailey thus defined a technically optimum farm as "the maximum acreage of a specified combination of crops that the man and his machines can produce—plant, cultivate, and harvest—annually." He then gave seven examples of technically optimum farms:

	Acres	Land value	Other capital	Net income
Montana: Wheat-barley...	1,960	\$245,000	\$57,000	\$9,500
Kansas: Wheat-grain sorghum	1,950	200,000	55,000	9,000
Indiana: Corn-soybeans	800	480,000	130,000	20,400
Louisiana: Rice-soybeans	360	108,000	50,000	15,200
Delta: Cotton-soybeans	600	255,000	80,000	17,600
California: Irrigated cotton	400	320,000	64,000	20,000
Vegetables	200	400,000	85,000	31,000

The technically optimum farm can still be operated by a single farmer, though its size has increased 50 percent in the past 10 years. This farm is larger and more capital intensive than many small farms existing today. This can be blamed partially on the unavailability of credit from traditional lending institutions for small farmers. President Carter signed into law the Agricultural Credit Act of 1978 on August 4, 1978, with title 4 of the Family Farm Development Act, sponsored by myself, incorporated into this legislation. This will provide ownership loans to help small farmers afford high-priced capital and land.

The Economics, Statistics, and Cooperatives Service of the USDA produced a study in February of this year entitled, "The U.S. Department of Interior's Proposed Rules for Enforcement of the Reclamation Act of 1902: An Economic Impact Analysis." Their optimum farm size was based on the "normal" implements of land, labor, machinery, build-

ings, and management found in each area studied. They found the following net returns for various small farms:

Area	160 acres	320 acres	640 acres
Westlands (California).....	\$25,000	\$54,000	\$81,000
Imperial (California).....	6,000	21,000	61,000
North Platte (Nebraska and Wyoming).....	7-8,000	14-15,000	23-25,000
Columbia Basin (Washington).....	19,000	53,000	125,000

Of the areas studied, only the 160-acre Imperial farm was economically unstable. In California, it was found that the costs of producing cotton on a 320-acre farm was 3.6 cents per pound less in the Westlands area and 5.9 cents per pound less in the Imperial area than on a 160-acre farm. The cost differentials were greatly reduced, however, when the 320-acre farms were compared to 640-acre ones—1.9 and 2.2 cents less per pound. The total costs included in their study increased 10 percent as farm size decreased from 2,500 to 320 acres. The major result of enforcing the Reclamation Act of 1902 for consumers would be a slight price increase for some winter vegetables.

These studies show small farms can be economically viable and add little, if any, extra costs to consumers. There are also several diseconomies of size that should be accounted. Soil erosion, for instance, is most acute on large scale irrigated single crop farms. The problem was best summarized in a 1975 report prepared for the Senate Committee on Agriculture and Forestry, entitled "Conservation of Land, and the Use of Waste Materials for Man's Benefits." I would like to insert part of this summary here:

Average crop yields have tended to increase in the United States even though soil losses are often excessive. Use of modern technology, including fertilizers, is largely responsible. But this is a short-term effect. Over the long term, erosion decreases the yield potential and increases production costs.

Soil erosion creates a serious sedimentation problem. Sediment is by far the major pollutant of surface waters. Some of the highest sediment yields come from the most productive and most intensively cultivated soils. Water quality in lakes and streams is also reduced by the nutrients and pesticides carried there by the sediment and runoff water.

In recent years, there has been a shift away from soil conserving crop rotations. Much of the current production is from either a continuous single crop or, as in the Corn Belt, a rotation of two intensive row crops (corn and soybeans). Fertilizers and pesticides have made this system feasible. Although continuous single-cropping is efficient and profitable, it does increase the erosion hazard and the need for soil conservation practices.

Trends that could lead to another "dust bowl" in the Great Plains during a sustained drought include the following: (a) Elimination of strip-cropping for control of wind erosion as a result of change from a wheat-fallow system to continuous wheat production. (b) Shifting from soil-conserving, stubble-mulch tillage to plowing to help control downy brome grass as a weed in wheat. (c) Shifting to wheat production certain rangelands that would be relatively susceptible to wind erosion under conditions of drought because they occur in the drier regions. Such a trend will be fostered by con-

tinued high prices of wheat and low prices of cattle.

D. R. Marshall, in "The Advantages and Hazards of Genetic Homogeneity," discussed how large-scale farms are particularly susceptible to disease and pests. This is largely due to the cultivation of only a few crops, 15 major crops today as compared to 150 in the past, less crop diversification per acre and narrow genetic bases. Past farmers grew a mosaic of crops and farm animals on their land. Now, as Bailey explained, rising capital costs prevent most farmers from buying the machinery for more than one or two crops. Farmers are less self-sufficient and rely more on individual cash crops. Large single crop fields provide them the maximum profitability in the short run. These farms, though, are ideal breeding grounds for exotic diseases and pests.

A 1972 study by the Agricultural Board of the National Academy of Sciences, entitled "Genetic Vulnerability of Major Crops," found that a 1970 U.S. corn blight epidemic was caused in part by modern agricultural techniques. One particular Texas high-yield hybrid of corn was spread throughout the Nation. A fungus, called *Helminthosporium maydis*, mutated so that the Texas corn cytoplasm was susceptible. The blight, beginning in the South, destroyed 50 percent of the corn crop in some States and 15 percent nationwide. The study blamed the homogeneity of the corn and large single crop farms for the blight. American corn was previously much more varied and spread throughout other crops, so no particular disease could do much harm. Only heavy and consistent use of fungicides stopped the 1970 epidemic.

Current agricultural techniques and large-scale farming require increased usage of fertilizers, pesticides, and the like to maintain high crop yields. The abandonment of crop rotation has depleted soils and led to increased use of artificial fertilizers. There are questions concerning how this detracts from the nutritional value of foods. It does increase the likelihood of disasters, such as the one that occurred a few years ago in Decatur, Ill. Barry Commoner documented this crisis in his 1971 book, "The Closing Circle." Nitrates from farm water runoff were washed into the town's water supply. The nitrates mainly came from nitrogen fertilizers. The chemicals were converted by intestinal bacteria, especially common in infants, into poisonous nitrites. The use of artificial nitrogen fertilizers thus led in Decatur to a number of deaths. Various pesticides are also linked to cancer and other serious ailments. How much they are incorporated into the food humans eat is not known. Natural fertilizers and pesticides are being introduced, but, as long as current agricultural techniques are used and large farmers are most concerned with short-run profits, this will be a slow change.

There are also the problems of management and farm labor in large-scale farming. The major factor seems to be the separation of the farm owners from

their lands. They cannot and do not become as personally involved in farming as small farmers can and do become involved. They have attempted to industrialize agriculture—thus the phrase "agribusiness"—to separate their farm employees by division of labor. A layer of highly skilled and high-salaried management usually is required. Since they do not have an actual stake in the success of the farm, they are motivated by monetary incentives. There is a small supply of good managers, and large farms occasionally suffer from this fact. Small farmers do not have to incur these extra labor costs. Agribusiness tries to minimize total labor costs by keeping farmworker wages as low as possible. The farmworkers thus live in great poverty. Their attempts at unionization have been highly discouraged. Boycotts and other forms of labor strife have been organized against several large farms. Agribusiness, with help from sympathetic agricultural researchers, increasingly are replacing workers with machines that do not create labor problems.

The displacement of farmworkers continues the trend I described in my previous discussion. The UFW estimates thousands of workers will lose their jobs in the next few years from machines like the tomato harvesters. This is a major social cost to our society that agribusiness and researchers do not consider.

The new machinery and fertilizers are highly energy intensive. Food prices thus will continue to rise rapidly while energy prices increase. This affects both consumers and the small farmers who cannot afford higher fuel costs. Pimental et al, in "Food Production and the Energy Crisis," calculated that the kilocalorie return of food per kilocalorie of input in production has decreased from 3.70 in 1945 to only 2.82 in 1970. Current agricultural techniques thus have greatly decreased the energy efficiency of farming. The equivalent of 80 gallons of gasoline per acre of food produced is now being used. This problem will only be worse as fuel prices continue to rise and more energy intensive machinery and techniques are introduced into farming.

Finally, large scale farms are more likely to produce highly processed and packaged foods. Preservatives, artificial coloring and flavoring, and chemical ripeners all have questionable effects on our health. Packaging, advertising, layers of management and monopoly actions increase the consumer food prices. The large horizontally integrated corporations which control each step of food production create the worst problems. Small farmers find it difficult to compete with these monopolizers.

The studies I have discussed here today show that small farms can be cost competitive and earn their owners sufficient incomes. Furthermore, the problems of soil erosion, energy inefficiency, social costs, environmental costs of artificial fertilizer, pesticide and the like use, management and labor strife probably outweigh any possible economic benefits of large scale farming. Small farms are hurt by lack of credit to buy equipment and land, unfair market practices and

agricultural research skewed to help large scale farmers. The high short run profits of current techniques are considered, but not the social and environmental costs. Therefore, I believe the Family Farm Development Act is necessary to promote small scale farming. Long run economic, social and environmental considerations have convinced me of the benefits to our society of small scale family farming. I thus urge my colleagues in Congress to give this their attention and support. ●

OCEAN DUMPING

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. FORSYTHE. Mr. Speaker, as a member of the Merchant Marine and Fisheries Committee I have been particularly concerned about the problem of ocean dumping in the New York Bight off the coasts of New York and New Jersey. Recently my distinguished colleague, Mr. JOHN WYDLER of New York, the ranking minority member of the Science and Technology Committee, had some important correspondence with the Environmental Protection Agency on the status of ocean dumping. The December 1981 EPA deadline for a moratorium on ocean dumping can only be met if all communities involved step up their efforts to meet phaseout schedules. I share Mr. WYDLER's concerns that land-based disposal alternatives may not be available by 1981 for the large volumes of sewage sludge projected by EPA. I recommend Mr. WYDLER's letter to my colleagues since it states several of my own concerns about ocean dumping and puts the administration on notice that Congress is serious about terminating ocean dumping. The EPA response to Mr. WYDLER's letter gives an accurate picture of how far we have to go to solve this difficult problem.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 2, 1978.

Hon. DOUGLAS C. COSTLE,
Administrator, Environmental Protection
Agency, Washington, D.C.

DEAR MR. COSTLE: I read with great interest the EPA news release material dated July 20 which noted some hopeful signs with respect to the ocean dumping problem. I am pleased that the number of dumpers and total tonnage have decreased over the past year. However, I am pessimistic that the 1981 moratorium deadline can be met. I am also concerned that the sewage sludge problem is increasing and may continue to do so for the foreseeable future.

As your agency's release also noted the volume of sludge increased due to two major factors. They are: (1) an increasing volume of treated sewage, and (2) higher level of applied treatments. It seems to me that the second factor will continue to lead to increased volume since communities are rightfully demanding better control of waste products. Thus, I fear we may have less and less dumpers but more sludge.

I hope you can provide me with detailed

projections on the sewage sludge problem as well as meaningful estimates of the rate at which dumping will phase out and land based treatment take over in the New York area.

As you know, the problems of non-point source pollutants including urban runoffs have only recently surfaced as causes of major environmental episodes which threaten our beaches. In this regard, I feel it is mandatory that we maintain a healthy schedule for the complete phaseout of ocean dumping.

Thank you in advance for your cooperation in this matter.

Sincerely yours,

JOHN W. WYDLER,
Member of Congress.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Washington, D.C., August 21, 1978.

Hon. JOHN W. WYDLER,
House of Representatives,
Washington, D.C.

DEAR MR. WYDLER: Mr. Costle has asked me to respond to your letter of August 2, 1978, in which you expressed concern about increased volumes of sewage sludge which will be generated in the years between now and 1981 due to increased treatment.

At your request, I am enclosing a table showing estimated volumes of sludge which will be dumped in the New York Bight for the years 1977 through 1981. Also enclosed is a table which indicates the phase-out date for each of the municipalities currently ocean dumping their sludge.

Since August 1976, all permits issued by the Environmental Protection Agency (EPA) have required the selection and implementation of environmentally acceptable alternatives for sewage sludge on or before December 31, 1981. In addition, EPA's revised Ocean Dumping Regulations published in January 1977 required that, as of April 23, 1978, the permittees demonstrate best efforts to cease ocean dumping by 1981 and have an implementable schedule for effecting a land-based alternative. EPA's position to require the cessation of ocean dumping of sewage sludge by the end of 1981, if not before, was made statutory in November 1977 by the enactment of P.L. 95-153.

The enforcement strategy in the Regions concerning the compliance schedule is to strictly enforce permit conditions which require that the phase-out be accomplished in accordance with specific milestones and to make full use of all administrative and legal remedies if these milestones are not met. Failure to meet these milestones has already resulted in the issuance of complaints by Region II to 15 New Jersey communities. In addition, the City of New York and Westchester County are not in compliance with their phase-out schedules and have been informed of possible enforcement action by this Agency.

EPA's Sixth Annual Report to Congress on the administration of Title I of the Marine Protection, Research, and Sanctuaries Act (copy enclosed) includes a section on alternatives to ocean dumping. Examples of some of the alternatives being considered or implemented by communities in the New York-New Jersey metropolitan area are listed on page 45 of this report.

We share your concern about this matter and assure you that we are continuing to work diligently with these municipalities to ensure that they meet the 1981 deadline.

Sincerely yours,

THOMAS C. JORLING,
Assistant Administrator
for Water and Waste Management.

ESTIMATED VOLUMES OF SEWAGE SLUDGE TO BE DUMPED IN THE NEW YORK BIGHT

[Thousands of wet tons]

Waste generator	1977	1978	1979	1980	1981
Glen Cove.....	6	13	15	15	15
Long Beach.....	7	9	10	10	10
Nassau County.....	378	424	463	482	502
New York City.....	2,212	3,965	4,837	5,137	6,544
Westchester County.....	157	380	590	757	779
New Jersey Communities.....	1,727	2,266	2,777	3,102	3,206
Total.....	4,487	7,057	8,692	9,503	11,056

MUNICIPAL OCEAN DUMPING PERMITS—
REGION II

(As of August 1, 1978)

Permit number, waste generator, and phase out date

- II-NJ-003: Passaic Valley Sewerage Comm., December 31, 1981.
 II-NY-029: Westchester Co. Dept. Envir. Fac., December 31, 1981.
 II-NJ-111: General Marine Transport Corp.:
 Domestic Septic Tank Wastes, *April 23, 1978.
 Morris Twp., December 31, 1981.
 Wanaque S.A., May 30, 1980.
 Wood-Ridge, December 31, 1981.
 II-NJ-017: Modern Transportation Co.:
 Domestic Septic Tank Wastes, December 1, 1978.
 Asbury Park, December 31, 1981.
 Atlantic Highlands, December 31, 1981.
 Caldwell Boro, December 31, 1978.
 Cedar Grove, December 31, 1981.
 Chatham, *March 2, 1978.
 Kearny, December 31, 1981.
 Lincoln Park, July 31, 1979.
 Neptune Twp.—Ocean Grove, *June 15, 1978.
 Northeast Monmouth Reg. S.A., December 31, 1981.
 Oakland Boro, *June 30, 1978.
 Passaic, *February 28, 1978.
 Pequannock Twp., December 30, 1980.
 Pompton Lakes, *June 30, 1978.
 Roxbury Twp., December 31, 1978.
 Totowa Boro, December 31, 1981.
 Washington Twp.—Morris Co., December 31, 1981.
 Wayne Twp., *June 30, 1978.
 West New York, December 31, 1981.
 West Paterson, December 31, 1980.
 II-NJ-019: Bergen Co. Sewer Authority, December 31, 1981.
 II-NJ-012: Camden Dept. Public Works, *June 15, 1978.
 II-NY-068: Glen Cove, City of, December 31, 1981.
 II-NJ-022: Joint Mtg. of Essex & Union Co., December 31, 1981.
 II-NJ-021: Linden-Roselle & Rahway Valley S.A., December 31, 1981.
 II-NY-007: Long Beach, City of, December 31, 1981.
 II-NJ-008: Middlesex Co. Sewerage Authority, December 31, 1981.
 II-NJ-002: Middletown Twp. Sewerage Auth., December 31, 1981.
 II-NY-028: Nassau Co. Dept. Public Works, December 31, 1981.
 Bay Park STP.
 Belgrave STP.
 Cedar Creek STP.
 Farmingdale STP.
 Freeport STP.
 Inwood STP.
 Meadowbrook STP.
 Roslyn STP.
 W. Long Beach S. Dist.
 *Phase out completed.

II-NY-009: New York City Dept. Water Resources, December 31, 1981.

Bowery Bay STP.
Coney Island STP.
Hunts Point STP.
Jamaica STP.
Newtown Creek STP.
Owls Head STP.
Port Richmond STP.
Rockaway STP.
Tallman Island STP.
26th Ward STP.
Wards Island STP.

(Excerpt from "Ocean Dumping in the United States" the Sixth Annual Report of the Environmental Protection Agency-Technology Alternatives.)

Examples of some of the technology being considered in the Facility Plans (Step 1 Grant) or currently being implemented are:

Composting: Camden, Middletown Township, Northeast Monmouth, Linden-Roselle, Nassau County.

Composing and use as landfill cover as an interim solution; co-recovery with solid wastes as a long-term solution: Bergen County.

Incineration: Joint Meeting of Essex and Union Counties, Rahway Valley, Wayne Township, Lincoln Park, Pequannock Township, Pompton Plains, Oakland.

Multiple hearth incineration or starved air combustion, Middlesex County.

Co-incineration with solid wastes: Glen Cove.

Composting or landfilling of digested dewatered sludge as an interim solution; utilization of other technology, (pyrolysis, co-recovery, etc.) or shipment out of the city area or composting as a long-term solution: New York City.

Use of existing excess capacity in solid waste incinerators and composting of remainder: Westchester County.

The other major ocean dumper of sewage sludge is the City of Philadelphia (Region III). The City is on an implementation schedule which requires total cessation of ocean dumping of sewage sludge by December 31, 1980. The implementation plan contains several interim steps which include dewatering of increased amounts of sludge, and pilot studies to a certain parameter for facilities to compost all sludge generated, to ascertain the feasibility and proper design parameters for facilities to make EcoRock (a highway aggregated made from sludge), and to demonstrate the feasibility of sludge application to strip mines.

In addition to plans and studies on the ultimate disposal of its sludge, Philadelphia has also begun a program to identify the sources of metal in its treatment plants. This program will survey possible controllable sources with a view to making the sludge more amenable to land-based alternatives.●

HOSPITAL COST CONTAINMENT

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. SANTINI. Mr. Speaker, as a member of the Interstate and Foreign Commerce Committee who was deeply involved in the markup of H.R. 6575, the hospital cost containment legislation, I am concerned about the possibility that the committee process could be circumvented by a Senate amendment to a House-passed health bill other than H.R.

6575. This would avoid House consideration of the containment provisions prior to a vote on a conference report.

Yesterday we considered H.R. 13097, the Medicare Amendments of 1978. It is my hope that the Senate will make no effort to attach a nongermane amendment to such an important piece of legislation. In the event that the other body does take such an action, I trust that both the Ways and Means Committee and the Interstate and Foreign Commerce Committee will have a chance to review the amended measure.●

INFLATIONARY IMPACT OF GAS BILL STUDIED

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. SIMON. Mr. Speaker, I have up to this point made no commitment on the natural gas bill now before the Senate. And one of my major considerations is the inflationary impact.

Pursuing that question, I asked Charles Schultze, Chairman of the Council of Economic Advisers, to give me a fill-in on the inflationary impact of the legislation.

I am inserting his letter into the RECORD. I would be interested in hearing from colleagues who may agree or disagree with his conclusions.

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
Washington, D.C., September 18, 1978.
Hon. PAUL SIMON,
House of Representatives, Congress of the
United States, Cannon House Office
Building, Washington, D.C.

DEAR PAUL: This is in response to your inquiry about the inflationary impact of the Natural Gas Compromise reported out by the Energy Conference Committee.

On the basis of price estimates supplied by the Department of Energy (DOE), we estimate that the bill would have very little inflationary impact relative to the estimated course of prices that could be expected to occur without the bill. DOE has calculated that the average delivered residential price for natural gas in 1985 would be \$3.31 per million BTU in 1985. In contrast, if no bill is passed, and if the Federal Energy Regulatory Commission (FERC) allows interstate gas prices to rise no faster than inflation, the same price in 1985 is estimated to be \$3.22. The difference in prices is negligible.

Natural gas prices to industry will rise somewhat faster with the bill than without. But at the same time there will be more natural gas available to the interstate market, and even at the new prices, that gas will be cheaper than alternative sources of fuel. The substitution of newly available gas for other, higher cost energy sources—principally imported LNG and oil imports—will work to reduce the net cost of energy purchases.

With or without a natural gas bill, the price of natural gas will rise in the years ahead. But with the single national market made possible by the bill, additional natural gas will flow to the interstate market, and overall, additional supplies of natural gas will be forthcoming, at prices still below those of the LNG and imported oil which would otherwise be used. As a consequence,

the natural gas bill will not raise the overall level of costs and prices in the economy by any significant amount, but will make possible significant savings in high-priced oil imports and imported LNG.

More generally, passage of the natural gas bill would strengthen the dollar and thereby make an important indirect contribution to the battle against inflation. The savings in imports of oil and LNG would allow substantial improvement in our balance of payments—over \$7 billion in 1978 dollars by 1985. Equally important, enactment of natural gas legislation would bolster confidence in the dollar by clearly demonstrating to our trading partners the U.S. commitment to reducing the level of energy imports.

I would also like to comment on the claims by some opponents of the bill, that it will cost consumers \$30 billion over the next seven years. This estimate is not correct. The Department of Energy has estimated that producer revenues will increase by \$30 billion over this period. But most of the increase arises because the bill is expected to induce greater gas production. Only \$9 to \$10 billion represents the increase in revenues on the existing volume of production. In turn, because the added gas production will displace higher priced oil and LNG imports, the net effect on consumers will be much smaller than this.

I hope this information is useful. Please feel free to call me if you have additional questions.

Cordially,

CHARLES L. SCHULTZE.●

GILBERTO "BOB" PORTILLA, PRESIDENT, PHILIPPINE-U.S. VETERANS ASSOCIATION

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. PATTERSON of California. Mr. Speaker, I ask my colleagues to join me today in honoring Mr. Gilberto "Bob" Portilla, who was recently elected president of the Southern California Philippine-U.S. Veterans Association.

Mr. Portilla, who lives in Buena Park, Calif., retired from the U.S. Navy on September 30, 1975, after serving in defense of his Nation for 20 years. He enlisted in the U.S. Navy on June 24, 1955.

Mr. Portilla exemplifies the essence and spirit of the various ethnic groups which, by working together, have made the United States the great Nation which it is today. Although he was born in the Philippine Islands, Mr. Portilla's belief in and dedication to the American ideal of liberty moved him to become a naturalized American citizen.

I am certain that my colleagues join me in thanking Bob Portilla for his unselfish contribution to our country during his tour of military service and for his continuing contribution to society as president of his veterans organization.

Indeed, he and his family have proved to be productive and essential members of American society. His children attend local schools, including Cypress College, and his wife owns a small business.

Thank you, Bob, for working to make America a better place for all of us.●

PUBLIC EMPLOYEE RETIREMENT
INCOME SECURITY ACT OF 1978

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. DENT. Mr. Speaker, it is with a sense of satisfaction and conviction, Mr. Speaker, that I am today introducing the Public Employee Retirement Income Security Act of 1978.

This bill proposes Federal standards, for retirement plans of States and localities, in the areas of reporting, disclosure, fiduciary responsibility, and plan administration.

I would like to take a few moments to point out to my colleagues the firm basis on which the proposals in this legislation are based.

On March 15 of this year, my colleagues on the Subcommittee on Labor Standards unanimously approved the Pension Task Force Report on Public Employee Retirement Systems. Under my direction, as chairman of the subcommittee, and the direction of my colleague JOHN ERLBORN, the Pension Task Force conducted an exhaustive study of the nearly 7,000 Federal, State, and local governmental retirement systems. Through this study effort, we have gained new insights into the practices and problems of governmental retirement systems.

Our study of the numerous Federal systems revealed an uncoordinated and inconsistent series of Federal retirement plans. Together with Congressman ERLBORN, I introduced earlier this year H.R. 9701, which would establish uniform financial and actuarial practices for our Federal retirement systems. We have watched the progress of H.R. 9701 with keen interest, and hope that the administration will continue to support it and that it will be enacted into law soon. H.R. 9701 will not solve the problems with which our Federal retirement plans must deal. But it does represent a beginning toward understanding the true status of these plans.

Our study of State and local plans also revealed significant information regarding the universe of State and local government plans. The Pension Task Force Report shows in considerable detail that far too many State and local pension systems contain serious deficiencies with regard to reporting, disclosure, fiduciary, and plan administration practices. Although many systems do contain provisions in these important areas that adequately serve the needs of plan participants, plan sponsors, and most importantly, the taxpayers, the report clearly demonstrates that many systems do not, and that taxpayers as well as plan participants and their beneficiaries are thereby placed in jeopardy.

Too often participants have been denied vital information regarding the provisions of their plans, their pension entitlements, and so on. This bill provides that information in a sensible and reasonable manner.

Too often the true financial condition of State and local government plans has

been unclear because of inconsistent and unprofessional actuarial, accounting, and auditing practices. This bill provides for improvements in these important areas in a sensible and reasonable manner.

Too often the assets of State and local governmental retirement systems have been managed and invested in a manner that does not reflect the relationship of trust that should exist between plan fiduciaries and plan participants, and the importance of the pension system to plan participants and beneficiaries. This bill addresses these problems in a sensible and reasonable manner.

It is important to note that this bill has been tailored to the precise characteristics of the public plan universe which we have so carefully studied and identified.

For example, we have observed that in many States a great number of local government pension plans may band together to provide for more economical plan administration. Accordingly, we wish to make it clear that in such instances, the reporting and disclosure provisions in this bill would apply only to the single large plan. We carefully noted the unique nature of plan sponsors in the public sector. State and local governments are far different from private corporations and partnerships. Accordingly, the fiduciary provisions in the bill make it clear the Government itself, and not plan fiduciaries who are Government employees, generally will be liable to the pension plan for losses caused by imprudent fiduciary actions by such Government employees. We noted that it is frequently Governors, mayors, State legislators, and other government officials who make decisions regarding funding and benefit levels in the course of their regular and necessary official duties. Appreciating the necessity of permitting such officials to discharge their official duties in a free manner, the bill does not provide for liability for such officials with regard to actions involving benefit levels and funding levels for benefits and administrative expenses.

It is also important to note that this bill reflects the experience the private sector has had under ERISA. For instance, certain reports have been eliminated from the reporting requirements, and other reporting requirements have been substantially consolidated and simplified. We have observed the unworkability of dual or multi-agency administration of ERISA, and so have proposed, as title II of the bill introduced today, the creation of a single, unified, Employee Benefit Administration to administer PERISA as well as to help in the formulation of a cohesive, workable Federal Government policy regarding retirement and retirement income. It should be noted that the board of directors of the Employee Benefit Administration, as proposed in today's bill, differs from the board proposed in H.R. 4340, introduced by Mr. ERLBORN and me last spring. The composition of the board as contained in today's bill is, in my opinion, an improvement.

Mr. Speaker, I have attached to the end of this statement a detailed explanation of the Public Employee Retirement

Income Security Act of 1978, and I urge my colleagues as well as the public plan community to carefully study it and the bill itself.

Enactment of this bill will not cure all of the ills of the public plan universe overnight. Funding, for instance, is not required in this proposal but is addressed by the actuarial disclosure requirements and by the ability of the Advisory Council on Governmental plans to develop voluntary guidelines in this area. But by enacting strict yet flexible fiduciary responsibility provisions, we can assure the taxpayers and plan participants that what is in the pension funds will be invested and managed appropriately. By requiring professional and informative reporting, we can learn enough about governmental plans to decide exactly what ought to be done with regard to funding, profitability, and other difficult issues. By disclosing to participants the important provisions in their plans and requiring that participants be treated by plan fiduciaries in a forthright and equitable manner, we can help our public servants to intelligently plan for their retirement and to enjoy their retirement years with a measure of dignity and decency.

I deeply regret, Mr. Speaker that I will not be here next Congress to see to a finish the legislative effort which is commencing today. I am hopeful, however, that we can make a good start in the remaining weeks of this Congress. And I am certain that the cosponsor of this bill, my good friend JOHN ERLBORN, together with our colleagues on the Committee on Education and Labor, will continue our efforts to accomplish meaningful and workable pension reform.

SUMMARY OF THE MAJOR PROVISIONS OF THE
PROPOSED PUBLIC EMPLOYEE RETIREMENT
INCOME SECURITY ACT OF 1978 (PERISA)

PURPOSES

The purposes of the proposed Public Employees Retirement Income Security Act of 1978 are to protect the interests of public pension plans participants and beneficiaries and to minimize the possible adverse impact of the operations of such plans on Federal revenues and expenditures and the national securities markets:

- (1) by establishing minimum standards of fiduciary conduct for trustees, administrators, and others dealing with public pension plans;
- (2) by requiring the disclosure of plan provisions to participants and beneficiaries and the reporting of financial, actuarial, and other information;
- (3) by providing for appropriate remedies, sanctions, and ready access to Federal courts;
- (4) by clarifying the application of the Internal Revenue Code to public pension plans and extending the tax benefits of qualified plan status to such plans; and
- (5) by establishing an Employee Benefit Administration to effectuate a rational and coordinated regulatory system for private as well as public pension plans.

COVERAGE

The Act covers all pension plans not otherwise covered under ERISA which are established or maintained for the benefit of the employees of the government of any state or political subdivision, or any agency or instrumentality thereof, except:

- (1) severance pay plans;
- (2) unfunded plans maintained primarily for the benefit of a select group of management or highly compensated employees;

(3) plans consisting entirely of individual retirement accounts or annuity contracts described in sections 401(d), 403(b), 408, or 409 of the Internal Revenue Code; and

(4) certain "unfunded" deferred compensation plans having the nature of individual account plans.

A companion bill, H.R. 9701, covers the pension plans of the Federal Government under ERISA's financial and actuarial reporting requirements. The Employee Benefit Administration would administer the current provisions of the Internal Revenue Code applicable to such plans.

DISCLOSURE TO PARTICIPANTS

The administrator of a public pension plan covered by the Act is responsible for providing the following information to plan participants and beneficiaries:

A "summary plan description" or booklet providing a reasonably comprehensive summary of the important plan provisions and which is to be written in a manner so as to be understood by the average plan participant; the booklet is to be furnished to beneficiaries receiving benefits and to plan participants within one year and 90 days after the effective date or date of plan participation, if later; the booklet is to be updated to include all plan amendments at least every 10 years.

Within 210 days after the end of the plan year a summary of any material modification or change in the plan is to be furnished to each participant and to each beneficiary receiving benefits (whose future benefits can reasonably be expected to be affected by the change).

Upon written request (but not more than once a year) a statement is to be furnished within 30 days providing the participant with information as to total accumulated contributions, pension benefits, and vesting status.

Information as to a participant's pension benefits and rights is to be furnished a participant who terminates, makes a benefit election, or receives benefit or contribution payments.

Copies of the summary plan description, annual report, and other plan documents are to be available for examination in the principal office of the administrator and in other locations; copies of such documents, for which a reasonable charge may be made, are to be furnished to participants within 30 days after a written request.

A claims procedure is to be established to provide participants with a written explanation of benefit denials and a means of obtaining a full and fair review of any denial.

REPORTING

The administrator of a public pension plan covered by the Act is responsible for filing with the Employee Benefit Administration (EBA) an annual report and a copy of the summary plan description at the time it is furnished to participants. The EBA is directed to cooperate with State and local governments in the exchange of information on public pension plans.

The annual report which is to be filed within 210 days after the end of the plan year is generally to include the following information:

A financial statement and schedule including a statement of assets and liabilities, revenues and expenses, party-in-interest transactions, and loans and leases in default; the plan is to engage an independent qualified public accountant (as defined by the EBA) to audit the plan and render an opinion as to whether the financial statements are presented fairly and in accordance with generally accepted accounting principles.

An actuarial statement including the presentation of the actuarial present value of plan benefits allocated by retired life,

active life—past service, and active life—future service categories; the plan is to engage an enrolled actuary to perform an actuarial valuation at least once every three years; the Act does not affect the actuarial or other basis on which a plan is currently funded, although for reporting purposes the enrolled actuary is to utilize assumptions (on an explicit basis) and techniques which represent his best estimate of anticipated experience under the plan; as under ERISA, the regulatory agency is given the sole authority to determine the scope, form, and content of the disclosure of plan benefit "liabilities".

Information on terminated vested participants who are to be notified of their public pension benefit eligibility when they apply for Social Security benefits.

Other information which the plan administrator may wish to include to further explain any matter in the report.

The EBA is to provide for simplified annual reports for plans with less than 100 participants. A plan to which many different employers contribute would file a single annual report and generally would be treated as a single plan under the other provisions of the Act.

FIDUCIARY RESPONSIBILITY

The Act's fiduciary provisions and requirement that plan assets be held in trust reflect the principle that public pension benefits are earned by plan participants and, therefore, that the associated plan assets belong exclusively to the participants rather than to the plan sponsor.

Fiduciaries are required to discharge their duties with respect to a plan for the exclusive benefit of participants and beneficiaries and with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

Fiduciaries are also required to diversify the investments of a plan so as to minimize the risk of large losses, unless under the circumstances it is clearly not prudent to do so. An exception to this and the other fiduciary requirements applies in the case of individual account plans where the participant exercises control over the asset in his account.

A fiduciary is specifically prohibited from permitting the following transactions to occur in regard to a plan:

Dealing with the plan's assets for his own interest or account.

Acting in any plan transaction on behalf of a party adverse to the interests of the plan or its participants.

Receiving personal consideration from any party dealing with the plan in connection with a plan transaction.

In addition a test of adequate consideration is to be met regarding the following transactions:

Sale, exchange, leasing, or transfer of any property involving a party-in-interest.

Lending of money or other extension of credit involving a party-in-interest.

Furnishing of goods, services, or facilities involving a party-in-interest.

A plan is also prohibited in the future from acquiring employer securities and real property in excess of 10% of plan assets.

The above fiduciary requirements, as under ERISA, are intended to be interpreted so as to take into account the special nature and purposes of employee pension benefit funds.

In connection with the above duties, a fiduciary is defined as a person who exercises any discretionary authority or control respecting the management of a plan or the disposition of its assets, who renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of a plan, or who

has any discretionary authority or responsibility in the administration of a plan. Under the Act government officials are not to be considered fiduciaries with respect to official actions taken in connection with the establishment of plan benefit or funding provisions.

Trustees may allocate their responsibilities and other fiduciaries may allocate or delegate their responsibilities, however, a fiduciary remains liable for the illegal acts of a co-fiduciary if he knowingly participates in or conceals such illegal acts. A fiduciary is personally liable to the plan for any breach of a fiduciary or co-fiduciary duty or obligation. In the case of a breach by a government employee or official, an exception applies whereby the liability is passed through to the governmental employer (however, nothing would prevent the employer from recovering such an amount from the individual).

The Act further protects plans against loss by reason of fraud or dishonesty by requiring fiduciaries who handle funds to be bonded. Governmental employers are given wide latitude in making arrangements to secure adequate protection against such losses.

EXEMPTIONS AND ALTERNATIVE METHODS OF COMPLIANCE

The Employee Benefit Administration is given broad authority to provide for alternative methods of compliance regarding the reporting and disclosure standards in order to "tailor" such provisions and minimize costs. The EBA may also exempt certain plans from the reporting, disclosure, trust, and bonding requirements of the Act (for example, completely unfunded, noncontributory public pension plans which have no active employee participants).

EMPLOYEE BENEFIT ADMINISTRATION

Title II of the Act establishes an independent agency, the Employee Benefit Administration, not later than one year after the date of enactment. At the head of the EBA is a Board of Directors consisting of a special liaison officer to the Secretary of Labor, a special liaison officer to the Secretary of the Treasury, and three other members appointed by the President with the advice and consent of the Senate. The President is to designate one member to serve as Chairman.

The establishment of the Employee Benefit Administration is designed to increase the efficiency of the operations of the Federal Government relating to public pension plans and private employee welfare and pension benefit plans in order to further promote the expansion and growth of pension and welfare plans and to carry out more effectively the express purposes of this Act as well as the Employee Retirement Income Security Act of 1974 (ERISA). The EBA would administer all of the provisions of this Act, the provisions of ERISA, and the provisions of the Internal Revenue Code applicable to Federal pension plans.

INTERNAL REVENUE CODE QUALIFICATION AND ENFORCEMENT

The Act removes the present ambiguity of the Internal Revenue Code provisions as they presently relate to public pension plans. Plans subject to the Act are to be considered tax "qualified" and exempt from Federal income tax without regard to the current requirements of Section 401(a) of the Internal Revenue Code. The same Federal income and estate tax treatment afforded participants of qualified private pension plans is extended to public pension plan participants and beneficiaries.

Generally, the Act is to be enforced through civil actions brought by the Employee Benefit Administration. Pension plan participants and beneficiaries may also bring civil actions to enforce the Act and to en-

force their pension rights under the terms of their plans. Dollar assessments and the removal of fiduciaries are examples of the penalties that may result from such civil actions. Criminal sanctions may be imposed on persons who willfully violate the reporting, disclosure, or bonding requirements of the Act or who use coercive force to interfere with employee rights under the Act.

ADVISORY COUNCIL

An eleven member Advisory Council on Governmental Plans is established to advise the Employee Benefit Administration regarding public pension plans. The Council is authorized to establish voluntary guidelines for public pension plans with respect to matters for which requirements are not established under the Act (e.g. vesting and funding).

PREEMPTION

Generally, the Act would preempt state laws only to the extent of the fiduciary requirements of the Act. All other state laws would remain unaffected except to the extent that they would prevent the application of the other provisions of the Act.

EFFECTIVE DATES

Generally, the provisions of the Act are to take effect at the beginning of the second calendar year following the establishment of the Employee Benefit Administration. The Employee Benefit Administration is to be established not later than one year after the date of enactment.●

TAX EXEMPT STATUS FOR FRATERNAL SOCIETIES

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. COTTER. Mr. Speaker, I have been in contact with the Knights of Columbus who are concerned that they may be adversely affected by section 501(g) of the Internal Revenue Code which prohibits a tax exempt status for organizations which discriminate on the basis of religion. This situation was clearly not intended when the law was enacted, and I am introducing legislation to correct it.

The Knights of Columbus are exempt from Federal income tax law under section 501(c)(8) of the Internal Revenue Code. Because subordinate lodges of the Knights are unincorporated, those which desire to hold title to real property must form an affiliated corporation. Some 2,000 of these affiliated corporations are exempt from the Federal income tax law under section 501(c)(7) of the Code as "social clubs."

However, section 501(g) of the Code which was added in 1976 may prohibit a tax exempt status for social clubs which provide for discrimination against any person on the basis of religion.

It is clear that this is not what Congress had in mind when this provision was enacted. During committee hearings on section 501(g) the case of the Knights of Columbus was brought up several times. It was indicated at this time that since the Knights of Columbus were a fraternal society and not a social club, they would have no problems under this section. Information regarding potential

conflicts resulting from the existing status of these affiliated corporations unfortunately was not made available at that time.

In order to be a member of the Knights of Columbus, and therefore a member of one of these affiliated corporations, an individual must be a practicing Catholic. Organizations which discriminate by providing that only members of a particular religion may join was not the type of discrimination envisioned by section 501(g). Rather, this section was aimed at organizations whose composition was not religiously centered, who had several religions represented among its members, but who refused membership to someone simply because they were a member of a particular religion.

The legislation which I am introducing would correct this situation by exempting affiliated corporations of an association from the Federal income tax under section 501(c)(8) of the Code. This would merely create a situation which was thought to exist during committee hearings.

Mr. Speaker, I have asked the Department of the Treasury for its comments on this legislation, and am including at this point in the RECORD a letter received from Mr. John M. Murphy, Esq., of the Knights of Columbus soliciting my help for these changes.

KNIGHTS OF COLUMBUS,

New Haven, Conn., September 6, 1978.

Re Legislative Definition of Lodge System Internal Revenue Code Section 501(c)(8).

HON. WILLIAM R. COTTER, M.C.,
Room 2338, Rayburn Building,
U.S. House of Representatives,
Washington, D.C.

DEAR BROTHER COTTER: This letter and its enclosures come to enlist your aid in behalf of the Knights of Columbus on the above subject.

As you know, the Knights of Columbus and all of its state and subordinate councils throughout the country are exempt from federal income tax under Section 501(c)(8) of the Internal Revenue Code.

Because our local councils are regarded as unincorporated associations, we have over the years suggested that any local council wishing to acquire real estate for a council home or club form a corporation which can take title to the property for the benefit of the members. We have also suggested that they seek tax exempt status for those "home corporations" under Section 501(c)(7) of the Code.

You may recall that in 1976 P.L. 94-568 was enacted and included a Section 501(g) prohibiting discrimination on grounds of religious belief by certain social clubs, such as our so-called "home corporations." The problem which this change in the law created for our home corporations is summarized in the enclosed copy of a February 24, 1978 letter from Congressman Waggonner to the Chief Counsel of Internal Revenue Service. Mr. Waggonner points out that the kind of "religious discrimination" which Knights of Columbus exercises in its membership requirements was not the kind of discrimination Section 501(g) was intended to proscribe.

Mr. William J. Lehrfeld, a Washington tax attorney and a member of the Order, has been engaged by us to seek a change in Section 501(c)(8) of the Internal Revenue Code so that our home corporations can qualify for tax exemption under that section rather than under Section 501(c)(7). If we can ef-

fect this change in the law, we will then instruct all of our local councils throughout the country to seek exemption for their home corporations under Section 501(c)(8).

I enclose a recent letter from Bill Lehrfeld with a copy of the suggested amendment and an explanation. I also respectfully—and earnestly—ask your help in obtaining this change in the law, which will be genuinely appreciated by all our members and will have no adverse effect on tax revenue.

Would you be in touch with Bill Lehrfeld (his number is 785-9500)? I would be happy to meet with you at any time or place, in Washington or Hartford, which you can conveniently manage to discuss this important request.

All best wishes.

Fraternally yours,

JOHN M. MURPHY,
Supreme Advocate.●

A COMPILATION OF ACTION, INVOLVEMENT, AND COMMITMENT TO ISRAEL AND SOVIET JEWRY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. OTTINGER. Mr. Speaker, the following is a compilation of actions, involvement, and commitment to Israel and Soviet Jewry:

Met twice with Prime Minister Menachem Begin to hear and to discuss his views on Mideast problems.

Addressed House of Representatives objecting strongly to President Carter's proposed sale of F-15s to Saudi Arabia and calling upon colleagues to express outrage over the proposed Mideast arms sales package.

Sent letter to President Carter expressing alarm and outrage over proposed arms sales to Saudi Arabia and intention to treat Arab-Israeli sales as a package.

Met with Vice President Mondale as part of small group of congressional leaders on Middle East Affairs to advise him on peace seeking mission.

Called upon colleagues to join in censuring President Carter's Joint U.S.-Soviet Union communique on Middle East for undermining our firm commitment to Israel and for marking significant and unwise shift in U.S. policy toward Mideast.

Cosigned letter to President Carter urging him to reaffirm United States' complete support of U.S. Resolutions 242 and 338, and to reaffirm our firm support of Israel.

Cosponsored Resolution congratulating Israel and Egypt on beginning direct negotiations toward peace in the Mideast.

Met with Prime Minister Begin and President Sadat for briefing and discussion of the "framework" agreements at Camp David.

Cosponsored Resolution condemning PLO for its attack on Israeli citizens and expressing hope for successful conclusion of Mideast peace negotiations.

Called upon colleagues to oppose vigorously any amendments to Foreign Assistance Act which would adversely affect balance in Mideast and undermine security of Israel and our commitments to her.

As member of New York and International Committees to free Anatoly Shcharansky, sponsored letters to President Brezhnev urging permission for Shcharansky to emigrate from U.S.S.R. (Signed by 11 other Congressmen who represent relatives of Anatoly.)

Met with Avital Shcharansky to discuss measures we might take to assist in release of her husband, Anatoly Shcharansky.

Cosponsored legislation to bar Nazi war criminals from sanctuary in this country.
Sponsored joint resolution prohibiting trade and cultural exchanges with U.S.S.R. until Shcharansky and Ginsburg are free and U.S.S.R. otherwise meets its obligations under Helsinki Final Act.

CONGRESSMAN RICHARD L. OTTINGER—A COMPILATION OF ACTIVITIES AND STATEMENTS MEMBERSHIPS AND AFFILIATIONS

Member of the National Council of the American-Israeli Friendship League.

Member of the International Committee for the Release of Anatoly Shcharansky.

Honorary Sponsor and Member of the New York Committee to Free Anatoly Shcharansky.

Member of Temple Beth El of Northern Westchester.

Member of the Zionist Organization of America.

Member of the American Jewish Committee.

Member of the B'nai B'rith Upper Westchester Lodge.

Member of the Knights of Pythias Lodge No. 265.

Former Trustee of Jewish Board of Guardians and Linden Hill School.

Member of the Jewish War Veterans Post No. 70.

CHRONOLOGY OF ACTIVITIES AND STATEMENTS
January 1977

Initiated cosigned letter to Secretary Brezhnev protesting the imprisonment of Amner B. Zavurov (Signed by 23 other Members).

Cosigned telegram with Reps. Ambro and Ellberg to Secretary Brezhnev strongly protesting trial of Dr. Iosef Begun (Prisoner of Conscience).

Cosponsored with National Conference on Soviet Jewry a special briefing for Members of the House of Representatives on Soviet Jewry and U.S.-U.S.S.R. relations.

Cosigned letter with Rep. Fenwick to Ambassador Dobrynin expressing deep concern for the fate of Amner B. Zavurov.

Cosigned letter with Rep. Fish to Eli Flam, Director of Voice of America calling for better communication with the Greatest New York Conference on Soviet Jewry and continued coverage of plight of Soviet Jewish refuseniks in Europe.

Cosigned letter with Rep. Fenwick to Secretary of State Cyrus Vance commending the Administration for forthright stand on human rights and efforts on behalf of Andrei Sakhorov.

February 1977

Cosigned letter with Reps. Fraser and Jeffords to President Carter expressing support of human rights stand and urging President to press Soviets to comply with the Helsinki Final Act.

Cosigned letter with Reps. Dodd and Fenwick to Ambassador Dobrynin stating deep concern over the arrests of Aleksandr Ginsburg, Yuri Orlov, Mikola Rudenko and Oleksiy Tykhy.

Cosigned letter with Rep. Gilman to Secretary Brezhnev protesting disruption of symposium on "Jewish Culture in U.S.S.R." by Soviet authorities.

March 1977

Cosponsored with Rep. Moffet H. Con. Res. expressing the continued interest of the American people in the USSR's compliance with the Helsinki Final Act and the safety and freedom of Soviet Jews.

Addressed the House of Representatives as key participant in vigil entitled, "Helsinki's Unfulfilled Promise."

Cosigned letter with Rep. Florio to President Carter urging him to do everything possible to encourage the U.S.S.R. to remove

ban on importation of flour and foods containing flour.

Addressed House of Representatives in statement appearing in Congressional Record in support of Moffet H. Con. Res. (see above) and stating strong objection to U.S.S.R.'s transgressions from obligations under Helsinki Final Act.

Sent letter to Ambassador Dobrynin stating objection to Dr. Iosef Begun's recent conviction and subsequent sentence.

Sent letter to Ambassador Dobrynin demanding the release of Anatoly Shcharansky.

May 1977

Joined the International Committee for the Release of Anatoly Shcharansky.

Sent letter to Ambassador Dobrynin expressing continued concern for Dr. Iosef Begun.

Addressed the House of Representatives in statement appearing in the Congressional Record on the plight of Dr. Iosef Begun.

Sent telegram to Secretary Brezhnev urging release of Dr. Iosef Begun.

June 1977

Addressed House of Representatives in statement appearing in Congressional Record expressing strong condemnation of Soviets' treatment of Dr. Iosef Begun and Anatoly Shcharansky.

Cosigned letter with Rep. Yates to Secretary Brezhnev in protest of charges to Anatoly Shcharansky.

Cosigned letter with Rep. Wolff to Delegations at the Belgrade Conference urging all delegations to insist upon a formal discussion of efforts to monitor governmental compliance with the Helsinki Final Act.

Sent letter to Spencer Oliver, Staff Director of Commission on Security and Cooperation in Europe documenting Soviet failure to adhere to Postal Treaties.

Cosigned letter with Reps. Steers and Sen. Humphrey to President Carter expressing support of U.S. Congress for positions taken by our government regarding human rights in relation to the Helsinki Final Act.

Cosigned letter to Secretary Brezhnev with Rep. Downey stating deep concern for fate of Lev Gendin.

Cosigned telegram with Rep. Waxman to Secretary Brezhnev objecting to detainment of Robert Toth, U.S. Reporter.

July 1977

Cosponsored resolution with Rep. Ertel which requests the President and the United States delegation to the 1977 Belgrade Review Conference to urge the Government of the Soviet Union to grant exit visas to the Emmanuil Smellinsky family.

Cosigned letter with Rep. Ertel to President urging him to bring the Smellinsky family's situation to the attention of the Soviet Government and to express the interest of the United States in Soviet compliance with the Helsinki Final Act.

Cosigned letter with Rep. Bonker to Secretary Brezhnev urging him to grant exit visa to Vladimir Lazaris.

Cosponsored resolution with Reps. Buchanan and Dodd calling for the release of Anatoly Shcharansky from custody and for permission for him to emigrate from the Soviet Union.

Met with Prime Minister Begin to hear and to discuss his views on Mideast problems.

Key participant in Vigil on House of Representative's floor entitled, "Helsinki's Unfulfilled Promise." Spoke on the plight of Mikhail Kornblit, Prisoner of Conscience.

August 1977

Cosigned letter with Rep. Weiss to Secretary Brezhnev urging him to grant exit visas to Vladimir Preston family.

Cosponsored resolution with Rep. Koch expressing Congressional concern for the plight of Mikola Rudenko and Oleksa Tykhy.

Cosponsored resolution with Reps. Koch, Fenwick and Dodd requesting that the Government of the Soviet Union provide Valentyn Moroz with the opportunity to accept the invitation of Harvard University for the 1977-1978 academic year.

Cosigned telegram with Rep. Steers to Secretary Brezhnev urging him to grant an exit visa to Isaac Zlotver.

September 1977

Cosigned letter with Rep. Waxman to Secretary Brezhnev urging him to grant exit visas to Dr. Viniamin Levich and wife.

Cosigned letters with Rep. Mikva to Secretary Brezhnev and Ambassador Dobrynin urging them to grant exit visas to Abe Stolar and family.

Cosigned letter with Rep. Kemp to Robert Kane, President of the U.S. Olympic Committee, expressing distress at reports of efforts to exclude Israel from 1980 Olympic Games in Moscow.

October 1977

Cosigned letter with Rep. Jeffords to President Carter expressing Congressional support for a strong U.S. position on human rights at the 1977 Belgrade Review Conference and concern for Aleksandr Ginsburg.

Cosigned letter with Rep. Schroeder to Ambassador Arthur Goldberg regarding the apparent reluctance of other Western signatories to the Helsinki Final Act to take a forthright stand on human rights.

Addressed colleagues on the House floor in statement that appeared in the Congressional Record as well censuring President Carter's Joint U.S.-Soviet Union Communiqué on the Middle East for undermining our firm commitment to Israel and for making a significant and unwise shift in U.S. policy toward the Mideast.

Cosigned letter with Reps. Bingham, Yates and Anderson to President Carter expressing concern over the Joint Communiqué and urging President Carter to reaffirm the U.S.'s complete support of U.N. Resolutions 242 and 338 and to reaffirm our firm support of Israel.

November 1977

Sent telegram to Secretary Brezhnev urging him to mark the 60th Anniversary of the Soviet revolution by granting amnesty to Soviet Jewish Prisoners of Conscience, approving emigration visas for refuseniks, dismissing the case of Anatoly Shcharansky and granting an exit visa to Mikhail Kornblit.

Instrumental in securing Mikhail Kornblit's release from prison.

Sent letter to Mikhail Kornblit to give encouragement and continued commitment to seek his release and emigration papers.

Initiated letter to Secretary Brezhnev requesting permission for Shcharansky to emigrate from Soviet Union (sign by 11 other Congressmen who represent relatives of Shcharansky).

Sent press release regarding letter to Secretary Brezhnev asking for release of Shcharansky.

Cosponsored resolution with Rep. Dodd congratulating Egypt and Israel on beginning direct negotiations toward peace in the Mideast.

December 1977

Cosigned letter to Secretary Brezhnev with Rep. Cornwell urging him to grant an exit visa to Lev Ovsischer.

Sent letter to Secretary Brezhnev expressing profound distress over the arrest and imprisonment of Boris Penson and urging his release and permission for him to emigrate.

Sent letter to Dr. Iosef Begun, Prisoner of Conscience, expressing objection to the treatment he received and commitment to see that he is granted an exit visa.

Co-signed letter with Rep. Cotter to Soviet authorities calling for exit visas for the Leizer Falkovich family.

January 1978

Cosigned mailgram with Rep. Biaggi to Ambassador Dobrynin expressing objection to treatment of Edward Kuznetsov and urging his immediate release.

Cosigned letter with Rep. Brown to Secretary Brezhnev urging him to grant exit visa to Dr. Nahum Meiman.

Sent letters to G. D. Djavakhishvili, chairman Council of Ministers of Georgia, USSR and N. Muskhelashvili, Chairman Academy of Sciences of Georgia, USSR expressing profound distress over the arrest of Grigory Goldstein. (Copies sent to Secretary of State Vance, Special Representative of Trade Straus, Secretary of Treasury Blumenthal and Ambassador Goldberg)

Met with Mrs. Avital Shcharansky to discuss measures we might take to assist in the release of her husband, Anatoly Shcharansky.

Cosigned letter with Rep. Heckler to Ambassador Dobrynin urging him to grant exit visa to Ida Nudel.

Cosponsored legislation with Rep. Heckler to bar Nazi War Criminals from sanctuary in this country.

February 1978

Made statement appearing in the Congressional Record giving an account describing the plight of Soviet Jews.

Sent letter to Ambassador Dobrynin urging him to grant exit visas to Dr. Joseph As and family.

Cosigned letter with Rep. Steers to Minister of Interior Shcholkov urging him to permit Isaac Zlotver to be reunited with his family in accord with the Helsinki Final Act and the Universal Declaration of Human Rights.

Sent letter to Secretary Brezhnev expressing strong objection to the continued detention of Anatoly Shcharansky.

Cosponsored resolution with Reps. Bellen and Leach condemning the poisoning of Israeli oranges and urging that this incident be considered as an important agenda item at the Geneva Disarmament Conference and at the U.S. Special Session on Disarmament.

Addressed House of Representatives and made a strong statement appearing in the Congressional Record objecting to President Carter's proposed sale of F-15 aircraft to Saudi Arabia and called upon my colleagues to express outrage over the proposed arms sales to the Mideast as a package.

March 1978

Cosigned letter with Rep. Waxman to Secretary Brezhnev urging him to grant exit visas to Dr. Viniamin Levich and wife.

Cosponsored legislation with Rep. Kemp providing for the issuance of a U.S. postal stamp commemorating Israel's 30th Anniversary.

Sent letter to President Carter expressing alarm and outrage at his proposal to sell sophisticated offensive aircraft to Saudi Arabia and to treat the Arab-Israeli sales as a package.

Cosponsored resolution with Rep. Yates condemning P.L.O. for its attacks upon Israeli citizens and expressing hope for successful conclusion of Mideast peace negotiations.

April 1978

Sent letters to Secretary Brezhnev and Ambassador Dobrynin expressing objection to the banishment of Dr. Iosef Begun from Moscow and his separation from his family.

Sent letter to Mrs. Begun and family expressing hope for the reunion of the Begun family.

Cosigned letter with Reps. Zefereetti and Drinan to Secretary Brezhnev asking that the Soviet Government cease its harassment of Iosef Mandeleovich, permit him to exercise the fundamental right of freedom of religion and reduce his sentence to its original term of twelve years.

Cosigned letter with Rep. Luken to Ambassador Dobrynin urging him to grant an exit visa to Jessica Katz.

Spoke at Westchester Conference Observance of Warsaw Ghetto Resistance Movement at Temple Israel in New Rochelle.

May 1978

Cosponsored Joint Resolution with Sen. Danforth, Sen. Chiles and Sen. Percy which designates the weekend of or preceding April 29 as "Days of Remembrance of Victims of the Holocaust."

Addressed the House of Representatives as a key participant on House floor Vigil entitled, "A Vigil for Freedom" for Soviet Jewry.

Initiated telegrams to Secretary Brezhnev, Prime Minister Rudenko and Ambassador Dobrynin urging the release of Dr. Iosef Begun and permission for him and his family to emigrate from the Soviet Union.

Sent letters to Secretary Brezhnev, Secretary of Interior Scholokov, Prime Minister Rudenko and Ambassador Dobrynin urging them to grant exit visas to Ily Essas and family.

Cosigned letter with Rep. Gradison to Secretary Brezhnev requesting assistance in obtaining medical care for Jessica Katz, if necessary in the United States.

Cosigned letter with Reps. Steers and Ellberg to Ambassador Dobrynin urging him to grant Hillel Butman amnesty and an exit visa.

Cosigned letter with Rep. Waxman to President of the Soviet Academy of Sciences and the Chairman of the State Committee of Science and Technology expressing concern for Dr. Viniamin Levich and other Soviet scientists wishing to emigrate.

Spoke with Jesse Robison (from the Robison family of Westchester campaign to free their two cousins) and offered commitment to ending the plight of the Podrabinek brothers.

June 1978

Cosigned letter with Rep. Bingham to Secretary Brezhnev regarding plight of Kyrill and Aleksandr Podrabinek.

Cosigned letter to Secretary Brezhnev with Rep. Waxman protesting arrest and detention of Vladimir Slepak and urging the Secretary to grant him an exit visa.

Initiated in conjunction with Rep. Downey letter to Ambassador Dobrynin expressing profound concern for Dr. Iosef Begun and urging the fulfillment of all his rights as guaranteed by the Helsinki Final Act.

Met with Vice President Mondale as a part of a small group of Congressional leaders on Middle East Affairs to advise the Vice President on his peace mission to the Mideast.

Cosponsored legislation with Rep. Dornan to exclude any known terrorist or terrorist organization from entering the United States, especially the Palestine Liberation Organization and other related restrictions.

July 1978

Sent letter to President Carter and Secretary of State Cyrus Vance expressing distress over absence of U.S. objection to the Palestine Liberation Organization's "Information Office" in Washington, D.C.

Cosigned letter with Rep. Kildee to Ambassador Dobrynin expressing concern for the health of Igor V. Ogurtsov.

Joined Rep. Steers in introducing resolution urging the Soviet Government to grant emigration visas to Isaac Zlotver.

Cosigned letter to Secretary Brezhnev with Rep. Blanchard requesting that Viktor Kalnins be allowed to emigrate immediately.

Cosponsored resolution with Rep. Tsongas condemning Soviet Union for its actions against Ida Nudel and other Soviet dissidents.

Cosponsored legislation with Reps. Green, Biaggi, Kemp and Bingham to call attention to the case of Dr. Semyon Gluzman.

Called upon colleagues in the House of Representatives to recognize the plight of the peoples of the Baltic Nations during Captive Nations Week in a statement appearing in the Congressional Record.

Called upon his colleagues in a statement appearing in the Congressional Record to vigorously support Senate Concurrent Resolution 95 which expresses the sense of the Congress that the trials of the dissidents are of deep concern to the American people and may impose obstacles to the future building of cooperation between the two countries.

Introduced in the House of Representatives a Joint Resolution prohibiting trade and cultural exchanges between the U.S. and the Soviet Union until Anatoly Shcharansky and Aleksandr Ginsburg are set free and the Soviet Union otherwise meets its obligations under the Helsinki Final Act.

Made a statement appearing in the Congressional Record calling upon colleagues in the House of Representatives to support the Joint Resolution prohibiting trade and cultural exchanges until the above noted conditions are met.

Submitted testimony before the Helsinki Monitoring Commission during hearings on the Soviet Union's compliance with the Helsinki Final Act and the trials of the dissidents.

Cosigned letter to Ambassador Dobrynin with Rep. Fenwick urging him to grant exit visas to the Mal-Seidel family.

Cosigned letter with Rep. Downey to Ambassador Dobrynin urging him to grant exit visa to Lev Blitshteln.

Cosigned letter with Rep. Schroeder to Lord Killinin, President of the International Olympic Committee, expressing conviction that the Olympic Games ought to be transferred from Moscow if the Soviet Union continues its policies regarding dissidents.

Joined New York State Democratic Delegation in initiating letter to President Carter commending him for cancelling computer equipment sale to the Soviet news agency, for placing oil technology on the commodities control list, and urging him to limit future U.S.-Soviet trade, cultural, scientific and other relationships.

Met with representatives from the National Conference on Soviet Jewry to discuss position on possible transfer of Olympic Games from Moscow.

August 1978

Worked with Leon Gildesgame and the White House to see that a sculpture of the "American Soldier at the Gate of the Dachau Concentration Camp" is donated to Israel as a tribute to those who survived the Holocaust.

Called upon colleagues in the House of Representatives in statement appearing in the Congressional Record to oppose vigorously any amendments to the Foreign Assistance Act which would adversely affect the balance in the Mideast and would undermine the security of Israel and our commitment to her.

Supported vehemently the amendment to the International Security Assistance Act of 1978 which expressed the sense of the Congress that the U.S. should be responsive to the defense requirements of Israel.

Cosigned letter with Rep. Green to Ambassador Dobrynin urging him to allow Kathleen Renck to visit Russia or to grant Knostantin Kutasov permission to leave the Soviet Union so that they may be married.

Cosigned letter with Rep. Edwards to Secretary Brezhnev urging him to grant exit visas to Lev Roitburd and family.

Cosigned letter with Rep. Drinan to U.N. Secretary General Waldhalm urging him to speak out against convictions of Anatoly Shcharansky, Aleksandr Ginsburg and others.

Cosigned letter with Rep. Brodhead to Ambassador Dobrynin urging him to grant exit visas to the Mal-Seidel family.

Sent letter to the Director of the Congressional Research Service along with the other members of the New York State Democratic Delegation which resulted in CRS initiating review of all U.S.-Soviet agreements and relationships to assess their results and efficacy.

Received personal letter Mrs. Avital Shcharansky expressing her deep appreciation for "your personal commitment and involvement in behalf of my husband."

Sent letters to Secretary Brezhnev and Ambassador Dobrynin strongly objecting to the unwarranted second arrest of Dr. Iosef Begun.

LEGISLATIVE ACTIONS AFFECTING ISRAEL DURING 96TH CONGRESS

Voted in favor of Export Administration Act which included anti-boycott provisions prohibiting compliance with secondary and tertiary boycott. Passed.

Voted in favor of International Security Assistance Act (foreign aid authorization bill) for fiscal year 1978 which included \$1.785 billion in military and economic assistance to Israel. Passed.

Voted in favor of Foreign Assistance Appropriations Act (foreign aid appropriations bill) for fiscal year 1978 which included \$1.805 billion in military and economic assistance for Israel. Passed.

Voted against Amendment by Rep. Clarence Miller (R-Ohio) to Foreign Assistance Appropriation Act for fiscal year 1978 stipulating 5 percent across-the-board reduction in the \$8 billion bill, including the \$1.805 billion for Israel.

Voted in favor Foreign Assistance Appropriations Conference Report for fiscal year 1978 which reinstated original aid levels for Israel. Passed.

Voted against Rep. Bauman (R-MD) amendment to International Development and Food Assistance Act for fiscal year 1979 stipulating a 5 percent across-the-board cut in the \$3.7 billion authorization bill. The amendment cut \$39 million from the \$785 million economic assistance program for Israel.

Voted in favor of the International Development and Food Assistance Act for fiscal year 1979 which included (at that time) \$785 million in economic assistance for Israel. Passed.

Voted in favor of the International Security Assistance Act for fiscal year 1979 which included \$1 billion in military assistance for Israel. Passed.

Voted in favor of the Rep. Derwinski amendment (R-Ill.) to Foreign Assistance Appropriations Act for fiscal year 1979 which eliminated \$90 million economic support fund for Syria. Passed.

Voted in favor of the Foreign Assistance Appropriations Act for fiscal year 1979. Passed. ●

IRAN'S RISING OPPOSITION

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. HARKIN. Mr. Speaker, during the past months, numerous newspaper stories have appeared detailing the ongoing political strife in Iran. Questions concerning the accuracy of these stories have been raised. In fact, charges have been made that the American press is clearly "pro-Shah."

All of this is very troubling. On issues relating to foreign affairs, most Americans including Members of Congress rely very heavily on the American press for information. If newspaper reporting

largely reflects Government propaganda, then all of us suffer. Those of us who operate on the basis of this misinformation may end up doing the Nation a great disservice. Hopefully, the charges leveled at the news media are invalid. Yet, in light of these accusations, responsible newspapers should take extra precautions to insure that their reports are not distorted.

One article which I found particularly interesting and objective was written by Max McCarthy, a former Member of Congress who was a press attaché at the U.S. Embassy in Tehran in 1975-76. This article which is reprinted below originally appeared in the Washington Post on July 9, 1978. I urge my colleagues to read it.

IRAN'S RISING OPPOSITION

(By Max McCarthy)

The Shah or Iran, in an interview in the June 26 issue of U.S. News & World Report, concedes that protests against his regime have increased but defiantly boasts: "Nobody can overthrow me. I have the support of 700,000 troops, all the workers and most of the people . . . I have the power."

Some well-informed Iranians here in Washington, others in Iran and a number of Americans familiar with the internal situation there think the shah may be whistling in the dark. They seriously question his assessment of the degree of support he enjoys. Should they, rather than the monarch, prove correct, there is a possibility that U.S. troops would be required to save his throne for him.

By personally approving the promotion of all officers from the rank of major or its equivalent on up, by paying handsome salaries to all officers and by providing them with the latest and most sophisticated weapons and equipment, the shah until recently was able to maintain almost total control over his burgeoning military establishment and internal security forces.

But a number of recent events have raised doubts about just how firm his control over his forces is at this time.

Late last year, for instance, Maj. Gen. Ahmed Mogharebi was charged with having spied for the Soviet Union. Sources with ties to the palace report that the shah was so depressed over the treason of a trusted and high-ranking officer that he secluded himself for several days. When he emerged, he ordered that the general be executed immediately. As a result, Mogharebi was killed before torture could extract from him the names of his fellow plotters.

"The regime never discovered the identities of Gen. Mogharebi's co-conspirators," Nasser G. Afshar, Washington-based publisher of the anti-Communist and anti-shah Iran Free Press, recently told me. "They still are in their key posts within the Iranian military. It is only a matter of time before they attempt to carry out Mogharebi's plan for a pro-Soviet coup d'etat."

Early this year, a high-ranking official of Savak (the Iranian secret police), Ali Naqi Rabbani, was condemned to death by a military court for spying for the Soviet Union. The investigation that led to Rabbani's arrest, according to Afshar, disclosed that approximately 18 other high officials of Savak and other sections of the government of Iran were working for the KGB (the Soviet secret police).

Another severe jolt involving Savak, on which the Shah relies heavily to deal with the political problems of one-party rule, came in early June when, following a general strike that shut down Tehran and three other cities, the shah fired the head of Savak, his friend and long-time confidant, Gen. Nematollah Nasserli.

An Iranian who formerly lived in the northern city of Tabriz told me that Iranian

police "turned their backs" on rioters and that insurgent elements actually controlled that city for "five or six hours" during a mid-February uprising there.

COMPLAINTS AND HARASSMENT

The Shah's claim that he enjoys the support of "all the workers and most of the people" is also subject to question.

During a trip to Iran last April I heard widespread complaints about "guns rather than butter" priorities, political corruption, traffic congestion, pollution, poor sanitation, inflation, the decline in Iranian agriculture and industrial production as well as shortages or erratic supplies of water, roads, communications and electric power.

Education is scarce: The number of Iranians of high school age actually in high school declined from 30 percent in 1976 to 20 percent this year. The country has a severe housing shortage, with 6.7 million families but only 5.3 million urban and rural housing units, less than half of which have piped water. A common sight is families living in tents pitched in holes in the ground.

Despite talk of "human rights" which most observers ascribe to President Carter's influence, opposition leaders are harassed. On April 19 I visited the home of Rahmataollah Moghaddam-Maragheh, a member of the Iranian Committee for the Defense of Freedom and Human Rights, and saw a crater and other evidence of a bomb thrown into his property 10 days earlier. The homes of three of his colleagues on the committee, which includes prominent academic and professional figures, also were bombed. Another member sustained an explosion at his law office. Still another was forcibly taken from his dental clinic, a sack placed over his head, and severely beaten. Their explanation for these acts of violence was that they had sent a telegram to the government in behalf of some 200 political prisoners who staged a hunger strike to demand improved prison conditions.

Darlush Foruhar, a lawyer who heads the union of the National Front Forces, a coalition of opposition parties, recalled how Iran's dissident elements were united and galvanized into action after police invaded Tehran's Qasr Prison on March 15. The police officers, not the prison guards, beat up the fasting prisoners, Foruhar said, adding that mothers, sisters and other relatives of the inmates also were beaten when they showed up outside the prison, the nearby military tribunal and Tehran University.

Foruhar said the regime surrendered to the prisoner's initial demands four weeks after the strike began when it was faced with nationwide protests, sympathetic hunger strikes by young people, pleas from clergy and intellectuals and the threat of the striking prisoners to abstain from water as well as food. The regime gave in, he explained, because it feared that the prisoners' deaths might have provided the spark to set off the Iranian political powder keg.

An Iranian employe of the American Embassy, Reza Amini, told of tape cassettes containing recorded sermons by Moslem clergymen being secretly circulated throughout the country. He said the messages were being listened to by thousands of persons and their content relayed to thousands of others. The basic message of one of the sermons by exiled clericman Ayatollah Ruholla Khomeini calls for a "religious crusade" to topple the Shah.

THE OVERLOOKED MIDDLE GROUND

Most of the opposition leaders I spoke with emphasized that they are willing to see the monarchy retained but under the terms of the 72-year-old Iranian constitution which is still technically in effect. It provides for a largely ceremonial constitutional monarch; an independent judiciary; free press, assembly, political activity and elections. Under the provisions of the 1906 document, decisionmaking is vested in a freely elected par-

liament, from whose members would be chosen a prime minister and executive power.

One opposition leader told me:

"The average Iranian cannot forget the fact that the dictator responsible for most—if not all—of his miseries was put on the throne by the United States in 1953. But despite this universal sentiment, America and its democratic traditions are admired by Iranians.

"Whatever legitimacy the shah might pretend to have comes from abroad, principally the United States. Iranians of all descriptions, even the shah's supporters, attach to the U.S. word an importance far beyond the true leverage Washington can apply in Tehran.

"Thus, President Carter is in the unique position of being able to save Iranians from the claws of a CIA-imposed despot by practically empty words.

"A single statement from the White House, to the effect that the United States will not intervene in internal Iranian affairs, where peoples' right to choose their government is concerned, is enough to put the shah to flight."

Most Iranians are reluctant to speak so openly with Americans out of fear that their true feelings will find their way to Savak. In Tehran this year I found U.S. diplomats more remote from Iranians than ever. One embassy official did not know that the huge Qasr Prison—focal point of the hunger strike by political prisoners which was one of the most dramatic opposition moves in recent years—is located in the heart of Tehran, just a short distance from his home. Off the job, he said, he and his fellow diplomats play tennis and poker and have picnics with each other, their spouses and children. No Iranians are invited.

This increasing isolation of the official American community may well affect the accuracy of its reports to Washington on the current state of Iranian public opinion and its estimates of the degree of support the shah enjoys. Two U.S. officials told me that our current ambassador, William Sullivan, who served as ambassador to Laos during the Vietnam war, is continuing to urge the Carter administration to maintain its all-out support for the shah.

If that support is continued and if the intensifying hatred of the shah among Iran's Moslem clergymen, professional classes, former politicians and students produces armed rebellion against the Peacock Throne, we will be faced again with the prospect of the shah's overthrow. Secretary of Defense Harold Brown already has been discussing the possible "dispatch of appropriate U.S. forces to the scene [the Persian Gulf] in support of friends," and 100,000 U.S. troops are being trained for possible intervention in the Gulf.

President Carter also has talked about having "quickly deployable forces—air, land and sea" available for this and other contingencies.

But the Carter administration is overlooking a fundamental distinction and a third option. While Iran and its oil are vital to the United States and its allies, Iran and the shah are not synonymous. For the United States to have to choose between the shah and the Soviets would be the worst kind of choice.

Responsible, non-Communist opposition leaders such as Mughaddam told me they see no difficulty in achieving a reconciliation of Iranian democratic aspirations and the United States' national interest. They stress that their program calls for nothing more than what the United States now enjoys: a freely elected democratic government based on a constitution.

They believe that they can head off pressures which otherwise might lead to a Communist coup d'etat or a revolution and that they and their program represent a middle ground between the shah and the Soviets, a third choice for the United States in Iran. ●

HON. DON FUQUA INTERVIEWED ON SPACE, ECONOMY, AND AQUACULTURE WITH THE FLORIDA BANKER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. TEAGUE. Mr. Speaker, recently the publication "Florida Banker" interviewed the Honorable DON FUQUA of Florida on a multiplicity of subjects involving the space program and the economy to name a few. I need not tell the Members of this body of the ability and qualifications of DON FUQUA. As the ranking Democratic Member of my Committee on Science and Technology he has been a stalwart individual and a mainstay of the committee on not only the area of space technology, but in all issues. I believe that the interview which he accorded the "Florida Banker" more than proves his ability to speak to the various issues over which he has held jurisdiction for some time as well as those which are of major concern to the district and the people he represents.

Under leave to extend my remarks in the RECORD, I am pleased to include the aforementioned interview and commend it to the Members of this body.

CONGRESSMAN DON FUQUA ON SPACE, ECONOMY, AQUACULTURE AND OTHER TOPICS

FLORIDA BANKER. Congressman Fuqua, where is this country headed in terms of inflation and in relation to what is being done in Congress to attempt to curb inflation?

FUQUA. Inflation is caused by large deficit spending in government, and there certainly has been a large trade deficit because of this country's huge oil imports. We have been able this year to reduce the President's budget request on every appropriations bill, except the Defense budget. With improvement in the economy and appropriations reductions, the projected deficit has been reduced by \$20 billion. There also are many governmental regulations which have been imposed on business which have caused economic barriers to business. We are trying to reduce some of those hindrances but, for the most part, our pattern has been to make regulations to cover large business interests without a great deal of concerned action to cover small business problems.

FLORIDA BANKER. Do you think that a regeneration of the space program on a larger scale to provide more jobs, particularly in Florida, and more scientific technology for our society, would be any great help in curbing inflation?

FUQUA. Well, I do believe we could do some more in our space program, but I don't see that a crash program such as the Apollo Program of going to the moon is necessary or that it would be that helpful in relation to curbing inflation that much. But, we are getting back our investment of going into space, and we don't want to lose our technological pace. We must keep our leading edge on new technology in comparison with the rest of the world, and I believe we can support it. The space program in general has added immensely to the amount of new technology we have, but we need more programs in the development of greater, more advanced technology to compete with other parts of the world. Right now, we get back about \$7 for every one dollar we spend in high technology which is good, and we must be most mindful not to let our guard down here.

FLORIDA BANKER. How do you mean we should be careful not to let our guard down?

FUQUA. Well, look at the Chinese. They lost a generation of science during a cultural revolution and are now looking to the U.S. to teach their people in genetics, plant development, and mechanical engineering just so they can survive. That's a good example of their not keeping up with the pace of fast moving advances in technology.

FLORIDA BANKER. What is the present status of the Space Shuttle Program?

FUQUA. As you know, the Space Shuttle is the largest program NASA has today. Tremendous progress has been made since the nation committed to the Shuttle about six years ago in 1972. The first space flight of the Shuttle is now only about one year away. The landing tests last year proved to be successful. The orbiter's main rocket engines have been fired a number of times and the bugs are being worked out. The large solid booster motors have been successfully fired and full scale vibration tests are underway to check out the Space Shuttle launch configuration using the orbiter (Enterprise) that was used in the landing tests last year. As the program stands today, the development costs are expected to be somewhat above the estimates made back in 1971. The early cost estimate of the development phase in 1971 dollars was \$5.15 billion. The estimate now, using the same 1971 dollar base, is \$5.43 billion, or about a 5 percent increase on those terms. Facilities used for Shuttle development and to provide launch capability at Kennedy Space Center add another \$466 million. The Space Shuttle is definitely a high technology program and NASA must continue to exercise strict cost discipline. Operations cost, in particular, will have major impact on the extent of Shuttle usage.

FLORIDA BANKER. NASA has launched items for divers users, hasn't it?

FUQUA. NASA has been launching some 15-20 spacecraft a year for commercial users, foreign users, other government agencies, as well as for NASA's own payloads. These spacecraft include communications satellites, earth sensing satellites and science and planetary exploration spacecraft. In addition, there are about 10 Department of Defense launches announced each year. This same type of traffic is expected in the future and there is reason to believe it will even grow in numbers. Added to this are the potentials offered by such new systems as the Spacelab, under development by the European Space Agency (ESA). Spacelab can provide the Shuttle with laboratory and industrial facilities in earth orbit for extended periods of time exploring the scientific and commercial opportunities associated with operations in the space environment. We are only beginning to investigate the possibilities for this new capability from the viewpoint of what can be done and how such activities should be financed. It may be in the national interest for the government—through NASA or some other agency—to provide some form of trust fund arrangement which would allow risk sharing and promote commercial entry into exploiting the potentials of space.

FLORIDA BANKER. Is NASA giving sufficient attention to addressing problems here on earth?

FUQUA. I believe NASA is doing a commendable job in making space pay off here on earth in more ways than just providing immediate business and employment opportunities. It is applying space technology meaningfully to provide foundations for future, presently unanticipated opportunities.

FLORIDA BANKER. Are you satisfied with where we are now in the space program?

FUQUA. I cannot say I am totally satisfied with where we are now; but then, I can't see an end to the benefits which can accrue from further space activities, particularly applying expertise gained in science and

technology to solving problems on earth. The extent to which much of the modern world relies on space satellites for communications and weather forecasting is legend. Dramatic new opportunities in the future may equal and exceed these benefits.

FLORIDA BANKER. How will industry be affected by the Space Shuttle?

FUQUA. The Space Shuttle will likewise provide unique opportunities to NASA and private industries to investigate new materials and processes in the near weightlessness of space. Space industrialization has real potential for the future.

FLORIDA BANKER. Can you give a clearer understanding of NASA's total mission?

FUQUA. NASA is, by Congressional mandate, a high technology organization which is pushing back the limits of man's understanding of the natural processes and phenomena which pervade and control our universe and surrounding space environment. NASA's programs, correspondingly, require a balanced effort. The earth orbiting satellites supporting earth applications activities provide, on the one hand, direct benefits, and we expect relatively near-term results from these programs. These activities include the communications, weather, and earth sensing satellites—such as Landsat and Seasat—and even Space Shuttle operations intended to investigate the potentials for new materials and processes. Space sciences, including astrophysics and planetary exploration, are on the other side of the scale and are, at best, long-term investments. These programs may never provide direct applications, but they do create the necessary intellectual stimulation which may very well provide the critical understanding required to addressing future problems on earth. Examples are the discovery of nuclear fusion heat generation by the sun and the possibility that even more powerful processes may be discovered by attempting to explain energy output of some of the other stars. Other examples include the study of planetary atmospheres which exist under a wide and varying range of conditions and, thereby, provide insight into the mechanisms which are important in controlling weather and climate on earth. NASA applications' programs are receiving additional emphasis as new technology is developed and direct use of data is identified.

FLORIDA BANKER. Should you be reelected, what most concerns you that you would want to do something about?

FUQUA. I am Vice Chairman of the Committee on Science and Technology and have tremendous responsibility in that capacity. The Committee's jurisdiction covers, among other things, all research and development in the field of energy. Developing new sources of energy and practical sources that we can afford is vital. We have to make certain that these programs are followed through. Economic growth in this country is going to be very much tied to how much we do with our science and technology in general. The problem of minerals is going to be another priority area. We have to look for substitutes. However, a recent monthly survey of the Department of Interior, for June 1978, suggests that our slide toward becoming an ever greater import nation is continuing. Of the 35 crucial minerals and metals which are most used in industry, we import more than half the total supply we use in 20 categories. We import from 75-100 percent of our supply in 13 of these categories. Some of these—manganese, chromium, tin, nickel, etc.—are extremely critical materials, all fuels excluded.

FLORIDA BANKER. Has the Federal Government given enough support to solar energy in comparison to the support it has given to other energy technologies such as fossil and nuclear?

FUQUA. Solar energy research and development is a relatively new area of activity when

you compare it to the conventional sources of energy such as fossil and nuclear. In fact, there was no coherent Federal program in solar research and development prior to the Arab oil embargo in 1973. At that time the total Federal effort for solar energy amounted to roughly \$2 million a year. Since that time the federal solar effort has been consolidated with the lead role now in the Department of Energy with an annual budget of \$500 million for fiscal year 1979. This was the amount recommended by the Committee on Science and Technology which was subsequently approved by the House July 17, 1978. This level of funding represents more than a 6,000 percent increase in Federal spending in solar research and development since the embargo. This is clearly progress in the right direction.

FLORIDA BANKER. You are one of the senior members of the Committee on Science and Technology. What specifically has the Committee done to accelerate solar energy technology?

FUQUA. The Committee has done more than just authorize increases in solar energy funding. It originated the enabling legislation which organized and initiated the entire Federal solar effort. Among the public laws are the Solar Heating and Cooling Demonstration Act of 1974 and the Solar Energy Research, Development and Demonstration Act of 1974, both of which I co-sponsored. The Solar Heating and Cooling Demonstration Act established the Federal Demonstration Program for solar hot water heaters, space heaters, and air conditioners. Through activities authorized by this law thousands of solar heating units have been installed throughout the nation and an increasing private solar industry has emerged. The Solar Energy Research, Development and Demonstration Act initiated aggressive programs in advanced solar technologies including wind energy, solar thermal electric conversion, photovoltaics (that is, solar cells like those used in space programs), ocean thermal energy conversion and fuels from biomass (which is the use of crops, agricultural residues and organic waste for the production of energy).

FLORIDA BANKER. You have recently strongly supported two pieces of legislation related to solar energy research. They are H.R. 12505, Solar Power Satellite Research and Development Act, and H.R. 12874, Solar Photovoltaic Energy Research Development and Demonstration Act. Will you discuss these bills and their relationship to the future of the Federal solar program?

FUQUA. The Solar Power Satellite Research and Development Act will establish a technology verification program on the concept of the solar power satellites. These satellites will be in stationary orbit above the earth and consist of a large structure with solar panels to collect the sun's energy and convert it to electricity. This electrical energy, beamed to earth in the form of microwaves, would be received by an antenna on the ground which would convert the microwaves into electricity to be fed into an electric utility grid. The program will investigate the possible environmental consequences of microwave radiation on the atmosphere and biological life and the information obtained will enable us to make informed future policy decisions on the viability of the solar power satellite and its practical development. The Solar Photovoltaic Energy Research, Development and Demonstration Act would establish an aggressive 10-year program in research and development of the terrestrial applications of photovoltaic as a source of electricity. The program will be set up in such a way as to develop low cost systems and demonstrate them in a series of market development situations. The development of a self-sustaining market for photovoltaics would allow an early end to Federal involvement. These two pieces of legislation which

have passed the House and are presently being considered by the Senate—when coupled with the present Federal solar program—should lay the foundation from which solar energy can supplement an ever increasing proportion of our energy requirements.

FLORIDA BANKER. Are there any examples of problems in Florida where science is important in providing solutions that immediately come to your mind?

FUQUA. There is Florida's attempt to deal with the energy problem. Currently, all counties in the State are creating mandated energy resource recovery plans to be developed by July of next year. This is a cost being borne by citizens at the local level to solve a problem where expertise already existing at the Federal level could have been applied. The Science and Technology Committee is pushing the Department of Energy to more effectively utilize national and state universities in an energy extension network to cope with such problems. Another example is coastal zone management. Science can provide Florida with added ability to better manage those resources for maximum usage; also, NASA's cooperative program with the citrus industry in freeze line predictions.

FLORIDA BANKER. Are we behind the Soviet Union in technological information?

FUQUA. No. Our threat is coming from other parts of the free world—from Japan and West Germany, as well as other free world nations.

FLORIDA BANKER. In your estimation, will this nation ever have to capitulate completely to the Soviet Union?

FUQUA. I don't think so, but this country will have to change the trend of years gone by. We have in the past been able to convert to a war stance during war, but things may be somewhat different now. We may realize the importance of working carefully with the various alliances we have made in the free world. We must continue to modernize our strike force and never get caught in a defensive posture.

FLORIDA BANKER. In your opinion, is it possible to reduce the cost of operating the Federal Government?

FUQUA. Yes, if we can find and eliminate the waste and inefficiency which has permeated every level of the Federal Government, many millions of dollars would be saved. There was evidence of this a few years back when the House Government Operations Committee, on which I serve, insisted that there be placed within the Department of Health, Education, and Welfare an Inspector General. He has already identified over \$7 billion in waste, inefficiency and fraud within that Department. Recent disclosures of the scandal in the General Services Administration here again point out fraud, waste, and inefficiency in that Agency. It is true throughout the entire Federal Government, and if there can be a firm handle put on this in making programs operate more efficiently, cost of operating the government can be reduced. Also, the setting up of better management procedures is a measure which can be utilized.

FLORIDA BANKER. What are your thoughts on President Carter's plan to create a senior executive corps to manage the U.S. Civil Service System?

FUQUA. In its inception, the civil service system was designed to remove politics and the spoils system from the hiring and firing of Federal employees and to create a career service. However, in so doing, it was not intended that a bureaucratic maze of inefficiency be built into the system. There has got to be a way that inefficient, unproductive employees can be removed from Federal employment. There has also got to be an incentive for the bright, energetic and innovative people to work within the Federal system and gain both satisfaction and reward for their hard, efficient work. I think that getting senior executive people who are

skilled in personnel management could improve the civil service system and make it what it was originally designed for and what it should be.

FLORIDA BANKER. What is the most important area of your work which relates most closely to the Florida banking community and what programs are under consideration in the Government Operations Committee which might reduce the increasing volume of government regulations bankers and other businessmen are required to cope with?

FUQUA. Well, bankers have been known for their concern and attention to economy and efficiency. We are trying to work towards these same objectives in operating the Federal Government and the banking community has expertise that is important for us to pay closer attention to. I think bankers are interested in good, honest government and are working in that area to try to make certain that the government subscribes to efficiency, economy and honesty. To address the second part of your question, there have been several studies made to eliminate duplication and excessive regulations and reports that all businessmen are required to complete and hand in to the Federal Government. There was a Commission on Paperwork recently which has some very specific recommendations and I am pleased to note that the Carter Administration is implementing a large number of the recommendations made by that Commission. We are constantly trying to review the number of regulations and reports which government agencies require. They somehow seem to grow like coathangers in the closet. You clean them out and improve the situation, and then in a few years you're right back where you were with too many coathangers once again. This is a constant problem—one which requires continuous attention.

FLORIDA BANKER. One problem every legislator seems to have is communication with his constituency. Is there something you can tell Florida bankers about how to let you know their feelings on the issues?

FUQUA. Communicating at early stages of legislation is important—that is, the bankers should tell me as soon as possible why they oppose or support something. For instance, we are sometimes down to the eleventh hour on legislation, and they say, "We need to kill that proposition because it will really cause Florida banking problems." In such a situation, I needed to know, perhaps, six months before.

FLORIDA BANKER. Do you want a lot of cards and letters?

FUQUA. We appreciate the letters and cards, especially the kind that say why someone is for or against a bill. They might continue, "My opinion as a banker is . . ." This is much more helpful than just threatening kind of correspondence. Hearing from bankers more often would be helpful. The more information I get and the earlier I get it would work out most advantageously for all of us. Explain why you think something is not good for banking or the public. We legislators have to answer to our constituency and they are not all bankers. When I receive a letter from a banker, I have to be honest and consider to the best of my ability all of the people I represent. I have to ask myself, "How would I feel about the issue if I were not a banker, or if I were in another fellow's position?" I think that is a problem every legislator has. But, communication is very important. My staff and I have to keep up with several thousand bills floating around and it is easy to get behind in your knowledge of the details of each and every bill. So, I appreciate people who take the time to communicate that which they take issue with and also when they look at the issue in terms of the public interest.

FLORIDA BANKER. What is our present course with Cuba?

FUQUA. I see no reason for this country to enter into any normal relations with Cuba. It does not appear that this would be an appropriate time to do so. Should they choose to live peaceably with other parts of the world, then negotiations could properly begin. We don't have a normal, recognized relationship with China yet and I surely don't know where in the future we will.

FLORIDA BANKER. What is Congress doing in relation to improving our ability to forecast severe weather?

FUQUA. Over the past few years there have been several serious disasters which have taken hundreds of lives. Most of these have been caused by severe storms and flash floods. Congress has provided the funds for the National Weather Service to establish a national weather radar network which is now nearing completion. This network will enable Weather Service meteorologists to identify and track severe storm systems and to give the public more adequate warning when danger threatens. The Committee on Science and Technology has been instrumental in promoting research concerned with weather modification and understanding the atmospheric phenomena associated with hurricanes and other severe storms. Existing research efforts in this area have been largely uncoordinated and diffuse. The Weather Modification Policy Act of 1976 directs the Secretary of Commerce to report to Congress on how we can better organize and manage our research activities so that eventually we will be able to better predict such occurrences and take positive, constructive steps to mitigate adverse impacts. Weather modification research on hurricanes has produced some encouraging results. As you may know, hurricanes are the most destructive of natural phenomena, causing annual losses of \$800 million or more. Three storms since 1965 have resulted in losses of more than \$1.4 billion. We know that cooling the ocean surface will probably moderate a hurricane's damaging winds. In addition, extensive experimentation with cloud seeding of immature hurricanes appears to reduce the windspeed in the formation of vulnerable atmospheric conditions. Although we don't, today, have proven techniques to prevent these disastrous events, we are gaining a better understanding of their dynamics so that we might eventually reduce these adverse impacts.

FLORIDA BANKER. What does aquaculture have to do with Florida?

FUQUA. In Florida, we are already pursuing its potential. We are now doing catfish, trout and salmon farming in the U.S. Each of these areas has become a real industry. All have problems associated with them, but nevertheless, they are commercially productive. Moreover, other species have potential, including shrimp, prawns and marine fish. The development of aquaculture is not without its troubles, though. There are legal problems, problems related to land and water use, and certain technical problems associated with breeding, nutrition and disease. Although there have been attempts within Congress and the Executive Branch to deal with aquaculture problems, the attempts have been broad in scope and have resulted in jurisdictional disputes between various governmental entities. The Committee on Science and Technology can play an important role in this area by examining some of the specific scientific problems which are likely to provide roadblocks to the development of aquaculture. For aquaculture to be effective, it is extremely important to take advantage of warm water and warm climate, both of which are common to Florida.

FLORIDA BANKER. Thank you. ●

A LOOK AT THE REAL WORLD NEEDS IN HIGHWAYS

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● **Mr. TAYLOR.** Mr. Speaker, as we attempt to conclude consideration of H.R. 11733, the Surface Transportation Assistance Act of 1978, I feel that an address recently made by Mr. Robert N. Hunter, chief engineer for the Missouri State Highway Department merits the attention of my colleagues.

I have worked with Bob Hunter many times since coming to the Congress and have found him to be a most knowledgeable and considerate man, easily one of the most competent, involved with our National Highway System today.

Mr. Hunter spoke recently to the National Limestone Institute's 33d Annual Convention. I believe that in reading his message we will be able to better understand the importance of the legislation on which we will be voting.

The message follows:

A LOOK AT THE REAL WORLD NEEDS IN HIGHWAYS

(By Robert N. Hunter)

I want to talk to you this morning about what I consider to be the real world situation on the highways of this country. I say the real world situation because we continue to hear too many misstatements about our roads and highways and there is still considerable evidence of a lot of misunderstandings about the status, the condition, the role, and the general acceptance of this most important segment of our national transportation system.

We have been through the 1960's and have heard a relatively small but vocal group condemn our American way of life and the so-called establishment. We, the highway engineers, together with the contractors, the producers, the equipment manufacturers, and the rest of the so-called highway industry, have been scorned by that vocal minority as the desecrators of this country along with most, if not all, technology—a technology that has afforded the people of this country the highest standard of living in the world. Far too many of the people in this country were swayed by those outcries and by the failure of people like you and me, who know the situation best, to counter that condemnation with factual information.

The development of the highway system came in response to an expressed need in the early 1900's by the agricultural community of this developing nation for an efficient means of transportation of produce to the established and developing water ports and railheads. It was a most important phase of a transportation revolution whose beginnings reach back in history to the American Revolution.

A few of you will recall the establishment of State Highway Departments in the several states throughout the nation at about the time of World War I. More of you will remember the busy times of the 1920's and the 1930's into which those fledgling State Highway Departments immediately plunged—constructing the highway systems which linked cities to towns, and farmsteads to both. The first roads built weren't imposing by today's standards. But as the busy and productive years went by, the roads

got better fast: first just dirt, then some gravel, then macadam and bituminous surfaced highways, and finally the portland cement and asphaltic concrete pavements of today.

Although the type of highway facility provided could never keep up with the continuously increasing traffic thereon, the road network established then is the basic network of the road and highway system we enjoy today. The highway engineers of that era had remarkable vision and a keen sense of purpose. The contractors, the equipment manufacturers, and the many other representatives of that great free enterprise system which some of us still support played an equally important role in providing that economical system of surface transportation. All America owes that group, the highway industry, a lasting debt of gratitude.

Many of you here recall that in the 1940's during World War II, road building ground to a halt as we concentrated our efforts and resources elsewhere. The postwar period, however, brought rapidly accelerating motor vehicle registrations and travel. Road building, which had never kept up with demands, faced even more challenging pressures. It was evident that means had to be found to alleviate the horrible congestion which was prevalent on the two-lane roads throughout the nation. So we set about the task of upgrading and improving the most inadequate sections of the existing system to standards designed to cope with those increasing volumes.

Again, men of vision, men who had observed the famous German Autobahns and who had first-hand knowledge of the importance of an efficient road system in the logistics of war, began laying out a national system of interstate and defense highways which was to follow the most important segments of the then existing primary highway system.

This new freeway system was an entirely different concept in highway construction, save for a limited number of miles in the major metropolitan areas. It was proposed as the safest and most efficient travel known to any of us. It was going to be much more expensive to construct, as well as to maintain, than any road system we had constructed. It was determined, therefore, that 90 percent of the cost of construction would come from the Federal Highway Users Fund and that the states would assume the maintenance responsibility. It was also determined that the cost for constructing that established system would be made available with no ceiling on the price tag. These kinds of funding programs tempt people.

The ambitious program begun in 1956 was to have been completed in 16 years or by 1972. The customary doubting Thomases said it couldn't be done. They questioned the ability of the states to accomplish the design and right-of-way acquisition. They said that there simply wasn't the skilled contracting force to accomplish the work and that the large equipment requirements simply could not be met by the equipment manufacturers. Well, as you know, it wasn't done. It was not completed in 1972, but not for the reasons voiced by the detractors. The contractors quickly demonstrated their ability to provide the trained forces and to handle the construction as rapidly as the projects could be made available to them. The equipment manufacturers not only toolled up to produce the then available equipment, but through research and development, continually improved equipment to more adequately handle the demands upon the contractor. The failure to complete that program on time was not due to inability to develop plans and to provide the necessary construction capability. It was due to funding delays and to continually changing standards, requirements, and procedures and the costs thereof.

Let's take a look then at that imposition of new procedures, requirements, and standards on the Interstate Program, as well as on the entire highway program; because in fact, when these changes came about through Federal-Aid Highway legislation, they applied to all Federal-Aid, not just that on the Interstate system. Since the Interstate system was the primary emphasis at the time and was to be funded at whatever cost, perhaps we did not give consideration that we should have given to the revised provisions being suggested and offered by people within and without the industry and to their particular impact on that fixed funding available for the system other than the Interstate.

The standards conceived initially for the construction of the Interstate freeway system were certainly the most advanced we had seen to that point in time. Yet we provided for added emphasis with safety sections and markedly increased safety standards that increased costs by one-third.

We had established right-of-way procedures which were working well. But we revised them to give even more consideration to the person displaced by the highway improvement with relocation assistance programs and other changes that could have doubled the cost of right-of-way acquisition.

Public involvement, which was part of the process in many states, became formal and stilted, resulting in costly and timely delays.

Then, of course, all of us are too familiar with the environmental impact procedures which required in far too many instances, dissertations on even the remotest aspect of the environment.

The equal employment opportunity program, worthy as it may be, injected governmental agencies into the determination of contractor and supplier work forces. Training, supportive services, and enhancement of minority business opportunities added to the highway contractor's responsibilities.

The increased interest in beautification resulted in more consideration of aesthetics and landscaping, as well as control of outdoor advertising and junkyards.

We saw the emphasis increase on historical preservation, particularly in the area of archaeology where procedures have involved an alarming increase in the requirement for surveys of highway corridors for items of archaeological significance. Where such a survey indicates even the slightest evidence of something of archaeological significance, a dig or other mitigation process is required.

More recently the 404 Permits required and administered by the Corps of Engineers where there is dredging or filling in the stream areas have resulted in extremely serious procedural problems and delay.

These provisions, and others like them, both directly associated with highway improvements and abstractly associated as social issues have certainly increased the cost of doing highway business. There is no question that some of these have been very worthy and in these instances the revisions in standards, procedures, and requirements should have been made. But in each instance, we should have determined the cost, made that information known, and exacted a commitment for the funding thereof before those provisions were accepted. Some of these provisions involved direct cost to the highway improvement. Some were not so direct, and in fact, have been funded with other than highway user funds. But even so, the administrative costs for these kinds of requirements have been substantial. I am sure you know that with such provisions, it has been necessary that a special section or division be established in the federal agencies involved, and in all too many instances, in the state and local agencies. So even where the impact isn't direct, it is real and it is costly. The serious end result of the kinds of activities we've been talking about is reduced productivity.

Our failure to recognize and make provi-

sion for the increased costs of these revisions in the highway program has brought us to a very serious predicament. We are now faced with a latest Interstate estimate which indicates the cost to complete the remaining 10 to 15 percent of that system will be at or near the original estimate for the entire system. Nationwide, and certainly in our state, we are looking at a situation where we are constructing annually only one-fourth of the mileage of the highway improvements that we constructed 15 years ago. In short, we are falling further and further behind in providing for the growing needs on the nation's highway system—a system that is indeed the backbone of the nation's transportation system.

Austerity has been a way of doing business in the highway program throughout its history. While the standards we have developed for new highway construction were accepted as most desirable, most of us in the State Highway Departments realized at least a quarter of a century ago that it was going to be impossible to afford such major improvements on extensive sections of our highway systems with the on-going funding restraints. Those were the standards, however, accepted as requirements for federal-aid participation in highway improvements. We, the states, seeing and knowing this, proceeded with a widening and resurfacing program with state funds. That widening and resurfacing program extended the life of pavements and bridges, and those wider lanes resulted in considerably improved traffic operation and safety on many miles of those antiquated systems. We in the highway departments noting some of the developments we have just been discussing today, realized several years ago that more extensive application of stop-gap measures, such as the widening and resurfacing program, were going to be necessary if we were to take care of even the most critical needs on the extensive systems.

We solicited the assistance of the Congress and in the 1976 Federal-Aid Highway Act were successful in securing a modification of the definition of construction to include resurfacing, restoration, and rehabilitation which made this type of work eligible for federal aid. Throughout the country we heard state and federal people shortly thereafter expounding on the virtues of this type of work. But opposition to the proposed standards has all but halted implementation of that program. It is evident, in my opinion, that the people opposing those standards and the implementation of that program simply do not understand the situation.

Well, this is my appraisal of where we are and how we got there. I hope each and every one of us recognizes the implications of this predicament. We have saddled ourselves with additional federally imposed standards and procedural requirements without any provisions for the necessary increase in funding. We are in a position where we cannot provide for even the most pressing and critical needs within a reasonable time period.

Make no mistake about it, those needs are there. It is evident that there is a national awareness of the seriousness of the bridge situation. Many of those bridges and far too many miles of our existing systems have been in service for half a century. Most of us would agree that approximately 10 percent of the bridges on the systems definitely require major repair and replacement within the decade.

I think most of us would also agree that we have some very serious capacity problems that must also be met within the decade, to say nothing of the maintenance type of work that the 3R Program would provide. I am sure that every state which has taken a critical look at these most basic and urgent needs realizes that there is simply no way that work of even that magnitude can be carried out without marked increase in funding levels. At the same time, we are aware of

a present funding dilemma that results from more fuel efficient travel coupled with increasing vehicle miles of travel annually.

I mentioned earlier the vision, the character, and the sense of purpose of the people who carried out the early highway program. It takes top quality people to make these kinds of programs go. I am afraid that the irresponsible attacks and condemnations of our effort, together with our rather defensive response to them, has seriously eroded one of the finest professional groups in the history of our nation.

Our predecessors were generally regarded as outstanding contributors to the way of life of our developing nation. It was a positive mood. How can we expect a developing professional these days to aspire to participate in this program with the continued vilification and abuse which are too often the cost of that participation? Where will we find the Thomas H. McDonald's, the DeWitt Greer's, the Alf Johnson's, the Rex Whitton's, the Dave Stevens' and a host of other very capable men that you and I have known?

Ladies and gentlemen, you and I fully recognize that transportation has played a most important, if not the primary role, in the economic and social development of this country, and that the predominant role in transportation has for a number of years been that of highways. With the demonstrated need, and an awareness of our current situation, we must take steps to move forward in a positive manner. Increased funding at both the state and national level is going to be necessary. The Interstate should be funded at the maximum level the Trust Fund will bear and completed now. We must draw the line on imposition of additional programs and provisions which are not accompanied by the necessary funds. We must also call for a hard look at the existing and ongoing programs to ascertain whether the provisions for those programs are being realistically administered and practically applied. Certainly we should take a look at benefits and costs and eliminate or reduce those activities unwarranted by that review.

We are talking, of course, of regulations and the legislative process. I am impressed with the people I have had an opportunity to meet in the United States Congress recently, particularly in the public works area. I am also impressed with the committee staffs. I don't know any of these people who want to enact bad legislation, and they are as concerned about some of the issues we have been discussing here today as are you and I. I think we must increase our efforts, however, to provide concise, factual information to the Congress in order that the legislation emanating from those halls continues to be in the best interest of all of the people of this country.

We have every reason to be proud of what we and our predecessors have provided in the way of highway transportation over the years for the people of this nation. We must, therefore, assume a positive attitude. Let us, you and I, resolve that we are going to redouble our efforts to tell the people of this nation the real facts in the road and highway situation. Let's tell it like it is. ●

ROY CAMPANELLA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. OTTINGER. Mr. Speaker, the name of Roy Campanella has become synonymous with the word courage. For

the better part of a decade there was no one in baseball who gave more of himself than Roy. His great talent and desire to win earned him many great honors. He was three times the National League's most valuable player, and he achieved the ultimate in baseball, election to the Hall of Fame.

But Roy Campanella's courage has shown itself in a greater fashion off the field. A car accident left him paralyzed, a condition which would have made most people give up on life. But not Roy Campanella. Roy continued to show the great leadership that had been his trademark as a baseball player. He became a member of the advisory council to the New York Legislative Select Committee on the Mentally and Physically Handicapped. Roy went on to receive the New York Urban League's Whitney M. Young, Jr. Memorial Award in 1975.

A respected Westchester resident for a long time, Roy Campanella has shown that determination and courage can overcome any physical disability. Whether behind home plate or in a wheelchair Roy Campanella has set an example for all to follow.

Roy is a personal friend, last but not least. We worked together to successfully improve the town of Greenburgh, provide badly needed housing, day care services, a community center, health facilities and other vitally needed services. He is tops in my book and in wishing him well, I know I am joined by all the citizens of Westchester—indeed of the country and the civilized world. ●

SUGAR FACTS AND FICTION

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. TRAXLER. Mr. Speaker, in the next few days, we will be voting on H.R. 13750, the Sugar Stabilization Act of 1978. I urge you to vote "yes" on H.R. 13750 as reported by the House Agriculture Committee.

This essential legislation is a realistic effort by the House Agriculture Committee through the leadership of our colleague, KIKI DE LA GARZA of Texas, to provide a realistic price for sugar in the marketplace, and to implement the terms of the International Sugar Agreement, agreed to in Geneva last year, but still not ratified by the Senate.

We tried last year to provide a temporary domestic support program of loans to sugar producers when we passed the de la Garza amendment to H.R. 7171, the Food and Agriculture Act of 1977. The House Agriculture Committee describes the fruits of our efforts in its report on H.R. 13750:

Congress affirmed the seriousness of the economic crisis facing the domestic sugar industry by requiring the Secretary of Agriculture to undertake needed actions to support the price of sugar as part of the 1977 omnibus farm bill. However, efforts to implement Congressional intent were long in coming and then so feebly begun as to be largely ineffectual.

Some of our colleagues are of the mistaken impression that this bill is designed to guarantee producers a profit. It is easy to say that somebody else is getting rich when you have not examined the facts.

Fact: The International Trade Commission has determined in several instances that foreign sugar is being dumped on the United States.

Fact: Foreign producers can produce sugar more cheaply than American producers because they do not have to provide their workers with the standard of living that we expect for American workers, and do not have to comply with Federal regulations from EPA in the use of pesticides and other farm-essential chemicals.

Fact: Foreign countries charge their consumers more for sugar than consumers in the United States pay. While consumers in Michigan were paying 22 cents a pound retail for sugar, prices in foreign cities were 31 cents in Bonn; 45 cents in Brussels; 24 cents in Buenos Aires; 68 cents in Copenhagen; 28 cents in Paris; 31 cents in Rome; 37 cents in Stockholm; and 48 cents in Tokyo.

Fact: These prices overseas are earned by sugar producers through predetermined sugar contracts which guarantee sugar producers a profit. This sugar constitutes over 80 percent of the sugar produced in the world.

Fact: Even the opponents of the Sugar Stabilization Act of 1978 admit that the so-called "world market" is for only about 20 percent of the sugar produced in the world. This sugar is what is left over after the contracts have been filled, and is either sold for whatever price it will bring, or be thrown away as a total loss.

Fact: Even the U.S. Department of Agriculture admits that according to its figures, the cost of producing sugar in the United States is an average of 15.2 cents per pound. They further admit that using their own escalator formula, the cost of producing sugar in 1979 will be an average of 16.4 cents per pound. The letter you may have received from Barry Bosworth, Director of the Council on Wage and Price Stability, contained an error saying that production costs are an average of 14.05 cents per pound. If you read the Ways and Means Committee's report on this legislation, pages 24 and 25, you will see that this committee recognized the cost of production is about 15 cents per pound. The 14.05 cents per pound figure comes from calculations done by USDA to determine a base from which to make payments to sugar producers.

Fact: The entire domestic sugar industry is opposed to direct payments. They believe that they should get their price from the marketplace, not from tax dollars.

Fact: Sugar on the "world market" has sold for as little as 6 cents per pound this year, and Assistant Secretary of State for Economics and Business Affairs Julius Katz testified before the Ways and Means Committee that he did not believe any one was making any money at these prices.

Fact: The United States imports about half the sugar it uses. This means that

foreign producers know that they can make more money in the United States by selling their surplus sugar below the cost of production than they can by throwing away what is left over after the profit-guaranteed contracts have been filled.

Fact: There is no way that domestic sugar producers who have costs 2½ times the amount of the world dumping price of excess sugar can compete in the domestic market. No one can be expected to sustain losses year after year and remain in production.

The administration says that the way to protect our domestic industry is to implement the International Sugar Agreement which has yet to be ratified by our colleagues in the Senate. The administration claims that the International Sugar Agreement is better for our consumers.

Fact: The International Sugar Agreement is designed to raise prices to between 11 cents and 21 cents per pound. When adding in the basic U.S. import fees, this means that domestic prices would be between 14.5 cents and 24.5 cents per pound, if the agreement works.

Fact: The administration says that consumers should not pay higher prices, and prefers using a direct payments scheme to domestic producers to supplement their income, using tax dollars from consumers in order to prevent consumers from paying more in the grocery store.

Fact: Consumers are taxpayers. Taxpayers are consumers. They pay either way.

You cannot have it both ways! If the administration wants the international agreement, then it is saying that we need higher sugar prices. If it is saying that we need higher sugar prices, then it is saying consumers must pay more for sugar!

But look at the realistic point of the situation. No one wants to work for less than they feel they truly deserve. After all, that is exactly why the Congress has passed minimum wage legislation in the past.

Fact: The Sugar Stabilization Act of 1978 is designed to cover costs of producing sugar, and provide for annual adjustments in the price of sugar in accordance with the program the Congress had in force from 1934 to 1974. The primary reason why we stopped the other program was that some of our colleagues were misguided by then Secretary of Agriculture, Earl Butz who opposed the program, and

Fact: We have paid the price for our earlier mistake with the closing of several sugar beet and cane processing plants over the past several years.

Fact: Historically, no sugar processing plant that has ever been closed has ever reopened. The result is a loss of jobs, a loss of income to the communities that these plants served, and a corresponding decrease of our ability to meet our sugar needs with domestic supplies.

Some of our colleagues may even suggest that if a farmer cannot earn money from his sugar crop, he should grow something else. Off-the-cuff answers are always easy.

Fact: The only options for crops in sugar beet producing areas are for the most part other price-supported commodities. If every farmer grows soybeans, wheat, or corn, all that will happen will be that the glut in those crops will drive the price of those crops down again, and the farmer will still be no better off.

Fact: The Secretary of Agriculture through set-aside programs wants to reduce production of these crops, so beet areas really have no option.

Fact: Growers of sugarcane do not have any other options. The type of soil and climate conditions that are available in cane producing areas are rarely suitable for any other crops.

It is easy to say that we should not vote for this bill because we might save consumers a few pennies, and do not kid yourself because that is all this saving would be on the normal 5-pound bag of sugar.

Fact: If farmers go out of business because they cannot earn a living as farmers, who will provide our food? Sugar may be only one example, but the precedent value of the defeat of this bill would be enormous.

Do not let yourself be taken in by the purveyors of doom. Ask questions. Read the reports. The facts are on the side of support for the Sugar Stabilization Act of 1978.●

THE CAREER INTERN PROGRAM

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. QUIE. Mr. Speaker, I would like to take a moment to advise my colleagues about a program which has been working since 1973 to help high school dropouts or those who are in serious risk of dropping out before graduation. The program, the career intern program (CIP) was developed by the Opportunities Industrialization Corporations of America, Inc., in Philadelphia.

The CIP has three phases: the first is 21 weeks in duration and includes classes which relate basic disciplines such as math, English and science to the world of work. The second phase lasts from 4 months to 1 year, depending on the number of credits necessary for graduation. During this phase students are exposed to at least two job experiences and to additional courses. Phase III provides additional counseling to help prepare the student for the transition from school to work or to additional education. Counseling continues for 6 months to a year after leaving the program, depending on the choice made by the student as to working or additional education.

In a study published recently by the National Institute of Education, some results of the CIP experiment were presented. Those results show that a high percentage of students enrolled in CIP stayed in school and graduated, graduates were employed, and additional graduates were enrolled in college or tech-

nical school. The costs of the program were only slightly more than the cost of a vocational education program in the city's public high schools, and the results seemed more successful.

In the report accompanying the Career Education Incentive Act of 1977, the Education and Labor Committee recommended this program as a model to be used by State education agencies. I now commend it to my colleagues as a program which does something positive for youth who might otherwise add to the high youth unemployment figures.●

CONGRESS HAS KEPT ITS HEAD

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. SISK. Mr. Speaker, I would like to call to the attention of our colleagues the following article by Nick Thimmesch which appeared in the August 30 edition of the Chicago Tribune. I think the points made by Mr. Thimmesch are most timely and worthy of serious consideration.

DESPITE SCANDALS, CONGRESS KEEPS ITS HEAD ABOUT KOREA

WASHINGTON.—Despite the furor over "Koreagate" (a fading term), congressional threats to South Korea, and the exasperation which made Leon Jaworski's face wrinkle like a shrunken orange, Congress has kept its head.

The way it is headed now, South Korea will not be denied any military aid; thus rationality wins. Congress sensibly kept separate and distinct the emotional wrangling over the sins of certain South Korean agents and willing congressmen from the cold realization that South Korea has a serious security problem, one requiring continuing U.S. support.

The Senate and House have passed a bill authorizing the transfer of \$800 million in U.S. weaponry to South Korea, to be tied in with a phased troop withdrawal. The bill also includes \$269 million in foreign military sales aid. Final details for both measures are being ironed out in conference.

A House move to stop \$56 million in congressional loans for South Korea to buy food from the United States succeeded (congressmen remember some hanky-panky rice business, but now the Senate is on the verge of putting the money back into its legislation. In any case, South Korea has \$1 billion of its own to buy grains and other foods from the United States in 1979. Economically, South Korea stands on its own.

For many people, South Korea is off in the Orient, a peninsula hanging near Japan, a place where a violent war was fought and 53,000 Americans died over a Communist invasion one generation ago.

It is also the place which sent us Tongsun Park and his bags of money, thus setting off investigations and news stories laced with Korean names we can't pronounce and references to dead or fading congressmen. In sum, South Korea probably doesn't mean much to the majority of Americans.

South Korea is to be admired for the way it rebuilt itself after being reduced to rubble in the war with North Korea's Communists. South Korea today is a prosperous, hard-working nation, deeply grateful for the effort and sacrifice of the United Nations forces a generation ago.

But South Korea is also a tragic nation.

The two Koreas belong together. The Korean people are divided because of the blunder of allowing Soviet troops to move into Korea far enough to accept the Japanese surrender.

Naturally, the Communists wouldn't allow free elections, supervised by the United Nations, so the North Korean Communist regime was born, and South Korea remained the place where people were introduced to Western democratic ways.

U.S. troops evacuated South Korea in 1949 and, less than one year later, North Korean Communist troops invaded and overran South Korea. Thus began the "police action" by the U.S. and U.N. troops, a war that raged back and forth over the 38th Parallel for three bloody years. But the decades passed, and we forget.

Though the North-South situation is chronically tense, we paid relatively little attention to South Korea until the complicated story involving venality, favors, and bribery broke in 1976.

The revelations showed that the American art of public relations and wheeling-dealing had been exported to booming South Korea and returned as an import welcomed in some corners of Congress. What has passed as an investigation confounded and frustrated Jaworski, hero of the Watergate wars.

Concurrent with this lesson in human frailty was President Carter's badly executed, even premature announcement that he was going to order nearly all U.S. troops withdrawn from Korea by 1981. The shock of Koreagate was thus compounded. Fortunately, Carter reconsidered, and slowed the troop withdrawal.

Now South Korea does not measure up to what Pecksniffs like Rep. Donald Fraser (D., Minn.) demand in terms of a democratic government. President Park Shung Hee is a stern disciplinarian, perhaps too much so, and has dispatched a fair number of dissidents to the slammer.

But one day four years ago, President Park held his wife in his arms as she lay dying from the bullets of Red Guard terrorists in a Seoul theater. So he is strict about security. The DMZ is only 47 miles away, within easy range of Communist rockets.

I have met with South Korean dissidents in Seoul, and while they firmly oppose Park, they are just as opposed to the repressive North Korea regime of Kim Il Sung, and would fight any Communist invaders. Meanwhile, they hope for a more enlightened government in their own nation. The fact that I could talk with them, and we never find dissidents in North Korea to talk with about anything, tells the story.●

RETROACTIVE CREDIT FOR HIGHWAY PROJECTS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. SCHULZE. Mr. Speaker, today, I am introducing legislation which would require the Secretary of Transportation to establish a formula to give retroactive credit to those State highway projects which would have qualified for Federal matching funds.

I am deeply concerned that the highway trust funds have not been adequately used to the detriment of States and the National Highway System. Our original intent in passing Public Law 84-627 was to assist States in develop-

ing and maintaining a superior system of roads and highways. By requiring un-used apportioned funds to be returned to the Federal Treasury, we are defeating the original intent of this legislation. Allowing the States to apply already expended funds as their share of the matching formula, the apportioned funds would be used in the construction of interstate and intrastate highway systems.

In Pennsylvania alone, there are several projects which in the absence of Federal matching funds remain incomplete to the economic detriment of the State. I am sure that many of my colleagues could cite similar examples where local leaders, hoping to avoid the long drawn out process and redtape of applying for Federal matching funds, initiated in good faith construction of desperately needed highway projects and now lack the funds to complete them.

I am convinced that available Federal funds should be applied to these worthy and necessary projects which would have qualified for Federal matching funds. My bill will make those funds available retroactively and insure the completion of many construction programs throughout the United States.●

COST OVERRUNS AT NEWPORT NEWS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. EILBERG. Mr. Speaker, those of us in the Congress who recognize the need to eliminate waste in Government spending are very much concerned about the enormous cost overruns in its construction and refitting of Navy ships at the Newport News Shipbuilding Co.

These overruns are of special concern to my colleagues from Philadelphia and me, because Newport News is contesting the Navy's assignment of the USS *Saratoga* for refitting to the Philadelphia Naval Shipyard.

Very clearly, Mr. Speaker, the Navy's decision is a sound one. The Philadelphia Naval Yard can accomplish the *Saratoga* overhaul in an efficient and economic manner.

In light of the tremendous pressure being brought to bear by Newport News to reverse the Navy's decision, I believe my colleagues should be aware of several portions of testimony offered in this Congress and the last by Admiral H. G. Rickover, Director of the Naval Nuclear Propulsion Program.

Admiral Rickover details the pressure which Newport News has applied to the Navy to settle these claims on a lump sum basis; the refusal of Newport News to certify its claims; the threats by the yard to stop work; and the unnecessary and deliberate paperwork and delays created by Newport News, forcing the Navy to devote massive amounts of time to settle cost overruns:

TESTIMONY BY ADMIRAL H. G. RICKOVER

Mr. Chairman, I was invited to testify today about procurement and related problems. Your staff, however, has asked me to focus on the shipbuilding claims problem, and particularly on the claims submitted by Newport News.

I have testified previously to this committee and to other committees of Congress regarding the shipbuilding claims problem. The current claims problem permeates nearly all aspects of my work. The Navy must rely on contracts in obtaining the ships, weapons, and the supplies it needs from industry. Contracts set forth the rules under which the work is to be done. The responsibility of Government officials involved in the administration of the work is twofold: First, to insure that the work is performed properly in accordance with the contract terms; second, to insure that public funds are legally spent.

DOD DECISION TO SHORT-CUT CLAIMS PROCESS

In the area of shipbuilding claims, the Defense Department has decided to shortcut this process in an effort to resolve quickly the current shipbuilding claims against the Navy. The Defense Department has notified Congress of its intent to settle claims with four shipbuilding companies by use of Public Law 85-804. This statute gives the executive branch authority to provide extracontractual relief whenever such action is deemed necessary to facilitate the national defense. Authority to provide such relief has been vested in senior officials of the Defense Department, but subject to congressional review.

PRESSURE ON NAVY TO SETTLE ON LUMP SUM BASIS

For years, the Navy has been under considerable pressure from some shipbuilders to settle claims on a lump sum or total cost basis which would make potentially unprofitable contracts profitable. These shipbuilders assemble large teams, comprised of lawyers, contract specialists and accountants, to draw up their claims. One shipyard used as many as 100 people to prepare a single claim.

To generate the basis for large omnibus claims, employees are encouraged to search out and report actions and events that may be used as the basis for a claim against the Navy. Even minor technical matters are now treated as contract matters.

CONTRACT CHANGES

As a result, settlement of contract changes has become increasingly difficult. Often the company either refuses to price the changes in advance, quotes excessive and unsupported prices, or demands the right to re-open contract pricing later for other reasons such as the cumulative or ripple effect of changes. Because of the length of time required for ship construction and the continued need to update ship specifications to meet new defense requirements, changes have been and always will be an inherent part of ship construction. Shipbuilders, from many years of experience, are well aware of this when they take Navy shipbuilding contracts. Historically, the changes amount to about 5 percent of the contract work. The Navy, of course, is contractually obligated to equitably adjust contract price and delivery date to reflect the impact of changes. Whenever possible, the Navy tries to reach agreement with the shipbuilder on price and schedule adjustment prior to authorizing the change. However, shipbuilder actions often make this impossible.

CONTRACTOR ACCUSATIONS

Along with the valid changes shipbuilders include in their claims, they include many allegations against Government administration of contracts. It is frequently difficult to sort out their various accusations, let alone

determine legal entitlement or assess cost impact. The evidence presented in the claims is from the viewpoint of the contractors, not from that of those paying the bills.

Shipbuilders have complained of untimely delivery of Government furnished equipment and drawings; defective specifications, excessive tests, trials, and inspections; constructive changes to work scope and letters of direction; Government insistence on erroneous contract interpretations; Government recruiting practices; Government interference with contract performance through imposed limitations on work methods and other shipbuilding operations; changes in health, safety, and pollution control laws; Government "abuse of discretion"; Government imposition of management systems; and the Government's unilateral revision of contract requirements.

Sometimes, the same complaint reappears under various descriptions, leaving the impression of widespread Government interference. Other elements of the claim are based on alleged "facts" which contradict one another. Claimed costs seem to increase exponentially as a function of the so-called cumulative or ripple effect. And all cost increases are compounded, it is claimed, by inflation.

Some shipbuilders defer the negotiating of certain changes for years, until they know what their total final costs will be. These changes are then consolidated into a general allegation of Government responsibility for all delays and increased costs experienced, without relating the individual causes to specific effects. The amount then claimed has often been inflated sufficiently to produce the profit desired by the shipbuilder, even though the claim is finally settled for but a portion of the claimed amount.

Some shipbuilders' claims contend that all delays and increased costs are the Government's fault, even when the shipbuilder must know that much of the delay and increased costs were caused by factors within his contractual responsibility.

NEWPORT NEWS REFUSAL TO CERTIFY CLAIMS

In this connection, it is important to note that Newport News, whose claims comprise the largest portion of outstanding shipbuilders' claims, still refuses to certify that its claims are current, accurate and complete. The Navy is required by Navy procurement directives to obtain such certification before devoting its energies to evaluating data. I believe the company's claims are substantially overstated.

The fact that shipbuilders have been willing to settle their claims for far less than the amount claimed should cause one to question the validity of the amounts our taxpayers are being asked to pay. This may also explain the reluctance of some company officials to certify the claims.

NEED FOR NAVY ANALYSIS

The Navy's normal claims evaluation procedure is to determine and pay only for items of Government responsibility. This requires the Navy to perform a rigorous analysis to determine the legal basis for payment. Theoretically, the burden of proof rests on the contractor to demonstrate legal entitlement. In practice, the Navy itself, to demonstrate that the contractor is not entitled to the larger amounts claimed, often ends up having whatever legitimate case the shipbuilder might have. The Navy analysis is time consuming and uses the time of many technical people, to the neglect of their proper work.

CONTRACTOR MAY CHANGE RATIONALE

Even when Government officials have spent months analyzing voluminous ship-

builders' claims, and have successfully demonstrated which elements of a claim are not valid, the contractor may then withdraw the claim, only to resubmit it based on a new rationale to support his contention that the Government owes him money. The result is to cripple Navy efforts to evaluate claims and to prolong settlement.

CONTRACTOR THREATS TO STOP WORK

Knowing this, some contractors try to force a settlement by threatening to stop work if their claims are not paid quickly. Armed with voluminous, generally unsupported claims, some shipbuilders and their lobbyists at times take their case directly to Congress, to senior defense officials, and to the press. They accuse working level Navy personnel of wrongfully withholding funds and delaying settlements, of creating a litigious atmosphere, and of undermining good business relations. They allege that the company is in desperate financial straits. They threaten that, unless immediate relief is forthcoming, the Navy will not get its ships, and so on. By these means some shipbuilders believe they will be paid more than if their claims are settled on their legal merits.

A specific example will illustrate this. About 2 years ago, Newport News officials and their superiors at Tenneco began airing complaints concerning the Navy before Congress and in the press. Company officials took the position that they should be guaranteed a 7-percent profit on all Navy shipbuilding contracts after paying interest and other allowable costs.

Despite Newport News' notification as early as October 1974 of its intention to submit claims, the company did not actually submit the claims until recently—\$825 million of the \$894 million total in the last year, of which \$665 million was submitted in the last 6 months. But once these claims were submitted, the pressure to settle them began immediately. On February 19, 1976, Newport News submitted its largest claim on a single contract; a \$221 million, 16 volume claim against the carriers *Nimitz* and *Eisenhower*. The very next day the president of Newport News wrote to the chief of naval operations intimating that Newport News was considering stopping work on the aircraft carrier *Vinson* and not entering into new Navy shipbuilding contracts until its claims were resolved.

Six months earlier, Newport News had actually stopped work on a nuclear-powered cruiser, the CGN-41 claiming that the contract option for construction of that ship was invalid. Construction was resumed under court order. However, Newport News still refuses to recognize the validity of the option because they want a higher price than they had previously agreed to contractually. Although Navy lawyers are convinced that Newport News has no valid legal basis for its contentions, it could take years of litigation to establish that point. When Newport News appealed this matter to the GAO, the GAO decided in the Navy's favor. Newport News is now contesting the GAO decision in the Federal court.

NAVY LEGAL COUNSEL AT DISADVANTAGE IN CLAIMS NEGOTIATIONS

In this regard, it should be noted that the Navy is at a disadvantage in litigation of claims due to the imbalance in legal resources between the Government and the contractors submitting claims. In the case of the cruiser dispute, the brunt of the Navy's legal work is being handled by one lawyer, 2 years out of law school, as one of his several assignments. I am not questioning this individual's competence. I simply want to point out the disparity between the counsel representing the Government and the counsel

representing Newport News. To date, Newport News charged the Navy over \$175,000 for outside counsel fees pertaining to the CGN-41 dispute plus a 7-percent profit for Newport News itself. It is interesting to me that for several years I have been unable to get the Navy to hire outside counsel to help the Navy prepare its case, yet the Navy is paying Newport News for its outside counsel to fight the Navy, as well as a 7-percent profit for doing so.

NEWPORT NEWS BRINGS PRESSURE ON NAVY

Newport News officials have made their intentions clear. On March 15, 1976, the president of Newport News sent a publicly released letter to one Congressman in which he stated:

"I need to bring all the pressure to bear that I can for a prompt and equitable resolution of the differences between the company and the Navy. Time has run out."

Newport News has brought pressure to bear on the Navy through other public statement; by complaints to defense officials and to Members of Congress; by threats of not taking future Navy business; and by actually stopping work on the CGN-41.

There seems to be a tendency in some quarters to view the shipbuilding claims problem as simply one of human relations. In fact, some claimants would have you believe that the whole problem has been created by conflict of personalities. They have made shipbuilding claims a political and personal matter. In actuality it is strictly a matter of money. If a shipbuilder intends to hold out for more than he is legally owed, his relations with the Navy will deteriorate until either he convinces the Navy to pay whatever he wants regardless of legal entitlement; or, until the Navy convinces him he will get only what he is legally owed, regardless of the pressures the company may bring to bear. From the Government's standpoint, I view the issue this way: Why bother negotiating and signing contracts if they are not going to be enforced?●

UCLA'S COMMUNICATIONS LAW PROGRAM

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. WAXMAN. Mr. Speaker, in 1972 the UCLA Law School initiated, with the strong financial support of the Markle Foundation, a unique scholarly endeavor in communications law: a program which combined study of law with both responsiveness to public interest concerns and practical experience for students and faculty. The program's students not only learn and evaluate critical issues in communications, but are placed by the program with interest groups and regulatory agencies involved in these matters. The program has made a major contribution to the House Commerce Subcommittee's work on the proposed rewrite of the Communications Act of 1934, and hosted a field hearing on this legislation in Los Angeles on August 25.

Under the able leadership of Professor Monroe Price, Geoffrey Cowan, and Charles Firestone, who is the current director, UCLA's communications law

program has established itself as the finest in the Nation. All associated with it should be deservedly proud of its accomplishments.

The Los Angeles Times recently featured the program and its work, and I am pleased to bring this article to the attention of my colleagues:

LAW STUDENTS CROSS-EXAMINE MEDIA LAW
(By Barbara Isenberg)

It was the first week of class at UCLA law school and from a small television monitor at the podium Prof. Charles Firestone had just cautioned his communications law class to please stand by. Said Firestone: "If you are enrolled in community property, you are in the wrong room."

If, on the other hand, they wanted to learn more about such things as the mass media and cable television, Firestone urged them to stick around. Everyone did, and by the time the 20-minute video tape ended they'd been informed not only that more U.S. homes have television sets than have indoor plumbing, but even that one television study found that 44% of the children sampled preferred television to daddy.

There is, of course, more to come. By the time the semester ends, Firestone's students will have discussed:

- Who controls the media?
- How is what you see or don't see on television regulated?
- What is the broadcaster's liability for how all that TV sex and violence affect our real lives?
- Who has the right of access to the media?
- What is the broadcaster's responsibility to the community?

Questions like that are being discussed in more and more law school classrooms, as the rules and policy governing broadcasting change as fast as the media. More than 30 law schools offer communications law courses of one kind or another, and UCLA's unique communications law program both reflects and encourages growing interest in the electronic media.

Begun with a \$144,000 grant in 1972 from the John and Mary R. Markle Foundation in New York, the UCLA program has tried both to increase the number of well-trained people in the communications law field and to contribute to the laws and policy regulating broadcasting.

"One of the things we can do best is help people understand their rights," says 33-year old Firestone. The program does that by advising and representing citizen groups in the courts and before regulatory agencies like the Federal Communications Commission. Through such efforts and in special seminars, independent projects and internships with federal agencies and law firms, UCLA law students get a chance to influence directly national communications law.

Last year, for example, more than two dozen law students here tried rewriting the 1934 Communications Act, then sent their revisions to the House commerce subcommittee on communications, which was working on its own rewrite. Two UCLA students had earlier spent six months working with the House commerce subcommittee, and when it held local hearings on the 1978 Communications Act last month the subcommittee held them at the UCLA law school.

Students also participate in actual litigation, and Firestone says people in the program work on about six public interest cases each year. In its early years, the program helped get free TV advertising time for supporters of the coastal zone conservation act and received credit for helping that ballot proposition pass. More recently, students

have done research and written briefs for the highly publicized family hour suit and for license renewal challenges.

The program operates somewhat like a public interest communications law firm, working on cases involving what director Firestone calls "novel and important questions of law where individuals couldn't adequately pursue their case without our representation." Firestone also brought several such cases with him from his former employer, Washington's Citizens Communications Center, including a newspaper-TV cross-ownership case that Firestone argued (and lost) before the Supreme Court earlier this year.

Similarly, the Coalition on Children's Television called on the program for help getting the FCC to reopen hearings on guidelines for children's television. By informally objecting to all the TV license renewals in Los Angeles, says CCT director Alice March, "we wanted attention drawn to the fact that children's TV is so unresponsive to children's needs." People in the UCLA program helped them prepare the brief to get that attention, says March, and the FCC has reopened the hearings.

More than 60 UCLA law students have also worked as interns at communications law firms and regulatory agencies, usually in Washington. During the last school year, for example, students worked with key people at such places as the FCC, Federal Trade Commission, Media Access Project, National Assn. of Broadcasters and Reporters Committee for Freedom of the Press.

The experience isn't wasted. Third-year law student Gary Meyer, for example, wound up working at Citizens Communications Center on a cable access case that had been just another final exam question to him a few weeks earlier. After working with both Citizens and the FCC in Washington drafting a petition for Supreme Court review, Meyer is back at school now doing a law review article on cable access regulations. The whole thing, says Meyer, was "a fortuitous transition from classroom theory to practical implementation."

Frank Lloyd, administrative assistant to FCC Chairman Charles Ferris, likes the West Coast input the UCLA program provides the FCC, and he and others speak favorably of its national impact. Not only have UCLA students participated by now in more than 60 legal proceedings before the FCC and federal courts, but many of them have gone on to communications-related jobs in federal agencies after graduation.

The program's two former directors, Geoffrey Cowan and Tracy Westen, have also continued influencing communications law and policy. Cowan is a presidential nominee for the board of the Corporation for Public Broadcasting; his book, "See No Evil: The Battle Over Sex and Violence on Television," will be published by Simon and Schuster this winter. Westen is now deputy director of the Federal Trade Commission's Bureau of Consumer Protection where he has been working on children's television advertising, among other things.

"The communications law program has become a foundation for ideas and experimental dialogues, and a lot of that has filtered out," says Westen. He points out, for example, that when former FTC Chairman Lewis Engman wanted to give a major talk on the fairness doctrine, he chose UCLA law school as the best place to do so. And the highly regarded Federal Communications Law Journal, formerly based in Washington, is now edited and copublished at UCLA.

The program has had its problems, of course. Monroe Price, the UCLA law school professor who founded the program in 1972, feels it has fallen short in attracting minority

students, for example. And Cowen recalls that a major study of the Los Angeles television market never reached a stage where it could be published for the community at large. "It was a useful academic exercise, and that was really our principal interest," says Cowan, "but we were disappointed it never became a more public document."

Still, just doing the research provided law students here with considerable practical experience, and offering them that sense of their profession is what Price had in mind when he first took the idea to the Markle Foundation. Markle was looking then for ways to increase the number of competent people in the communications law field, says Markle president Lloyd Morrisett, and agreed to provide funding to get the program started.

Markle had poured nearly \$285,000 into the program by the time he stepped out last June, and Morrisett says he's quite pleased with how it evolved. The foundation always had in mind that UCLA would take over the project, says Morrisett, and the university did so this fiscal year. UCLA and UCLA law school currently share his salary, says Firestone, adding that UCLA expects them to find other funding at the end of two years.

Firestone is currently investigating various funding sources, including an endowed chair for his successor and the possibility of being a communications backup for the federally funded Legal Services Corp. The program plans to sponsor a symposium next February on government regulation of the networks; Firestone is thinking about also putting it on in Washington, making it an annual event, and perhaps even using it as the basis for future funding. ●

THE UKRAINIAN CONGRESS COMMITTEE PASSAIC-BERGEN COUNTIES, N.J., HOSTS STATEWIDE DEMONSTRATION IN COMMEMORATION OF THE VICTIMS OF THE UKRAINE IN FAMINE OF 1932-33

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. ROE. Mr. Speaker, on Sunday, September 24 in the city of Passaic, my congressional district, State of New Jersey, the Passaic and Bergen Counties Branch of the Ukrainian Congress Committee of America will host a statewide demonstration sponsored by the Ukrainian Committee of America Coordinating Council of New Jersey to call attention to the most despicable destructive famine that occurred in the Ukraine during the years 1932-33 and observe September 24 as a day of remembrance for the victims of the Ukraine who died of starvation during that period of history under the Government of the Union of Soviet Socialist Republics.

Mr. Speaker, at the outset may I commend to you the president of the Ukrainian Congress of the State of New Jersey, Dr. Merril Buich; the honored guest of the Ukrainian community, Gen. P. Grigorenko; program participants, the Ukrainian youth organizations, PLAST and SUM; and the following officers of the Passaic-Bergen Counties Branch of the Ukrainian Congress Committee of America who have been work-

ing diligently in organizing and seeking full citizens participation in this most important commemorative program: The Honorable Kenneth Wanio, president; Ihor Rakowsky, vice president; Helen Maksymiuk, treasurer; Irene S'ruk, secretary; Luba Ostapiak and Christina Buk, special events coordinators.

Mr. Speaker, the resolution adopted by the Ukrainian Congress of America which sets forth the tenets of this statewide demonstration which they have requested be placed on the agenda for consideration by you and our colleagues as well as our President, Secretary of State, and Ambassador of the United Nations, reads as follows:

RESOLUTION

Whereas in 1932-33 the Communist Kremlin deliberately created an artificial and political famine in Ukraine which claimed over seven million victims; and

Whereas the Soviet Communist plan was to collectivize the agricultural sector of the economy through confiscatory and brutal procedures and to destroy every vestige of Ukrainian culture, tradition, nationalism and self-determination; and

Whereas the Russian Communists still today inflict upon Ukraine a policy of national genocide and ethnocide in a myriad of forms in order to further subjugate the Ukrainian populace; and

Whereas the Soviet Communist action in 1932-33 and its policy today is commensurate with the most heinous crimes ever perpetrated upon a nation; and

Whereas these actions past and future shock the conscience of every freedom-loving American.

Be it therefore resolved that 1978 be and is hereby designated as the official 45th solemn anniversary of the Great Artificial Famine; and

Be it further resolved that the Helsinki accords and other treaties or international declarations and agreements be strictly monitored so as to avoid similar travesties and atrocities in the future in Ukrain and every other part of the world; and

Be it further resolved that the United States government support the wishes of all Ukrainians who wish to emigrate especially Ukrainian political prisoners and dissidents such as Lukianenko, Moroz, Tychy, Father Romaniuk, Pastor Vins, Karavansky, Katerina Zarycka, Stus and other countless thousands.

Mr. Speaker, to understand the enormity of the purpose and resolve of the foregoing resolution, it is important to reflect upon the course of events that has prompted our citizens of Ukrainian heritage to participate in this statewide demonstration to memorialize what many noted historians refer to as "the Political Famine of 1932-33." May I insert at this point in our historic journal of Congress an excerpt from the book entitled "The Ukraine: A Submerged Nation," authored by the distinguished journalist, William Henry Chamberlin, and published in 1944 by the MacMillan Co., New York, which graphically and poignantly portrays this period of time in the history of the Ukraine, as follows:

EXCERPT—THE UKRAINE: A SUBMERGED NATION

Of all the regions of the former Tsarist Empire the Ukraine was one of the most important for the Soviet regime to hold, for

strategic and economic reasons. It was also one of the most difficult to assimilate to the methods and psychology of a Communist dictatorship.

The Ukraine was traditionally both the bread basket and the sugar-bowl of Russia. Under normal conditions it produced a considerable surplus of wheat, sugar-beets, fruit, and vegetables. It was also the principal source of Russia's coal supply and in the twenties it was the principal center of the Russian iron and steel industry, although in more recent times it has been outstripped in this field by the development of mineral resources and big new factories in the Urals and Western Siberia. It is through the Ukraine that Russia possesses access to the northern coast of the Black Sea, and to its most important port, Odessa. For all these reasons the Soviet Government considered the possession of the Ukraine a vital national interest.

At the same time, as the account of the course of revolution in the Ukraine in the last chapter shows, communism was not congenial to the Ukrainian people. Opposition to the Soviet regime was prolonged and stubborn, especially (and this is rather significant) in the regions where the Ukrainians form the greatest part of the population. There were fewer Communists in the Ukraine, in proportion to population, than there were in Russia, and there were distinctly fewer Communists among the predominantly peasant Ukrainians than there were among the Russians, Jews and other nationalities in the cities and towns. The Ukraine would never have been Sovietized if it had not been for the intervention from Russia.

Because it was a new revolutionary regime, the Soviet Government went about its task of splitting the Ukrainian people and winning them over with propaganda of more skill and subtlety than the Tsarist regime had ever showed. At the same time methods of extreme brutality were employed whenever there was mass resistance to Soviet economic policies. . . .

This famine (of 1932-33) may fairly be called political because it was not the result of any overwhelming natural catastrophe or of such a complete exhaustion of the country's resources in foreign and civil war as preceded and helped to cause the famine of 1921-22.

Partly because of discontent with the new system of collective farming and the lack of manufactured goods, partly because the government had returned to methods of war communism, demanding arbitrarily all the peasants' surplus grain, without defining clearly what was supposed to constitute "surplus," the peasants in the Ukraine had slowed down their productive effort. Climatic conditions were also unfavorable, both in 1931 and in 1932.

The situation that had developed by the autumn of 1932 might be briefly summarized as follows. Despite the meager harvest, the peasants could have pulled through without starvation if there had been a substantial abatement of the requisitions of grain and other foodstuffs. But the requisitions were intensified, rather than relaxed; the Government was determined to "teach the peasants a lesson" by the grim method of starvation, to force them to work hard in the collective farms.

Early in 1933 the Ukraine was declared "out of bounds" for foreign correspondents, so that there could be no widely circulated accounts of the great human tragedy that was taking place there. . . .

While no official statistics about this tragedy have been published there are two points of circumstantial evidence showing how the population growth of the Ukraine was retarded. The proportion of the Ukrainian pop-

ulation in the Soviet population, according to the census of 1939, was 17.5 per cent. It had been 20 per cent during the twenties. The absolute figure of the Ukrainian population reported in 1939 was 30,960,221, indicating a decline during the preceding decade.

There has perhaps been no disaster of comparable magnitude that received so little international attention. The Soviet method of stifling direct reporting of the famine by refusing permission to correspondents to visit the stricken regions until a new crop had been harvested and the outward signs of the mass mortality had been largely eliminated proved very effective. Officially Moscow officialdom continued to deny brazenly that there had been any starvation. Few correspondents were inclined to risk difficulties with the censorship by sending the story of events which had occurred some months in the past.

The Ukrainians abroad, to be sure, learned through indirect channels of what happened in their homeland and made unavailable attempts to organize relief and to bring the inhuman government policy that had led up to the famine to the attention of public opinion. The Ukrainians across the border in Poland naturally received the fullest information and any enthusiasm that had existed among them for communism was considerably cooled. . . .

In the light of past events, however, one may feel sure that the Ukrainians fought courageously for their homes, whether in regular units or in guerrilla bands. One may also feel sure that the Ukrainian problem in the future will be satisfactorily solved only if Communist dictatorship gives way to genuine democracy and if the full liberty of which the Ukrainian poets wrote, and for which so many Ukrainians died, becomes a reality. . . .

Mr. Speaker, this devastating toll of human suffering and death from starvation was embodied in a resolution introduced in the House of Representatives on May 28, 1934, which reads, as follows:

H. RES. 399

Whereas several millions of the population of the Ukrainian Soviet Socialist Republic, the constituent part of the Union of Soviet Socialist Republics, died of starvation during the years of 1932 and 1933; and

Whereas the Government of the Union of Soviet Socialist Republics, although being fully aware of the famine in Ukraine and although having full and complete control of the entire food supplies within its borders, nevertheless failed to take relief measures designed to check the famine or to alleviate the terrible conditions arising from it, but on the contrary used the famine as a means of reducing the Ukrainian population and destroying the Ukrainian political, cultural, and national rights; and

Whereas intercessions have been made at various times by the United States during the course of its history on behalf of citizens of states other than the United States, oppressed or persecuted by their own governments, indicating that it has been the traditional policy of the United States to take cognizance of such invasions of human rights and liberties: Therefore be it

Resolved, That the House of Representatives express its sympathy for all those who have suffered from the great famine in Ukraine which has brought misery, affliction, and death to millions of peaceful and law-abiding Ukrainians; be it further

Resolved, That the House of Representatives express its earnest hope that the Government of the Union of Soviet Socialist Republics will speedily alter its policy in respect to the famine in Ukraine, take active

steps to alleviate the terrible consequences arising from this famine, and undo so far as may be possible the injustices to the Ukrainian people; and be it further

Resolved, That the House of Representatives express its sincerest hope that the Union of Soviet Socialist Republics Government will place no obstacles in the way of American citizens seeking to send aid in form of money, foodstuffs, and necessities to the famine-stricken regions of Ukraine.

Mr. Speaker, as we pause in our deliberations today for this commemorative observance, we share with our people of Ukrainian heritage our renewed reverence for human life and pay tribute to the memory of the Ukrainian victims of the 1932-33 famine that took place in the U.S.S.R.-occupied Ukraine. These commemorative programs give all of us an opportunity to reflect on man's inhumanity to man and strengthen our determination and resolve to muster world opinion to help eliminate the human misery of the cruel exercise of governmental authority and the enormous waste of mind and body that hunger and poverty feed upon.

There is undying strength in the spirit of freedom and justice that can be achieved through the communion of understanding that is within the realm of all freedom-loving nations of people. In remembering the unwarranted destructiveness of this dastardly act may today's commemorative salute help instill in the hearts and minds of all mankind that the true purpose and fulfillment of life's endeavors is within the domain of all human life—spiritual, moral, cultural, and social—if each and every human being practices the divine principle, "Do unto others as you would have done unto yourself."

Mr. Speaker, in reflecting and observing with all freedom-loving people throughout the world man's inhumanity to man we can take another step in our humanitarian ideals for a communion among all peoples of the world to achieve quality of life that will permit the widest possible expression of cultural and national heritage so important to mankind's purpose and objectives in attaining a rich and lasting peace throughout the world. To that end I appreciate the opportunity to seek this national recognition of the outstanding efforts of my constituents, the Ukrainian Congress Committee of Passaic-Bergen Counties, New Jersey on behalf of the courageous and valiant people of the Ukraine.●

RETIREMENT OF JUDGE PHIL H. COOK OF LEXINGTON, MO.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. SKELTON. Mr. Speaker, I take this opportunity to take note of the retirement of one of Missouri's finest trial judges. On September 1, Judge Phil H. Cook, of Lexington, Mo., retired after serving nearly 32 years as circuit judge

for the 15th judicial district, which is comprised of Lafayette and Saline Counties.

Judge Cook was first elected in 1946, and was reelected on five successive occasions. Prior to serving as circuit judge, he was city attorney for Higginsville and prosecuting attorney of Lafayette County.

Judge Cook is highly regarded by the members of the bar as being one of the most able trial judges in the State. His keen intellect and sense of fairness were recognized by all attorneys who practiced before him. I had the privilege of practicing in his court. And I knew him always to uphold the finest ideals of the judiciary. His service to the citizens of western Missouri will be greatly missed.

I wish Judge and Mrs. Cook my best wishes in the days ahead.●

FOOD PRICE OUTLOOK: 1978-79

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, we all know the importance of food prices in the inflation problem—psychologically as well as actually. As part of its oversight responsibilities in all aspects of inflation, the Subcommittee on Economic Stabilization of the Banking Committee, of which I am chairman, has paid close attention to food prices and recently completed a hearing to obtain the latest factual information on the situation and outlook. One witness was Howard Hjort, the widely respected Chief Economist of the Department of Agriculture.

I believe, Mr. Speaker, that it would be useful for Members of the House to have a summary of this information, which I am providing today. Though it involves some tentative predictions, based on current crop conditions here and abroad, the information is essentially factual and in no way political. It makes no judgments on the fairness of present prices being received by farmers nor on the farm policies of the administration. It is simply a report on the food price situation and how things are shaping up for next year.

I am purposely keeping this report brief. The picture can be summarized as follows:

Food prices are up about 10 percent in 1978, more than anticipated a year ago. Higher meat prices are the single most important cause of the rise.

For 1979, if prices at the farm do not rise at all, food prices will go up 4 to 5 percent because of inflationary forces in the economy at large. The cost of processing, transportation, packaging, retailing, et cetera, now amounts to two-thirds of the price of food to the consumer. The farmer gets only one-third on the average, though this portion varies among the different food products.

Fish and imported food will add another 1 to 2 percent in 1979, though coffee prices should again be stable or declining as in 1978.

Thus food prices next year will rise some 6 percent before considering what happens to prices of the U.S.-produced farm crops and livestock.

Beyond that basic increase, the key to food prices—a moderate year or another bad year like 1978—is in the livestock sector, and particularly pork and poultry. We already know that beef supplies, affected by a long-term cycle, will be reduced again and prices will probably be higher. But if there is plentiful pork and poultry, the overall increase in meat prices could be moderate.

The good news is that feed grain supplies are ample, with a probable record corn crop this year and sizable carry-over stocks. Normally this good feed grain situation, with moderate prices, should lead to expanded production of poultry and pork. In 1978 it happened for poultry but not for pork, for various reasons including the effect of last winter's severe cold weather.

The chief hope for only a modest further increase in meat prices next year lies in expanded production of pigs, which could well happen. With world crops in good shape, along with our own good harvest, there is no reason to expect a big surge in prices of the basic grains.●

NATIONAL PORT WEEK

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. ASHLEY. Mr. Speaker, this week we are celebrating National Port Week to remind Americans of the importance of the U.S. port industry to our national life. It is my hope that this celebration will impress upon all citizens the numerous benefits that flow from the development of vital port facilities. These benefits redound not only to consumers and producers, but to labor, business and industry, and, indeed, to all segments of the American economy.

I am especially pleased during National Port Week to have the opportunity to highlight my hometown, the Port of Toledo, as the leading international tonnage port on the Great Lakes. Vessels have called at the Toledo harbor for nearly 150 years, providing thousands of employment and business opportunities for our city and the surrounding area. The Port of Toledo generates nearly \$200 million in economic impact to our community each year, and provides the basis for a diversified regional transportation economy. Today the port lies at the hub of a transportation network that includes five rail systems and more than 120 motor freight carriers. Its geographic location has caused it to play a key role in the Great Lakes/St. Lawrence Seaway maritime activities, and to become an

important landmark on our Nation's "fourth seacoast." Its economic benefits have totaled over \$3.5 billion in the last decade.

During National Port Week I am pleased to recognize the singular contribution made by the Port of Toledo to my district, and to our Nation's economy. ●

CONSTITUTION DAY—THE HOLIDAY AMERICA FORGOT

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. BRODHEAD. Mr. Speaker, 17 years ago today an article by Delos G. Smith, "The Holiday America Forgot," appeared in the *Detroit News*. This article describes the events of the summer of 1787 in Philadelphia. The Founding Fathers who gathered in the City of Brotherly Love drafted the Constitution of the United States, a system of government for the Nation which has endured for 191 years. Mr. Smith makes an excellent case for designating Constitution Day as a national holiday.

I recommend the article to my colleagues.

THE HOLIDAY AMERICA FORGOT (By Delos G. Smith)

On a certain day last week—Sunday, Sept. 17, to be specific—no flags were waved, no cannons were fired, there were no parades, and nowhere in this bastion of liberty did anything occur to indicate that a day to remember had come and gone.

Sept. 17, 1961, was much more than a mere tick in time, much more than an experience in living, much more than a day of anxiety, or a day of rest, or whatever it meant to the more than 180,000,000 free Americans to whom liberty is something just as casual as breakfast.

It was, as a matter of fact, the holiday America forgot.

It was, as a matter of fact, a day America has been forgetting for the last 174 years.

It was, as a matter of fact, a day only a handful among millions are even aware of, for, on this day in 1787...

STREETS WERE MUFFLED

All around the State House in Philadelphia the cobblestone streets were covered with dirt and sod to deaden the sound of horse drawn traffic and the click of thousands of leather boots against pavement as Philadelphia pursued its normal business.

Sept. 17, 1787, fell upon a Monday and the city of brotherly love had stirred itself from the lethargic and somewhat somnolent Sabbath week end.

Inside the State House, in a room about 50 feet square, 42 men sat respectfully in their designated places, and the streets had been covered to deaden the sounds so that they could concentrate, without interruption, on one of the most fateful documents in human history.

At the head of the hall, a tall, handsome man with military bearing and somber face, rapped a gavel smartly on the table, calling this extraordinary meeting to order. He was, at that time, exactly 55 years old and in the prime of his life.

His name was George Washington, and he came from the sovereign state of Virginia.

Armed sentries stood at the door—on each side—and an air of secrecy and urgency was upon this group, as heavy as the hand of destiny.

The sergeant-at-arms, acting at Gen. Washington's order, called the roll of 55 Americans.

To 13 names there was no answer. Only silence. To 42, a crisp, "Here, sir."

THE JOB IS DONE

The day wore on slowly, and grim lines fell into the faces of men like Gunning Bedford, James Madison, Alexander Hamilton, Benjamin Franklin, and Robert Morris. For 123 days these men and their comrades had been at this task. And this crisp September Monday was the 124th day that they had been at it, away from their homes, their friends, their wives and children, and their businesses.

They had come to Philadelphia to draft a document, and at long last, the task was finished.

After 124 days of sweat, frustration and argument, and endless speeches, they had to show for their labors exactly 89 sentences containing approximately 4,000 words, four sheets of paper anyone can read in 15 minutes. It was a document without parallel in human events.

Gen. Washington called for the assembled group to sign it.

One by one they arose, walked to Gen. Washington's desk, and with the quill affixed their signatures.

Three refused.

But the deed had been done. A nation had been born.

America—the United States of America—was now a living entity in the world of nations.

It had a Constitution.

It now had meaning and purpose.

Monarchies have toppled around the world, dictators have risen and been overthrown, but the Constitution of the United States still exists as the most enduring document ever written as the framework for a nation's government.

REPUBLIC SET UP

This Constitution established a republic for a population of less than 4,000,000 persons. Today more than 180,000,000 are governed by its provisions.

It joined together 13 states which, since the Revolutionary War, had existed under a loosely knit confederation.

One state, Rhode Island, did not even bother to elect delegates to the historic convention that opened in Philadelphia on May 25, 1787.

Seventy-four delegates were elected by the legislatures of the other 12 states. Eleven refused to serve. Another eight did not bother to refuse, simply failing to attend. The convention was composed of the remaining 55.

MANY SKILLS THERE

The delegates consisted of merchants, farmers, doctors, educators and soldiers, but the majority were lawyers. Many had been members of the Continental Congress.

College graduates, led by nine Princeton alumni, predominated. There was one graduate each from Oxford, Cambridge, Glasgow and Edinburgh universities.

The four most famous were Washington, Franklin, Madison and Hamilton.

The average age of the 39 signers was 44 years. Three were still in their 20s. Franklin, 81, was the oldest.

All but five were native born. Four others

were natives of Great Britain and one had been born at sea. Seven had been governors of their states. Eight had been judges of state courts. Two had represented the 13 states abroad. Six had signed the Declaration of Independence.

Even bigger things lay in store for many of them. Washington and Madison became presidents. Three became Cabinet members. Fifteen became U.S. senators. Eight more became governors. Three became ministers, to England, France and Spain. One became chief justice of the U.S. Supreme Court and three became associate justices.

They met in complete privacy by prior agreement. Sentries were posted to keep out visitors.

And at the delegates' insistence, not a word of this great democratic session was reported while the convention was in session.

The convention last 124 days, although it was in actual session only 81 days.

FEW KNOW OF IT

For generations we have celebrated July 4 as a national holiday, with booming of cannons, bonfires, blaring of bands, small and big-town orators making the eagle scream, down to the days of firecrackers and fireworks.

The Declaration of Independence, which is celebrated on this date, was a great idealistic document setting forth our grievances to the king and declaring that the Colonies should be free, but it did not establish a government for the people of the 13 colonies.

But there is no national holiday to honor and commemorate the 17th of September, 1787, when the Constitution of the United States was signed and, by its provisions, has kept us a nation all these years.

Schoolboys have been told that John Hancock, president of the Continental Congress when he signed the Declaration, said, "I will sign in such bold letters that George III will not need his spectacles."

But few schoolboys know that the president of the Constitutional Convention, who signed the Constitution, was George Washington, the former commander in chief of the Continental Army and later the first President of the new United States.

Twelve of the 13 states responded to the call for delegates—Massachusetts, New Hampshire, Connecticut, New York, Pennsylvania, Delaware, New Jersey, Maryland, Virginia, North and South Carolina and Georgia.

Rhode Island never elected delegates, and was the only state not represented.

The convention was called for May 14, 1787, but could not convene until May 25, 1787, until the proper number of state delegations were passed.

PLEDGE OF SECRECY

Many believe the success of the convention can be attributed to a great degree to the provision adopted at the beginning for secrecy, which states: "Nothing spoken in the house or printed or otherwise published or communicated without leave."

An unwritten understanding was created that when adjourned no disclosure of its proceedings should be made during the lives of its members.

The Journal, upon adjournment, was placed in the hands of Washington. The famous notes of Madison were not printed until after his death 49 years later. Most of the members never broke their pledge.

All of this was done so that the delegates would be protected from criticism and pressure, permitting them to engage in calm deliberation and discussion during 124 days. These men wanted to create something of enduring importance.

The delegates' work could not have been improved by the modern method of hordes of newspaper reporters inside and outside the

hall questioning the members and asking for statements, photographers taking pictures every few moments, movie and television operators on the scene, loudspeakers and microphones available, all of this for publicity purposes rather than permitting them to deliberate and think.

Delegates did not make speeches to get the headlines in the papers and worrying about keeping themselves in the public eye. This convention was imbued with an unusually serious spirit.

Secrecy did not prevent discussion. Governor Morris spoke 173 times, James Wilson 168 times, James Madison 161 times, and Roger Sherman 138 times.

IT LIVES ON

How well did the members of the convention perform their duties? Since the first president was inaugurated and the first Congress met in 1789, 172 years ago, the Constitution has only been amended 23 times.

The first 10 amendments were practically agreed upon during ratification prior to 1790 and submitted by the first Congress. They became effective 1791. Two more were adopted, one in 1798 and one in 1804.

It was 61 years after 1804 that the three Civil War amendments were added, 1865, 1868 and 1870.

Forty-three more years passed by before two more amendments were added in 1913. The last six amendments were added between 1917 and 1961.

NO HEADLINES

Actually, since the first year of government under our Constitution, only 13 amendments have been made. This must be considered most remarkable, for during all these years there has been a great increase in our population and an ever-changing condition of progress.

What other body of men has provided such a lasting document to govern free people?

For almost a century and three-quarters of unexampled civil and material advancement the Constitution has applied itself, amended itself, developed itself and even through stress of civil war, maintained its equilibrium.

American citizens have reason to believe the fundamental law has "the power of endless life."

This may be true if we regard it well and remember the duties of citizenship are as important as to assert our rights.

Rights imply equal duties. ●

TOURISM: OUR NATION'S GREATEST ASSET—PART IV

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. SKUBITZ. Mr. Speaker, yesterday, I described in considerable detail the functions and operation of one of the six regional offices of the U.S. Travel Service. I felt that it was important that the Members be made aware of the very vital service which this agency performs overseas in developing tourism for the United States.

Mr. Speaker, this office, in London, is to be closed by order of the State Department. Indeed, one of USTS's most successful operations, in a country with which we have the closest possible cultural, linguistic, and ethnic affinities, has been declared superfluous. Today, I shall

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dwell on the position of the Department of State, represented by our Embassy in London, and the reaction of the British travel trade, faced with the possible closing of the London office of the USTS.

THE U.S. EMBASSY POSITION

It is the stated position of our Embassy in London that virtually all the increased travel from the United Kingdom to our shores is stimulated by considerations outside the scope of the U.S. Travel Service activity in London. The Embassy contends that there is an unquestionable desire by most British to visit the United States. This desire is fueled, in our Foreign Service experts' view, by such well-known and popular TV serials as "Star-sky and Hutch" and "Kojak", and hence, the part the USTS plays in this travel represents less than a drop in the proverbial bucket.

The Embassy has stated further that it believes the annual expenditure of over \$1 million in U.S. taxpayers' money by the U.S. Travel Service does not bring the increase in travel warranting the expenditure in the United Kingdom. It is suggested that these expenditures would be more productive in countries that do not have English as a native language or where other directly competing attractions for travel funds would have a more tangible effect. The fact that this would not reduce overseas personnel apparently is irrelevant.

The Embassy finally points out, with masterful logic, that in view of our balance-of-payments problem it is necessary to reduce U.S. personnel overseas and cease expenditures on such export promotional efforts as trade centers and the U.S. Travel Service. The Embassy and the State Department have indicated that if there is really a demand for the type of service that these non-State Department employees have been performing, then, of course, the Embassy would provide the services in-house and gear up to do it.

THE POSITION OF THE UNITED KINGDOM TRAVEL TRADE

Based on a survey which the chairman of my subcommittee, the Honorable FRED ROONEY, and I ordered to be conducted in London, of the 20 largest general and special interest tour operators, the retail and wholesale travel trade, the major airlines serving the transatlantic market, and the specialized press, I can categorically assure you of the unanimous support and endorsement of the efforts of the USTS London office.

It is the position of the private sector of the United Kingdom travel industry, which, by the way, was never consulted by our Embassy, that the closing of the USTS office in London would seriously impair the growth of tourism in the United States. The USTS performs a vital, industry-catalyst function without which the United States would lose a large share of the United Kingdom tourist market.

I have no doubt that the position of the U.K. travel industry is self-serving. If I were a travel agent, I, too, would strongly protest the loss of a generous advertiser, promoter, and handholder,

which the USTS office in London has been to the travel trade. However, closing the USTS office on the grounds that it is helpful to the trade is incredibly shortsighted and, regrettably typical of our Foggy Bottom bureaucrats.

Never in the history of this country have we been in such need to increase our exports—so we close our London Trade Center. We are finally beginning to recognize the importance of tourism to our national economy and its contribution to a positive balance of payments—so we close one of the most successful USTS offices overseas.

Mr. Speaker, when we have cut through all the verbiage and all the expressions of concern over this Government's expenditures for personnel overseas, we get down to the real facts in this case. This is nothing but another attempt by the Department of State to regain control over positions and personnel which the Congress determined would best be filled or served by professional commercial officers—employees of various Federal agencies whose specialties or jurisdiction they were better able to represent.

Let us not be hoodwinked. Already the trade center in London, which prior to being closed was located just off Regent Street in an ideally located commercial building highly suitable to heavy equipment exhibits, has resurfaced within the Embassy building itself, necessitating in excess of \$30,000 in structural changes to the building and security measures. The same fate awaits the Travel Service.

I can assure you it is not pleasant to go through the security checks at the American Embassy in London. Police state measures are regrettable although perhaps necessary to protect Embassy personnel. They do not, however, facilitate the conduct of commercial business and/or travel business.

I fully concur with the opinion expressed by the British travel trade that the attitudes of our Embassy personnel have always been aggressively negative. A person seeking to travel to the United States is suspect. He is a potential illegal emigrant. Such an attitude is totally unacceptable to the travel trade, and it is certainly unbelievable that in 1 day the State Department will make a 180 degree attitude change.

Thank you, Mr. Speaker. ●

SUPPORT FOR OUR FRIENDS IN TIMES OF THEIR ADVERSITY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. ANDERSON of California. Mr. Speaker, I think we are all familiar with the expression "a fair weather friend." As I have been following in recent months reports in the news media concerning riots in Iran and protests against the regime of the Shah, this expression "fair weather friend" comes to mind as, unfortunately, applying to some in this

country. The vast majority of the articles written recently, if not condemning the Shah, at least give favorable publicity to his opponents. But who are these opponents? Aside from a few disaffected Iranian students in foreign countries who march in protests with their faces covered with masks—and I am informed that at least some of these masked protesters are not Iranians—we find in Iran two major sources of opposition. The first and by far the smallest are those Marxists who wish to overthrow the government and establish a "people's republic" of some type, closely aligned with their Communist supporters. The second and by far the largest group of opponents to the Shah are true reactionaries. This group, led by the Mullahs of the Islamic Church, would turn back the clock to the semifeudal life they enjoyed so much in earlier times, wherein they exercised tremendous control over the education, laws, and finances of the country and its people. They would stop the liberation of women which has been accomplished by the Shah. They would stop the modernization of Iran and the building of an economic infrastructure which the Shah is working hard to achieve. They would ban such devices they consider to be evil as motion pictures and television, which are now a part of the average Iranian's life.

In short, as I said earlier, return to the semifeudal life which was the lot of the Iranian peasant until the Shah began his own "revolution." The Shah is certainly not perfect. But he has proved over the years to have a sincere interest in the welfare of his people and in improving their standard of living. And he has proved himself to be a constant friend of the United States. I need not remind those familiar with the 1973 Middle East War that, after the Arabs imposed a boycott on oil sales to the United States and to Israel, he continued to supply oil to both countries. And the strategic position of Iran is obvious. The Strait of Hormuz is the chokepoint for the shipment of oil from the Persian Gulf fields. It is vital that control of this strait not pass into the hands of a Marxist power or a weak, ineffective government, unable to insure free and safe passage for the tankers of the world.

I would like to call to the attention of my colleagues an excellent article which appeared in the Washington Post this past Tuesday. Written by Joseph Kraft, with whom I sometimes strongly disagree, it is one of the few articles I have seen lately which takes an evenhanded approach to the problems in Iran. And in the same edition is an excellent editorial which I also commend to your attention. Under the misguided assumption that the Shah's opponents are struggling for the cause of human rights, let us not turn our back on our friend who for so long has been our supporter in the Middle East and whose country has been an island of stability in an area of turmoil.

THE U.S. STAKE IN BACKING THE SHAH
(By Joseph Kraft)

The latest outbreak of violence in Iran intensified a double confrontation. Internally, the shah, having failed to ease tensions by sweeping concessions, has been obliged by his own military to take on the dissidents in a test of strength. Externally, the critical importance of Iran in the global

confrontation between Russia and the United States now asserts itself with a vengeance.

The source of trouble is the breakneck pace of modernization imposed upon the country by the shah. Among other things he has forced economic growth at a 10 percent clip, pushed education to the point where literacy has increased sixfold in the past 25 years, nationalized land, instituted a steel industry and an auto industry, and opened schools and jobs to women on a grand scale.

Inevitably, there have been terrible dislocations, especially for young people wrenched from village life and thrown into the crazy mix of corruption and congestion, shortage and vice, which characterizes Tehran and other cities. The disaffected youth, in schools and out, have provided foot soldiers for two groups interested in undoing the regime.

By far the most important are the Moslem clergy, or mullahs. Thanks to the shah, the mullahs have lost their lands, their dominant role in education and law, and the control they exercised, as leaders of land, over the bazaars. The more fundamentalist among the mullahs have actively opposed the shah's modernization program, especially the liberation of women.

Circumstances have driven into alliance with the mullahs a small group of Marxist revolutionaries organized into tiny cells for terrorist action. At the center of this strange combination has been Ayatollah Komeini, an Iranian religious leader who has been sheltered by the radical regime in Iraq. Komeini continues to be in touch with the Islamic fundamentalists in Iran, and with radical Arabs—notably the Libyan regime of Muammar Qaddafi and the Palestinian extremists—patronized by Moscow.

About six months ago a campaign of low-level violence in Iran flared to the surface with a series of demonstrations organized against the shah by Islamic fundamentalists. The shah met those troubles, which reached a crescendo during the holy month of Ramadan, by a policy of steady concessions.

He fired the head of the secret police, or Savak. He allowed freedom of the press, and decreed that several parties could present candidates in the elections due next month. He instituted a campaign against corruption that, according to some reports, was due to touch even members of the royal family.

On Aug. 27, a week before the end of Ramadan, he ousted an American-educated technocrat, Jamshid Amouzegar, as prime minister, and replaced him with a traditional figure, Jaafar Sharif-Emami. The new prime minister made even more concessions to the Islamic fundamentalists. He closed down casinos and other gambling places, arranged for the dropping of the court minister—Abbas Hoveyda, who was suspected by the Islamic fundamentalists of having connections with the Bahai cult—and started consultation with at least the more moderate mullahs.

Nevertheless, demonstrations continued following the end of Ramadan on Sept. 4. In two of the protests, students tried to lure soldiers to their side of the struggle. Faced with that kind of subversion, the army chiefs prevailed upon the shah to decree martial law before a massive protest scheduled for Friday, Sept. 8.

That day the soldiers and the protesting youths clashed in a bloody fracas. At least a hundred were killed. Now tight security prevails in Tehran, and though there has been relative calm, a single spark could set off a new wave of fighting.

For the shah has run the string on concessions. Not only has liberalization been taken as a sign of weakness by the opposition, but now the Iranian military is in the picture forcing the monarch to tough it out.

With the shah thus committed, the United States is inevitably involved. This country to some extent—and Japan and Europe far more—are heavily dependent on the Persian

Gulf for oil. With weak regimes in Saudi Arabia, Pakistan and India, Iran is the only force for stability in the area.

The Russians have always looked on the shah's regime as, in Khrushchev's words, "a rotten piece of fruit" ready to fall into their hands. The more so now, when trouble in the Persian Gulf presents probably the best way to break up the developing entente among the United States, China, Japan and Western Europe.

In these conditions the United States does not have the luxury of sniffing at corruption in Iran, or playing liberal missionary on human rights, not to mention being a super-leuth on weapon sales. If the shah has seemed depressed recently—and he has—it is in no small part because of the instinct of the Carter administration for building up popularity at home by playing to moralistic suspicion of this country's allies.

To be sure, President Carter called the shah over the weekend and expressed support. But that is only a beginning of the kind of American backing required if the shah is to play in global politics the role this country's interests demand.

THE TUMULT IN IRAN

The tumult in Iran has reached the point where a good many people, including Iranians sympathetic to the shah, have been forced to consider whether he can hang on. Certainly, with conditions approaching something like civil war, a ruler less devoted than he to holding on to power and pushing through his ambitious modernization program might already have been tempted to anticipate a coup and seek out plush exile. Yet the shah remains on the throne, and in the light cast by the fierce challenge to him, it is possible to see with new clarity why Americans have good reason to hope he rides out the storm.

Some part of the protests against Shah Mohammad Reza Pahlavi presumably arise from the license he has given the political police, from his virtually insatiable appetite for advanced military hardware, and from the family and upper-class corruption he has tolerated if not spawned. Yet the two main sources of popular opposition are, in their separate backhanded ways, tributes to his vision for Iran.

The shah has presided over headlong economic progress. In so doing he has excited expectations of quick individual benefit that even a far more competent government would have had trouble delivering. In modernizing, moreover, he has provoked frenzied opposition from traditional religious elements in a country long isolated and still largely rural. Those elements are opposed not just to the erosion of feudal ways but also to such basic policy planks as land redistribution and the granting of rights to women. If you throw in as well the third dimension of communist subversion—the shah, needless to say, tends to give high priority to this factor—you have a poisonous brew.

The causes of Iran's unrest are varied enough to have elicited suggestions for substantially different remedies from the shah's advisers, with military men emphasizing the immediate need for law and order and civilians tending to urge renewed attention to political liberalization. At the moment the government is on the military track, but the shah is reportedly bent on returning to the civilian track as soon as events allow. The prospect of being swept out of power by the masses in the streets is evidently less immediate to him than a right-wing coup.

Either way it would be a misfortune for the United States. For its oil, for the stability it lends to its exceedingly shaky region, for the bulwark it forms to the spread of Soviet influence, Iran matters greatly to this country. That is the rationale for the immense and pervasive American "presence" in Iran—political, military and economic. One can question whether all aspects of that

presence are equally wise and necessary; one cannot deny that it exists.

If the United States is in fact committed to Iran, what makes that commitment tenable is the leadership of the shah. Unquestionably, he is more likely to go in the modernizing direction most Americans would like to see Iran go than any of the elements clamoring for his removal. It helps if you think for a minute of the Libyan model of an oil-rich state led by a fanatical Iranian Qaddafi. That is a distinct possibility, and one truly threatening to American interests. Without the shah, it could come to be. ●

EXCERPTS FROM SECRETARY CALIFANO'S ADDRESS AT THE ANNUAL CONVENTION OF THE NATIONAL MEDICAL ASSOCIATION, AUGUST 1978

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. MITCHELL of Maryland. Mr. Speaker, HEW Secretary Califano addressed the annual convention of the National Medical Association in Washington, D.C., on August 1, 1978. At that meeting, he announced his Department is releasing \$7.5 million in Federal aid to two important black institutions of higher education: Shaw University in North Carolina and Bishop College in Texas. For the coming academic year, HEW is awarding \$3.5 million to Shaw and \$4.4 million to Bishop.

Members of the Congressional Black Caucus met with Secretary Califano several months ago to discuss the financial problems facing black colleges in this country. He indicated HEW has and will continue to make every effort to be sensitive to the special problems and the unique role of these institutions. However, the Department must be assured that Federal moneys are expended in accordance with applicable laws and regulations, and that all funds are spent in a responsible manner. The administration and HEW have underscored and delivered on their commitment to helping traditionally black colleges and universities in this country maintain their viability in approving this release of Federal dollars to Shaw and Bishop. HEW is continuing to work with these schools to assist them with their longrun difficulties. Let us continue to work together to strengthen these institutions, as Secretary Califano stated in his address, "through hard work, dedicated talent, and imaginative intelligence."

I wish to share with my colleagues excerpts from the Secretary's address to the National Medical Association's annual convention as it represents a major statement by this administration on the issues of health and education and civil rights—a statement by an administration emphatically committed to equal rights and affirmative action. Excerpts of Secretary Califano's address follow:

STATEMENT BY SECRETARY CALIFANO

For several recent events—the Bakke case; the so-called taxpayers revolt in California and elsewhere, and the Nation's continuing economic problems—are causing many people to ask whether the movement toward

full equality and full opportunity has slowed in America; whether the beacon of the civil rights movement, which glowed so brightly in the 1960's, has faded now.

I cannot tell you what the ultimate answers to those questions will be.

But because I have strong feelings about them, I can tell you what I think the answers should be.

And because I serve in an Administration that is emphatically committed to equal rights and affirmative action, I can tell you something about our efforts to shape those answers.

For years we have made the case for strong civil rights enforcement and progressive social programs on moral grounds; that no society committed to equality could countenance inequality.

Today, that case can be made on practical grounds as well. A great deal of evidence has accumulated over the past decade which underscores not only the morality, but the practicality of the efforts we launched in the sixties to help poor and minority Americans:

From 1965 to 1975, the number of American families living in poverty was reduced by half—from more than 30 million to about 15 million; from 15 percent of our population to about seven percent.

In roughly the past decade, the percentage of young Black Americans entering college has doubled. Today, a Black high school graduate is almost as likely to go to college as his white classmate.

Between 1960 and 1975, the infant mortality rate for Blacks fell from 44 per 100,000 to 26 per 100,000. The difference in infant mortality between Blacks and whites was literally cut in half.

In seven years—and largely because of efforts you have made—the percentage of minority students in the Nation's medical schools has more than tripled—from 2.4 percent in 1968-69 to 8.1 percent last year.

Each of these statistics signals a dramatic release of human potential. Each one can be traced, in part, to programs launched and vigorously pursued by the Federal Government: Medicaid, student financial aid, minority recruitment and affirmative action.

So my message—firmly grounded in practical gain to the Nation, and expressed in the most emphatic terms—is this: We have made great progress since the 1960's and we can make much more. It would be a tragedy indeed, if this Nation, having come so far in its quest for equal opportunity, should now abandon or falter in this quest.

We in this Administration do not intend to falter. We recognize that much remains to be done.

And in the aftermath of the Bakke decision, I want to add a special word on affirmative action programs. Since taking office 18 months ago, this Administration—and I personally—have been committed to supporting and encouraging affirmative action programs—programs to increase the number of qualified minority students in higher education. We see the Bakke decision as one which sanctions the affirmative action activities of many institutions across the Nation. The Court ruled that educational institutions may take race into account in the admissions process as part of an effort to obtain a diverse student body; and that when institutions have illegally discriminated against individuals from minority or disadvantaged groups, those institutions can, under the Constitution, be required by the Government to adopt and carry out affirmative action programs.

In these ways and others, we are supporting the education of trained professionals from minority groups—support that begins, as it should, even before grade one, and extends into graduate school.

As we pursue these efforts, we will do so with sensitivity to the historic role—and the continuing potential—of the Nation's predominantly Black institutions—institutions

which now find themselves sharply challenged by social and economic change.

It is not simply the future of MeHarry, or of other traditionally Black institutions, that is involved here: educational opportunity for hundreds of thousands of young people is also at stake.

Guarding and nurturing such opportunity, literally, is what this Nation is about. Our mission as a Nation is something more—far more—than defending ourselves, generating material prosperity, and delivering the mail. Our mission is individual fulfillment.

In the course of our efforts to guarantee every person's chance to develop his or her talents to their full potential, we have learned some important lessons about what one human soul can mean.

One man who left his imprint on our history—was a Black physician named Charles Drew: a member of this group. Dr. Drew, a distinguished member of Howard's Faculty, was a pioneer in blood plasma research. But his greatest contribution to his Nation was the concept of the blood bank. Ironically, at the time he set up the first blood bank, his own blood would have been rejected if he had offered it—because he was Black.

But Charles Drew, like so many Black Americans, gave to his Nation more than it was willing to give him. And we are all the richer for it.

I think he would say, if he were among us today, that we have come a long way—and that we have a long way yet to go.

We must travel that long way together. We must be resolute in our determination to achieve a society in which all of our Charles Drews can develop their full potential.

Only if we join hands in this quest for justice and human dignity for all can we hold our heads high and fulfill the trust we hold as leaders in the most affluent society in the World's history. ●

NOTED ECONOMIST OPPOSES SUGAR PLAN

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. FITHIAN. Mr. Speaker, the House soon will act on the Sugar Stabilization Act of 1978 (H.R. 13750), a bill which I supported in the House Agriculture Committee. Recognizing that many of my colleagues may have questions about this legislation, inasmuch as the administration is opposing it. I have sought to obtain economic information from a reputable and independent source to assist in evaluating the administration's arguments on this bill.

I wish to share with my colleagues an exchange of letters between myself and Eliot Janeway, president of Janeway Publishing & Research Corp., of New York. Mr. Janeway, one of the Nation's most respected economists, provides a persuasive case against the administration's proposed sugar policy of payments to sugar processors. He argues that the bill presented by the Agriculture Committee is far preferable.

Mr. Speaker, I was not initially convinced to support the Sugar Stabilization Act; my decision to vote for it in committee came only after careful deliberation and after some amendment. But after reading Mr. Janeway's response to my letter, I am convinced that my decision was correct. I believe that my col-

leagues will join me in supporting H.R. 13750.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 11, 1978.

Mr. ELLIOT JANEWAY,
East 80th Street,
New York, N.Y.

DEAR MR. JANEWAY: As a member of the House Agriculture Committee, I recently voted in favor of reporting the Sugar Stabilization Act of 1978 (H.R. 13750) to the House floor. However, the Carter Administration has cited several economic arguments against the bill, as noted on the enclosed material prepared by the executive branch and entitled, "Justification for Administration-Supported Amendments to the Trade Subcommittee Sugar Bill." This economic and statistical material represents the Administration's analysis of various legislative proposals. My interest relates particularly to H.R. 13750 as approved by the House Agriculture Committee and as amended by the Ways and Means Committee.

I am an economic historian by profession, and I believe that my support for H.R. 13750 is based on sound economic principles as well as the fact that I represent an agricultural district. The Administration, however, has not accepted the position of our committee regarding H.R. 13750.

You are one of the nation's leading economists, and your analyses are widely respected by business and governmental leaders. I would greatly value your analysis of the Administration's proposals (including a sugar payments program) versus H.R. 13750 as reported by the House Agriculture Committee. Specifically, I would appreciate your professional judgment in answer to these questions:

(1) Will the Administration proposals result in a "strong and viable domestic sugar industry," which the President has indicated should be our basic policy for sweeteners?

(2) What would be the effect of each Administration proposal on our imports and balance of trade?

(3) What would be the effect of each proposal on Treasury receipts and on our budget deficit?

(4) With current interest rates at high levels, how many years would it take for the Treasury outlays, as required under the Administration proposals (including the sugar payment program), to double?

(5) The Administration claims that a sugar payment program will hold down inflation; but if the payment program results in higher net budget costs and a larger trade deficit (as I suspect), what would be the inflationary impact?

(6) In comparison with 1973 and 1974, what effect have recent lower prices for sugar had on sugar-containing products?

(7) Which policy alternative—that embodied in H.R. 13750 or in the Administration proposal—would be more beneficial to the corn refining industry and corn farmers?

(8) For an average worker in the private, non-agricultural sector, what is today's purchasing power of an hour's work, as compared with 1947, when purchasing a pound of sugar at retail?

I would greatly appreciate your response to these questions as soon as possible. Thank you for your cooperation.

Sincerely yours,

FLOYD J. FITHIAN,
U.S. Congressman.

JANEWAY PUBLISHING
AND RESEARCH CORP.,

New York, N.Y., September 18, 1978.

Representative FLOYD J. FITHIAN,
Congress of the United States, House of
Representatives, Washington, D.C.

DEAR CONGRESSMAN FITHIAN: I hasten to acknowledge your provocative letter of September 11; and I am honored by your expression of confidence in my judgment. Over

the years, I have felt obliged to be responsive to inquiries of this kind from public officials of both parties; and I am happy to put my studies of the overall economic situation at your disposal for purposes of focusing on the special case the Administration has made of its sugar policy.

The eight specific questions you have raised provide eloquent testimony to your professionalism as an economic historian and analyst. Before tackling them individually, however, I think it will be helpful for me to make two general points about the Administration's "memorandum of justification" referred to in your letter.

The first relates to the problem of inflation; and, therefore, to its main source: overborrowing, as measured by the rising trend of interest rates, especially long-term rates, which the Federal Reserve Board cannot control. It is axiomatic that any measure which calls for more borrowing will fuel "the engines of inflation"; and that any alternative expedient will cool them off. The Administration's policy of direct payments to processors would admittedly be financed by more government borrowing; and would, therefore, fuel inflation. Q.E.D.

The second relates to the real dimensions of the inflationary problem. The Administration's approach considers inflation in a purely domestic frame of reference—as if containing it called for merely an exercise in wage and price restraint. The evidence of the real world, however, reminds us every day that the problem is thoroughly international; and, consequently, that no purely domestic expedient will work. Certainly, the collapse of the dollar and the surge in the trade deficit are contributing to the disastrous spiral of higher interest rates which is at once the cause and consequence of accelerating inflation.

The House measure for which you voted would finance the relief the domestic sugar industry admittedly needs by means of a tariff; that is, it would tax foreign producers, and thus relieve the Treasury of the need to borrow the money. As an economic historian, you will, of course, agree that past claims about tariffs being inflationary are throwbacks to the pre-1929 era, before the financing of the government debt had mushroomed into the decisive cause of inflation. Now that it has, and now that the dollar has collapsed as a result, the historical rule has been reversed. Therefore, as an alternative to more government borrowing, a new tariff is not only not inflationary; it is positively anti-inflationary. The tariff approach guarantees that the United States will begin to get back the advantages we have given to our foreign competitors.

Now as to your specific questions, in the order in which you put them:

(1) Will the Administration proposal result in a "strong and viable domestic sugar industry?"

The double standard the Administration has adopted for grain and sugar farmers suggests a negative answer. The Administration has not insisted on direct payments to grain processors; but is pressing grain farmers to accept money in return for taking acreage out of production. Theoretically, beet growers could shift to grains or potatoes, and some cane farmers could shift to soy beans or rice (if they could get a rice allotment). While some farmers might save themselves in this way, they would make more financial trouble for the government than the Administration has yet stopped to count. The growers belong to co-ops which own sugar refineries, which, in turn, are in debt to the government. So, while farmers might no doubt be better off taking bankruptcy first and jobs afterwards, the government shares with the rural banks a common interest in keeping them going as sugar farmers. The price differential insisted on by the Administration, plus the processor payment technique stipulated, would drive

a great many of them out of sugar. Those with no other crops to switch into would undoubtedly quit altogether.

I will stake my professional reputation on the premise that all of the country's sugar farmers are in debt; and, moreover, that none of them are managing to reduce their debt burdens. The regional Federal Reserve banks will affirm to you a drastic tightening of credit conditions in farm areas, due to a visible slowdown in interest and amortization collections from farmers. If farmers in crops enjoying better market conditions and expectations than sugar farmers are in money trouble and risking foreclosure, sugar farmers are bound to be in even worse shape.

Finance charges are now ruinous for any marginal operations. Any price margin which makes or breaks farmers needing to borrow more money will, in turn, force more sugar growers out of business. The cent or even half-cent cut insisted on by the Administration will make the critical marginal difference for a considerable portion of the country's sugar growers—none of whom are anticipating reductions in any of their operating or capital costs.

(2) What would be the effect of each Administration proposal on our imports and balance of trade?

The Administration proposal would step up sugar imports first by reducing the price, and second by reducing domestic production. Just as the Administration's domestic sugar policy is in contrast to its grain policy on the issue of processor payments vs. loans to farmers, its international sugar policy is in conflict with its international oil policy. On oil, the Administration is demanding an import fee—that is, tariff—to cut imports and improve our trade deficit. But on sugar, it is demanding more imports, at the price of a higher trade deficit, on the far-fetched theory that this would combat inflation. Oil, not sugar, is the basic commodity with which living and operating costs swing.

(3) What would be the effect of each proposal on Treasury receipts and on our budget deficit?

Import fees or tariffs are direct payments to the Treasury from non-income-taxpayers; they reduce the budget deficit without decreasing private sector purchasing power. But payments to processors, necessarily financed by Treasury borrowing, would increase the budget deficit dollar for dollar. Moreover, no guarantees are offered that every dollar of processor payments would be passed through to indigent farmers on the verge of bankruptcy or foreclosure; nor would they be reflected in reduced costs to consumers.

Farm debt is owed to profit corporations, banks and finance companies, which claim all losses on farm creditors as tax deductions. Moreover, under present credit and business conditions, auditors would readily approve corporate and bank decisions to raise reserves against future losses from farm debtors; and these reserves would become immediate tax deductions. A supporting point on processor payments: some processors happen to be rich, integrated companies, which use their grower operations (among others) as tax shelters; so that many of the dollars paid would neither be passed through to farmers nor come back to the Treasury as tax receipts.

(4) With current interest rates at high levels, how many years would it take for the Treasury outlays, as required under the Administration proposals (including the sugar payment program), to double?

Assuming a short-term bill rate of 8%, 9 years. With the Administration itself committed to trend-setting inflationary practices of this kind, I see no prospect for a return to tolerable interest rates.

(5) The Administration claims that a sugar payment program will hold down inflation; but if the payment program results in higher net budget costs and a larger trade

deficit (as I suspect), what would be the inflationary impact?

Covered in my two general points above. (6) In comparison with 1973 and 1974, what effect have recent lower prices for sugar had on the prices of sugar-containing products?

Nil. Across the entire spectrum of the economy, raw material prices no longer exercise their traditional "swing" impact on manufacturing costs or consumer prices. As an economic historian, you will appreciate the reason for this momentous change. It set in when labor ceased to be a variable cost, as raw material prices are, and became a fixed cost. The freezing of an upward bias in long-term interest rates has made another decisive difference in the same direction. All food products are sold on premises which are financed on long-term leases and mortgages; and for all practical purposes, long-term rates have ceased to be a variable cost, too. With the cost of freight, packaging, insurance, taxes, fuel, utilities, overage to landlords and labor all fixed and inflating, no cuts in the prices of raw materials can realistically be expected to hold back manufacturing and distribution costs.

The last collapse in world sugar prices failed to interrupt a striking mark-up in the retail prices of sugar-containing products, although inflationary pressures then were much lower than now. I think it important to note here that sugar is not a special case. During the recent bear market in farm prices, all retail food profit margins narrowed, and all retail food prices rose. More than incidentally, recent price wars in the steel industry have failed to relieve the pressure on auto manufacturers to raise their selling prices.

(7) Which policy alternative—that embodied in H.R. 13750 or in the Administration proposal—would be more beneficial to the corn refining industry and corn farmers?

The House's. Of course, corn farmers are more numerous; and the Treasury's stake in the prosperity of the corn industry as a whole is immeasurably greater than in domestic sugar growing. My experience as a consulting economist, as well as my explorations on lecture trips, satisfy me that the cent or half-cent price margin that is crucial for sugar also makes a life-or-death difference for corn refiners.

The shutdown of a corn refinery in Iowa threw onto benefit 700 workers from whom the Treasury had been collecting withholding; and it entitled a prosperous company to take tax deductions or refunds. Fifteen thousand workers are employed by the corn refineries; the Administration's proposal will have the double effect of creating corn industry unemployment as well as bankruptcy among the nation's 13,000 sugar growers.

(8) For an average worker in the private, non-agricultural sector, what is today's purchasing power of an hour's work, as compared with 1947, when purchasing a pound of sugar at retail?

Adjustment for inflation against the Consumer Price Index (1967=100) shows that the "real" retail price of sugar today is below where it was in 1934, when President Roosevelt signed the first Sugar Act into law. In 1947, the retail price of sugar was 9.7¢ a pound, which adjusted for inflation is 14½¢. I reckon that it took about 5 minutes to earn that much in 1947. In 1977, the retail price of sugar was up to 21.62¢ a pound; but adjusted for inflation, the "real" price was down to 11.9¢. At 1977's cash wage levels, only a few seconds over 2 minutes would have earned enough to buy a pound.

Realistic assessment of this calculation calls for noting two additional sidepoints:

(1) The most rewarding wage increases today are in fringe, not cash payments, which means that a purely cash calculation understates the nominal cost of sugar at retail.

(2) Since 80% of all sugar is consumed as raw material in manufactured products, the Administration's insistence on payments to

processors would have the effect of putting some of the country's richest corporations on welfare, while breaking farmers; a mind-boggling perversion of equity and practicality even in a year of minimal inflation and tolerable interest rates, let alone under present conditions.

Your questions have rightly concentrated on the economic problems, but the foreign policy aspect is also important. I am prompted to answer a question you have not raised. Would the elimination of our own sugar growing capability invite world sugar producers to jump prices on us? It certainly would. All it would take to start a sugar OPEC would be one dramatic announcement, such as a Russian-financed move by Cuba to dedicate its present sugar production to alcohol for fuel consumption.

The effect of any Administration policy which increases U.S. sugar imports from any source is to improve export marketing conditions for Cuba, and ease the pressure on Russia to continue paying 31¢ a pound for Cuban sugar. The Administration's proposal would offer Cuba an export marketing subsidy, paid for by Treasury borrowings!

I hope that you will find these responses helpful; and I will be happy to discuss them with you at your convenience.

Yours sincerely,

ELIOT JANEWAY,
President. ●

STOPPING AN IRS THREAT TO PRIVATE SCHOOLS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. HANSEN. Mr. Speaker, in the last several years, the progressive deterioration of public schools in many parts of the country have led to the establishment of private schools. When I speak of deterioration, I have reference not only to a lower level of learning achievement, but also to spectacular increases in crime at schools, and the progressive establishment of an atheistic and secularist religion to impart alien values to our young children. It is also true, and cannot be denied, that some schools were established for the sake of avoiding desegregation.

Comes now the Internal Revenue Service, which on August 22, 1978, proposed that all schools—I repeat, all schools formed or expanded at or about or after the implementation of desegregation plans in the respective communities will be presumed guilty of systematic racial discrimination and their tax-exempt status revoked retroactively.

Mr. Speaker, we have become inured to the routine contempt the IRS has chronically demonstrated for accepted civilized standards of fairness, something which has its roots in the regrettable presumption that in tax matters the citizen is guilty until proven innocent, an innocence that has to be proven at the expense of the taxpayer, no matter how groundless or frivolous the charges. The proposed regulation I have mentioned to you is a fresh example of this attitude. It proposes to make a blanket finding of racial discrimination and automatically harass all private schools, putting on its victims the onerous burden of proving their innocence. At the same time, it says that it will be practically impossible to

refute the charge unless there is an affirmative action program operating.

I have objections to all of this, which forms the substance of the proposed regulation. But what shows truly brazen boldness on the part of the Internal Revenue Service, what puts all their previous efforts at trickery in the shade, is the fact that they have the astonishing gall to say that this is an insignificant regulation, a mere procedural change which does not merit public hearing.

If you will consult section 556 of title 5 of the United States Code, you will find that Congress insisted that rulemaking be done in the open. Only strictly internal and procedural matters—such things as meeting times and personnel matters—should be exempt. The regulation I have referred to was published August 22, 1978, in the "notices" section of the Federal Register, sandwiched between a docket notice and a notice about a certain pension plan's exemption from a particular rule. Despite its substantive nature, the proposed regulation was not published in the proposed rules and regulation section, but was buried in the back. Moreover, in the proposal itself, the IRS makes the absurd assertion that the proposed regulation is not significant, and thus that it does not come within the scope of 5 U.S.C. 556.

The position of the IRS is silly. There is no merely procedural matter, but a substantive proposition that calls into question the tax liabilities, supposedly long past settled, of hundreds of thousands of citizens for many years past. It obviously has the gravest conceivable implications for the survival of private schools, and certainly gives the IRS wide scope for abuse and harassment. It is nonsense to claim that the regulation, whatever its merits, is not significant.

What is involved here is not actually a matter of racial discrimination, nor is it really a tax matter. Since the regulation explicitly includes church-related schools, and since there is nothing in the regulation that could not later be applied to churches themselves, what is involved is a very deep first amendment question. It is a patent evasion to label this regulation "procedural" and claim that it is of no significance.

In this transparent maneuver, Mr. Speaker, the Internal Revenue Service is in violation of at least the spirit, if not the letter, of the law and Executive orders governing the making of administrative rules and regulations. To stop this outrageous flouting of congressional intent, I have today introduced legislation which takes no issue with the substance of the proposed regulation, but prohibits the so-called procedure from coming into effect until the IRS has complied with all the requirements of Treasury regulations for public notice and hearing. It states, in short, that this is indeed a significant regulation and must be treated as such.

If, after an open hearing in accord with the law and elementary canons of ordinary fairness, the IRS goes ahead with this proposed regulation, there will be nothing in my bill to prevent it. But that open hearing is the least that IRS can do to avoid disgracing itself and giving further impetus to the tax revolt. ●

NO NEED FOR CABINET LEVEL
OFFICE OF EDUCATION

HON. PAUL N. McCLOSKEY, JR.
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 20, 1978

● Mr. McCLOSKEY. Mr. Speaker, I would hope the leadership will decide not to bring the proposed Department of Education bill to the floor in view of the time problems and heavy legislative schedule we face in the few days remaining prior to recess.

Creation of a new cabinet office is a serious issue which deserves serious consideration and full debate. I do not oppose taking the Office of Education out of Health, Education, and Welfare. Clearly the problems of health and welfare are so overwhelming that the attention of the Secretary of HEW can seldom be drawn to the small and relatively obscure Office of Education. I offered an amendment in the Committee on Government Operations to consolidate the Office of Education at below the cabinet level if consolidation were the true goal. That amendment was overwhelmingly defeated, however, by the proponents of this bill, and this would indicate that the goal is not simply consolidation, but a greater voice in and for education at the Federal level.

I offered a second amendment to limit the cost of the new Department of Education to the sum total of the offices which are brought together in the consolidation so we would be assured if we were to create a new bureaucracy it would not exceed the size of the office consolidated. This amendment was also defeated, leading to the inexcusable conclusion that the proponents want to increase the size of the Federal education bureaucracy.

In reviewing the testimony in favor of a cabinet-level Office of Education, I found no evidence whatsoever to justify a cabinet-level Office of Education. The sole purpose of the bill appears to be to meet a campaign commitment the President made during his primary campaign to the Nation's teachers who obviously wanted a higher voice at the Federal level for education, and more Federal funds for education.

There were no substantive meritorious arguments that I could find other than taking education out from under the umbrella of HEW and constituting a separate Office of Education.

If, indeed, a new bureaucracy is to be created at this time in history that is bigger than the bureaucracy that now exists in the Office of HEW dealing with education, I would urge that Congress not consider it in an atmosphere of haste. I think the people of the United States have spoken clearly their desire that the size of the Federal establishment be cut back, rather than increased. It would be the height of folly to rush through an increase in size of the bureaucracy without full public debate and consideration.

With respect to education, there is no subject dearer to our hearts than excellence in education. A cabinet-level office, however, is a policymaking office. To

date, we have not had the Federal Government involved in education policy. There is no reason to have a cabinet adviser to the President unless he is advising on Federal policy in education. I do not think there was a single witness before the Committee on Government Operations who suggested that excellence in education has ever come about because of Federal policy direction. Excellence comes from a good teacher, a good principal, a good local school board. When excellence is achieved by one teacher or school, it creates a natural competition and desire to excel in other local schools. The Federal Government has never been able to direct or obtain excellence in primary and secondary education, and I know of no testimony or opinion that the Federal Government can do so.

We have in every State I know of a local school board, a county school board, and a State department of education. We have a Federal Office of Education to coordinate and assist the dispensation of Federal assistance and information out to State and local systems. But the search in this area, it seems to me, as we try to cut down the size of Government, is to find one level of Government to attack one governmental problem, not to add an additional level of Government to do so. To create a cabinet-level Office of Education presupposes that the Federal Government intends a policymaking position with the other three levels of Government which have traditionally handled education.

Where is the public sentiment for such a proposal? I submit there is none, save amongst those who might financially gain by higher Federal funding to local schools.

Whatever may be the criticism of this country, we have the finest educational system in the world. There is no reason to create a cabinet-level office at the Federal level unless one assumes some Federal policy direction is necessary in the educational field. The President, whose ability to make decisions in the national interest may already be made more difficult by the sheer number of cabinet officers at any given meeting, would not benefit by the addition of a cabinet officer whose only position is in an area where no Federal policymaking role exists.

For that reason, Mr. Speaker, I think this piece of legislation should not be considered on the floor under the current pressure to adjourn and in view of all of the other serious issues we face in the few remaining days of this already hectic session. ●

"121" AIR BRAKES

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. MARRIOTT. Mr. Speaker, several years ago I purchased an automobile battery which had a trade name of "Die-Hard," presumably because it would give long hours of service under arduous conditions. In my case, the battery served

very well, and I thought to myself that the promotion staff had selected a quite appropriate name. In that usage the term "Die-Hard" denoted something favorable.

Unfortunately, we have a Government agency which has earned the name "die-hard," but in a context that is unfavorable and should be somewhat embarrassing to an administration whose campaign theme was sensible Government.

I am referring to the National Highway Traffic Safety Administration (those good people who tried to impose seat belt interlock on us), and its debacle with the air brake standard known as FMVSS 121. This regulation requires that air-braked vehicles be equipped with antilock brake systems, the antilock performance to be achieved by using an electronic computer to apply the brakes without lockup. No one would argue that the objective is highly desirable; however, the antilock systems that were manufactured and installed on trucks and buses were behind the state of the art and have proved defective, unreliable, and sometimes dangerous. Numerous comments, including results of proving ground accidents, were submitted to NHTSA prior to implementation of the standard. NHTSA ignored the data presented to it. After several months of bad experience and widespread complaints, NHTSA held a public hearing in October 1975 at which much testimony was presented concerning the unreliability and hazards of the system. NHTSA's response was to retain the system but allow a greater stopping distance and eliminate the requirement for buses, but still mandated it for heavy trucks traveling on the same highways.

NHTSA then appointed a Truck and Bus Safety Subcommittee to study the alleged problems with "121." After a year of studies and investigation, the subcommittee recommended a moratorium on the antilock brake requirement. NHTSA ignored its own subcommittee recommendation.

The trucking industry through the American Trucking Association offered to set up a test fleet to be monitored by NHTSA so that the problems with antilock computerized brakes could be identified and corrected. NHTSA refused this very earnest offer.

Following a series of tractor-trailer accidents in which the "121" brakes were suspected, over 100 Congressmen petitioned Secretary of Transportation Brock Adams to suspend the antilock portion of the standard until the bugs could be worked out. NHTSA ignored their creator, the U.S. Congress.

NHTSA again held another "121" hearing in December 1977 following a U.S. Senate hearing on the matter at which much unfavorable testimony developed and was presented to NHTSA. At the NHTSA hearing, all the manufacturers of the electronic brake systems admitted that a failure of the electronic component could increase the brake application time from 2 to 5 seconds despite the fact that regulation 121 states "failure of the electric system shall not increase the brake application time." Again, presented with negative evidence from two hearings, NHTSA did nothing.

In a recent 9th Circuit Court case, *Paccar et. al. v. NHTSA*, the court unanimously found the following:

In view of substantial evidence received by NHTSA that the "in use" performance of vehicles equipped with antilock was not consistent with the performance required by the Standard, and in some circumstances may have been more hazardous than the performance of pre-Standard vehicles, the agency's failure to conduct more intensive testing of trucks and tractor-trailers certified under the Standard was not only unreasonable, but also a legal abuse of its discretion . . . the comprehensive data before us indicate that there is a strong probability that the performance of a substantial number of vehicles whose braking systems have been altered to include overpowered front axles and antilock devices has created a potentially more hazardous highway situation than existed before the standard became operative.

The court declared the antilock portion of the standard should be suspended. NHTSA's response was to request a stay so that they would have time to appeal the court's ruling to the Supreme Court. This will in effect continue the antilock requirements of FMVSS 121 for some time to come. NHTSA's stubborn refusal to admit that there are problems with FMVSS 121 and to follow the advice of industry, State police agencies, the Congress, the courts, and their own subcommittee, has certainly earned them the name of "die hard." As was stated by the editor of a leading trucking magazine: "It is an arrogance not to be believed, an arrogance the likes of which have not been seen in the Western World since kings stopped ruling by divine right."

I noticed the last minute publicity stunt by NHTSA today. Three years after the system was prematurely made mandatory, NHTSA Administrator Joan Claybrook wants to assure us that under controlled circumstances these computer brakes work, which they do. But the real issue is whether they work in ice, rain, snow, on construction sites, garbage dumps, dusty roads, bumpy roads, and a thousand other places impossible to duplicate on a runway at Andrews Air Force Base, which they do not. I do not know what she is up to, but she has told me personally she is out to protect the manufacturers, and this is apparently a manifestation of that.

I heartedly recommend the 2-year moratorium on enforcement of these brakes contained in H.R. 11733. This is the proper time and place for Congress to act. The 2-year moratorium on the enforcement of these brakes will prevent their unsafe use. I have fought to get these brakes off school buses. It is time that Congress put its foot down with this moratorium. Unless Congress acts, we will go on endangering lives, destroying property, and flaunting the law which NHTSA is bound to obey. ●

HEW EFFORTS IN OCCUPATIONAL SAFETY AND HEALTH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. ANDERSON of California. Mr. Speaker, last week the Washington Post

reported the results of a recent HEW study on the incidence of cancer in the United States attributable to exposure to cancer-causing agents in the workplace. As I pointed out at the time, this study concluded that at least 20 percent of all cancer in the United States—and perhaps more—may be work related.

In releasing the results of this study, HEW Secretary Joseph A. Califano, Jr., in a speech to the AFL-CIO National Conference on Occupational Safety and Health outlined the campaign his Department has undertaken to inform workers, doctors, and others about the grave risks of asbestos exposure.

A very large number of workers are affected: the total number exposed to asbestos just since the beginning of World War II is estimated at between 8 and 11 million. A great many of these workers are Federal employees in defense-related industries and particularly in our Nation's shipyards.

I have long been concerned for the health and safety of workers and the problems created by exposure to asbestos on the job. I applaud HEW Secretary Califano's campaign to alert American workers to the grave risks of asbestos exposure and to notify the medical profession of the nature of the risk and steps they might take to better diagnosis and treat patients exposed to asbestos. For the benefit of my colleagues I call to your attention the text of Secretary Califano's address to the AFL-CIO in which he stresses the need to change—from treatment to prevention—the way we think about health and safety, and the need to strengthen Government machinery in the field of occupational safety and health.

REMARKS OF SECRETARY JOSEPH A. CALIFANO, JR.

I am delighted to be here; to join the first meeting of labor's new Division of Occupational Safety and Health as you consider a subject of increasing importance in our national life: the health of American workers and the safety of the American workplace.

Before passage of the Occupational Safety and Health Act of 1970, the Federal government's involvement in this field was limited to Federal employees, a few specific industries like mining, and firms holding federal contracts.

Today, largely because of your devotion to the cause, more than 85 million workers are protected by the Occupational Safety and Health Act. Because of you, employers generally are admonished by law to furnish each employee—and here I quote the Act—"a place of employment . . . free from recognized hazards that are . . . likely to cause death or serious physical harm."

We have made some progress toward that goal—but we have a long way yet to go. And just as the struggle has been marked by intense disagreements and controversies in the past, so it will be in the future.

But if there are still those who doubt the importance or question the necessity of this program, let them consider a few facts:

Fourteen thousand people die each year from occupational accidents alone.

The risks of occupational injury and illness are constantly growing. In the chemical industry alone, production has skyrocketed from one billion pounds of synthetic organic chemicals in 1940 to more than 300 billion pounds last year: many of them new and untested substances. And an estimated 390,000 new cases of work-related disease occur each year: a number equal to the population of Mobile, Alabama.

The conventional judgment has been that the fraction of cancer incidence in the United States attributable to occupational exposure to cancer-causing agents is quite small, somewhere between 1 and 5 percent. However, a new study by scientists at the National Cancer Institute and the National Institute of Environmental Health Sciences is nearing completion; it will be delivered to OSHA later this week. This new study indicates for the first time that the percentage is many times higher. Indeed, the study concludes: "If the full consequences of occupational exposures in the present and the recent past are taken into account, estimates of at least 20 percent appear much more reasonable and may even be conservative." This means that at least 20 percent of all cancer in the United States—and perhaps more—may be work-related.

Today, against the backdrop of these alarming facts, I want to speak about three things:

First, our need to change fundamentally the way we think about health and safety. We need to change our focus from treatment to prevention. And we need to consider what we gain from prevention programs—not just their costs.

Second, I want to outline some of HEW's recent efforts in the field of occupational safety and health—efforts that signal a new, more vigorous approach than you may have seen in the past.

Third, I want to talk about our need to strengthen HEW's institutional machinery in the field of occupational safety and health. And I will make a major announcement about the future leadership of the National Institute for Occupational Safety and Health.

THE IMPORTANCE OF PREVENTION

Our great need in America today is not just for a vigorous program of occupational health and safety; we need a broad national strategy of prevention for all our citizens.

You and I know that the greatest life-saving breakthroughs of this century have been: breakthroughs in preventive, not curative, medicine: vaccines to eliminate diseases from smallpox to polio; pure water and pure food.

So successful have preventive public-health measures been that in this century, the pattern of crippling and killing diseases has shifted: At the turn of the century, the big killers and crippers were infectious diseases. Today, the big killers and crippers are related to environment and lifestyle; heart disease, cancer stroke, and accidents.

Yet our health policies and health budgets are focused almost obsessively on treatment, not prevention. The federal government will spend \$48 billion on health care this year; of that amount, fully 96 percent is aimed at treatment; only four percent—less than \$2 billion—is earmarked for programs to prevent disease or promote health.

You and I know that a strategy of prevention in the workplace can make not only medical but economic sense. Some 25 million workdays, after all, are lost each year because of occupational injuries and disease; the cost to employers of the workers' compensation system was nearly \$11 billion in 1976.

Yet most of the arguments against occupational health and safety measures, as you know, focus on costs. And these arguments seldom focus on the tremendous gain that these programs can provide.

It is, in my judgment, myopic to argue that programs to protect workers are inflationary—if we do not count in our calculations what those programs buy: safety, health and often greater productivity.

It is time to take the blinders off: To count what these programs promise in ultimate savings. Which, after all, creates the greater burden: The cost of a program to protect workers from occupational hazards? Or the

staggering costs of treating workers for the consequences of these hazards? Our economists must join with our scientists and find a new way to calculate inflation related to occupational health and safety.

Finally, there is the matter of simple justice. We do not want an economy that buys goods at the expense of workers' health; an economy that asks workers to earn their livelihoods by endangering their lives. The workers of America are willing and able and eager to sweat on the job; we should not ask them to bleed.

So you and I have a job to do: a job of convincing the American public that programs of prevention and health promotion are not just an expense, but an investment; that they are worthwhile, desirable, economically feasible, and urgently needed—especially in the workplace. For it is in the workplace where many of the dangers are greatest.

And violence in the workplace is one way of detecting hazards that may otherwise spread from factory or laboratory to the world outside. We have learned, often by tragic experience, that kepone, undetected in the workplace today, flows insidiously into our rivers and streams tomorrow. The occupational exposure to asbestos today is tomorrow's exposure of our families at home and our children in school. Today's chemical dumping ground may be tomorrow's subdivision or school playground. By protecting workers today, we are likely to make the greatest gains in our efforts to protect the rest of society.

So I would argue first that we should take a broad view of occupational health and safety programs: These are not programs which benefit workers alone—they are for all of us. So they belong at the center of a broad new national preventive-health strategy.

ACTION AT HEW

What, then, are we at HEW doing to underscore these convictions with action? Over the past twenty months we have made major efforts in several areas.

The most important of these, as you know, is in the field of asbestos exposure.

Nearly two thousand years ago, Pliny the Elder and other ancient scholars recorded the first signs that asbestos might be harmful: a sickness of the lungs appeared in slaves who weaved asbestos into cloth.

Now scientific studies have demonstrated that asbestos creates an especially high risk of lung cancer and other serious lung diseases for workers heavily exposed to the substance.

But until last April, no systematic effort had ever been undertaken to notify physicians, former asbestos workers and others at risk of the hazards associated with asbestos exposure. Such notification is of special importance because the most serious diseases associated with asbestos take a long time to develop—from 15 to 35 years or more—and because recent studies have underscored that workers exposed in the past, especially during World War II, may just now be facing immediate, serious health threats.

We are dealing, as you know, with large numbers of workers: The total number exposed to asbestos just since the beginning of World War II is estimated at between 8 and 11 million.

And so last April 26, HEW launched a major campaign to inform doctors, workers, and others about the grave risks of asbestos exposure:

We sent a letter from the Surgeon General to every one of the nation's physicians, describing the nature of the risk, and outlining steps doctors could take in diagnosing and treating patients.

We put an Asbestos Education Task Force to work, developing aggressive public-education programs on asbestos.

We produced and distributed public service announcements to radio and television

stations across the nation. 182 television stations and 550 radio stations have committed themselves to airing these spots nearly 60,000 times. If you watch "Good Morning, America" or "Starsky and Hutch" you may already have seen these announcements.

We distributed 2.5 million brochures answering questions about asbestos.

And on October 3 a warning flyer will be mailed to 30 million Social Security beneficiaries with their checks. By next January, 40 million people will have received notices.

Much of the success thus far of the asbestos public awareness campaign is a result of the cooperation and dedication of this country's trade unions. Last June 14, I discussed our efforts and outlined our plans to many of you who have been so helpful in this activity: George Taylor, Shelly Samuels, George Robinson, and many others too numerous to name. Today I want to thank them—and you—for your heroic efforts.

I cannot emphasize too strongly the importance of this effort. We are learning that the consequences of asbestos exposure are, if anything, even more serious than we originally suspected:

An estimated 5 million American men and women—workers in asbestos plants, insulation workers, construction workers, steamfitters, carpenters, tile setters, auto mechanics, and the like—breathe significant amounts of asbestos fibers. Each day.

On the basis of what we know today, it is estimated that 17 percent of all cancer deaths in the United States each year will be associated with previous exposure to asbestos.

And the problem of protecting workers is not yet solved. A new study from Utah reveals that a group of construction workers exposed to asbestos dust developed breathing obstructions not within years—but within a few months of their exposure. And these workers were probably not as heavily exposed as other workers in the past.

Another problem to which we are directing increased attention is radiation. Last May, the President directed that I undertake, with the Secretaries of Defense and Energy and the Administrator of Veterans Affairs, an effort to measure and deal with the effects of radiation exposure on participants in nuclear tests and workers in nuclear projects. We have since expanded our effort to include not just nuclear, but all ionizing radiation.

The purpose of our program will be: To inform people who might have been affected by radiation, as well as the general public, of the probable risks;

To ensure that persons adversely affected receive the benefits to which they may be or should be entitled; and finally,

To take steps to minimize harmful exposures in the future.

This effort will necessarily be wide-ranging. Possible radiation sources include not only nuclear power plants, uranium mills, and gaseous diffusion plants but welding sites, medical settings and the transportation industry.

Our efforts will not be easy. The hazards of radiation exposure are still not precisely known. We must be careful—and we intend to take care—that our concern for safety be balanced with our concern for providing economically productive jobs, economic growth, and abundant energy and a strong national defense.

Let me mention one other area which is receiving increasing attention in HEW: occupational programs to deal with alcoholism and alcohol abuse.

Of the nation's more than 90 million employed workers, it is estimated that as many as 7 million have drinking problems. For this reason, occupational programs are among the most promising ways to identify, motivate and refer problem drinkers to treatment, especially early in their illness, before their work and job security are seriously affected.

Such programs are of particular value be-

cause they concentrate on job performance rather than on alcoholism or interference in private lives. They are available to all employees from the assembly line to the board room.

Along with George Meany and James Roche of GM, who recently launched a joint labor-management alcohol program, we at HEW are strong believers in these efforts.

In the last fiscal year, the National Institute on Alcohol Abuse and Alcoholism provided more than a million dollars to the labor movement for occupational alcoholism programs.

I have called on Dr. Gerald L. Klerman, Administrator of HEW's Alcohol, Drug Abuse and Mental Health Administration, to review all our activities related to alcoholism—and to develop a series of recommendations in this critically important area. His effort is now underway. And I think it is safe to predict that occupational alcoholism programs will be a key part of our preventive-health efforts in the future.

BUILDING INSTITUTIONAL CAPACITY

But our efforts at HEW to promote occupational health and safety can be no stronger, in the end, than our institutional machinery for dealing with these problems.

So I want to end by discussing very briefly the principal institutions at HEW that are working in this field.

The National Cancer Institute supports a wide range of work-related projects—from a study of cancer rates in workers exposed to benzidine to research on possible cancer-causing compounds in the metals industry. Many of the projects are epidemiological studies of cancer occurrence and death rates for specific jobs or in certain industries.

The National Institute of Environmental Health Sciences, though its mandate is a general one, is also deeply involved in the occupational field. Several current NIEHS studies, for example, deal with compounds such as PCB, PBB, vinyl chloride, and asbestos that are industrially used, as well as the chemicals such as Kepone to which workers have been accidentally exposed.

Other NIEHS projects concern tests that could be used to screen workers, to screen new chemicals before workers are ever exposed to them, and to monitor work places for dangerous and possible cancer-causing chemicals. Similarly, work on toxicology testing systems may be used to detect exposures to heavy metals and other dangerous chemicals and to determine their effects.

But the HEW agency most directly concerned with occupational hazards is, as you know, NIOSH—the National Institute for Occupational Safety and Health. NIOSH was created by the same 1970 law that created OSHA in the Labor Department; it is the leading agency in the Federal government responsible for scientific research in the field of occupational safety and health. The Institute also has authority under the 1970 Act, for technical assistance and manpower development.

NIOSH has undertaken, in its relatively brief history, some large responsibilities:

Since 1970, the NIOSH budget has increased from \$10 million to \$65 million; its staff has increased from 240 to over 900. Last year NIOSH was given additional responsibility under the Federal Mine Safety and Health Amendments Act for research on the occupational health problems of the approximately 500,000 miners in the United States.

Its research projects include approximately 90 field studies of worker exposure to toxic substances, physical agents and safety hazards; approximately 70 studies conducted in NIOSH laboratories cover chemical and physical hazards to workers in the printing and painting trades; the plywood, pulp and paper industry; the steel industry; the effects of job stress on policemen and shift workers, and the reproductive effects of

working with pesticides, anesthetic gases, and lead.

NIOSH also conducts work place investigations. The results of these investigations, including recommendations for work practices, personal protective equipment, and engineering controls are reported back to workers, management, and the OSHA.

NIOSH publishes intelligence bulletins on toxic substances. The NIOSH Clearinghouse for Occupational Safety and Health Information responds to nearly 200 requests a year for technical information, primarily on the health effects of chemical exposures. The Institute also publishes about 120 technical reports each year which are widely distributed in the occupational safety and health community.

Finally, NIOSH provides research documents to OSHA which may be used in OSHA's enforcement and standard-setting.

But despite its commendable past efforts, NIOSH has, as you know, been hampered in the past by several problems: among them, official indifference, even hostility, to the main purpose of the program; fragmentation and dispersion of its facilities—and, by no means least, lack of a Director.

Today, I am happy to announce a major step forward for NIOSH: The selection of a new institute director. He is the able Executive Director of the Colorado Department of Health, Dr. Anthony Robbins.

Dr. Robbins is well-known as a physician, scholar, teacher and public health administrator. He is a worthy choice, we believe, for the job of helping build this nation's occupational health efforts on a secure base of scientific knowledge.

Dr. Robbins' appointment paves the way for reaching several goals we have set for NIOSH:

We want to improve the scientific basis for government actions and decisions in occupational health;

We want to draw occupational health efforts into the mainstream of public health practice;

And we want to strengthen the service role of NIOSH as well as its research role.

We are, in short, committed—at HEW and throughout this Administration—to a general strategy of prevention and health promotion. We intend to back that commitment with effective action on occupational health and safety.

We are acutely aware that even the most well-conceived Federal programs of occupational safety and health cannot succeed without strong support. There can never be enough official inspectors to visit and adequately monitor every single work site and enforce every single regulation.

But, with your help and that of labor across the nation, there is much that we can accomplish. Every American worker can, in effect, serve as inspector consultant, and monitor of safety in the work place. Organized labor can preach the gospel of prevention and protection. And we can advance the idea that safety in the work place is an investment, not just an expense.

With efforts like these, I have no doubt that we will write, in our crusade for a safe, healthier working environment, a record of vigilance—and victory.

Thank you. ●

TRIBUTE TO A NEW PRESIDENT:
MRS. EDWARD PLAUT BRINGS ENERGY TO NATIONAL EASTER SEALS AND HOPE TO ALL

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. SARASIN. Mr. Speaker, in the past several years, we have made great strides

in providing responsive programs to meet the needs of the handicapped in our community. We have come a long way. But we have far to go, and I am proud to announce to you today that we are going to see even greater progress in the future.

The basis of this deep hope resides in the recent election of Mrs. Edward Plaut of New Canaan, Conn. as the new president-designate of the National Easter Seal Society. An alumna of Mt. Holyoke College, when she assumes her responsibilities in November she will be not only the first national society president from Connecticut, but she will be the first woman to serve in that position.

With years of experience behind her and endless visions before her, Mrs. Plaut brings to the national organization the same strong sense of purpose, dedication and service that guided her administration on the board of directors and as president of both the Stamford Easter Seal Rehabilitation Center and the Connecticut State Easter Seal Society. Combined with her keen sensitivity to the needs of the disabled, she will provide the energizing force behind progressive and innovative programs for the handicapped. Her contribution toward making the dream of Hemlocks Outdoor Education Center a reality is an exemplary demonstration of how imagination can really work toward providing effective and exciting programs. Here words are put into action to create an environment where the handicapped can "reach out and learn * * * feel free * * * and discover joy."

Mr. Speaker, there are an estimated 25-30 million Americans considered handicapped. One out of 10 persons are afflicted by limited mobility due to temporary or permanent physical disability. The National Easter Seal Society, as the largest and oldest health care organization in the Nation to attend the needs of the handicapped, has been instrumental in establishing a broad network of concerned organizations that accommodate this important segment of our society in creative and productive ways. Founded in 1921 as the National Society for Crippled Children, it has grown to become a full federation of 2,000 affiliates united under a common cause. Its efforts have far surpassed the immediate contribution of program structures and rehabilitative services for the handicapped. Through its information systems, by increasing public awareness and creating a total environment, both physical and attitudinal, where every individual is free to pursue his potential in the fullest of human dignity, this organization and its people have provided an invaluable hope to the disabled, sharing with them and the world the knowledge that they, too, have something precious to offer as productive and useful members of society.

The commitment of the National Easter Seal Society is the commitment which must underlie every effort of Congress, be it in removing environmental barriers or providing education, if we are to successfully achieve our goals. Perhaps it is best expressed in the bylaws of the national society, which states:

* * * the greatest need of disabled persons is to be part of their community life to the fullest extent of their physical and mental capabilities. This implies their acceptance

by their community as individuals with rights and responsibilities.

I find great hope and encouragement in the work of the many individuals who channel their compassion into positive action through service to the handicapped community. Mrs. Plaut indeed exemplifies the many volunteers who overcome the limitations of self-interest to give of themselves freely for another. They are certainly the hope of tomorrow's world.

So it is with great pleasure that I congratulate Mrs. Plaut on her most recent achievement. I applaud her past accomplishments, but most of all I thank her for the vision she has dared to share with the entire community. I commend her many contributions to my colleagues, and urge their continual support of initiatives that would facilitate the very worthwhile efforts of this organization and others toward providing the handicapped with the opportunities they deserve. ●

RAILROAD ELECTRIFICATION AND ENERGY CONSERVATION

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. SHUSTER. Mr. Speaker, I am pleased to call to the attention of my colleagues the article "Railroad Electrification and Energy Conservation" by Comdr. William D. Middleton in Traffic Quarterly. It is an excellent presentation of the situation. It is to be hoped that as our Nation moves closer to the definition and adoption of rational energy and transportation policies we may provide the framework needed by labor, industry, and finance leaders to move ahead in such promising areas as rail electrification.

RAILROAD ELECTRIFICATION AND ENERGY CONSERVATION

(By William D. Middleton)

Commander Middleton has paralled a long career in engineering and the U.S. Navy Civil Engineer Corps with a second career as a historian and journalist, primarily in rail transportation. He is currently assigned as public works officer and officer in charge of construction at the Marine Corps Air Station, Iwakuni, Japan. He has been a contributing editor to "Railway Age," and is a regional editor for "International Railway Journal." His eight books include "When the Steam Railroads Electrified," an illustrated history of railroad electrification in America. He received his B.C.E. degree from Rensselaer Polytechnic Institute, Troy, New York, and is a registered professional engineer in Wisconsin.

The Federal Government's announced energy strategy is to promote use of energy sources other than oil and gas wherever possible. Central to such a strategy must be a significant change in use and sources of transportation energy, for while transportation consumes almost 25 percent of total energy in the United States, transportation energy—derived almost exclusively from oil—accounts for more than half of total U.S. oil consumption.

Today U.S. railroads are operated almost exclusively with diesel-electric motive power, and the industrialized nations of Europe and Asia have long since taken the lead in the technology and application of railroad elec-

trification. But there is evidence that a new era of railroad electrification may be starting in the United States. It holds promise of significant savings in use of oil as a transportation fuel and in minimizing the impact of future increases in oil fuel prices on total costs of transportation—particularly in freight movement.

HISTORY OF U.S. RAILROAD ELECTRIFICATION

In the late 19th century American inventors and engineers led the world in development of the electrical industry, and for nearly four decades the United States led the world in railroad electrification. In 1895 the world's first mainline railroad electrification was on the Baltimore and Ohio Railroad. The first major steam railroad to switch to electrification was the New York Central at New York City in 1906. And the first major mainline electrification with alternating current was on the New Haven Railroad line to New York City in 1907. By 1931 the total of nearly 5,000 electrified track-miles represented 20 percent of the world total.

But the last major U.S. electrification, on the eastern lines of the Pennsylvania Railroad, was completed in 1938. Since then, much of the original U.S. electrification has been abandoned. Today only 1 percent of the route-miles of U.S. railroads are electrified. In 18 other nations, each with more than 1,000 route-miles of electrification, an average of 28 percent of the rail mileage is electrified (see Table I).

Reasons for Decline in Electrification

What were the reasons for the decline in American railroad electrification? The greatest barrier of all was simply the enormous capital cost involved. The necessary power distribution systems cost anywhere from \$50,000 a mile to several times that amount. In addition to distribution systems, the direct current or low-frequency alternating current systems that were needed for railroad use required costly special conversion equipment and transmission lines separate from regular power company supply lines. And aside from all of the fixed facilities, the railroads had to acquire entirely new motive power fleets.

Despite the cost, U.S. electrification proceeded at a brisk pace throughout the 1920s, when railroad traffic levels were high and earnings were good. But the economic depression of the 1930s dried up the capital needed for electrification projects. Even the then-powerful Pennsylvania Railroad was able to complete its eastern electrification project only with the help of federal Reconstruction Finance Corporation and Public Works Administration loans.

By the time the depression was over and railroad traffic had increased again, World War II intervened. After the war there were simply too many more pressing demands—to catch up with wartime-deferred maintenance and to replace equipment—to allow electrification financing.

By this time too, dieselization offered an attractive alternative. The diesel's oil fuel was cheap and abundant, and diesel-electric locomotives, a self-contained form of electrification, afforded many of the operating efficiencies of electrification without its huge capital investment.

Potential for Operating Economies

But even if U.S. electrification has languished in the face of these unfavorable circumstances, it continues to offer an opportunity for significant railroad operating efficiencies and economies. Some of the principal ones were enumerated by the late John W. Barringer, a well-known railroad executive and long-time electrification advocate.¹

¹ Summarized from foreword by John W. Barringer to William D. Middleton, "When the Steam Railroads Electrified" (Milwaukee, Wisconsin: Kalmach Publishing Co., 1974).

1. By continuous access through the power distribution system to all of the electric power that traction motors can use in the higher speed ranges, an electric locomotive can perform up to three times as much work in high-speed heavy haulage as a diesel-electric locomotive of the same horsepower rating.

2. Because of diversity in power demand, electrification requires an installed central station generating capacity equal to less than 25 percent of total electric locomotive horsepower, while each diesel-electric requires a generating capacity sufficient to meet the full power requirements of its traction motors.

3. Because electric locomotives lack high-wear components, such as the reciprocating engines of diesel-electrics, their useful life promises to exceed that of diesels by factors of two or three.

4. Lubricant and maintenance costs for electric power are only a fourth to a third as much as those for diesel-electric power, and the reduced maintenance requirements of electric increase their availability by at least 10 percent as compared to diesel-electrics.

EFFECT OF ADVANCES IN TECHNOLOGY

These advantages of electric motive power can be attained, of course, only through the substantial fixed-plant investment required for electrification, and that investment will prove feasible only under conditions of extremely high traffic density. But over the past 30 years, substantial advancement in electrification technology has served to reduce significantly the potential cost of electrification.

The development of rectifier motive power in the late 1940s has permitted electrification at commercial alternating current frequencies directly from the power grids of the utility companies, eliminating the need for both power conversion equipment and special transmission lines. The development of higher voltage electrification systems, at 25 to 50 kilovolts (kV), has reduced distribution system conductor and substation requirements. This, together with the development of modern lightweight overhead catenary systems, has substantially reduced the cost of power distribution systems. For example, in Great Britain, which has been a world leader in the development of modern overhead catenary systems, improvements in catenary design have reduced the fixed installation costs of electrification per track-mile by close to 30 percent.

Growth of Railroad Electrification Overseas

These developments have contributed in large measure to an extraordinary growth in railroad electrification elsewhere in the world over the past 25 years. More than 90,000 route-miles—over 10 percent of the world total—are now operated with electric power, and nearly 3,000 additional miles are being added every year. Even oil-rich Iran has undertaken a major electrification project.

The Soviet Union, which leads the world with about 25,000 electrified route-miles, has installed more than 20,000 miles of that total since 1955 and will add another 2,800 miles in its current (1976 through 1980) 5-year plan. With the busiest 29 percent of its total rail network now electrified, the U.S.S.R. hauls more than half of its rail freight traffic with electric power.

Progress in cost reduction

Even more recently, the development of thyristor controls and solid-state rectifiers have afforded major advances in the operational efficiency of electric motive power as compared to diesel-electric power. The use of virtually maintenance-free solid-state components has further lowered the potential maintenance costs of electric locomotives. A recent estimate by engineers of a major producer of diesel-electric locomotives projected

electric locomotive maintenance costs at only 60 to 65 percent of those for diesel-electric locomotives of comparable tractive effort—and even lower relative costs for electric locomotives when compared to diesels on the basis of horsepower capabilities.²

Simultaneous with these improvements in electric locomotive efficiency, the mass-production techniques of diesel-electric locomotive builders have developed many rugged, efficient, low-cost components that are equally applicable to the building of electric locomotives.

FACTORS IMPROVING FEASIBILITY OF ELECTRIFICATION

While an improving technology has been reducing the potential cost of electrification, changing traffic conditions on American railroads have substantially broadened the circumstances under which electrification becomes desirable and feasible.

A growing market for piggyback, container, and other fast-freight services has created a demand for high-horsepower, high-speed motive power that electrification is uniquely well equipped to provide.

At the same time, long-term traffic growth has significantly increased the railroad mileage for which electrification is potentially feasible. In the decade from 1963 to 1973, U.S. rail freight traffic increased by almost 37 percent to a record level of 852 billion ton-miles. And some forecasts predict a total U.S. rail freight demand of as much as 1,600 billion ton-miles—double the record 1973 level—by 1990.

A 1970 railroad electrification study³ estimated that about 22,000 track-miles of the U.S. rail system carried a traffic density sufficient to warrant electrification. Even this figure may well prove to be conservative.

These considerations have been evident for some years. But today they are converging with the problems and opportunities presented by the critical long-term crisis of energy supply and cost in a way that makes U.S. railroad electrification a more immediate prospect than it has been for many years.

Impact of oil price increases

Heretofore, the primary advantages of electrification have been the greater operating speed and efficiency and the enhanced traffic-carrying capacity that it afforded rail lines, rather than a significantly lower energy cost. But this situation is now beginning to change.

For railroads the most immediate effect of the 1973-1974 oil embargo and the subsequent price increases by the oil-exporting nations was a drastic increase in the cost of diesel fuel—nearly 150 percent in only 2 years—after several decades of relative price stability. Given the continuing nature of the problem of oil supply versus demand, the long-term prospects for diesel fuel costs are hardly encouraging. One major railroad, for example, has projected that the diesel fuel that cost it less than 11 cents a gallon in 1973 and now costs 34 cents a gallon will rise to a level of between \$1.35 and \$1.65 a gallon by the year 2000.

While no energy source will be immune to significant price escalation in the years ahead, electric power, because it is not tied to any particular fuel source, promises at least relative price stability in comparison with petroleum fuels. According to a 1974 U.S. Navy projection for long-range economic analysis of energy conservation proj-

² M. Ephraim, Jr. and H. E. Quinn, Electro-Motive Division, General Motors Corporation, "Electrification and New Electric Locomotive Designs" (Paper presented at the Winter Annual Meeting, The American Society of Mechanical Engineers, New York, New York, December 5, 1976).

³ Edison Electric Institute, "Railroad Electrification," 3 vol. (New York: Edison Electric Institute, 1970).

ects, for example, electric power costs are expected to increase at an average rate of about 3 percent annually, compared to an annual rate of 9 percent for oil fuels.⁴ Consequently, electrification has begun to gain a significant fuel cost advantage over diesel traction, and the margin is likely to increase steadily.

Impact of national energy policy

The federal energy policy, calling for both a reduction in oil imports and a long-term shift away from dependence on oil fuels, can be expected to add further impetus to railroad electrification. For within the limitations of presently available technology, such electrification offers the only opportunity to convert a significant share of transportation energy requirements from oil to coal, nuclear, or hydro energy sources.

The magnitude of this potential conversion is suggested by the 1970 railroad electrification study, which estimated that the U.S. railroad electrification that appeared economically feasible constituted a potential electrical energy market for 20 to 25 billion kilowatt-hours annually. This is an energy usage equivalent to about 85 to 105 million barrels of oil each year.

Potentials for energy savings in freight movements

The prospects for railroad electrification could also be enhanced by another aspect of the evolving administration energy policy. Most estimates place the energy efficiency of rail freight transportation at three to four times that of highway carriers. Thus the needs of the national energy policy, as well as the increasing cost of motor fuel, can be expected to redirect a substantial share of freight traffic from highways to the railroads.

A 1977 study by a market research firm forecasts just such a massive shift back to rail transportation.⁵ The study projects that, by 1995, the railroad share of intercity-freight traffic passenger travel will increase from 38 to 52 percent, while intercity-rail will grow from its current minuscule level of 0.1 percent of the total to 3 percent. A shift to rail haulage of this magnitude would clearly further widen the circumstances under which electrification becomes feasible.

OBSTACLES FACING ELECTRIFICATION

Whereas the desirability for extensive electrification of U.S. railroads may be clear enough, there remain some serious obstacles to its achievement. Although there is general agreement that oil costs will rise more rapidly than those for electric power in the future, there remain grave uncertainties concerning future trends in electric power costs. The increasing opposition to nuclear power plant construction, and uncertain requirements—and costs—for environmental controls on new coal-burning plants, will have still unknown effects on the cost of electric energy production. At the same time there is a growing movement in some areas to force greater energy conservation by eliminating the discount power rates, based on lower costs of service, that the electric power industry has traditionally offered to bulk users, in favor of penalty rates for large power users. Understandably, these energy cost uncertainties make long-range economic analysis of any railroad electrification project a difficult business. * * *

⁴ Navy Facilities Engineering Command, Department of the Navy, "Energy Conservation Project Development Guidance" (enclosure 7 to NAVFAC Instruction 4100.6 of 29 March 1974, "Shore Facilities Conservation Survey Program"), Washington, D.C.

⁵ Frost and Sullivan, "Transportation Markets in the USA to 1995," Report No. 473 (New York: Frost and Sullivan, July 1977).

Capital Investment Requirements

But perhaps the greatest obstacle to widespread U.S. electrification remains simply that of the enormous capital investment that would be required to accomplish it. It has been estimated that it would cost as much as \$8 to \$10 billion to electrify about 20,000 of the highest density U.S. railroad lines. Long suffering from chronically poor earnings (the industry's overall rate of return in 1976, for example, was less than 1.5 percent) most railroads would find it exceedingly difficult at best to raise this kind of capital from traditional private financing sources.

Discussing the financing question at a 1977 railroad electrification conference, one investment banker suggested that, for a limited number of the healthiest railroads, private financing of electrification projects was possible and outlined four different forms that it could take: (1) the sale of mortgage bonds by the railroads, (2) offerings of new common stock equity by the railroads, (3) leasing of electrification systems, and (4) project financing under which the electrification system would be jointly owned or financed by the railroad, the utility companies supplying power, and/or institutional investors and leased to the railroad and possibly, in part, to the utilities as well.⁷

OUTLOOK FOR GOVERNMENT ASSISTANCE ON ELECTRIFICATION

But financing of a national program of electrification is clearly beyond the means of the railroad industry. If it is to be done, it will require government assistance. And despite a long history of governmental non-involvement in railroad financing, changing government attitudes and evolving national transportation policy are today creating conditions more favorable to a solution to the electrification financing question—based on some such form of government help—than at any time in half a century. For in recent years the provision of governmental financial support to underwrite railroad improvements or services deemed to be in the public interest has become increasingly common.

Over a period of nearly two decades governmental support, or even ownership, of needed but money-losing rail commuter services has become all but universal. In 1970 federal legislation created the National Railroad Passenger Corporation (Amtrak) to preserve and improve—with government financial aid—intercity rail passenger services.⁸ The Regional Rail Reorganization Act of 1973⁹ authorized creation of the new Consolidated Rail Corporation (ConRail) from bankrupt eastern carriers and provided a basis for government financial aid.

This does not necessarily mean that government help for railroad electrification is likely to come about only after some sort of quasi-nationalization of railroads on the model of Amtrak or ConRail, with all their related potential ills of subsidies and political involvement.

The best form for this government assistance, according to investment bankers who have studied the problem, would appear to be federal guarantees of loans or leases made for the purpose of railroad electrification. Federal guarantees would provide an inducement to investors, since the obligations would be backed by the full faith and credit of the federal government, while at the same time encouraging railroads to electrify, since a federal guarantee program would ensure funds at a substantially lower cost than other long-term funds, improving the relative attractiveness of an electrification investment.

⁷ Richard Fishbein, "Electrification: Who Will Pay—and How?" *Railway Age* 178 (July 11, 1977).

⁸ Rail Passenger Service Act of 1970, Public Law 91-520.

⁹ Public Law 93-236, January 2, 1974.

Still another advantage of a guarantee program would be that—since the obligations would still have to be repaid—railroads would be discouraged from investing in projects with a poor rate of return. And from the government's point of view, the program would have the advantage of not requiring the direct advancement funds.

Provisions of 1976 4-R Act

A prototype for such a program could well be found in the 1976 Railroad Revitalization and Regulatory Reform Act (4-R Act),¹⁰ which, in addition to further financial aid for ConRail and an improvement project for Amtrak's Washington-Boston Northeast Corridor, provided for the general upgrade of property and equipment on other railroads through a combination of both loan guarantees and a device called redeemable preference shares, which are issued by the railroads and purchased from a special fund by the U.S. Department of Transportation (USDOT). Although the general aid from this 1976 4-R Act is limited to only \$1.8 billion, the legislation clearly provides a format for a greater level of support—short of nationalization—to railroad electrification in the future.

Indeed, the 1976 act has already provided for a modest start to some new electrification activity. The \$1.75 billion Northeast Corridor's existing 11-kV, 25-Hertz (Hz) system includes both the conversion of the corridor's existing 11-kV, 25-Hertz (Hz) system for the ConRail/Amtrak line between Washington, D.C., and New Haven, Connecticut, to a modern 25-kV, 60-Hz system, and its extension over the 157 miles of line between New Haven and Boston, Massachusetts.

Under other 4-R Act provisions the Federal Railroad Administration is preparing a report on the benefits of electrifying high-density rail lines in the United States, and ConRail is studying the feasibility of electrifying 300 miles of line westward from Harrisburg to Pittsburgh, Pennsylvania, as well as a portion of the former Reading line between Philadelphia, Pennsylvania, and the New York area, that would provide an electrified alternate route to the heavily traveled Northeast Corridor. The act provides \$200 million in federal loan guarantees to ConRail for electrification if it can be shown to be economically feasible. * * *

Candidate Systems for Early Electrification

Who are the likely candidates for early electrification projects? Apart from the Northeast Corridor project, and ConRail projects, at least a half dozen U.S. and Canadian railroads have looked seriously at projects in recent years.

One northwest railroad has studied 1,200 miles of electrification for coal-hauling lines in Wyoming and Nebraska. Another has looked at 2,250 miles of electrification in Nebraska, Utah, and Idaho and has installed test sections of overhead catenary. A third railroad considered a Chicago-New Orleans electrification project, and another is studying a 500-mile Cincinnati to Atlanta project. Studies have been completed for a 760-mile line from Colton, California, to El Paso, Texas. A Canadian railroad that has a new, heavy export coal traffic in Western Canada has conducted studies for 850 miles of electrification in the Canadian Rockies.

It is still far from certain that these, or other, electrification projects will take place, but the prospects that they will are better than ever before. If and when it occurs, American railroads may well be on the threshold of a new era of enhanced efficiency and productivity through electrification that will have important benefits to the American economy and the national energy policy. * * *

¹⁰ Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210.

CONGRESSMAN BILL LEHMAN'S ADDRESS TO 65TH INTERPARLIAMENTARY CONFERENCE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. HAMILTON. Mr. Speaker, on September 5, at the 65th Interparliamentary Conference in Bonn, Germany, Congressman BILL LEHMAN, serving in my capacity as acting chairman of the House delegation to the IPU, made the U.S. delegation's introductory statement which presented not only his own position but also the views of many of our colleagues. I was very pleased to have these statements so fairly and adequately expressed before the representatives from 76 different nations. I would like to take this opportunity to place the text of Representative LEHMAN's speech on record.

SPEECH OF REPRESENTATIVE WILLIAM LEHMAN
Mr. President, and Fellow Parliamentarians,

Before going into my statement, I want to call to the attention of the delegates the fact that the United States has offered several amendments to the draft resolution on disarmament which we believe will improve the proposals adopted in Lisbon. These amendments have been printed and are identified as Disarmament Amendment Number 7. The amendments are self-explanatory and I urge that they be given careful study by all delegates.

Although the aim of the United Nations is "to save succeeding generations from the scourge of war," the world's stock of weapons continues to grow and its destructive potential continues to increase.

Excessive military budgets take available resources from programs designed to improve the quality of life. Funding and manpower devoted to military programs are unavailable for improving such basic necessities as health, housing, nutrition, and education.

I deeply hope that this assembly will take the strongest possible stand against the accelerating arms race, and that my colleagues here will return to their countries to work for arms reduction.

In recent years, the United States and the Soviet Union, recognizing a special responsibility, have engaged in the Strategic Arms Limitation Talks (SALT) as a major effort to control the numbers and types of nuclear weapons.

The United States Congress has rightly taken intense interest in SALT. Both Houses of Congress have designated congressional advisors to the SALT negotiations, and constitutionally the Senate will have to approve any treaties concluded with the Soviet Union.

United States public opinion will be an important factor in final ratification of a SALT II agreement. And while it has been the policy of the United States to avoid linking SALT with other matters, the American public will clearly take into account other factors in our bilateral relationship such as human rights violations which might delay or prevent such an agreement.

The IPU Vienna resolution called on signatory nations to "promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms." Only if agreements already concluded are honored can we expect others to follow which will make us more secure, both against war and destruction and against the subtle erosion of every person's right to a decent life.

The response of the world community to a slow progress in nuclear arms control ought not to be the proliferation of nuclear weapons. In this regard, Congress has taken strong action through such measures as the recently enacted Nuclear Non-Proliferation Act. The U.S. is engaged in negotiations toward a comprehensive test ban, strongly endorsed by the recent United Nations Special Session on Disarmament. A treaty could emerge which will impose constraints on the capability of nuclear powers to make qualitative improvements in their nuclear weapons system.

Because of their potential for ending life on earth, nuclear weapons must be the first focus of our efforts, but we cannot ignore the proliferation of conventional weapons. The United States has moved in recognition of the importance of our arms traffic control. A provision of the Arms Control Export Act now gives Congress authority to disapprove sales proposals. Reducing the international arms traffic requires the cooperation of all nations. Tensions between nations and within regions must be reduced so that weapons needed for legitimate defense will not be so many or so powerful.

There is one region of the world which exemplifies much of what I have said, and that is the Middle East. Nowhere is tension between nations so great and the situation so volatile as in the Middle East. For countries of the Middle East the strains resulting from spiraling defense expenditures and the economic and social deprivation caused, should give real impetus to movement toward arms control through negotiation of political and military conflicts.

The discussions now under way at Camp David renew hope for peace. A year ago, when I attended the IPU meeting in Sophia, the middle east question was debated and a resolution was passed by this body which reflected a negative atmosphere in world opinion toward the possibility of a peaceful resolution of the Middle East conflict. Since Sophia, President Anwar Sadat of Egypt made the dramatic and courageous announcement that he was willing to go to Jerusalem. In an equally dramatic and courageous act, Israeli Prime Minister Menachem Begin invited the Egyptian President to Israel.

In the present meeting at Camp David, our President hopes to move forward the progress of a just peace. Because of the sensitivity of the Camp David talks, I propose that the IPU refrain from introducing any resolutions which might serve to undercut the ongoing peace efforts. Though the Middle East question should be fully debated, I hope that any resolution that results from our deliberations builds on positive peace efforts. In this spirit of optimism, the United States will offer such a resolution. I hope all of my fellow parliamentarians will be able to support this affirmative resolution.

Peace and arms control are international goals worthy of the cooperation of all nations. As parliamentarians, we carry the responsibility for policy decisions instrumental to achieving these goals. In recognizing that the race for security through weapons will only reduce security for us all, let us commit ourselves to resolving those conflicts that promise an end to the arms race. ●

FOREIGN INTELLIGENCE SURVEILLANCE ACT

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. MURPHY of Illinois. Mr. Speaker, on September 7 the House approved a bill

that requires search warrants for most national security wiretaps. The bill (H.R. 7308), which passed by a vote of 246 to 128, would require U.S. intelligence agencies to get court clearance before wiretapping or bugging persons suspected of spying in the United States for foreign governments.

The Foreign Intelligence Surveillance Act, as it is formally known, will protect U.S. citizens from unwarranted invasions of their privacy without hampering the ability of our intelligence agencies to safeguard the national security. In addition, it will protect FBI and CIA agents from being sued for conducting surveillance that might later be judged illegal. The upshot of this is that intelligence gathering will actually improve, as agents will now be able to carry out monitoring activities without fear of legal repercussions.

Mr. Speaker, I would like to draw my colleagues' attention to an article by columnist Bob Wiedrich on the foreign surveillance bill, which appeared in the Chicago Tribune on September 14.

INTELLIGENCE AGENTS TO GET 'BILL OF RIGHTS'
(By Bob Wiedrich)

The Nation's intelligence agents will soon have protection against being jailed later for acts once considered on the square.

Assuming the House and Senate will get their act together, President Carter will be asked to sign a bill providing court-ordered safeguards for both intelligence gatherers and American citizens.

Then the agents charged with monitoring the affairs of foreign spies and their lackeys in the United States no longer will have to fear getting indicted a decade down the road for activities they thought had been presidentially authorized.

With little fanfare, considering the subject matter, the House passed the Foreign Intelligence Electronic Surveillance Act Sept. 7 by a vote of 246 to 128.

Because of differences with a similar Senate bill approved last April by a 95 to 1 vote, the legislation now goes to a joint congressional conference committee.

And assuming the minor differences can be ironed out, President Carter should have the bill on his desk by the end of the month.

Thus, if Carter signs the legislation, intelligence operatives wiretapping and bugging foreign espionage agents and their American consorts will do so with the legal protection of court-ordered warrants.

That will assure the agents that they are acting under the full color of American law. And it will protect American citizens from having their right to privacy violated for political purposes under the guise of national security.

That should satisfy all objections to electronic surveillance techniques of the past, and CIA and FBI agents responsible for combating foreign spies can get on with their business.

"Because of the controversy surrounding previous abuses, valuable intelligence has been going uncollected," Rep. Morgan Murphy Jr. [D., Ill.] said. "Agents have been reluctant to expose themselves to the threat of later criminal prosecution."

"Further, common carriers like the Bell Telephone System and the American Telegraph & Telephone Co. have been refusing to cooperate with agents seeking to use their facilities for electronic surveillance, because of the same fear."

"With this legislation, the United States will have for the first time in its history statutory standards covering foreign intelligence-gathering and surveillance within the domestic borders of the country."

Murphy, chairman of a House Intelligence

Subcommittee that drew up the bill managed the legislation on the House floor. He received congratulatory phone calls from the White House, Atty. Gen. Griffin Bell, and CIA Director Stansfield Turner, all of whom supported the bill.

But the greatest accolade I heard came from an American intelligence man, who declared: "All of us have been sitting around worrying what vehicle would be used to nail this generation of intelligence agents since the last batch was crucified for serving their country."

"Electronic surveillance tools are vital because they provide pure, first-hand intelligence information no other source can give you."

"The stuff is straight from the horse's mouth, uncolored by a third party. It has not been subjected to outside interpretation as often is the case with an informant."

"We need it for the nation's defense. It is fundamental. We have to play by the rules. The other side doesn't. And foreign spies have been raping this country of its secrets because we couldn't move for fear of going to jail."

During the subcommittee hearings, Atty. Gen. Bell pointed out that 60 past and present intelligence agents face possible disciplinary action or civil suits for illegal wiretaps.

Former Acting FBI Director L. Patrick Gray and two other former high-ranking bureau officials are under indictment for similar acts.

None of these events would have occurred, Bell told the subcommittee, had the new legislation been in force.

Under the bill, the government will be required to obtain a federal-court-ordered search warrant before conducting a surveillance that would directly or indirectly involve an American citizen.

The standard of proof in such proceedings will be similar to that required in obtaining a warrant in a criminal case.

However, in cases involving foreign nationals—espionage agents of foreign countries—a warrant also will be required, but the standards of probable cause will be less strict.

No warrants will be required for intelligence agents to monitor communications exclusively between foreign powers and their embassies in the United States.

In all cases, the warrants also will protect U.S. agents from being later charged with illegal entry while installing their electronic monitoring devices.

The House bill had the support of the White House, the American Bar Association, and the American Civil Liberties Union, plus the intelligence agencies themselves.

It was long overdue. And hopefully, President Carter will soon sign the legislation once Congress reconciles the differences between the House and Senate versions. ●

ENDANGERED SPECIES ACT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1978

● Mr. QUIE. Mr. Speaker, I wanted to share with my colleagues a paper written by Ed Grady, manager, Information Division, Minnesota Farm Bureau Federation. His paper follows:

NEEDED: A MORE FLEXIBLE ENDANGERED SPECIES ACT

(By Ed Grady)

The Endangered Species Act of 1973 is currently linked in the public mind with the recent blocking by a U.S. Supreme Court ruling (following the strict construction of the law) of the completion of a \$116 million

federal dam in Tennessee. If construction on the 80-percent completed structure were to proceed, the court said, the Act would be violated by destroying the natural habitat of the endangered snail darter, a 3-inch fish, an estimated 15,000 in number, which is one of some 130 species of perch.

SAVING EFFORTS LAUNCHED IN 1960'S

Efforts to save endangered species began in the 1960s; the U.S. Fish and Wildlife Service in 1964 published a series of "red books" in which threatened wildlife was listed. The first congressional action came two years later with passage of endangered species conservation legislation. Under this act, an official list of endangered plants and animals was compiled—although there was no federal authority to prohibit hunting the species. However, funds were appropriated to begin acquiring habitats and the nucleus of a staff was formed—two people.

The endangered species conservation act was amended in 1969 to list endangered species from foreign countries and forbid their import. The budget jumped to \$1.8 million and the staff expanded to 16 individuals. When the current act was adopted five years ago, \$10 million a year was budgeted. However, the figure this year is \$25 million.

RARE FORMS PROTECTED INITIALLY

Initially the law was intended to guarantee protection to rare forms of species, such as the bald eagle, America's symbol, and the rapidly disappearing whooping crane; both were threatened with extinction. Since that time, though, Congress has been closing loopholes in the basic law, legislating vast and sweeping powers to protect all plant and animal species in danger of extinction. That now includes "without limitation any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, and other invertebrates." And to be certain that there would be no mistaking its intent, Congress has included "any part, product, egg, offspring thereof, or the dead body or parts thereof." That takes in the "seeds, roots, and parts of plants" as well.

AN ALL-ENCOMPASSING LIST

Somewhere in that all encompassing litany of some 631 endangered species and more than 1,800 endangered plants, the snail darter was waiting. So were louse warts, pahrump killifish, the gla top-minnow, the Houston toad and—for all we know—red-breasted cockatoos.

Not only can a person, or a federal agency, run afoul of the Endangered Species Act by actually killing or destroying an endangered species. All that need be done to receive a year in prison or a fine of up to \$20,000 is to be convicted of "taking" such animal or plant. By definition, the law says "take" is "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct."

EXTREME RIGIDITY ILLUSTRATED

To further illustrate the extreme rigidity of the Act, the habitat of an endangered species is also protected. Federal agencies are forbidden to carry out or fund programs that would jeopardize the natural home of, for example, the snail darter. In determining whether an area is a critical habitat, the Act stipulates that consideration is to be given only the needs of the species; not even the adverse impact that federal intervention might have on the human population, or the economy, is to be given any weight.

BASIC LAW IN NEED OF REWRITE

Against this background, the pressing need for rewriting the basic law should be readily apparent. The concept that preservation of endangered species has priority over all other considerations, and that irreconcilable conflicts be resolved on the side of the endangered species, is unreasonable and impracticable; the Act as it is now written does

not allow any discretion or any balancing of the need for protecting the "species" against the needs in society.

Farm Bureau favors amending the inflexible Act. To us, uncompromising protection should give way to balanced protection. Allan Grant, president of the near 3 million member family American Farm Bureau Federation, said recently: "Congress should inject . . . some sanity to avoid conflict between endangered species and human needs such as energy and food production." In support also of introducing common sense into the Endangered Species Act is Roland C. Fischer of the Colorado River Conservation District. He says: "Municipalities, farmers and consumers of food and energy . . . should be able to get at least some of the consideration being given weeds and trash fish."

SERIES OF AMENDMENTS PROPOSED

Among a series of amendments we believe will provide for a more workable, realistic national policy for protecting rare plant and animal species are these:

First. Allowing exemption from law if an unbreakable impasse occurs in arbitrating conflicts between federal public works projects and endangered species.

Second. Permitting a project to continue if a 5-person majority of a 7-member cabinet level committee determines its benefits "clearly outweigh" the value of the endangered species.

Third. Modifying the existing definition of "taking of an endangered species" to require that the action must be intentional and must threaten the continued existence of the species.

Fourth. Exempting normal forestry, farming and ranching practices from being declared a "taking of an endangered species." ●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 21, 1978, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 22

9:30 a.m.

Armed Services

To consider S. 1264, to establish policies, methods, and criteria for the acquisition of property and services by executive agencies.

212 Russell Building

Human Resources

Labor Subcommittee

To resume hearings on S. 3060, proposed National Workers' Compensation Standards Act.

4232 Dirksen Building

- 10:00 a.m.
Finance
To continue markup of H.R. 13511, to reduce income taxes.
2221 Dirksen Building
- Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 2862, proposed Regulatory Control Act.
2228 Dirksen Building
- SEPTEMBER 25
- 9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings to examine the Federal Government's role in food safety and quality, with emphasis on the nitrite situation.
324 Russell Building
- 10:00 a.m.
Special on Aging
To hold a business meeting to discuss committee activities through February 1979.
154 Russell Building
- 1:30 p.m.
Conferees
On H.R. 7577, extending through FY 1981 certain programs administered under the Economic Opportunity Act.
S-207, Capitol
- SEPTEMBER 26
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on problems of small business defense contractors.
5302 Dirksen Building
- Commerce, Science, and Transportation
To hold hearings on the nomination of Marvin S. Cohen, of Arizona, to be a Member of the Civil Aeronautics Board.
235 Russell Building
- Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings to receive testimony on nuclear reactor safety systems from NRC Chairman Hendrie.
4200 Dirksen Building
- Finance
Public Assistance Subcommittee
To hold hearings on H.R. 10848 and H.R. 12972, to modify the disability aspects of the Supplemental Security Income program.
2221 Dirksen Building
- Judiciary
Administrative Practice and Procedure Subcommittee
To resume hearings on the FBI Charter concerning overall policy.
2228 Dirksen Building
- Conferees
On H.R. 15, authorizing funds through FY 1983 for elementary and secondary education programs.
H-328, Capitol
- 2:00 p.m.
Commerce, Science, and Transportation
To resume hearings on the objectives a national tourism policy should seek to achieve.
235 Russell Building
- 9:00 a.m.
Governmental Affairs
Civil Service and General Service Subcommittee
To hold hearings on S. 1390, to authorize certain National Guard employment to be credited for civil service retirement, and S. 1821, to provide paid leave for Federal employees participating in athletic activities as an official representative of the U.S.
3302 Dirksen Building
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on financing of future energy needs.
5302 Dirksen Building
- 1:30 p.m.
Conferees
On H.R. 15, authorizing funds through FY 1983 for elementary and secondary education programs.
S-207, Capitol
- SEPTEMBER 28
- 9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on national export policy.
235 Russell Building
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on financing of future energy needs.
5302 Dirksen Building
- Human Resources
To hold hearings on S. 2020, to clarify longshoremen's and harbor workers' compensation coverage to employees engaged in certain manufacture, repair, servicing, or sale of recreational boats.
4232 Dirksen Building
- Select Small Business
To resume hearings to explore problems concerning capital formation of small independent enterprises.
424 Russell Building
- 2:00 p.m.
Commerce, Science, and Transportation
To resume hearings on the objectives a national tourism policy should seek to achieve.
235 Russell Building
- SEPTEMBER 29
- 10:00 a.m.
Joint Economic
To hold hearings on the inadequacies of U.S. export policy.
S-207, Capitol
- OCTOBER 3
- 9:30 a.m.
Human Resources
Labor Subcommittee
To hold oversight hearings on the administration of the Occupational Safety and Health Administration Act (P.L. 91-596).
4232 Dirksen Building
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the Council on Wage and Price Stability.
5302 Dirksen Building
- 9:30 a.m.
Human Resources
Labor Subcommittee
To continue oversight hearings on the administration of the Occupational Safety and Health Administration Act (P.L. 91-596).
4232 Dirksen Building
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the Council on Wage and Price Stability.
5302 Dirksen Building
- OCTOBER 4
- 9:30 a.m.
Human Resources
Labor Subcommittee
To continue oversight hearings on the administration of the Occupational Safety and Health Administration Act (P.L. 91-596).
4232 Dirksen Building
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the Council on Wage and Price Stability.
5302 Dirksen Building
- OCTOBER 5
- 9:30 a.m.
Human Resources
Labor Subcommittee
To continue oversight hearings on the administration of the Occupational Safety and Health Administration Act (P.L. 91-596).
4232 Dirksen Building
- 10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold oversight hearings on international housing programs.
5302 Dirksen Building
- OCTOBER 6
- 10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue oversight hearings on international housing programs.
5302 Dirksen Building
- OCTOBER 10
- 9:00 a.m.
Armed Services
Manpower and Personnel Subcommittee
To hold hearings on alleged abuses in U.S. Marine Corps recruiting practices.
1114 Dirksen Building
- OCTOBER 11
- 9:00 a.m.
Armed Services
Manpower and Personnel Subcommittee
To continue hearings on alleged abuses in U.S. Marine Corps recruiting practices.
1114 Dirksen Building
- CANCELLATIONS
SEPTEMBER 21
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the use of export controls and export credits for foreign policy purposes.
5302 Dirksen Building
- SEPTEMBER 22
- 10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on the use of export controls and export credits for foreign policy purposes.
5302 Dirksen Building