under the Arms Export Control Act after the date of enactment of this Act may be used in the performance of any domestic surveillance or police or other law enforcement function or in any activity carried out for internal security purposes which involves the violation of internationally recognized human rights or the suppression of political expression.

(b) Whenever a sales agreement is entered into or an export license is issued under the Arms Export Control Act involving the sale to the Government of Iran of any defense articles which could be used for internal security purposes, the President shall submit a report to the Congress which describes—

(1) the defense articles to be sold or licensed, including the quantity and value of such articles;

(2) the intended recipient and the intended users of the defense articles; and

(3) the assurances provided by the Government of Iran that the defense articles will not be used for domestic surveillance or police or other law enforcement purposes, will not be used to violate internationally recognized human rights, and will not be used to suppress political expression.

(c) The President shall promptly report to the Congress any information obtained by the executive branch which indicates that the Government of Iran may have used defense articles sold or licensed under the Arms Export Control Act contrary to the assurances described in the report submitted pursuant to subsection (b) with respect to those articles.

—Page 19, immediately after line 22, insert the following new section:

TERMINATION OF DELIVERIES OF DEFENSE ARTICLES TO CHILE

SEC. 22. Section 406(a)(2) of the International Security Assistance and Arms Export Control Act of 1976 is amended by adding at the end thereof the following new sentence: "After the date of enactment of the International Security Assistance Act of 1978, no deliveries of defense articles or services may be made to Chile pursuant to any sale made before the date of enactment of this section.".

EXTENSIONS OF REMARKS

TRUE FEDERAL PAYROLL EXCEEDS 6 MILLION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. ASHBROOK. Mr. Speaker, the true number of employees on the Federal payroll is staggering. An estimated 6 to 7 million people are being paid with taxpayers' dollars.

Approximately 2.8 million persons are on the official civilian payroll. Another 3 to 4 million more are paid indirectly through government contracts, research grants and matching payments.

Taken together, this means between 6 and 7 million people depend on the U.S. Government for their paychecks. Note that these figures include only those who are being paid for services to the government. They do not include those receiving social security, pensions or welfare.

One area particularly striking is that of the Department of Health, Education, and Welfare. HEW has 144,256 regular employees. In addition, however, the department is paying salaries of another 980,217 people who work at such things as "private think tanks," universities and State and local government agencies. This brings the overall HEW total to more than a million.

As I have said again and again on the House floor, it is time to cut big government down to size. The taxpayers of our Nation should not have to carry such a heavy load. We need less Federal spending and fewer governmental bureaucrats.

Following is an article from the July 18 Washington Post which discusses the true U.S. payroll.

U.S. PAYROLL EXCEEDS 6 MILLION

(By Spencer Rich)

The federal government, which has 2.8 million persons on its official civilian payroll, actually pays the salaries of at least 3 million to 4 million more, according to data gathered by The Washington Post.

The additional workers' salaries are paid indirectly through government contracts, research grants and matching payments for the wages of local government officials.

The federal government has only the vaguest idea of exactly how many such workers there are but, taken together, the figures mean that 6 million or 7 million workers are directly dependent on Uncle Sam for their paychecks.

These figures do not include the approximately 50 million people being supported by federal welfare, Social Security, pensions or public service job programs. They include only those performing some service for which the government is footing the bill.

The extent of these outside programs was underlined recently when Health, Education and Welfare Secretary Joseph A. Califano, Jr., reported to the Senate Appropriations Committee that in addition to the 144,256 regular HEW employees the department is paying the salaries of 980,217 people who work for private "think tanks," universities, state and local government agencies and the like.

"Paid for out of federal funds?" asked an incredulous Sen. Thomas F. Eagleton (D-Mo.)

"That is the point," answered Califano.

Committee Chairman Warren G. Magnuson (D-Wash.), staring at Califano in astonishment, declared, "This is the best public service job program I have ever heard of."

Sen. Ernest F. Hollings (D-S.C.), adding the 144,256 direct HEW employees to the 980,217 figure cited by Califano, shot out, "My God, we are over 1 million."

Experts said later that these 980,217 HEW-funded "outside-the-walls" jobs average "somewhere between $10,000 to $20,000 each" in annual salary.

The Defense Department, which has 1 million civilians (and 2,049,000 military personnel) directly on its payroll, estimated that an added 2,050,000 people "outside the walls" receive salaries funded by DOD through research and service contracts and DOD procurement and construction activities.

Most other federal agencies didn't have similar precise figures worked out, but conceded that research contracts and grants help finance the salaries of hundreds of thousands of persons not directly employed by the departments.

A source at the Department of Housing and Urban Development took a "top of the head" guess that the figure for HUD would be at least 100,000. The Department of Energy said that 104,000 persons employed by outside contractors run government laboratories such as Argonne and Oak Ridge, and that "a whole bunch more" people are employed by contractors performing other services or research for DOE but that the exact number isn't known.

The Labor Department said it funds the salaries of 135,000 persons employed in administrative and related jobs by state and local government agencies—about three-quarters of them work in state employment services for which the United States pays 100 percent of costs.

These figures illustrate how the federal government, without appearing to be enlarging its labor force, is actually swelling the rolls of those dependent on it for jobs and is obtaining extra services without officially adding to its payrolls.

"They are shipping the money out through the state and local government and private research firms and having the work done there," a Senate Appropriations aide said.

A breakdown provided by Califano of the 980,217 figure illustrates how this is done.

His figures show that 87,777 persons in universities and 32,383 in nonprofit research institutions, plus 113,919 at private businesses had their entire salaries financed by HEW research grants, research contracts and service contracts.

The biggest share of these were medical researchers to whom the National Institutes of Health pumped out $1.4 billion in research contracts and grants in fiscal 1977.

But this group also included employees of "think tanks" like the Urban Institute and the Rand Corp., which received federal grants or contracts to perform social sciences research. These two organizations and dozens of others get the vast bulk of their income from HEW, HUD and other federal research contracts, and they employe thousands of persons.

This is also the case with the Medicare program, in which the federal government pays Blue Cross/Blue Shield and other nonfederal health groups to help run the program. HEW said that 26,537 persons in Blue Cross/Blue Shield and similar groups acting as Medicare "intermediaries" were paid with money from HEW.

A huge bloc of state and local government officials and private individuals under state and local contracts have their salaries funded by HEW through grants specifically designated to cover such salaries. For example, the United States helps the states pay for personnel to administer the local welfare and Medicare programs. Califano said HEW payments for this purpose cover the salaries of about 160,000 persons on state and local payrolls on a full-year basis.

Moreover, Califano reported, it gave states and local governments and other entities the money to pay the salaries of about 350,000 teachers and educational administrators and well over 100,000 social workers and other personnel in childcare, child welfare and related children's services.

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●

In all these cases, HEW doesn't pay the salary directly. It simply gives the money to various research organizations and to state and local agencies and they in turn pay salaries for the services HEW wants financed. Technically, these people aren't HEW employees, but in reality HEW is buying their services.

The swelling tide of federal money helps explain the apparent slow growth of federal employment and the skyrocketing growth of state and local government payrolls.

Federal civilian payrolls rose from 2.1 million in 1950 to only 2.8 million persons in 1978—a jump of about a third. But state- and local-government payrolls, fueled by federal money, tripled to over 12 million persons in the same period.●

A TRIBUTE TO GENERAL PULASKI

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. FARY. Mr. Speaker, the United States is properly called "A Nation of Nations." From its beginnings, people came to our shores from all parts of the globe. During the Revolution which we were engaged in at this time 201 years ago, men from many nations came to participate in our war. Among these countless individuals are a number of outstanding names. France gave us the Marquis de Lafayette and Admiral d'Estaing. Scotland gave us John Paul Jones, Ireland gave us John Barry, Poland gave us Thadeusz Kosciuszko and Count Casimir Pulaski.

Two hundred and one years ago Count Pulaski, age 30, debarked from a ship at Marblehead, Mass., to make his contribution to our revolution.

Before coming to our shores, Count Pulaski since he was 20 had already made a name for himself as a revolutionary in his Polish homeland. In 1769, in protest against the growing foreign domination of Poland, he joined his father and brothers in an uprising against King Stanislav II. When he failed to kidnap the king, he was declared an outlaw in his homeland and eventually went to France where he was penniless and unemployed.

In Paris his fame as a revolutionary soon secured for him an introduction to the American representatives—Benjamin Franklin and Silas Deane. He offered his services to the American insurgents.

Around that time he wrote:

I would rather live free, or die for liberty. I suffer more because I cannot avenge myself against the tyranny of those who seek to oppress humanity. This is why I want to go to America.

On May 29, 1777, Franklin wrote a letter from Paris to General Washington introducing Count Casimir Pulaski. On June 5, Deane advanced him the necessary funds for his voyage to America.

A month after he arrived in Massachusetts, he met with General Washington, who accepted Pulaski's services in the American Revolution. Washington wrote to the Continental Congress suggesting that Pulaski be given the command of all the cavalry.

The Continental Congress commissioned him with the rank of brigadier general. Later they made him chief of the cavalry.

In Washington's army he served in the battles of Brandywine and Germantown. In 1778 he formed the Independent Corps of Light Cavalry and Infantry—known in history as Pulaski's Legion—at the head of which he tried to exploit his experiences in guerrilla warfare.

After complaining personally to the Congress that he blushed to find himself "languishing in a state of inactivity," he was sent to protect American vessels operating against British shipping at Egg Harbor, N.J. There, on October 15, 1778, through information given by a deserter, the British surprised and cut up Pulaski's Legion.

After this defeat, he gradually became restless and disappointed at the way the Revolution was going. He even expressed the wish of returning to his native Poland. He complained again on November 26 to the Continental Congress that there was "nothing but bears to fight."

After 3 months he was ordered to support General Lincoln in South Carolina. He suffered another defeat in Charleston, S.C.

Later, in Georgia, he joined forces with General Lincoln. Assisted by the French fleet under Admiral d'Estaing, they prepared to attack Savannah. On August 19, before the battle, he wrote a long letter in which he detailed the disappointments that he had encountered in the American military service "which ill treatment makes me begin to abhor." He expressed the hope that he might still find the opportunity of proving his devotion to the American cause.

On October 9, 1779, at the siege of Savannah, General Pulaski bravely and impatiently charged the British lines at the head of his cavalry and fell with a mortal wound.

He was removed to the American ship *Wasp*, where surgeons were unable to remove the bullet. He died on board that ship, probably on October 11, on its way back to Charleston. He was only 31 years old.

General Pulaski is still remembered in the history of our Nation. Monuments exist in many cities to keep his memory alive. In my hometown of Chicago a plaque commemorating the memory of Casimir Pulaski is at the new John C. Kluczynski Federal Building, where I have a district office. In Washington here in the U.S. Capitol Building General Pulaski's statue stands in recognition of his services to the American Revolution.

Casimir Pulaski's service to the cause of the American Revolution was not unlike those of our other great leaders, including George Washington. History records that the 7 years of the Revolutionary War were years of disappointment, discouragement, and despair for these leaders. Money was scarce, desertion was high, and the defeats were discouraging. Yet, history also records the victory at Yorktown.

Washington and Lafayette lived to see the final victory, but unfortunately Pulaski joined the ranks of other heroes who lost their lives in battle. Pulaski was fortunate in his last days for his gallant charge served to ennoble him in the eyes of posterity despite his mistakes.

He won for himself the title of "Father of the American Cavalry." He also saved Washington's army twice from disruption. He was willing to make the necessary sacrifices for his ideals—both in his native Poland and here in the United States. He abandoned the wealth and comfort that one associates with the nobility of Europe to help win independence for Poland and for the United States.

And so, Mr. Speaker, I join with my fellow Polish-American colleagues in the House of Representatives as well as my fellow Americans of Polish heritage, in paying tribute to Count Casimir Pulaski, who won a place in the history of both Poland and the United States.●

CAPTIVE NATIONS WEEK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1978

● Mr. DERWINSKI. Mr. Speaker, last week, as the Members know, was Captive Nations Week, which was appropriately observed in the Congress as well as across the country. This commemoration also received attention throughout the free world as evidenced by the article in the July 16, China Post, published in Taipei, Taiwan, Republic of China. I insert this commentary at this point:

THE CAPTIVE NATIONS WEEK OBSERVANCE

Beginning today, Captive Nations Week will be observed by the people of the Republic of China. A series of colorful events is scheduled for the week from July 16 to July 22. Anti-Communist leaders from six continents and more than 30 youth leaders will take part in these events.

The observance of Captive Nations Week is in accordance with the Captive Nations Week Resolution passed by the U.S. Congress and signed into law by the late U.S. President Dwight Eisenhower in 1959. Since then, Captive Nations Week has been commemorated by the people of the free world to remind themselves of the plight of captive peoples behind the Iron Curtain.

As the resolution clearly stated that "the enslavement of a substantial part of the world's population by Communist imperialism makes a mockery of the idea of peaceful coexistence between nations and constitutes a detriment to the natural bonds between the United States and other peoples," and "since 1918 the imperialistic and aggressive policies of Russian Communism have resulted in the creation of vast empire which poses a direct threat to security of the United States and of all the free peoples of the world," it calls for keeping alive the desire for liberty and independence on the part of the people of these conquered nations.

There is indeed a sharp contrast between those days of calling for liberation for the people behind the Iron Curtain and the present period of abject appeasement adopted by the free world's leaders. The Eisenhower-Dulles policy of containment and resistance to Communism has been re-

placed by the Nixon-Ford-Carter policy of negotiation and compromise if not surrender. As a result, more nations have been put behind the iron curtain and countless millions of free people were enslaved and persecuted. Thus in addition to the list of countries subjugated by Communism in 1959, three Indochinese nations and several nations on the African continent have succumbed to Communist conquest increasing the total number of captive nations to 32.

The Communist rulers also resorted to unprecedented reign of terror in the occupied territories. On the Chinese mainland, the Peiping regime has slaughtered more than 85 million innocent people during its reign of terror. The campaign to liquidate its opposition goes on unabated as the inhuman authorities are conducting an incessant purge against the "gang of four" remnants. The recent murder of three human rights fighters by the pseudonym of Li I Chi proves that its wanton violation of human rights is even more cruel and despicable than the Soviet trial of Shcharansky and Ginzburg.

In the Indochinese peninsula, the number of people indiscriminatorily slaughtered by the captors runs into millions. In Cambodia alone, it was estimated that more than 2.5 million people have been killed. The number of people killed in South Vietnam after the Communist take-over remains inestimable. But it must also run into millions. It was reported that more than 73 million people have been killed or sent to the concentration camps behind the Iron Curtain.

In view of the recent stepped up activities of the Soviet and Chinese Communists, this year's observance of Captive Nations Week will have special significance. The outcries of the enslaved people behind the Iron Curtain countries are growing louder with every new move of appeasement by the short-sighted leaders of the free world who try to seek temporary detente with the inhuman Communists which will only lead to phoney peace and fleeting security. Their hope of pitting the Chinese Communists against the Soviets will end up in their own destruction.

It is high time for free people everywhere to rededicate their efforts in relieving the plights of the captive people behind the Iron Curtain countries and fortify their resolve not to snub "the captive people's aspiration for the recovery of their freedom." They should indeed act in accordance with the theme of Captive Nations Week observance to "promote human rights and liberate enslaved peoples."●

EXPLANATION OF VOTES MISSED JULY 21, 1978

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. EDGAR. Mr. Speaker, on Friday, July 21, 1978, I had business with the Select Committee on Assassinations that required my absence from Washington. Therefore, I was unable to vote during session that day. Had I been in Washington, I would have voted as follows on those votes missed:

Rollcall No. 581. For the House to resolve into the Committee of the Whole; "yes";

Rollcall No. 582. Amendment to H.R. 12433, Housing and Community Development Amendments to 1978, to prohibit use of funds for the reorganization of or transfer of any function of any area, field, or insuring office relating to multifamily housing or community planning or development; "no";

Rollcall No. 583. Amendment to H.R. 12433 to strike provisions requiring that FAIR insurance rates be no higher than those set by the principal State-licensed rating organization for essential property insurance on the private market; "no";

Rollcall No. 584. Amendment to H.R. 12433 to prohibit social security increases occurring after May 1978 from being considered as income for purposes of determining eligibility for, or amount of assistance available to, any recipient under public housing laws; "yes";

Rollcall No. 585. Final passage of H.R. 12433; "yes"; and

Rollcall No. 586. District of Columbia appropriations, fiscal year 1979, H.R. 13468; "yes."●

REPRESENTATIVE BENNETT'S REMARKS AT NCOA CONVENTION

HON. MENDEL J. DAVIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. DAVIS. Mr. Speaker, a few weeks ago our colleague, the Honorable CHARLES E. BENNETT, First District of Florida, was presented the Non Commissioned Officers Association of the U.S.A. (NCOA) "L. Mendel Rivers Award for Legislative Action." The presentation was made by the association's president James O. Duncan at the 17th Annual NCOA International Convention held in the Dunes Hotel and Country Club, Las Vegas, Nev.

In accepting the handsome plaque, Mr. BENNETT offered some thought-provoking words to his audience. I feel they should be brought to the attention of all of us involved in setting the priorities for this great Nation. As he suggests:

Our "Common Cause" in America today should be to see that our priority is the security of the United States.

"Why?" is explained in the text of his speech. It reads as follows:

REMARKS OF REPRESENTATIVE CHARLES E. BENNETT

Mr. President, members, distinguished guests, ladies and gentlemen, I am grateful that there is a fine organization like the noncommissioned officers association and its official effective leadership.

I am deeply grateful for the honor you give me on this occasion. I accept it humbly, in a Representative capacity in behalf of all in Congress who made possible the things that you are considering in this award.

Let us consider for a few minutes the reasons why your great organization is so important to our country and to freedom in the world today. The struggle to protect our Nation and to gain and preserve freedom for mankind is perhaps the most important thing that mankind pursues today. Your organization is an important force for these important objectives and I congratulate you on your objectives and your work in this direction. It is in the best traditions of America.

When French Huguenots seeking religious freedom came to Florida's St. Johns River in 1564 they not only began the permanent European settlement of what is now the United States, but they were the first to arrive here in a search for liberty. Our English roots date from the 1607 settlement at Jamestown, Virginia, and the American free enterprise system may be said to stem from that settlement, since it was a business venture and a successful one. Everyone knows of the spirit of freedom and independence which motivated the 1620 Plymouth colony up in Massachusetts.

Many of those who came to our shores were fugitives: Fugitives from a feudal system which denied them individual rights and democratic liberties.

They came to America looking for freedom—for the kind of life European tyrannies made impossible.

They were "free" spirits and they built a "free" land and a new concept of citizenship.

George Washington knew the nature and character of these frontier Americans and articulated the new design of national defense when he stated: "Every man who enjoys the blessings of a free government owes his service in defense of it."

In the days of the revolution there was a phrase "the common cause", often used, and it had a special meaning.

There were many reasons for discontent with the mother country England—many causes which were not the common cause. There were excessive taxes and taxes without representation; impressment of seamen into the naval service; and the legal inability to be tried by one's peers and neighbors.

There were many different points of view as to what was desired in the new world. There were abolitionists who opposed slavery and others who advocated it.

There were those who thought that only property owners or the wealthy should be allowed to vote. Some favored an autocratic type of government.

There were people who felt that the government should see to it that religion fluorished; others were aetheists.

There were a myriad of different points of view among our founding fathers but there was only one "common cause", and that cause, common to all, was a strong independent nation, a nation in which the people could set new goals in new times but always protecting individual liberties.

That was the common cause of 1776 and it should be our common cause in 1978.

Today there are many points of view as to what the Federal Government should do. Almost every problem that is nationwide is considered a prime target for national legislation and financial support despite restrictions of the Federal Constitution designed to keep governmental power at grassroots level.

Today there are different points of view about abortion, welfare programs, bussing, equal rights for women, revenue sharing, foreign aid, affirmative action programs and a host of other proposals already adopted or being considered for adoption.

But should not our "common cause" in America today be to see that our first priority is the security of the United States so that our freedoms and liberties can be protected and good new ideas have a chance to flourish? If, in fact, we spend so excessively of the national tax income for things other than national defense, isn't it possible that all of the other benefits which our society enjoys may be imperiled?

We should not spend one cent more than we need for national defense. We should not spend one cent less than we need for national defense.

For two centuries, Americans have died on the battlefield to keep our country strong

and free. Their sacrifice challenges us to ensure the survival of this great country they died for. We can best do this by maintaining a defense powerful enough to deter potential aggressors. Therefore, it is appropriate on this occasion to examine the progress of defense legislation in Congress so far this year.

We must make certain that our men and women in uniform have the necessary resources to protect and defend the cherished freedoms and liberties that we possess. To do otherwise would surely invite disaster, destruction and defeat of all the ideals that we hold so dear.

These resources include people-programs and benefits. They may not be the most glamorous aspects of our defense budget as compared to new weapons systems and hardware, but they are essential to the well being and morale of our military forces.

As such, we must not lose sight of their importance in our discussions and consideration of our national defense posture.

Our military personnel should not be treated like second class citizens, performing as they do the foremost duty of citizenship—the protection and defense of their fellow Americans' security. America's attitude toward the military man must be improved. In spite of all of the sacrifices that are made by those in the services, there is constant nitpicking about the commissaries, medical benefits, double-dipping, and the civil service practice of giving veterans a five-point advantage on examinations. A little gratitude would be a good substitute for such carping.

I am proud that the House Armed Services Committee has stood by our enlisted personnel. We have rejected a number of efforts that would have the effect of eroding earned benefits. In addition, the committee is taking action to maintain and improve many existing benefits.

The committee has strongly endorsed appropriation of funds for travel and transportation entitlements for dependents of junior enlisted personnel. In addition, we have initiated a series of hearings on the plight of junior enlisted personnel stationed overseas. Testimony of servicemen most directly affected has been obtained by calling in junior enlisted personnel who have recently returned from overseas and who are stationed in the Washington, D.C., area. The committee's deliberations are not intended to remove all the privileges of rank, but to reflect the desire to ease, in the most equitable manner possible, the financial strain experienced by those members who are least able to bear the burden of high overseas cost.

We clearly recognize the value of incentives. Enlistment and reenlistment bonuses, for example, have proven to be valuable elements of compensation for attracting and retaining qualified enlisted members in the most critical skills.

The house, as part of its deliberations on the Department of Defense authorization bill, has passed a two-year extension of the present authority for providing these bonuses. Without this action no new enlistment or reenlistment bonuses could be offered after September 30 of this year. This action, initiated by the committee, will result in the timely extension of these helpful bonuses.

A word about the president's commission of military compensation is in order. The commission has submitted its recommendations to President Carter who has asked the Department of Defense for comments on these recommendations. There is no consensus yet within the Department of Defense on the specifics of these recommendations. I do not know at the present time what the final recommendations of the administration will be in this area. It is understood, in fact, that the proposals will not be submitted to the Congress until much later this year or not even until next year.

At this point, neither I nor any other Member of Congress can forecast with any certainty what changes, if any, may eventually be made in the military compensation and retirement system. I can assure you, however, that before any change is made, full and deliberate consideration will be given to the effect of any change on the ability of the Armed Forces to attract and retain the personnel with the qualifications required and in the numbers necessary to provide adequately for the Nation's defense.

In addition, I can assure you that particular attention will be given by the Congress to those career members of the Armed Forces who have been serving with the understanding that they are building an equity in the retirement system as it is now constituted. In the case of individuals who have devoted a substantial number of years of service to the Nation in the Armed Forces, I believe I can assure you that special provisions would be included to protect that equity in the present system.

Another issue that is of concern to the committee and one in which the members have been very active is the fight to maintain the commissary subsidy. Action has been taken in the Senate recently to phase out the subsidy but this shortsighted effort has been defeated so far.

Of interest to you also is the fact that the House has passed legislation that would substantially improve the current survivor benefit plan, particularly for enlisted members. This bill, passed by a 391–0 vote in the House last September, has been referred to the Senate Armed Services Committee. We are still hopeful of final action on this bill this Congress and the support of associations such as yours is critically important in attaining this end result.

Another matter that I have watched with some concern is the number of first term enlistees in the Department of Defense who do not complete their enlistment. At present, almost 40 percent of enlistees fall in this category.

Attrition of this magnitude is very serious, and there are many causes. One major contributing cause has been the number of personnel discharged under the trainee and expeditious discharge programs. These programs are, of course, useful management tools to permit an accelerated release of individuals not suited to military service. On the other hand, it appears they are becoming a substitute for leadership. Clearly, a percentage of the marginal performers can become productive if given the proper direction, and the services have an obligation to do this.

It is an extremely unfortunate situation when up to 40 percent of the 400,000 individuals enlisted each year are released as unsatisfactory. Further, the effect on recruiting that results when these individuals return to their neighborhoods could be a problem with long-term consequences for the all volunteer force.

I think that the key to the solution in this area lies with the NCO. You have the most contact.

You have the most influence. You can turn this situation around; and turn it around we must. A declining male youth manpower base means that every effort must be made to stabilize our personnel pool.

I realize that the Department of Defense is seeking to deal with this problem by reducing the amount of unplanned attrition, particularly during the first enlistment; increasing the use of women in the military, and attempting to substitute civilian manpower for military manpower wherever possible. Nonetheless, in my view the bottom line remains that we must make certain that our military have the wherewithal to do their job.

As one who has been involved intimately through the years with our Navy shipbuilding program, I believe firmly that our people come first. There is no question that we must continue to modernize our fleet. Yet, even with the most modern fleet in the world our Navy cannot do its job without well-trained and well-qualified personnel. People are the first line of our national defense. But I would also like to discuss some other aspects of the recently House passed $38 billion military procurement bill in the context of the challenges of these times.

Today America is more at an important crossroads in defense matters than at any time in the last three decades. This is so because, assuming we are equal to our potential enemies in defense strengths today, this will not be so several years from now if the Soviet current increasing military strengths are not met by at least a 5 percent increase over inflation in our own efforts. This is not a large figure but a failure to meet it could encourage a Soviet initiated world war or a requirement by them that we make major concessions not in our national interest.

In January, President Carter unveiled his FY 79 defense budget. Although his budget does represent a modest increase in defense spending, the public has been given the erroneous impression that this budget is generous to defense objectives.

The defense request went up this year 9.4 percent (including projected inflation) while health expenditures went up 12.2 percent, education 10.7 percent, energy 23 percent, and international affairs 14 percent. You will note that all of these went up a larger percentage than defense did. The biggest dollar increase in the fiscal 79 budget was not for defense but for income security—a whopping $12.4 billion increase.

While in the past 15 years we have been cutting the defense percentage of expenditures in half, we have doubled the direct payments to individuals item. Direct payments to individuals now greatly exceed the defense outlay in dollars.

The Brookings Institute tells us that in the last 15 years the Soviets have pushed rapidly forward in defense: That they have, for example, increased their strategic nuclear power five fold; and expanded their ground forces from 140 divisions to 170. We have today our smallest navy since 1939.

This year the Presidential defense budget is passing up the B–1 bomber, passing up a nuclear or non-nuclear carrier and is cutting all forces by 20,000 men in uniform and 13,000 in civilian jobs. Naval reserves are recommended to be cut from 94,100 to 51,400.

If carried out, the 1979 national defense budget would be a calamity, grossly inadequate for our country's security requirements.

General Brown, the chairman of the joint chiefs of staff said to our committee earlier this year:

"In looking back over my previous (four annual) reports to you, I am struck by the fact that in nearly every area of military strength there has been a relative decline over the years in relation to the Soviet Union."

I am glad to report that the house, following the lead of its armed services committee, has two weeks ago approved important and greatly needed increases in defense spending over the President's budget.

The President had requested $35.5 billion for weapons procurement, research and development, and civil defense. However, the House by a vote of 319 to 67 approved a defense authorization bill providing $37.9 billion for these activities.

The President's inadequate shipbuilding budget ignored the recommendations of top level Navy officials and naval experts for an accelerated shipbuilding program. Admiral

James Holloway, Chief of Naval Operations, recently stated that the size of today's Navy does not realistically represent a two-ocean navy.

The increased defense spending comes mainly in the Navy's shipbuilding program. The additional funding will provide for a new nuclear aircraft carrier and a nuclear strike cruiser, neither of which were requested by the President.

The Navy has dropped from a high of more than 900 ships in 1970 to a low of 459 ships this year.

Last May, President Carter offered hope that this trend would be reversed when he presented a new five-year shipbuilding program that included 30 ships and $8.5 billion for FY 79. However, the President's actual budget for FY 79 requested only 15 new ships at a cost of $4.7 billion. In less than a year, 15 ships and $3.8 billion disappeared from the President's shipbuilding request.

In 1978 it will take a real fight in Congress to obtain the national defense that this country needs to prevent war; or to win if war should come. We cannot shirk that responsibility.

George Washington in the darkest hours of the Revolution once received a long listing of troubles from one of his subordinate generals and wrote back, "When is the time for brave men to exert themselves in the cause of liberty and their country if this is not it?" Thomas Paine once said, "Those who expect to reap the blessings of freedom must, like men, undergo the fatigue of supporting it."

I believe the American people are not fatigued with the defense of our country. They support the "common cause" to see that our defenses are adequate to protect the security of our country.

They and you give this "common cause" top priority. And in you lies our best hope for the achievement of our "common cause"—the protection of our country; and the securing for ourselves and generations yet to come, the blessings of democracy and individual liberty.●

THE SOVIET UNION IS REPROCESSING SPENT FUEL AND CONTROLLING NUCLEAR PROLIFERATION AT THE SAME TIME

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. ANDERSON of Illinois. Mr. Speaker, several weeks ago I wrote a letter to President Carter expressing my deep concern over the implications of his indefinite deferral of commercial reprocessing and the fact that other nations are moving ahead to develop this needed technology irrespective of U.S. policy. Other nations need not only the energy values in reactor spent fuel, but also view reprocessing as a better means to manage radioactive waste.

Our distinguished colleague from New York, JACK WYDLER, visited the Soviet Union in March to review that nation's nuclear energy programs. Mr. WYDLER's report on that trip has just been released by the Committee on Science and Technology, of which he is the ranking minority member. In that report, he clearly states the Soviet position on reprocessing and why they view a positive forward program as a greater deterrent to proliferation than withdrawal from the field, as President Carter has done. I am inserting that part of Mr. WYDLER's report dealing with reprocessing policy in Russia:

The Soviets are strong proponents of nonproliferation. However, their approach to this issue differs somewhat from ours. In some respects they are more restrictive than we are in others they are more liberal. For example, they require that all spent fuel of Soviet origin in foreign reactors be returned to the U.S.S.R. for storage and/or reprocessing. At present, we have no such requirement with respect to fuel elements of U.S. origin. On the other hand, the Soviets look favorably toward reprocessing as a means of increasing their nuclear fuel supplies and have no intention to halt work on plutonium cycle breeder reactors. Their approach to nonproliferation is to improve safeguards rather than to seriously consider alternative fuel cycles. The Soviets indicated that they are doing R&D on a fuel cycle similar to the diversion-proof CIVEX process. In spite of these views, they participate in the International Fuel Cycle Evaluation (INFCE).●

MEAT IMPORTS—PRESIDENTIAL DECISION SHOWS NEED FOR A SANE IMPORT POLICY

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. BAUCUS. Mr. Speaker and fellow colleagues, early in June the President announced his intention to increase meat imports by 200 million pounds, or roughly 15 percent, in 1978.

The ill-advised, short-sighted decision has had a terrible impact on cattle markets. As soon as the increase was announced, my office received reports that cattle buyers were cancelling major livestock orders in Montana.

Cattle prices fell $10 per hundredweight after the announcement was made. In Montana, the demand for feeder calves virtually disappeared.

But consumer beef prices increased 2½ percent during June. The President's decision was a blow to cattlemen that has yielded no relief to consumers.

The only thing cattlemen want from their Government is a fair deal. They have never asked for supports or subsidies.

They are not getting that fair deal. When prices climbed to a level this spring that would give cattlemen their first profit in 4 years, an administration spokesman announced that prices "have gone up too far, too fast."

The increase in imports that soon followed effectively destroyed cattlemen's confidence. At a time when this Nation needs expanded herds to satisfy its demand for beef, many cattlemen tell me that they are selling out. They fear that the administration will take additional steps to keep beef prices below costs of production.

They have good reason to be wary. Beef import quotas were suspended by the administration every year from 1970 through 1974. Only after the beef market crashed in 1974—largely because of President Nixon's decision to freeze prices—did administration interference stop.

The Senate has passed a bill to eliminate weaknesses in our current beef import policy. The Senate legislation, H.R. 5052, is similar to a bill I introduced—H.R. 12612.

The legislation establishes a countercyclical formula to stabilize beef prices. It extends import quotas to cover cooked, canned, and processed meats and sharply curtails the President's authority to arbitrarily expand imports.

My bill also includes language—not in the Senate version—to limit live cattle imports. Such imports can severely disrupt local markets in border States like Montana.

The countercyclical formula would adjust beef imports depending on the supply of domestic beef available. Thus, when domestic supplies were high and prices low, imports would be reduced. In periods when domestic supply was small, imports would increase.

The countercyclical formula provides for about the same average imports as current law. But the imports would be timed to provide minimal disruption of domestic markets and contribute to price stability.

If the proposed countercyclical formula had been in effect this year, import quotas would have increased somewhat. But cattlemen could have planned for the increase, and they would have been assured that in future years if prices had decreased, imports would have been curbed.

A countercyclical formula for beef imports provides benefits for both consumers and producers. The opposition comes from foreign countries that export beef.

In fact, a USDA official recently told one of my staff members that "foreign cattlemen have more influence in the administration than our own producers."

That situation is deplorable. I would urge this House to act now to cut back administration authority to meddle with the livelihoods of thousands of domestic cattlemen.

It is high time we establish a meat import policy that assures consumers a steady supply of beef at reasonable prices while providing cattlemen adequate incomes.●

PERSONAL EXPLANATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. FORSYTHE. Mr. Speaker, on June 28, 1978, I was unavoidably absent from the House for three votes. On these measures I would have voted as follows:

Rollcall No. 500, demand for a second on the motion to suspend the rules and pass H.R. 11886, veterans disability compensation: "aye."

Rollcall No. 504, demand for a second on the motion to suspend the rules and pass the bill to provide for accelerated Federal research on developing energy

cells to convert sunlight to electricity, H.R. 12874, solar power research: "aye."

Rollcall No. 512, amendment to waive the Davis-Bacon Act prevailing wage requirements for housing rehabilitation projects, H.R. 12433: "aye."

On June 29, 1978, I was unavoidably absent for a vote. I would have voted "aye" on rollcall No. 514, a motion that the House resolve itself into the Committee of the Whole for consideration of H.R. 12433, housing and community development.

On July 12, 1978, for unavoidable reasons, I was unable to vote on a measure before the House. I would have voted "aye" on rollcall No. 537, an amendment to allow local education agencies to qualify for special matching Federal grants.

On July 19, 1978, I was unavoidably absent from the House for one vote and would have voted "aye" on rollcall No. 572, a move to order the previous question on the motion to recommit the conference report on the Agricultural Credit Act to the Committee of Conference.●

A DISASTER—FOREIGN INTELLIGENCE SURVEILLANCE ACT

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. ERTEL. Mr. Speaker, revelations of past abuses by the intelligence community have incensed the public to the point of demanding greater safeguards against intrusions into their privacy. In addition, prosecutions of former FBI officials, accusations of questionable CIA activities and a general revulsion for tactics that violate civil rights have aroused an effort to fashion "standards" or "guidelines" to govern the behavior of intelligence agents. These upheavals in the intelligence community have converged with such a force that Congress has taken far-reaching steps to correct these defects.

Unfortunately, the steps reach too far. There is no doubt that attitudes have changed and in so changing label as abuse those actions formerly countenanced by the Government and the public. It is also apparent that the outcry against past tactics and the new expectations have cast a pall over the intelligence community, which now balks at assignments that may later subject agents to reprisals.

No doubt the absence of statutory regulations or guidelines has contributed to an uncertainty that might impair our foreign intelligence operations. However, the procedures established by this bill for securing warrants to authorize electronic surveillance for foreign intelligence-gathering purposes do little to respond to the concerns that have surfaced. Instead, they perpetuate the lack both of accountability for agency actions and of guarantees against abuse. Rather than establish standards subject to careful scrutiny, the legislation blurs the constitutional delineations between functions of the Government and leaves the public with no, not greater, recourse against abuse.

This legislation is riddled with so many defects that its passage would further damage, rather than improve, the conduct of foreign intelligence operations. The legislation is a compromise, the worst of all worlds—a compromise of our intelligence community, our civil liberties, our judicial system, and our form of government.

I. COMPROMISE OF THE INTELLIGENCE COMMUNITY

The creation of a special court to rule on warrant applications for electronic surveillance in foreign intelligence activities poses a serious threat to the integrity of those activities.

Security problems would only be exacerbated. The existence of one court in one location increases the vulnerability of its proceedings to infiltration by foreign agents. The infiltration of this court would jeopardize all of our electronic surveillance of foreign agents. We would have effectively put "all of our eggs in one basket." By this legislation, we have helped foreign agents to isolate the one spot where all the information on our electronic surveillance is concentrated. We have unwittingly helped them solve one of their problems—the location of the information. The only problem left for them is to infiltrate the court.

Furthermore, the circle of people with access to information on foreign intelligence operations through this court, or to that information actually gathered through the electronic surveillance, widens far beyond those who need to know, thus increasing the risk of leaks and comprising national security.

The combination of these problems give foreign intelligence agencies reason to concentrate on this one court in our judicial system in their counterintelligence activities. Despite the requirement, under title I, section 103(d), that the chief judges of the special courts consult with the Attorney General and the Director of Central Intelligence in setting up security measures, the judiciary's lack of experience in the area of protecting national security interests will invite attempts to break down its security entirely.

This bill further undermines foreign intelligence operations by requiring a criminal nexus to justify the surveillance of a U.S. person. An application for a warrant must certify that the target of the surveillance is either a foreign government or an agent of a foreign government. To target a U.S. person, there must be a determination that his intelligence activities on behalf of a foreign power "involve or may involve a violation of the criminal statutes of the United States."

As Robert H. Bork noted in his testimony before this subcommittee:

> If a United States person is knowingly engaging in clandestine activities on behalf of a foreign power, that person ought to be under surveillance whether or not there is reason to believe that a crime may be committed. It is important to know who is working undercover for foreign governments and to know what networks exists.

The assembly of a complete picture of an intelligence operation is much like completing a jigsaw puzzle. Small pieces are joined together to constitute an entire picture; however, this legislation prevents the completion of that picture. The mechanism of court-issued warrants necessitates either that the intelligence community hope that the court defers to its expertise in determining the value of the information sought and the application's adherence to the standards, or risk subjection to the whims of a judge who may consider himself to be a foreign affairs expert. How is the judge to know the picture in order to make the judgment when only the total accumulation of knowledge, with which the judge has no experience, can develop that overall picture? This defies the establishment of any uniformity with respect to what is acceptable and unacceptable in foreign intelligence surveillance. The possibility of differing constructions of the standards, rendered in secret, does little to promote consistency or protect against abuses.

Judges' philosophies vary radically, and our intelligence communities will have no way to determine what a judge will authorize. It may be argued that because of the appeals process, we will establish when a warrant has been refused incorrectly. After all, if a judge refuses the warrant, an appeal lies to the appeals court. However, the delay in instituting an appeal (and getting a decision) may cause the intelligence opportunity to pass.

II. COMPROMISE OF THE FEDERAL JUDICIARY

This legislation proposes to thrust the judiciary into a foreign policy role under the guise of exercising traditional warrant powers. The argument that the authority to issue warrants for foreign intelligence surveillance is no different from the authority to issue warrants in criminal investigations is specious for a number of reasons.

To require a court to approve or reject applications for warrants for foreign intelligence surveillance is to involve the judicial branch in a managerial function belonging to the executive branch. The bill deliberately assigns to the judiciary the actual administration of a law and serves to aggravate a growing movement toward "judicial imperialism," wherein the judiciary has become overinvolved in legislative and executive activities. As Prof. Robert Bork of the Yale Law School testified:

> No one should underestimate the strength of the tendency displayed by the judiciary in recent years to take over both legislative and executive functions.

By dragging the courts into the foreign intelligence arena, this bill blurs the constitutional boundaries between the judicial and the executive and legislative branches of Government. This poses a problem of no lesser proportions than the ones the bill purports to solve. The authority the court would exercise under H.R. 7308 is one envisioned by the proponents of the legislation, not by the Constitution, and certainly is not a prop-

er function of the court. If the court is to exercise the supervisory powers envisioned by this bill, the judge will have to become a foreign intelligence expert, a function which is hardly judicial in nature.

The article III judicial power extends to cases or "controversy to which the Unite States shall be a party." This legislation, broadening the judicial power to include warrants for foreign intelligence surveillance, is absent the required element of a case or controversy to give rise to Federal court jurisdiction; therefore, this can hardly be regarded as a legitimate judicial function. Generally, this particular warrant procedure will never be part of a case or controversy, whereas, in the criminal law, a warrant is issued based upon a criminal case. I would seriously doubt that this legislation would pass constitutional muster.

The determination to issue a warrant under this bill includes policy determination on questions of foreign affairs. For instance, under title I, section 105(a), the judge may "enter an ex parte order as requested *or as modified* (emphasis added) approving the electronic surveillance based on his judgment of the data submitted by the applicant. To modify the request most certainly would involve independent assessments by the judge of the need for and propriety of the surveillance. Foreign policy judgments would have to be made to establish any modifications. Judicial supremacy in this Nation does not mean that judges are so infallible that they should oversee our foreign affairs.

What qualifies a judge to make such independent assessments? How can this legislation presume to protect the national security in its foreign intelligence activities while granting to persons with no expertise or experience in such matters the power to evaluate our need for and to regulate the conduct of foreign intelligence surveillance. Not only does this place the integrity of such operations in serious jeopardy, but it also makes a mockery of judicial decisionmaking.

These are hardly the appropriate circumstances for judges to receive on-the-job training, but the alternative is no more attractive. The presiding judge may decide to plunge right into the thick of things, seizing upon this as an opportunity to become a foreign affairs expert. If he choses to develop such an expertise, he would have to be drawn deep into foreign intelligence operations; in the meantime, how are we to gage the damage done to our intelligence operations while the judge goes through such a learning process. In addition, this is a never-ending process; because the judges are rotated periodically, none ever really has the opportunity to develop the background needed to make such judgments of the issues involved.

Conversely, a judge may defer to the expertise of the intelligence community and the Attorney General. This situation is equally undesirable because it totally defeats the purpose of this special court as an agent for impartial review and provides no protection at all against abuse. The knowledge that a particular judge is predisposed to defer to the applicant presents all too great a temptation to misrepresentation or deceit, especially in borderline requests. This is especially true, because the factual situation will never be adjudicated. The warrant, once issued and utilized, is never expected to be subject to an adversary proceeding. Only the court and the applicant will know of the warrant's existence unless an oversight committee sees it, but it can reasonably be predicted that the committee will defer to the judge's decision.

This arrangement has glaring defects. First of all, there is no one to challenge the warrant prior to its issuance; second, there is no mechanism for contesting it once it has been exercised. Warrants issued in criminal investigations are not so flawed; it is fully anticipated that they will become known and will figure into ligitation. As an element of a criminal investigation, these warrants may be challenged.

Third, this procedure stamps the imprimatur of judicial sanction on the warrant, cloaking it in a presumption of legality. How, then, can an individual or a group ever contest the legality of its use? How could an accusation of abuse be seriously entertained? The ability to deal with such a possibility has been precluded. As noted, even the oversight committee will offer no challenge to the judge's determination. As a result, the oversight committees and the executive branch get the protection of a judicial order which has no real factual basis for a court's decision but which absolves them of any responsibility for the actions.

Through its involvement in the approval of the electronic surveillance, the court loses its character as a forum for resolving controversies. It has forfeited its role, its duty, to serve as an impartial body for rendering decisions in cases or controversy. This is certainly a corruption of the constitutional mandate for the judiciary.

Finally, the bill totally misconstrues the nature and scope of the traditional judicial warrant. Proponents of the bill have argued the logic of requiring warrants for foreign intelligence surveillance by noting that they are the traditional means utilized by the legal system for assuring citizens that the government adheres to "strict legal processes" when it must engage in "intrusive activities." As I have demonstrated throughout these remarks, the comparison between traditional warrant powers and those created by H.R. 7308 is specious, because of the nonjudicial role foisted upon the judges of the special court.

If this is such a "strict legal process," why is there no provision to inform the subject of the surveillance, after its completion, as there is under criminal warrants? This could be done without jeopardizing the intelligence operations or national security if confined to instances where no information results from the surveillance of a U.S. person. If this is so strict a process, why does the bill attempt to take the warrant process, utilized in securing information for criminal investigations and prosecutions, and extend it to cases of foreign intelligence, whether or not there is a violation of criminal law, no prosecution is intended or anticipated, and there will be litigation over the warrant's use?

Not only has this legislation presupposed the similarity of the warrants it requires and presently existing warrant procedures, but it also perceives no differences between the situations that give rise to both. In either instance, it is insisted, warrantless surveillance would constitute a violation of the fourth amendment and that only a warrant would legitimize the activity. To impose the formality of a meaningless warrant is to place form over substance; we are merely deluding ourselves.

The power to conduct warrantless electronic surveillance for foreign intelligence purposes has been asserted by every President since FDR. This same power has been upheld by three out of four appeals courts to rule on the question. In *United States* v. *Brown*, 484 F. 2d 418 (Fifth Circuit, 1973), the Fifth Circuit Court made a strong statement asserting the powers of the President in foreign intelligence matters. They declared:

> As (the Keith case) teaches, in the area of domestic security, the President may not authorize electronic surveillance without some form of prior judicial approval. However, because of the President's constitutional duty to act for the United States in the field of foreign relations, and his inherent power to protect the national security in the context of foreign affairs, we reaffirm what we held in *United States* v. *Clay*, supra, that the President may constitutionally authorize warrantless wiretaps for the purpose of gathering foreign intelligence. Restrictions upon the President's power which are appropriate in cases of domestic security become artificial in the context of the international sphere.

It is particularly ironic that one of the judges who presided in the above-cited case and was instrumental in formulating such a powerful reaffirmation of the President's power in foreign intelligence matters, now serves as Attorney General of the United States and has lent his most ardent support to the present legislation.

In further arguing for the need for warrants in foreign intelligence operations, supporters have insisted that courts have held that foreigners in the United States are protected by the fourth amendment. As an example, they cite the Humphrey-Truong case, in which the court ruled that much of the surveillance against Truong, a nonresident alien, was unconstitutional, because a warrant was not obtained. However, they fail to point out that the court had a great deal of difficulty in reaching such a decision. The court determined that the Government, during its surveillance for purely informational purposes, had decided to prosecute Truong, at which point the Government should have obtained a warrant for continued surveillance for criminal investigatory purposes. It is expected that this ruling will be appealed on the basis of the conten-

tion that only when prosecution is the sole purpose of the surveillance is a warrant required.

Legislation enacted by Congress in 1968 makes a distinction between warrants for criminal investigations and warrants in national security matters—a distinction that proponents of this bill are unwilling to make. Title III of the Omnibus Crime Control and Safe Streets Act established procedures for the judicial authorization of electronic surveillance for the investigation and prevention of specified types of serious crimes and the use of such information in criminal proceedings. That same title, however, denied any intention of extending its prescribed limitations on electronic surveillance to the "constitutional power of the President to take such measures as he deems necessary to * * * obtain foreign intelligence information deemed essential to the security of the United States."

III. COMPROMISE OF THE RULE OF LAW

One of the distinctions between a civilized, democratic nation, and others is an adherence to the rule of law. In America, we have established a written, open law to which Americans adhere. Beginning with our Constitution, we have established an open judicial system which, in interpreting the law, must rationalize its legal interpretations in writing, which are subjected to public scrutiny.

This legislation, for the first time in our history, will develop a hidden, secret body of law which will be available to only a very few people (whom we do not know) which is to guide the intelligence community. Personal liberties, the right to privacy and to some extent, the right to free speech, will be denied to certain American citizens by the judicial system of the United States, based upon no legal standards whatsoever. If, by some chance, legal standards are established in this secret body of law, no one will know what they are.

H.R. 7308 proposes that the special court shall grant warrants for foreign intelligence surveillance, but does not establish the standards the court should apply in granting them. In the event that the court denies the warrant request, the Government may appeal the denial to a special appeals court and even to the Supreme Court. These decisions are all secret, thus developing a secret body of law. The opinions are not open to the public and, in fact, one has to ask whether judges of the specially designated courts are entitled to review the previous decisions to attempt to determine what standards are to be applied.

The development of this secret body of law by our judicial system is alien to any theory of the rule of law. If we do not know what the law is, how do we make it better, how do we change it, and how do we monitor it? One has to ask, is it not better to have guidelines promulgated by statute for the authorization of electronic wiretapping for foreign intelligence-gathering purposes, allowing the Congress to exercise closed-doors oversight on a periodic basis? At least in this case, we have a group of people from tual basis for such activity. In addition, various walks of life examining the facthey have already formulated standards by which to judge and are policy makers, not judicial officers.

IV. CONCLUSION

There is no doubt a crucial need for demanding adherence to standards that will provide safeguards against abuses in the course of foreign intelligence operations. The executive branch responded to this need by formulating internal guidelines to regulate the conduct of electronic surveillance in foreign intelligence-gathering operations. However, shortcomings of such an approach have surfaced and the consensus agrees that statutory standard would provide the most effective check on these activities.

If this is the intent of the legislation before us, then it has failed miserably. Instead of improving accountability on the parts of those who are responsible for the conduct of those operations, this bill grants immunity to everyone. The judiciary cannot be held responsible for acting in good faith on information provided to it by the warrant applicants; the executive cannot be held accountable for acting on a warrant that the court has sanctioned.

According to the report of the Intelligence Committee, the purpose of H.R. 7308 is to "provide legislative authorization for and regulation of all electronic surveillance conducted in the United States for foreign intelligence purposes." If this is the case, then the mechanism for a judicial warrant is counter-productive to this very purpose. In issuing the warrant, the court makes the decision, without any legislative guidelines, as to which intelligence-gathering operations may be conducted. The oversight role of the Congress in foreign affairs has been emasculated and the constitutional functions of the court are recast beyond recognition.

Accountability for actions in foreign intelligence operations and prevention of abuses are unlikely to improve under the procedures of this legislation. The dissenting views to the Intelligence Committee's report described the conditions best suited to achieving these goals:

Aggressive oversight will let the Executive know that, should abuses occur, they will not go undiscovered, undisclosed or unpunished.

This preserves our constitutional separation of powers, meets the need for which this bill was designed by resting accountability with those directly answerable to the public, and strengthened the role of the court as an impartial arbiter should abuses occur.

One of the basic liberties we have is the right not to be exposed to star chamber proceedings, yet through this legislation, we are going to deny basic freedoms to U.S. citizens by court actions that will always be secret. For what purpose do we jeopardize the rule of law and our judicial system? To placate the critics of the intelligence community with a meaningless exercise of bureaucratic paperwork is surely a poor reason.●

SOVIET UNION'S VIOLATIONS OF HUMAN RIGHTS CANNOT BE IGNORED

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. MAZZOLI. Mr. Speaker, the Soviet Union's total disregard for its obligations under the Helsinki accords—which guarantee basic human rights to the 38 signatory nations and specifically require adherence to provisions relating to freer movement of citizens—has recently manifested itself in a number of staged trials in which leading dissidents have been given the severest sentences.

These dissidents have faced trial conditions where only handpicked audiences are present, where they have been unable to introduce witnesses or documents in their defense, where spectators and judges incessantly interrupt and heckle them, and where their supporters have been harassed and intimidated.

The legal system of the Soviet Union has trampled the basic human rights of dissidents:

DISSIDENTS' SENTENCES

Yuri Orlov.—Convicted and sentenced to 7 years internal exile for "anti-soviet agitation and propaganda."

Victoras Petkus.—Convicted and sentenced to 3 years imprisonment, 7 years labor camp, 5 years internal exile for activities with the Lithuanian Helsinki monitoring group.

Ida Nudel.—Convicted and sentenced to 4 years internal exile for "malicious hooliganism."

Vladimir Slepak.—Convicted and sentenced to 5 years exile for "malicious hooliganism."

Alexander Ginzburg.—Convicted and sentenced to 8 years hard labor for his activities as a Helsinki monitor and administrator of relief fund for families of political prisoners.

Anatoly Scharansky.—Convicted and sentenced to 13 years at hard labor in a prison and labor camp on charges of "treason."

Now, two American newsmen, Craig Whitney and Harold Piper, have been brought to court by the Soviet Government which is unhappy about the reports these writers have filed on dissident activities in Russia.

Citizens of the world are horrified and indignant over the Soviet Union's unconscionable violations of basic human rights.

The U.S. Congress and the American people must send a loud and unmistakable message to the Soviet Union: its continuing disregard of the terms of the Helsinki accords, its continuing harassment of its citzens, and the deprivation of their human rights will bring about a worsening of the relations between our two countries—relations already strained because of earlier efforts by the Soviets to repress and oppress its dissidents.

The U.S. Congress intends to stand by the victims of Soviet hypocrisy and repression. The U.S. Congress will not remain silent.●

CARTER ADMINISTRATION EMBRACES TERRORISTS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. ASHBROOK. Mr. Speaker, U.S. policy toward Rhodesia is absolutely ridiculous. The Carter administration has thrown its support behind the pro-Communist terrorists and guerrillas while turning its back on the moderate biracial regime.

President Carter talks about the importance of human rights. At the same time, however, he has allied the United States with terrorist forces that engage in hit-and-run raids to kill innocent civilians. This was most vividly demonstrated by the recent massacre of a dozen British missionaries.

I call on President Carter to end his support for the terrorists. We should immediately remove the trade embargo against Rhodesia and give our support to the moderate internal settlement.

Following are editorial comments on U.S. policy toward Rhodesia by Kevin Phillips and M. Stanton Evans which were broadcast on CBS Radio Network's "Spectrum."

EDITORIAL COMMENTS

I'm Kevin Phillips.

"Barbarous" is the best word to describe unofficial United States support of Rhodesia's Popular Front guerrillas—barbarous and unbelievable. Two hundred years ago, during the Revolutionary War, Americans bitterly condemned the British government for using Indians to terrorize the colonial frontier, butchering and mutilating women and children. Massacres like that at New York's Cherry Valley in 1778 still live in infamy.

But now, in Rhodesia, the United States has allied itself with similar terrorism. We do not support the moderate bi-racial regime which has scheduled democratic elections later this year. Oh, no. Instead, we quietly embrace terrorism. In the words of The Washington Post, and I quote, "American policy is tipped towards the guerrillas. The United States funnels aid to the front-line states sponsoring the guerrillas and enforces no-trade sanctions against Rhodesia."

The guerrillas, of course, are the people who have been making news recently with such good-hearted political frolics as the massacre of a dozen British Pentecostal missionaries. The women were raped and bayoneted. Lesser outrages are a daily occurrence. Moderate, responsible black Rhodesians simply can't believe what is going on. The Reverend Sithole, one of the bi-racial coalition leaders, said in a recent interview that U.S. economic sanctions against Rhodesia help keep the guerrilla war going. He expresses concern that the West is "coming to a state of moral bankruptcy."

There are other disturbing theories, too. One liberal newspaper columnist suggests that Carter Administration Africa policy has come under the influence of black power radicals—black Americans, unconcerned about bi-racialism or democracy, who want to implement black power goals in Africa that they were unable to achieve in the United States civil rights revolution.

Whatever the explanation, though, there is no excuse. It is absolutely intolerable that the United States is allied, even unofficially, with murdering pro-Communist guerrillas against the forces of multi-racial democracy. I don't know whether the West can still win in Rhodesia; it may already be too late. But let us, at least, remove the counter-productive trade embargo, proclaim our support for the multi-racial internal settlement, and end our gruesome association with pro-Communist guerrillas whose daily atrocities make a macabre joke of President Carter's human rights rhetoric.

This is Kevin Phillips for Spectrum.

EDITORIAL COMMENTS

I'm M. Stanton Evans.

The brutal terror that is occurring in Rhodesia these days begins to resemble what happened earlier in Vietnam. This time, however, the situation is potentially much worse, since the American government now is on the side of the terrorists. We are lending our support to the Soviet-equipped forces of Joshua Nkomo and Robert Mugabe, who conduct hit-and-run raids across Rhodesia's borders to slaughter innocent civilians.

The degree to which our policy is responsible for the debacle in Rhodesia is discussed by Allan Ryskind in the current issue of "Human Events." Ryskind has just returned from Rhodesia and his discussion makes it plain that President Carter and Andrew Young are the parties chiefly to blame for the success of terrorist warfare against that country.

The key to everything else, Ryskind reports, is the system of economic sanctions imposed by the United Nations and honored by the United States. The embargo prevents exports, denies Rhodesia materials from the outside world, and causes unemployment and general discontent. And it isn't, of course, just the embargo.

In addition to this attack we have also permitted the terrorist Nkomo into this country but barred the moderate black Rhodesian leaders; we have tried to silence the tiny Rhodesian information office; and we have denounced the internal settlement pointing to eventual black majority rule. Our government says it won't go for a settlement unless it is acceptable to the terrorists, who want Rhodesia handed over to them on a silver platter, without the formality of a vote.

Against that backdrop, it's apparent that a solution to the Rhodesian problem is within our grasp: All we have to do is change sides. We need merely give support to the forces of anti-Communism and majority rule and remove it from the forces of Marxist terror and dictatorship. Since that is more or less what our official policy is supposed to be, why haven't we done it? The answer it seems, is Andrew Young's conviction that anyone who has been a Marxist-supported terrorist can't be all bad.

Ryskind concludes that the simplest and best thing we could do to change the situation in Rhodesia is to lift the embargo. That is exactly what the Congress ought to do, and at the earliest possible opportunity.

This is M. Stanton Evans with Spectrum.●

PLUTONIUM FROM CIVILIAN NUCLEAR FUEL REPROCESSING PLANTS WILL NOT BE USED FOR NUCLEAR WEAPONS

HON. MENDEL J. DAVIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. DAVIS. Mr. Speaker, there has been a great deal of concern expressed by the administration and Congress during the past year on the matter of nuclear weapons proliferation. Administration efforts have focused on controlling plutonium and its spread beyond the so-called weapons nations. A part of this effort has involved the indefinite deferral of commercial reprocessing in the United States, with an urging that other nations have, however, refused to follow the President's deferral and their reasons for not following were succinctly stated recently on the House floor by Representative MIKE MCCORMACK. During the course of House debate on House Concurrent Resolution 599, on July 12, which sought to disallow the export of low enriched uranium to India, Representative MCCORMACK differentiated between plutonium from civilan nuclear programs and military production programs and noted that plutonium from civilian nuclear fuel reprocessing programs is a very poor weapons grade material. If other nations want weapons grade plutonium, they will look at other sources for that plutonium rather than the civilian nuclear fuel reprocessing plants. Representative MCCORMACK also stated that other nations are committing to nuclear fuel reprocessing development for their economic survival. Because Representative MCCORMACK is a recognized expert on this matter, I have compiled his July 12 remarks on the House floor for the benefit of my colleagues. Those remarks are as follows:

We must understand that India has a very large amount of fuel which it must reprocess. It would be both misleading and foolish to suggest that there is any significant relationship between reprocessing this nuclear fuel from nuclear powerplants, on the one hand; and nuclear weapons, on the other. This is the fallacy of our trying to stop reprocessing. No nation, including India, has ever made a nuclear weapon from plutonium produced in a nuclear power reactor. India did not divert nuclear fuel to make its weapon, it clearly indicated what it was doing, and many nations knew what it was doing for many years. The plutonium was produced in a small Canadian heavy-water research reactor, not in any nuclear powerplant.

While I deplore this 1974 action by India, and I wish that they would sign the NPT, and I wish they would subject themselves to inspection by the IAEA (the same as I wish the United States would be so subject to inspection by the IAEA), it must be recognized there is a fundamental difference between what the Indians did and what we are talking about preventing.

There is a fundamental difference between the plutonium for weapons and that which is produced in a powerplant. Weapons-grade plutonium is composed of less than 6 percent plutonium-240. When we make plutonium for weapons, this is what we use. The Indians made plutonium of only about 1 percent plutonium-240, which is just about perfect for weapons.

However this is the opposite extreme from the plutonium which is produced in nuclear powerplants. It is 20 to 25 percent plutonium-240, and is almost worthless for weapons production. We made a test explosive from it once, and we found that it is extremely poor material for weapons.

No nation is interested in using nuclear fuel for weapons because weapons-grade plutonium can be produced more cheaply and quickly than the low quality material produced in powerplants. About three dozen nations can make weapons-grade plutonium today if they wish to do so, and it can without any nuclear powerplants at all. No per-

mission or materials or secrets or any technology from the United States is required. It would only cost about $50 million to build a small nuclear reactor, such as the Indians used, and a couple of hot cells for processing special small fuel elements into weapons-grade plutonium. It would take about 5 percent of the cost of one conventional nuclear powerplant to make these weapons, and only half the time required to build one nuclear plant. It is important to understand this. The reason nuclear weapons are not being made is because the countries that can make them understandably do not want to make them, not because they are not reprocessing nuclear fuel.

It is useless to try to control weapons production by trying to prevent nuclear fuel reprocessing. If we undertake policies which have the effect of reducing the potential for energy production among the nations of the world, especialy nuclear energy which is so critical in many countries, this would create a far greater destabilizing factor than trying to stop the reprocessing of nuclear fuel.

We must be realistic in this matter, and deal in facts. We can minimize the potential for nuclear proliferation from production fuel elements by establishing regional reprocessing centers under the control of the IAEA, and have them regionally controlled, so that the countries involved can police themselves. We cannot control other nations to their disadvantage. They are telling us this.

The rest of the world is moving ahead of us. The most certain way to promote nuclear weapons proliferation is to try to stop nuclear energy production in the world. Nations without adequate supplies of energy may turn to military adventurism or threats, and may make nuclear weapons without having any nuclear energy plants.

Mr. McCORMACK concluded by reviewing the Russian policy on reprocessing and how it is a model other nations should follow in controlling nuclear proliferation:

The Russians are implementing the policy on an international scale that the Western World should adopt in order to minimize proliferation. The Russians simply lease nuclear fuel to many nations, on the condition that the fuel is sent back for reprocessing under Russian control. The Russians do not pretend, as we do, that running a nuclear powerplant creates a threat from nuclear weapons, because they know that the fuel will be reprocessed under their controls. If we would establish a similar program in the Western World, with international controls, would take a big step toward controlling potential proliferation. It would be much more realistic than attempting, as the sponsors of this resolution would do: Attempt to forbid other nations from doing what they must do for the economic survival, that is, reprocess their nuclear fuel.

In summary, Representative McCORMACK states that other nations have not followed President Carter's indefinite deferral of reprocessing because they do not view the separated plutonium product from civilian reprocessing plants to be of a significant weapons threat. Those nations that desire plutonium for weapons production can use means other than reprocessing which are quicker, cheaper, and less easy to detect. Another reason given by Representative McCormack for other nations' development of reprocessing technology is for economic survival. Nations simply cannot afford to throw-away the in-hand energy that exists in spent reactor fuel. Each spent fuel assembly contains the energy equivalent to 80,000 barrels of oil.

Regarding the Russian position on reprocessing, the Soviets have not forsaken reprocessing, but are proceeding under international controls to prevent any diversion of plutonium. Representative McCORMACK's remarks provide yet another reason for keeping the Barnwell Nuclear Fuel Plant in South Carolina available for possible reprocessing of spent reactor fuel in the United States.●

FORGETTING OUR HERITAGE

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. EMERY. Mr. Speaker, the Carter administration does not seem to enjoy a very good relationship with our veterans community. Many of the veterans I have spoken to in the State of Maine have expressed a real disappointment with the President. They often cite, as the cause of their frustration, the inadequate Veterans' Administration budget submitted by the President, the lack of support given by the administration for the programs designed to help Vietnam-era veterans find employment and the proposed civil service reform measures which would effect the veterans preference.

I, too, share the feelings of those veterans who feel that the administration has displayed an unusual insensitivity to those to whom this Nation owes so much.

Aside from the larger, more visible, issues confronting the veteran, there are many other smaller, less public, issues which seem to emerge every now and then. One of those issues was brought to my attention recently by the State adjutant of the Maine American Legion.

The following article, written by the State adjutant, Daniel Lambert, represents the position of the department of Maine American Legion on the subject dealing with the attempts to place seven World War I military cemeteries in France under the supervision of foreign nationals.

Mr. Speaker, I commend this article to my colleagues:

FORGETTING OUR HERITAGE

Those who served America in the Armed Forces during dangerous days when war and destruction threatened our nation are today the forgotten ones.

They were cheered into battle by the same editorialists who now write essays against veterans benefits. The veteran learns quickly upon returning to civilian life that he does not remain a hero for long. In fact, to our politicians and some of his fellow citizens, the veteran becomes an embarrassment as danger recedes. It seems that God is also treated the same way.

The American Legion's struggle to codify into law a system of veterans benefits is the answer one veterans group gives to the scoffers. Although, The American Legion deplores the fact that some policitians and citizens have forgotten the needs of the veterans, widows, and orphans, it does not surprise us.

It is one thing to attack and attempt to destroy veterans benefits for sick and disabled veterans, reduce widows pensions, and forget the obligation to living veterans. The Carter Administration has now begun to set its sights on the honored dead of our nation.

Taking a cue from the U. S. Ambassador to France, the Carter Administration now proposes that the seven World War I American military cemeteries in France now maintained by the American Battle Monuments Commission be turned over to the supervision of foreign nationals rather than being maintained by American personnel. It seems that the Carter Administration, continuing its anti-veteran thrust, now wants to heap insult on our aging veterans of World War I.

In the name of economy, and to assist in the balance of payments, the Carter Administration proposes to turn over the care of the seven WW I cemeteries in France to those who do not understand what these cemeteries mean to us. The proposal calls for the replacement of American personnel without requiring English speaking personnel.

As one who has visited all the military cemeteries abroad including the seven WW I cemeteries proposed for turnover to foreign nationals for care, I have tender memories of these shrines of honor.

The beauty and serenity that envelopes the visitor to our military cemeteries is long remembered. Seeing the host of visitors coming with flowers to pay tribute to our honored dead reminds the visitor of long journeys, expressions of love and gratitude, and people remembering our heroes.

The Carter Administration is testing the waters of public opinion, and if the seven World War I military cemeteries in France can be turned over to the care of foreign nationals, then only time will tell the full story of turnover of all military cemeteries abroad to foreign nationals.

The American Legion of Maine can only feel pity and wonder for an administration in Washington so devoid of reverence for our heritage that such a recommendation would be made.

In keeping faith with our honored dead, The American Legion of Maine urges all citizens to speak up and be heard on this issue.

DANIEL E. LAMBERT,
State Adjutant.●

CONGRATULATIONS TO PUERTO RICO—26 YEARS A COMMONWEALTH

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. FARY. Mr. Speaker, on July 25 Puerto Ricans, both in the United States and in the Commonwealth of Puerto Rico will celebrate their 26th anniversary of the founding of Commonwealth status within the United States. I would like to take this opportunity to congratulate Puerto Ricans everywhere on this Constitution Day for their social and economic progress, growing prosperity, and well-earned reputation as a successful and workable form of self-government within the Federal structure of the United States.

On this date in 1952, the Governor of Puerto Rico proclaimed the establishment of the constitution, which describes the Commonwealth as "a permanent

union between the United States and Puerto Rico on the basis of common citizenship, common currency, free market, and a common loyalty to the value of democracy."

The Commonwealth was established after Congress adopted the Puerto Rican Federal Relations Act in 1952, which changed the status of Puerto Rico from that of an unincorporated territory to a Commonwealth freely governing itself and associated with the United States.

It is an important celebration, not only for the Puerto Ricans, but also for the history of the United States. The Commonwealth Day celebration not only recalls the birth of the Puerto Rican Commonwealth, but it also salutes the Puerto Rican leaders and the Congress who formulated this unique relationship between the United States and the island.

With the help of the great political figure and founder of the Commonwealth, Luis Munoz Marin, and Gov. Rafael Hernandez Colon, who continued the statesmanlike tradition of Luis Munoz Marin, Puerto Rico has maintained strong mutual interests with the United States. Governor Colon, on recent visit to Washington, D.C., commented that we have a common commitment to individual freedom and to the tradition of democratic, representative government. We share a common concern for the economic growth and political development of the Caribbean region. Above all, we are bound together by the ties of common citizenship we enjoy.

Citizens of Puerto Rican heritage have played an important role in America's progress, and, at the same time, have maintained their own identity. Today Puerto Ricans can be found in every walk of life. In business, education, science, commerce, and at all levels of government, we find Puerto Ricans are good leaders. As a nation of immigrants, the United States takes great pride in its commitment to uphold the rights of all peoples who aspire to freedom and greater opportunity.

Under the 1950 law, Puerto Ricans enjoy the rights of American citizenship, except that they do not pay Federal taxes or vote in Federal elections. Puerto Rico has a delegate in Congress who, although he has no vote on the floor, may vote in committee and propose legislation. Puerto Ricans are free to migrate to the mainland United States and establish residence, thereby gaining voting rights.

This successful experiment today is celebrated by Commonwealth Day, which reflects opening new vistas of freedom, self-identity, and interdependence. It does so in a world desperately in need of new political structures, approaches, and initiatives that may render possible the preservation of eternal values in the face of continuous change. In commemorating this event, I acknowledge the contributions Americans of Puerto Rican descent have made to the cultural diversity and growth of American society.

Mr. Speaker, I would like my colleagues to join with me in extending to the peoples of Puerto Rico on this 26th anniversary our best wishes.●

BAYOU BODCAU PROJECT REMAINS A POOR INVESTMENT DESPITE REEVALUATION

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. EDGAR. Mr. Speaker, on June 15, the full House defeated my amendment to delete funding for eight water resource projects from the Public Works-Energy Research appropriations bill. During consideration of my amendment, it was pointed out that there had been a reevaluation of the economic benefits of one of these projects, the Bayou Bodcau project in Louisiana.

A White House-prepared fact sheet on this project documented that 60 landowners would benefit from the $15.5 million project, a Federal investment of $240,000 for each landowner after taking into account a local funding share. A reevaluation turned up 150 farms which would benefit by the project.

As the following exchange of letters indicates, this project remains economically unjustifiable despite the reevaluation of economic benefit. Also, the increase in economic benefit fails to overcome adverse environmental impact:

JUNE 13, 1978.

Hon. ROBERT W. EDGAR,
House of Representatives,
Washington, D.C.

DEAR MR. EDGAR: The purpose of this letter is to provide Department of the Army views on five Civil Works projects of the Army Corps of Engineers for which resumption of construction funding in FY 1979 has been recommended by the House Appropriations Committee. The five projects at issue are: Yatesville Lake, Kentucky; La Farge Lake, Wisconsin; Lukfata Lake, Oklahoma; Bayou Bodcau and Tributaries, Louisiana; and Meramec Park Lake, Missouri. The economic, environmental resources. Indeed, three of these projects were analyzed in great detail as part of the Presidentially-directed Departmental review of ongoing water resource projects in the spring of 1977. The Corps of Engineers subscribed to the criteria which were used in the evaluation. Subsequent to completion of this review, Congress and the President agreed last year to not continue construction funding for these five projects.

None of these projects, in the view of the Department, has economic benefits which outweigh its adverse impact on the nation's environmental resources. Indeed, three of them—La Farge Lake, Lukfata Lake and Meramec Park Lake—would have specific adverse effects on the habitat of endangered plant or animal species. These three reservoirs, along with Yatesville Lake, would inundate thousands of acres. Much of this land is either prime farm land or land which contains important natural values. The remaining project, Bayou Bodcau and Tributaries, which consists of extensive levee and channel work, would adversely affect some 1560 acres of game and water-fowl habitat.

The Department of the Army believes that completion of these projects would not represent a good use of public funds and thus recommends that no FY 1979 construction funding be made available for these projects.

Sincerely,

CLIFFORD L. ALEXANDER, JR.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 28, 1978.

Hon. CLIFFORD L. ALEXANDER, JR.,
Secretary of the Army, The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: I appreciated receiving your letter to me of June 13th commenting on five authorized Corps of Engineers projects. You state that the "economic, environmental, and safety aspects of each of these projects were analyzed in great detail as part of the Presidentially-directed Departmental review of ongoing water resource projects in the spring of 1977."

During testimony today before the Senate Public Works Subcommittee of the Appropriations Committee, representatives of the Corps testified that the cost-benefit ratio for the Bayou Bodcau project had been reevaluated. Approximately 150 farms would benefit instead of the 60 or so previously identified.

I would like to know if this new information changes in any way the statement in your letter that "none of these projects, in the view of the Department, has economic benefits which outweigh its adverse impact on the nation's environmental resources."

Cordially,

ROBERT W. EDGAR.

JULY 14, 1978.

Hon. ROBERT W. EDGAR,
House of Representatives,
Washington, D.C.

Dear Mr. EDGAR: Thank you for your June 28, 1978 letter to the Secretary of the Army regarding the Bayou Bodcau, Louisiana, Project. I am enclosing a copy of my June 21, 1978 memorandum to Kathy Fletcher which addresses the issue of limited beneficiaries.

In my memorandum I point out that with 150 farms benefitted by the project, the average subsidy per farm amounts to almost $100,000. Moreover, it is important to recognize that the magnitude of the economic benefits claimed for the project is not affected by the number of beneficiaries. Accordingly, the updated information on beneficiaries in no way affects the Department's view that the Bayou Bodcau Project does not have ". . . economic benefits which outweigh its adverse impact on the nation's environmental resources."

Sincerely,

MICHAEL BLUMENFELD,
Deputy Under Secretary.●

MORATORIUM ON SACCHARIN BAN RIGHT DECISION

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. DEVINE. Mr. Speaker, last year, much to the regret of Commissioner Kennedy of the Food and Drug Administration, as well as a number of other regulatory zealots, the Congress placed an 18-month moratorium of the ban on the use of saccharin. This was done in order to provide time for further study; to determine whether the rat tests in Canada were credible or inconclusive, and to prevent another premature regu-

latory edict affecting the lives of millions of Americans.

The Wall Street Journal of July 24, 1978 reported the findings in the journal of American Medicine, based on a Baltimore study of over 1,000 human patients. The article follows:

MODERATE USE OF SACCHARIN, CYCLAMATES UNLIKELY TO CAUSE CANCER, STUDY FINDS

(By Joann S. Lublin)

Ordinary amounts of artificial sweeteners such as saccharin and cyclamates don't appear to cause bladder cancer in humans, scientists reported in a study released today. The study is sure to fuel the long-simmering controversy over the safety of these sweeteners.

The U.S. Food and Drug Administration banned cyclamates in 1970, after a study suggested they caused cancer in laboratory animals. Abbott Laboratories, a North Chicago, Ill., health-care products maker, has been fighting to get cyclamates back on the market since 1973. Abbott had been a major cyclamates producer. Last year, the FDA proposed a ban on saccharin after studies indicated that large amounts cause bladder tumors in rats.

Congress has postponed the ban for 18 months while further studies are made. In the meantime, saccharin-sweetened beverages, foods and other products carry a label warning of the possible health hazard.

STUDY OF 1,038 PATIENTS

"Neither saccharin nor cyclamate is likely to be carcinogenic in man, at least at the moderate dietary ingestion levels reported" by patients studied, concluded the latest report, which appears in this week's issue of the Journal of the American Medical Association. The conclusion was based on a Baltimore study of 1,038 patients, evenly divided between those with bladder cancer and those hospitalized for other reasons.

The study doesn't answer the question of whether there is any risk at all of developing bladder cancer from use of saccharin or cyclamates, conceded Dr. Irving I. Kessler, one of two authors, in an interview. Dr. Kessler is chairman of the University of Maryland School of Medicine's Department of Epidemiology and Preventive Medicine.

But regulators considering a ban an saccharin should consider "the totality of the evidence, the weight of the evidence and the biological consistency of their evidence before making their decision," he added.

Dr. Kessler also noted that if either cyclamates or saccharin did cause bladder cancer, then the bladder cancer patients should have used the sweeteners in greater amounts or for more years than the control group. "Almost always in human cancer, the risk of cancer . . . increases as the dose or length of exposure increases. We carefully analyzed that and could find no relation," he said. This was true, he added, even when such variables as age, sex, occupation, race and smoking habits were controlled.

For the study, Dr. Kessler and his colleagues extensively interviewed the patients about their use of artificial sweeteners in tablet, powder and drop form, as well as in diet beverages and foods. Patients reported how often, how much and how long they had consumed the substances.

CANADIAN FINDINGS DISAGREE

The JAMA article noted that these findings disagree with a recent Canadian investigation of hospitalized cancer patients. Researchers there concluded that bladder-cancer risks rose 60 percent among men who used saccharin tablets, but not among those who drank dietetic beverages or ate dietetic foods with saccharin. Women didn't seem to have similar increased risk.

Such conclusions don't make sense, the JAMA report suggested. "The divergence in relative risk between men and women observed in Canada would be extraordinary for human carcinogen . . . an equally puzzling, if not biologically inconsistent finding" was the lack of risk for men who consumed saccharin-containing drinks or foods, the report said.

The Calorie Control Council, an Atlanta-based group of diet-food manufacturers and others, praised the Baltimore study as support for its argument "that saccharin should remain available," a spokesman said. Noting that Congress has asked the National Academy of Sciences to investigate saccharin further, he added: "This (study) will be an important contribution to their assessment of saccharin's safety."

A recent FDA report also supports the council's viewpoint. Morris Crammer, director of the FDA's National Center for Toxicological Research, said in a report released earlier this month that health hazards posed by saccharin may be outweighed by its possible benefits.

While saccharin may, indeed, cause cancer—either directly or by "promoting" the effect of some other substance—"the cancer risk of the carbohydrates that saccharin replaces are several times greater than the cancer risk for saccharin," Mr. Cranmer asserted in his study.●

OAHE AUTHORIZATION NEEDED

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. PRESSLER. Mr. Speaker, recently, I introduced a resolution in Congress calling for preservation of the existing Oahe authorization and expressing the sense of Congress that it would welcome modification to the Oahe plan.

It has been my strong belief that we should preserve the Oahe authorization, but make modifications and changes in it to make it more acceptable to our people. It cannot, of course, be acceptable to everybody, but the original Oahe plan had problems which many of our people objected to—particularly farm people along the area where the basic ditch would be dug. There were also problems with the land mitigation program and other parts of the project.

I know that this plan has been studied for years, and I know that many Members of Congress have faithfully supported it. I believe it is well worth preserving the authorization and making a major effort at coming up with a modification before we lose it.

Next March and April, we will be considering appropriations again. I am very excited about the possibility that the Governor, the legislature, the local boards, and the congressional delegation can come up with a major new plan by next March or April. I certainly am willing and eager to participate in that planning. I have been meeting with the different local boards, and I have been discussing possibilities. No one person will be able to do this, but I shall certainly continue to work and continue to assist.

A chief objection to any modification must be to get water to our eastern cities—such as Aberdeen, Redfield, Huron, and Mitchell. If we are unable to agree to commence with a canal, it has been suggested that the possible use of one or two large pipelines alongside railroad rights-of-way that run from the Missouri River eastward and westward; the possibility of using the existing pumping plant at Blunt to fill the canal to Medicine Creek, and from there transferring into one or two large pipelines running alongside the railroad right-of-way to Huron; of modifying the land mitigation program; of a Lower James addition; of canalside and alongside the Missouri irrigation; and other possible modifications—all these are needed in our State and probably could be done within the existing authorization or with slight variations in that authorization. I am sure that there are other possible modifications, and I would like to have them suggested. But, by next March or April, we must have an acceptable plan.

Mr. Speaker, at this point I insert a copy of the resolution I have introduced:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

(1) that the Oahe unit, James division, Missouri River Basin project, South Dakota, is a worthwhile project but the authorized plan is in need of modifications;

(2) that Congress welcomes a modification plan from the State of South Dakota;

(3) that, although certain modifications of such project are desirable to facilitate the future development of such project, the authorization of such project under the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 887), as modified by the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the initial stage of the Oahe unit, James division, Missouri River Basin project, South Dakota, and for other purposes", approved August 3, 1968 (82 Stat. 624), should remain in effect.●

CAPTIVE NATIONS WEEK

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1978

● Mr. CONABLE. Mr. Speaker, in our observation of Captive Nations Week it is important to let the world know that America still cares about the fate of human liberty throughout the world. We must let the world know that the ideals of liberty and respect for the principle of national self-determination are still as strong in the United States as ever. The desire to enjoy the blessings of liberty is embodied in the American dream and it is a dream that we want all peoples to be able to share in.

I want to join with my colleagues in expressing continuing concern for the peoples who are seeking mastery of their fates, free from the yoke of foreign domination. As Americans we seek universal respect for the principles of human rights, as embodied in the Helsinki Declaration so that all may enjoy the basic human freedoms.●

REOPENING INQUIRY INTO MURDER OF VIOLA LIUZZO

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. CONYERS. Mr. Speaker, on March 25, 1965, Viola Liuzzo, a mother of five children and a civil rights activist, was shot to death while driving between Selma and Montgomery, Ala., after participating in a civil rights march. Her assailants pursued her for approximately 20 miles on highway 80. One of the occupants of the vehicle from which the fatal shot was fired was Gary Thomas Rowe, who at the time was an employee of the Federal Bureau of Investigation and allegedly an undercover agent in the Ku Klux Klan.

Rowe's testimony after the murder worked to convict three Klansmen of conspiring to violate Mrs. Liuzzo's civil rights. In court he maintained that while traveling in the car, he only pretended to shoot at Mrs. Liuzzo, but that the actual shooting was done by the others. Not until a 1975 hearing before the Senate Select Committee To Study Government Intelligence Operations did it become known that Rowe worked for the FBI and was communicating with them concerning his activities. Two years later, a reopened Alabama investigation into the 1963 bombing which killed four children in a Birmingham church disclosed that Rowe, while employed by the FBI, engaged in numerous violent activities, which the FBI had knowledge of.

The Justice Department has recently undertaken an investigation of Rowe's relationship to the FBI. This and other investigations will be necessary to answer a great many questions that go to the heart of the corruption and lawlessness which the FBI was a party to during the ferment of the 1960's. Whether undercover agents, recruited by the FBI to monitor Klan activity, operated as agents provocateur; whether the FBI had information that such employees engaged in violence against civil rights activists; whether the FBI instructed such employees to conceal such information from official investigatory bodies and itself covered up the information; and, if the FBI had knowledge of violence against civil rights activists, why it did nothing to avert it. Gary Thomas Rowe's responsibility in the murder of Viola Liuzzo has yet to be disclosed.

It is a sad commentary on the Justice Department and the FBI that it had to be prodded into action after numerous journalistic investigations and news reports disclosed evidence of a pattern of wrongdoing on the part of the FBI. One of the news reports that has led to Justice Department action appeared in the New York Times on July 17. The article, "Inquiries Link Informer for FBI to Major Klan Terrorism in the 1960's," written by Howell Raines, follows:

[From the New York Times, July 17, 1978]

INQUIRIES LINK INFORMER FOR F.B.I. TO MAJOR KLAN TERRORISM IN THE 1960'S

(By Howell Raines)

ATLANTA, July 16.—Renewed investigations into the activities of Gary Thomas Rowe, Jr., the Federal Bureau of Investigation's chief paid informer in the Ku Klux Klan, have produced a portrait of Mr. Rowe as a man who "loved violence" and who could be linked to most major incidents of Klan terrorism that occurred in Alabama while he was on the bureau's payroll.

While receiving F.B.I. money, Mr. Rowe, by his own account, was directly involved in racial violence beginning with the assault on the Freedom Riders in Birmingham, Ala., in 1961 and extending to the shooting of Viola G. Liuzzo, a participant in the Selma-to-Montgomery march in 1965.

Federal pay records introduced in a trial at which Mr. Rowe testified 13 years ago showed that the bureau paid him over $12,000 from 1960 to 1965 for undercover activities that are now the subject of a Justice Department inquiry. He has also said that the F.B.I. gave him $10,000 more to finance his relocation under a new name.

The Justice Department's formal inquiry will seek to determine if Mr. Rowe, who has made many conflicting statements about his activities while on the F.B.I. payroll, functioned as an agent provocateur in the Klan, helping to plan and carry out the violence he was paid to monitor.

The inquiry was ordered last week following reports in The New York Times that the Alabama authorities, in their renewed investigation of the racial killings of the 1960's, had found information linking Mr. Rowe to the 1963 bombing that killed four black children at the 16th Street Baptist Church in Birmingham.

The Times also reported that Alabama investigative files showed that he told a state investigator that he killed a black man in a race riot in Birmingham in 1963 and was told to keep quiet about it by his F.B.I. "control" agent. The agent has denied the charge.

The Justice Department inquiry, ordered at the request of two members of the Senate committee that is drafting a new legislative charter for the F.B.I., will also seek to determine if agents in Alabama condoned and helped cover up violence by Mr. Rowe.

Investigators for both the State of Alabama and the Birmingham Police Department have concluded that Mr. Rowe probably helped provoke violent acts by other Klansmen.

"Rowe was a guy who loved violence," said a detective who interrogated him for more than six hours last fall.

QUESTION OF CONDONING

But city and state investigators are at odds over whether the F.B.I. condoned such behavior. Birmingham detectives take the harsher view of the Federal role, perhaps because of Mr. Rowe's allegations that the Birmingham Police Department had many Klan sympathizers in its ranks.

"The files are full of people telling the F.B.I., 'Check Rowe, check Rowe, check Rowe,'" said a detective who has seen some bureau field reports on Mr. Rowe's activitis. "But I've never seen anything in the files showing that they checked him."

Such disputes aside, it is possible at this point to draw together accounts of Mr. Rowe's financial dealings with the bureau and of his activities in the Klan, which he joined in 1960, apparently at the urging of the F.B.I.

Sources for these accounts include previously ignored court documents, his public and preliminary testimony to the Senate Select Committee on Intelligence Operations in 1975, his book about his adventures in the Klan and, most importantly, information developed in the recent investigations by Birmingham and Alabama authorities.

In the trial of the Liuzzo case in 1965, the F.B.I. confirmed that it had paid Mr. Rowe $6,971.50 for information and $5,404.27 for expenses over a five-year period.

$10,000 REPORTED DELIVERED

He has also told a Senate investigator that Federal agents promised him an additional $30,000 to $50,000, but actually delivered only $10,000 in cash after he testified against the three Birmingham Klansmen accused of killing Mrs. Liuzzo.

In a statement to a lawyer for the Senate intelligence committee, he said that an F.B.I. agent had told him that the $10,000 was being paid on behalf of J. Edgar Hoover, then the bureau director. He said that the agent said the money reflected Mr. Hoover's view that Mr. Rowe was the best undercover agent "we've ever seen."

Mr. Rowe's statement about receiving $10,000 could not be confirmed or denied immediately by the F.B.I., nor did it rule out the possibility that the money could have come from other sources in the Government.

James L. McGovern, the former agent said by Mr. Rowe to have mentioned the $30,000 to $50,000 figure, said yesterday that he did discuss "relocation" money with Mr. Rowe, but never in such large amounts.

PAYMENTS USUALLY LOWER

Mr. McGovern said such payments usually were "considerably lower" than the figures used by Mr. Rowe. However, the bureau is reported to have paid $25,000 to the informer who led agents to the graves of three civil rights workers murdered in Mississippi in 1964.

Neither Mr. Rowe, who lives at an undisclosed location uder a new identity assumed with the help of the F.B.I., nor his attorney could be reached to comment on payments to him or on the racial incidents in which he was involved.

The first major incident of racial violence to which Mr. Rowe has been linked was the Mother's Day beating of Freedom Riders at two Birmingham bus stations on May 15, 1961, about a year after he joined the Klan. He has told a Senate investigator that a photograph showing him beating a black bus passenger led to the first effort by Federal agents to cover up his violent activity, according to a document of the Senate Intelligence Committee.

He asserted that his control agent instructed him that even if Mr. Hoover asked whether he was the man in the picture, "You're going to look at him, straight in the eye, and say 'No, sir, that's not me.'"

FOUND HIM RELIABLE MEMBER

A former Klansman who was with him that day said in an interview recently that Mr. Rowe's behavior at the bus station established him in the Klan as a reliable and "true-blue" member of the Klan "action squads." The former Klansman, who asked not to be named, said Mr. Rowe personally directed the white mob to shift from the Greyhound to the Trailways station to intercept the first busload of civil rights activists.

"I can hear him now, saying, 'Come on, come on, we're going to be late. They're going to be there before we get there,'" said the former Klansman. "He was the commando. That's how he got those other boys to follow him."

In his book and Senate testimony, Mr. Rowe claimed an active role in the Freedom Rider incident as liaison between the Klan and the Birmingham police in devising a plan whereby Klansmen would be allowed ample time to beat the Freedom Riders before the police moved in.

Among the other incidents to which Mr. Rowe has been linked are the following:

The transporting of guns to Tuscaloosa, Ala., in June 1963, when Gov. George C. Wallace was preparing to make his "stand in the schoolhouse door" at the University of Alabama. Mr. Rowe, who had then been on the F.B.I. payroll for over three years, was arrested along with several Klansmen later identified by Alabama law enforcement sources as suspects in racial bombings.

The fire-bombing of the home of A. G. Gaston, a black millionaire. In interviews with Alabama authorities and in his book, "My Undercover Years With the Ku Klux Klan," Mr. Rowe told in detail about an unsuccessful foray he and other Klansmen made against the Gaston residence. Investigative documents show, however, that he failed a lie-detector test in which he denied involvement in a fire-bombing that "actually damaged" the Gaston home.

The bombing of the 16th Street Baptist Church on Sept. 15, 1963. In reopening the investigation into the deaths of four children there, the Alabama authorities reached Mr. Rowe in the hope that he could help them. But investigative files show that he failed a polygraph test about his own involvement in the incident. As a result, key investigators said that he was suspected of having been with Robert E. Chambliss, the 74-year-old Klansman convicted of murder in the case last November.

A double bombing in a black neighborhood on Sept. 25, 1963. The investigative files show that Mr. Rowe also failed a lie-detector test in which he denied direct involvement in planting these bombs, the second of which contained shrapnel. It was apparently intended to maim spectators drawn to the area by the first explosion. Investigative records indicate that Mr. Rowe was spotted by the Birmingham police in a telephone booth four blocks away at the time of the twin explosions.

The 1965 shooting of Mrs. Liuzzo on Highway 80 between Montgomery and Selma. Mr. Rowe's testimony helped convict three Klansmen of conspiring to violate Mrs. Liuzzo's civil rights by killing her on the night after the march. In court, he testified that he was in the car that chased Mrs. Liuzzo's automobile. He said he only pretended to shoot at her, however, leaving the killing to his companions.

STATEMENTS TO POLICE CITED

Investigative files in Alabama contain statements from police officers who contended that Mr. Rowe had made incriminating statements about his own involvement in that killing. And ABC Television recently broadcast a polygraph test that indicated that he gave deceptive answers when he denied a role in the killing.

A Senate intelligence committee document that came to light last week added still another confusing footnote to the Liuzzo case.

In 1975, Mr. Rowe told a committee lawyer that a black man was killed along with Mrs. Liuzzo and that government lawyers, including John Doar, then the Deputy Attorney General, forced Mr. Rowe to mold his testimony to fit the case the Government wanted to present.

Yesterday, Mr. McGovern confirmed one aspect of Mr. Rowe's account of his feud with Mr. Doar. Mr. McGovern said he recalled hearing that Mr. Rowe did tell investigators that Leroy Motan, a key prosecution witness, was not the black man Mr. Rowe saw in the car with Mrs. Liuzzo. According to the Senate document, Mr. Rowe said that Mr. Doar forced him to keep quiet about his misgivings about Mr. Motan's identity. Mr. Doar, reached at his law office in New York Thursday, refused to comment on Mr. Rowe's allegations.

MAY BE ATTEMPT AT IMMUNITY

Mr. Rowe's description of shooting a black man in 1963 came to light unexpectedly while he was being questioned last fall about the church bombing. Alabama investigators' files contained speculation that he might have brought up a previously undisclosed shooting in an effort to win immunity for all capital offenses, should he agree to return to Alabama to testify in the church bombing case.

Birmingham detectives have since found reports that Mr. Rowe boasted to a fellow Klansman and another man in 1963 that he had shot rioting blacks. A Birmingham police officer has also recalled seeing Mr. Rowe in a riot zone with a pistol tucked in his belt. However, city investigators have not yet found a specific unsolved killing that fits the circumstances described by Mr. Rowe.

Investigative sources indicated that it was possible that a racial killing in Birmingham in 1963 could have gone unrecorded or have been covered up in some other way.

In his public testimony before the intelligence committee in 1975, Mr. Rowe insisted that the F.B.I. had approved his participation in violence. The bureau gave the committee a memo of April 1964 in which Mr. Rowe was ordered to give up leadership of a Klan "action squad."

"Nevertheless," the committee's final report stated, "even those instructions did not extend to ruling out Rowe's participation in violence, but rather only leading or directing violent acts. The essential characteristic of Rowe's status was expressed by the following testimony of his F.B.I. handling agent: If he happened to be with some Klansmen and they decided to do something, he couldn't be an angel and be a good informant." ●

MISSING IN ACTION: LINGERING DOUBTS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. DORNAN. Mr. Speaker, the stories of live sightings continue. On the horizons, appear, now and then, small glimmers of light against the black night of despair. For far too many mothers and fathers, brothers and sisters, friends and relatives, the agony of the Vietnam war continues. They do not know. They do not know whether their brothers and sons are still alive. This awful uncertainty gnaws at them day and night.

I know it will be objected from several quarters that these sightings and reports of American prisoners living in Southeast Asia are nothing more than the normal aftermath of an emotionally trying war. I know that there are some who firmly believe that no American is, or can be, living in Southeast Asia under the guard of Communist authorities. But can anyone in the administration say—with absolute moral certainty—that these Americans are dead; that they do not exist; that these live sightings of U.S. personnel are a hoax? Of course, not.

Mr. Speaker, the fact remains. We do not know. Therefore, every effort should be made by the Defense Intelligence Agency, among others, to investigate each and every case of a "live sighting." There ought to be no hesitation on this matter. Investigations should include, at the very least, the employment of the most sophisticated polygraph equipment available, accompanied by the most thorough expert cross-examination and analysis.

The most recent case is the report of a Vietnamese refugee, Mr. Ngo Phi Hung, who claimed to see 49 American POW's in jails after the Vietnam war had ended. Mr. Hung said other sources indicated to him that anywhere from 200 to 250 other Americans were still being held captive. I ask that every Member of this House give the articles by Mr. Jack Anderson of the Washington Post and Mr. Roger Showley of the San Diego Union, of July 16, his or her undivided attention:

[From the San Diego Union, July 16, 1978]

BUSINESSMAN LOSES NAME LIST—AMERICANS REPORTED IN VIET PRISONS

(By Roger Showley)

A 48-year-old Vietnamese businessman, who arrived in the United States within the past two weeks, claimed yesterday to have seen forty-nine American prisoners held in Vietnamese jails after the Vietnam war ended.

Ngo Phi Hung, who has just rented a house here for himself, his wife and 11 children, told the annual meeting of the National League of Families of American Prisoners and Missing in Southeast Asia that three of the men died during the time he had access to the prisons from May 1975 to April 1977.

Speaking through an interpreter, Hung said he compiled a list of names of the prisoners but lost it to pirates as he was fleeing to Thailand this past February.

However, league officials said the list could have been copied by members of the underground resistance movement in Vietnam. They said they hope to obtain the names so they can be released.

Hung's account had not been given to U.S. government officials prior to yesterday's disclosure before 300 league delegates meeting at the U.S. Grant Hotel.

Frank Sieverts, representing the State Department at the meeting, promised to interview Hung and determine if the story is correct.

"I think we will follow up on this information and we are glad to have it brought to our attention here," Sieverts told the audience, some of whom booed Sieverts because of reports that government officials have failed to interview all Vietnamese refugees about Americans who may still be in Vietnamese prisons.

The Vietnamese government has consistently denied that any more Americans are being held or that there is any more information about persons who were killed or missing in action during the Vietnam war.

Hung said he saw an advertisement in a weekly news magazine aimed at Southeast Asia refugees asking for information about Americans still in Vietnam. The ad was placed by Le Dhi Anh, a resident in the United States since 1964 who acts as a liaison between refugee groups and organizations seeking information about POWs and MIAs.

Anh, who lives in Cheverly, Md., a suburb of Washington, flew to San Diego Friday and interviewed Hung for 6½ hours along with officials of the National League of Families, which will conclude its ninth annual meeting today. Hung had written out as much as he could remember and Anh said she was in the process of translating his account into English.

Hung said that after the North Vietnamese and Viet Cong took control of South Viet-

nam April 30, 1975, he volunteered to continue operating a 100-unit truck transfer service, which included periodic visits to jails.

Hung said he first saw Americans in Vietnamese jails at the end of May 1975. He said he was participating in the interdenominational resistance movements and was passing information to that group's leaders.

During the nearly two years he tracked the prisoners, Hung told the audience, he learned through the prison warden that three of the 49 men were civilians, three officers had died—two by suicide and one from illness—and six were in very poor health.

"The treatment was not harsh. It was nice," Hung said, as translated at the podium by Anh.

During a lengthy question-and-answer session with reporters and delegates, Hung was asked why the men were still being held.

"I didn't dare ask (the prison warden) and he never told me," Hung replied. "If I ever hinted at that, I would never have been able to set foot in the compound again. But other officials I talked to said, 'We're keeping the prisoners in exchange for aid for reconstruction, because the United States agreed to give us $2 billion.' I think it was difficult for them to admit they were keeping the men alive."

Hung was referring to a post-war claim by the new Vietnamese government that then-President Richard Nixon had agreed to give $2 billion in aid once the war was over and POWs had been exchanged and MIAs had been accounted for.

The U.S. has so far refused to grant any aid, claiming that the accounting of POWs and men missing in action has been unsatisfactory.

Hung said the prisoners were held in five different prisons, including the former headquarters of the U.S. Agency for International Development in Saigon.

Hung escaped on a fishing boat to Thailand with his family and moved to San Diego because a nephew lives here.

Anh said Hung was a wealthy businessman in Saigon and lost all his possessions when he escaped—including a briefcase with 175 ounces of gold and the list of the 49 prisoners.

In response to another question, Hung said he gathers from other sources that there are between 200 and 250 Americans still being held captive.

Before Hung spoke, Rep. Bob Wilson, R-San Diego, addressed the gathering. He urged that President Carter pressure Vietnam through the United Nations to reveal what it knows about American prisoners.

"It is the obligation of the Congress—and its responsibility—to state the demand again and again that an accounting must be forthcoming," said Wilson, the ranking Republican member of the House Armed Services Committee. "This final accounting will never be gotten until the U.S. government, as personified by our American diplomatic delegation to the U.N., decides to put severe political and economic pressure on the Vietnam Communist regime.

"We have a duty to our missing servicemen, to their families and to the nation as a whole not to allow them to be used as pawns in a brutal game of diplomacy."

[From the Washington Post, July 16, 1978]

THOSE REPORTS OF MIA'S

(By Jack Anderson)

On May 2, 1975, the fleeting shadow of a sampan slipped through the marshy Vietnamese waterways. It scooted up one of the myriad tributaries past the village of Xeo Ro. Huddled in the back of the boat were two Americans—a gaunt white man and a huskier black man—with their hands lashed behind their backs. Curious villagers hurried to a dock to stare.

Five months later, two other emaciated Americans were seen in the same vicinity. Both were white, both "very thin." Reported a witness: "They lay in a motorized sampan. Their heads were shaven like monks'. Their wrists were tied with ropes behind their backs."

Similar haunting reports—here, two scraggly Americans begging for cigarettes, there, a scrawny white man with a faraway stare—have been brought to us. The stories can't be verified, but neither can they be disproved. They linger as an ugly memory of a war America would like to forget.

The fate of 697 Americans, missing in action, still nags the Pentagon, which is trying to close the books on the Vietnam War. Many of those men were definitely alive in communist prison camps. They were seen by comrades or spotted in photographs. But where are they now? No one has explained what happened to them.

To find out, President Carter established the Woodcock commission in February 1977. Its members traveled to Vietnam to take up the case histories of the MIAs with the Vietnamese. After a painstaking review, the commission concluded: "For reasons of terrain, climate, circumstances and passage of time, it is probable that no accounting will ever be possible for most of the Americans lost."

A House select committee conducted its own separate investigation of the missing Americans. Chairman G. V. Montgomery (D-Miss.) told us sadly: "I wish it weren't true, but I know no Americans are still alive."

Yet whispered reports continue to drift out of Vietnam. They are brought out by refugees who furnish tantalizing fragments of information that often seem authentic. Three of the 10 members of the House Committee refused to accept the conclusion that no Americans would be found. Even Montgomery admitted to us: "It is conceivable we might make one or two mistakes. But this can't go on forever."

An unofficial delegate, who toured Indochina with the Woodcock commission, also disagreed with its findings. He is Dr. Roger Shields, the deputy assistant defense secretary in charge of MIA affairs from 1973 to 1976. He wrote a scathing letter to Defense Secretary Harold Brown, informing him, in effect, that "the Vietnamese sold us a bill of goods. I did not believe what I was told."

The State Department's MIA expert, Frank Sieverts, has dismissed most refugee sightings as inaccurate. Yet he acknowledged: "Of course, there is the possibility of collusion by Vietnam. We are ultimately at their mercy."

We have tried in vain to verify the refugee reports. W have carefully extracted details from letters that the refugees have written. Our reporter Josh Levin has questioned a dozen refugees directly. A Vietnamese woman in Cheverly, Md., placed an ad in a Vietnamese-language newspaper. She has received 12 responses, with details about MIAs. Some offered to provide more information if their identities and security could be protected.

But Sieverts is still skeptical. "Refugees often want to make a good impression on us," he said. "We can't deal with imagination in a subject as important as this."

The Defense Intelligence Agency has analyzed some of the refugee reports. It found the story of the two Americans with shaven heads "quite doubtful" and another account suspect because of the witness's "obvious desire to call attention to [a] request to be allowed entry into the United States."

But the DIA cancelled an interview with Trinh Hung, now living in Philadelphia, who told about seeing the shorn Americans. His written account was rejected because it mentioned that the pair were on their way into the U Minh forest. The DIA claimed that American prisoners in South Vietnam "were transferred north for detention," so Hung's story was "contrary to known events."

But we have received other accounts of prisoners being led into U Minh forest. According to one report, 15 cinderblock prison cells were located in this forest in the spring of 1975. Fifteen American soldiers, "probably officers," five black and 10 whites, were reportedly held there.

Nor do all the reports we have seen appear contrived to impress American authorities. Many of them, in fact, appear hauntingly legitimate. We have also interviewed several refugees who, contrary to official statements, were never questioned about MIAs by American officials.

It also seems as if the Pentagon is overeager to close the files on the MIAs. That was recommended, in fact, by the House select committee. The Pentagon's four service secretaries subsequently mulled over the folders of 286 MIAs. All of those reviewed have been reclassified "presumed dead."

The military brass may be correct to believe there is no hope of recovering any more MIAs alive. Certainly, the families of MIAs shouldn't have their hopes raised unwarrantedly.

But the Pentagon should not close the files on those men prematurely. There are still reports that haven't been analyzed. The generals, who were so willing to send young men to fight in Vietnam, owe it to them to wait until the last possible minute before pronouncing them dead and forgotten.●

ARIAS' RETURN—II

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. DORNAN. Mr. Speaker, on July 20, 1978, I inserted the first portion of an address by former President Arnulfo Arias to the people of Panama. It was an emotional occasion for the Panamanian people, for it was the first time they had a chance to hear this leader since his enforced exile 10 years ago.

It has been said that the dictator Torriios has been loosening up his domestic control over the political life of the Panamanian people. I sincerely hope that this recent "thaw" in Panama's political life is long term, and not simply a set of tactical maneuvers on the part of the dictatorship to divert the attention of the world away from the true character of the regime. I sincerely hope that the absence of intense repression is not a quiet prelude to another round of Torrijos police-state crackdowns. We will see.

In the meantime, I offer to my colleagues the second portion of former President Arias' speech. It is a document to be pondered by this Congress and historians concerned with the future, as well as the past, of our great canal in Panama:

ARIAS' SPEECH

Be patient. [shouts in background] We remind the Panamanian public that several important articles on implementing the treaty still have to be approved and that the treaty is not yet finished. [shouts, applause] These articles on implementation are required for the treaties to enter into effect. It is necessary to refer to a reservation to the text of the treaties proposed by Senator Edward Brooke, which specifies that the articles

for the ratification of the treaties must be drafted [hacerse] after 31 March 1979 and that this deadline may be extended until 31 October 1979, that is, until next year. [shouts, whistles]

In the House of Representatives there is also a resolution presented by Representative George Hansen, which establishes that no property within the Canal Zone may be transferred until both U.S. congressional chambers, that is, the Senate and the House of Representatives, have approved such a transfer. [shouts, applause]

Those who go around proclaiming a short-range economic orgy to be derived from the canal are wrong. It is high time we Panamanians dedicated ourselves to work, and develop our own country in order to depend more on our own efforts and less on the rivers of gold flowing from the Canal Zone. Our privileged geographic position [applause, shouts] should contribute to the integrated development of our nation's fertile territory, from Darien to Chiriqui.

This afternoon, the Panamanian people are showing that they continue to be loyal to a deeply felt and deep-rooted ideal. The desire for important and undelayable moral, social and economic achievements is linked to this ideal.

In this welcome today there is a reaffirmation of patriotic principles and an evidence of our indomitable faith in our redeeming efforts, in which all Panamanians, regardless of race or class have joined. [applause, shouts]

The struggle against the merchant policeman currently infesting the fatherland's temple with his [word indistinct] has begun and the challenge is there for all to see. This great movement for the reestablishment of democracy in Panama and the forgotten masses' desperate cry for redemption will find in Panamenism and our call for national unity the only hope for the country's renewal. [applause]

In these historic efforts, we are accompanied by the Republican Party, Christian Democracy [applause] and the new Social Democratic Party. We are also accompanied by the old members of Communal Action, Democratic Action and the Third Nationalist Party [applause, shouts, whistles] our friends from the patriotic coalition and the independent liberals. We are also very interested in the sincere adherence to this undeniable cause by the members of the National Liberal Party and the Agrarian Labor Party [shouts, applause]. We also have the enthusiastic participation of civic organizations, which have before them the edifying example of the movement of independent lawyers [applause, shouts, whistles], the national studies group and the new Democratic Independent Movement [applause]. Let me know if you are tired [repeated shouts of "no!" and "presidency!"]

The Panamenists have made an apostolate of their lives, an altar of their duties and a sacrifice aimed at the creation of a great, noble, free and just fatherland of the present.

Men and women, firm of heart and principles, old friends who have been tested in much remembered previous campaigns, and new members full of energy and firm determination are now swelling our ranks. All of them together, in a harmonious task force, are carrying out missions, endorsing goals, making decisions and disseminating our undying doctrine.

For this reason, as we have upheld our ideals and sought the unity of our followers, as have we maintained our enthusiasm for the worthiness of our cause and expanded the creed which has created confidence in the innermost hearts of Panamanians, we have never practiced deception, with illusory promises. For this reason, the voice of the people resounds in the galleries of the fatherland today. [applause, shouting]

Students and youths, instead of being taught the history of the fatherland and receiving guidance in line with their ancestors' principles of hard work and honesty, are being indoctrinated with communist lies. The poisonous [shouting] educational reform program is fulfilling its task of causing alienation. In educational terms, however, it is a total failure.

Today, more than ever, the young people here in Panama demand participation in keeping with the free and democratic ideals that they hold. They wish to be free of all venal ties, of all muzzling, and are prepared to play their legitimate role in these dangerously critical times we are experiencing, times they understand better than anyone because, in the final analysis, they will have to occupy the posts which we occupy today. [shouting]

Thanks to Almighty God, I studied in the best universities and I graduated as a surgeon from Harvard, where I learned to alleviate and cure the illnesses that afflict us. With budding intuition I felt it too was my duty to take an interest in the political and social evils that afflicted our underdeveloped people instead of devoting myself solely to malaria, typhoid, gonorrhea or syphilis. And for this reason, I have worked since 2 January 1931, not only trying to cure those illnesses, but also to remove tumors through surgical procedures.

However, to remove the cancer which corrodes our society, a contribution is necessary from all the inhabitants of our land—men, women, children, the elderly, adolescents, natives and foreigners. This is not a job solely for individuals or civic associations or political parties. It is a job for the entire nation, and it requires a common front against the dictatorship.

The call from our people, who were represented at the meeting in Hallandale, Florida, on 12 February of this year by several parties and civic associations, and the call from the leaders of the Panamenist Party issued in Miami on 6 May 1978, which I could not refuse, have convinced me of the need to unite the people, from Darien to Chiriqui, from the Pacific to the Atlantic, in order to correct the evils which afflict us now and in order to be able to participate in the great battle of Armageddon that began in the Middle East, is underway in Africa, and now threatens Nicaragua and El Salvador, and even us. Only God knows when it will end. I refer to the imminent world war.

The legitimate U.S. legislators of both chambers and President Carter himself, as the world champion of human rights, must be appalled to see that on the coasts of the isthmus the use of force and threats is increasing. This implies the existence of secret pacts with the bitter enemies of democracy, who, in bombing the canal in the future, will also be bombing thousands upon thousands of Panamanians in the neighboring cities of Panama: Colon, Arraijan, Chorrera, Pacora and Chepo. This is the near future that the bossman [mandamas] was predicting for us when he said that he would blow up the Panama Canal. [applause, shouting]

A few cheap political mercenaries are unable to sacrifice their positions and aspirations, and are confused by the voracious merchants who seek quick profits. The total renunciation of personal gain out of pure love for our land is difficult. The altruistic ideals and lack of pettiness that characterize the great majority of Panamanian political parties and Panamanian civic groups, united as brethren in a genuine national unity, is an eloquent and noble contrast to those who seek to legitimize a new electoral force that has as its purpose the perpetuation of the tyrannical and traitorous regime.

The inexorable force of the present situation in Panama is increasing the scrutinizing capacity of the Panamanian, who despises and repudiates electioneering politicians and the supreme traitor, who clings to his ill-gotten power. [applause, shouting]

Today, 11 June 1978, we announce to the people that we are back, [applause, shouting] without weapons or bullets [words indistinct]. Nor have we come with little soldiers in uniform to frighten you. [shouting and chanting: president, president] We have come with our souls and hearts filled with patriotism and love to occupy the place which you, our beloved people and the will of God have appointed for us [applause, shouting: president, president, president] to contribute with projects and institutions, as we did in 1941 and in our other truncated presidential terms. At those times we gave land, tools and seeds to the farmers, who received 45,000 titles to land. We have come to contribute with projects such as the social security institute, whose beneficiaries would live like paupers today if they had not paid their dues. We have contributed to Panama the security of its homes; we have contributed women's right to vote, which at least helps to check political abuses. We contributed with the law recognizing children born out of wedlock, trying to save them from the inferior status that still affects many of them. [shouting, applause] The provincial hospitals would still not be built if it had not been for the herosim of the community action boys. The Bridge of the Americas would still not be built if we had not had the support of the Panamanian people when we presented the 12 points to the United States.

In the construction of public buildings we did not give commissions or bribes. However, there have recently been many bribes in the commissions from loans of doubtful origin. [applause, shouting]

Yes, we have returned to you to promote education in kindergarten and vocational, drama, music and ballet schools; to promote the university in the four languages of our Americas; to improve hospitals with the best medical technology; to help shops and small factories, to insure that we benefit from what is produced in Panama and that banks give loans to men and women with creative ideas whose greatest guarantee will be their honesty and that these men and women will have capable technicians to guide them in their endeavors. [applause]

Yes, we have returned. [shouting, applause] We have returned to help our people strive for a better Panama through democratic methods and constitutional governments, in order to insure that Panama will never be the first Soviet colony on the American mainland. [shouting, applause] Remember that the communist fifth column is among us with the greatest budget in its history. [applause]

On 30 November 1940, during my first term, Jephta B. Duncan, an illustrious and venerable man, in the swearing in ceremony at the national university said the following: "Weapons by themselves are no longer sufficient to defend the sovereignty and territory of free peoples. People need an intelligent awareness of the needs and risks which expose them to the loss of their freedom or the crisis of the institutions which protect them. The defense of a nation is made stronger and more efficient when one knows what one is defending and when one is aware of the extraordinary importance for a society of the social, economic and political principles which make up the most important aspects of the system under which it operates." [applause, shouting]

This is not the time for personal ambitions, sectarian activities or petty politics. We need activities and movements that promote national unity. Civilians and military, merchants and industrialists, workers and government employees, clergy and civic leaders full of patriotism are needed to put an end to the institutional crisis and save our language, our religion and the traditions taught

us by free men like Bolivar, San Martin, Washington, Marti, Juarez, Moraza, Duarte and our own Urraca and patriots like Justo Arosemena, Belisario Porras, Harmedio Arias and Juan Demostenes Arosemena.

We await the precise moment when St. Michael, the great archangel, will arrive with the great demolishing sword of justice in his hands to exterminate the evils which afflict Panama because of the unworthy conduct of its unworthy sons.

We are here, ready for dialog with anyone who is concerned about the fate of the great majorities and who honestly wishes to contribute to the reconstruction of the country and its genuine welfare. We are ready for action at all times, in conformity with the mandates of the fatherland. [applause, shouting]

During our 47 years of public life, we have desired no other title than that of servant of the fatherland and brother of the Panamanians. For this reason, we are here, prepared to sacrifice—as we have done on other occasions—our personal peace for the sake of defending the national interests which represent the sacred destiny of our fatherland. Thank you very much.●

LETTER FROM AN ECONOMIST WITH SOUND ADVICE

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. STOCKMAN. Mr. Speaker, Prof. George W. Trivoli, the chairman of the Department of Economics and Business Administration at Hillsdale College, recently published an "open letter" to President Carter that presents in succint terms the source of our current economic problems.

I would like to share Professor Trivoli's comments with the Members of this body because, although his comments were directed to the President, the Congress must share equal responsibility for misguided policies of constantly expanding deficits, costly regulations, and other inflationary forces.

Hillsdale College is one of the few institutions of higher learning in our country that is blessed with an economics department capable of perceiving that an expanded Federal Government is not the solution to every problem. If we were to follow Professor Trivoli's advice instead of the advice emanating from the advocates of big Government—whose policies produced our current problems—we could avoid entering another cycle of double-digit inflation and economic contraction.

[From the Lima (Ohio) News, Apr. 9, 1978]

ARE YOU LISTENING, MR. PRESIDENT?

An open letter to the President of the United States:

There are several important and urgent economic problems facing the nation. These are: (1) an acceleration in the already historically high inflation rates; (2) the continued impasse on energy policy; and (3) the precipitous decline of the dollar in foreign exchange markets. As a result of these and other problems, the general mood of business and investors seems to be negative as evidenced by the continual depressed state of the stock market and business investment.

The increased pace of inflation, which I contend is the root cause of most of the present problems, has been generated by the constant increases of federal spending throughout the present recovery since 1974–75. With the growth of federal spending proceeding at the pace in recent years of between 8 and 10 percent, the total size of the federal budget within 10 years will more than double the current projected $500 billion level. That would place the federal budget at $1 trillion or between 38 and 40 percent of nominal GNP, assuming continued economic growth of between 3 and 4 percent per year. Surely something must be done to stop runaway growth of federal spending, regulation and control of every aspect of American lives.

The evidence from the experience of other nations, as well as our own, clearly shows that as the size of the public sector grows, the private sector necessarily shrinks. A recent Wall Street Journal report indicated that as a percentage of GNP, government spending and taxes among major Western nations were the highest in the U.S., exceeded only by Great Britain.

The growth of federal spending has been matched by accelerating deficits throughout the present economic recovery, but the proposed administration budgets for fiscal 1978–79 call for back-to-back $60 billion–plus deficits. Continual budget deficits, as you are well aware, lead inevitably to large additions to our already horrendous national debt and also generate increased inflationary pressures. Since the combined refunded national debt plus the new budget deficit must be financed in the private capital market each year, private borrowing and business investment necessarily must bid for increasingly scarce savings.

In addition, the Federal Reserve is forced to support all new federal debt issues (adding last year almost $10 billion to its permanent holdings of federal debt). When the Fed buys Treasury debt, we have a simple process of monetization of the debt, which is purely inflationary. The growth of banking reserves upon which banks can create ever-increasing amounts of money and credit has been accelerating at a rate of 9 to 10 percent per year. Increased reserves to the banking system inevitably lead to inflation. Hence, it comes as no surprise that both wholesale and consumer prices now appear to be currently rising at near double digit rates.

The answer to accelerated inflation is not more restrictions and controls on American labor and business, since they simply are trying to keep pace with the inflation. The president must order immediate and decisive reductions in federal spending, amounting this year to between $25 and $50 billion.

Impossible you say. Between the beginning of 1975 and the end of 1976, more than $60 billion was added to the federal budget. Surely $25 to $50 bilion can be cut within a commensurate time.

Please don't ask me what programs to cut. Ask instead the bureaucrats running your agencies to justify what programs should remain, given the current crisis of gargantuan government.

Our domestic inflation, along with our nation's increased dependence upon foreign oil, has driven our balance of payments into an unprecedented deficit approaching $25 billion in 1977 and projected to be at least that level again in 1978. Foreign holders of U.S. dollars have become increasingly weary of this nation's inflationary policies and are becoming less willing to hold U.S. IOU's. The excess dollars in foreign exchange markets, with fewer demanders to purchase U.S. merchandise or financial assets, is the main cause of the dollar's decline in value vis-a-vis major world currencies.

Instead of prodding our allied and major trading partners such as West Germany and Japan to accelerate their domestic inflation rates, as administration officials have been doing in recent years, we should be taking drastic steps to reduce or eliminate our own inflation.

How can this be done? You, Mr. President, must take decisive action! No, not wage-price controls. We have seen an example of how effective they can be in the administration's inability to deal with the coal miners' union. By the way, wasn't it a bit short-sighted for the administration to advocate, and the House-Senate Energy Conference to suggest, increased dependence upon coal in production of energy during the coal negotiations? Surely the miners read that as a signal to gain as much as they possibly can from this contract.

Which brings us to what appears to be left of the administration's original energy proposal. It has become apparent to you, as it has to most Americans evidenced by the dealock in the House-Senate conference, that the original plan was ill-conceived. What the U.S. energy industry needs is disintervention by the federal government in the case of petroleum and deregulation by the Federal Power Commission for the natural gas industry.

The evidence is overwhelming (much of it supplied by ERDA, now part of the vast new Energy Department bureaucracy) that there is plenty of petroleum and natural gas right here in the U.S. With the world price of petroleum at about $14 per barrel, do you really think it pays domestic producers to go to the expense of enhancement of existing wells—in which as much as 60 to 75 percent of the oil still remains in the ground—to sell it at the government regulated price of between $5 and $9 per barrel? A former peanut grower should know better than that!

Under the regulation of the Federal Energy Administration, our current energy program has the effect of a direct transfer from domestic oil producers and refiners to foreign oil refiners in order to enforce a lower petroleum price in the U.S.—discouraging domestic production and encouraging domestic consumption—while our nation's dependence on OPEC supplied oil increases.

If all Americans knew that since 1974 U.S. oil producers and refiners were being taxed so as to subsidize the importation and refining of OPEC oil, what do you think they would say? As you know, this is precisely what the FEA policy has accomplished. Adding yet another tax on domestic oil producers, as your proposed crude oil tax would do, is hardly the way to solve our domestic petroleum crisis.

An immediate elimination of price ceilings on U.S. petroleum—the only remnant of the Nixon era price controls—accompanied with a temporary quota on OPEC imported oil, would cause several important actions. Our domestic petroleum industry would be immediately revitalized; the slightly higher price of petroleum products would cause Americans to conserve in their consumption. But the price of oil would not rise to the OPEC level. The OPEC cartel, already facing the prospect of tremendous excess oil reserves, would be forced to break the world price of oil or face the prospect of widespread cheating among cartel member nations seeking to maintain sales.

Space limits a consideration of the natural gas problem, except to say that under the FPC gas prices have been controlled at such a low level that in real purchasing power terms, natural gas is cheaper than in the early 1950's. Only a few lucky Americans are still able to get natural gas because at the lower regulated price there are no longer incentives to search for and produce new gas. Yet natural gas is potentially our most abundant, cleanest fuel. Moreover, it is a major feedstock for our vast petrochemical business.

Surely, you don't wish to be remembered as the president who administered policies

that resulted in the total collapse of the dollar in international markets, runaway inflation and total wage-price controls, with commensurate loss of freedom and the destruction of our domestic petroleum and gas industries (to be taken over by whom, our new Department of Energy?).

Please forgive me for such stark revelations, but someone had to tell the emperor that his underwear is showing!

Respectfully,

GEORGE W. TRIVOLI, Ph.D.,
Professor and Chairman, Division of Economics and Business Administration, Hillsdale College.●

DEEP SEABED APPLICANTS SHOULD HAVE WORK PLAN

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. McCLOSKEY. Mr. Speaker, tomorrow during consideration of H.R. 12988, I intend to offer a series of amendments which will require that an applicant for a license or permit submit a "work plan" along with his application.

I am offering these amendments to remedy a particularly undesirable aspect of the bill, as presently drafted. This is the language which would appear to claim sovereign rights by the United States over a specific area of the seabed.

Under international law we can claim access to seabed minerals, but there is no basis for claiming jurisdiction over the seabed itself. While this may be argued to be a mere legal distinction, the issue is a very real one in the minds of other nations.

As Ambassador Elliot Richardson pointed out:

> I think it is important . . . to get across as clearly as possible that the United States is not purporting to establish a claim of sovereignty over a portion of the seabed. If that impression were to be created, no matter how slight a foundation, it could trigger comparable claims by other countries. And, we could end up seeing the whole seabed carved up among competing national claims in the way the continent of Africa was once carved up.

The work plan mechanism avoids an assertion of jurisdiction by the United States over a specific area of the seabed. As stated by Secretary of Commerce Kreps before the Merchant Marine and Fisheries Committee, a work plan will make it clear that:

> Neither the United States nor the miner would have any territorial or property right in an area. U.S. jurisdiction would be purely in person, that is, over the licensee, not the area subject to the license.

In addition to the international law protection, the work plan mechanism supports strong environmental protections and facilitates the administration of the bill.

The environmental policy center lists the incorporation of a work plan as a "key amendment which must be included in final passage of the bill if Congress is going to pass a strong ocean mining bill."

The administration also supports the inclusion of a work plan amendment stating that it is the "centerpiece of the management plan" and that the diligence requirement in the work plan is "critical and provides the Secretary the necessary authority to insure that the exploration and development plan proposed by the applicant and approved by the Secretary will be carried out in a reasonable manner."

The majority of the amendments are technical and bring the language of the bill in conformity with the establishment of the work plan.

The key amendment is as follows:

On page 14, after "applications." add "Each application shall contain a work plan describing—(A) the location of the area of the seabed proposed to be explored or where commercial recovery activities will be conducted;

"(B) a schedule of exploration or commercial recovery activities, and a description of the system to be employed, such information to be used by the Secretary in determining whether the applicant is carrying out such activities with due diligence;

"(C) a schedule of expenditures for exploration or commercial recovery activities; and,

"(D) proposed measures to protect the environment and to monitor the environmental impact of the operations.".

The remaining amendments are as follows:

On page 9, at line 22, delete "with respect" and insert in lieu thereof, "based on a work plan referring".

On page 12, strike lines 10–25 inclusive and insert in lieu thereof, "(D) any license for exploration or any permit for commercial recovery if the work plan for such license or permit describes an area of the deep seabed the same as that described in a work plan for a license or permit previously issued to that applicant which has been surrendered, relinquished or revoked under section 104 within the preceding 3 years;

"(E) any license for exploration or any permit for commercial recovery if the work plan for such license or permit would conflict with: (i) any work plan for any pending application for a license or permit to which priority of right for issuance applies; (ii) any work plan for any existing license or permit; or (iii) any equivalent authorization which has been previously issued by a reciprocating state.".

On page 15, after line 15, insert "(D) the applicant's proposed work plan meets the requirements of this Act and the regulations promulgated pursuant thereto."

On page 18, at line 8, delete "area which is" and insert in lieu thereof, "activities".

On page 26, line 9, after "permits" insert, ", or modification of work plans,".

On page 26, strike lines 14–25 inclusive, and on page 27, strike lines 1–9 inclusive, and insert in lieu thereof:

"(1) WORK PLAN.—(A) The area for exploration shall be of sufficient size to allow for intensive exploration activities.

"(B) The area for commercial recovery shall be of sufficient size to meet estimated production requirements.

"(C) The areas of exploration or commercial recovery shall be reasonably regular in shape.".

"(D) When a licensee obtains approval of a work plan associated with a permit for commercial recovery, the work plan with his license shall be relinquished.".

On page 27, on lines 12 and 13, delete "the license" and insert in lieu thereof "its work plan".

On page 27, on lines 18 and 19, delete "which is authorized to be recovered under the permit" and insert in lieu thereof "covered by its work plan".

On page 28, at line 5, delete "the license" and insert in lieu thereof "its work plan".

On page 29, starting on line 5 through line 6, delete "area of the deep seabed" and insert in lieu thereof "right to conduct any deep seabed activity".

On page 29, at line 8, delete "area of the deep seabed" and insert in lieu thereof "such right".●

CAPTIVE NATIONS WEEK 20TH ANNIVERSARY COMMEMORATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1978

● Mr. BIAGGI. Mr. Speaker, this week we observe a most solemn event, the 20th anniversary of the first Presidential declaration of Captive Nations Week. It is a time to reflect over the tragic fact that there has been so little progress made in 20 years to improve the plight of the captive peoples of the world.

The people in the captive nations have had great hopes in America during these 20 years and more often than not our policies have caused these hopes to be dashed. Captive nations have been betrayed by détente and have yet to see the benefits from the present human rights policies of this administration.

We should make as a national foreign policy goal to reinforce our solidarity with those in captive nations who seek freedom. The spirit of captive nations' many freedom fighters is inexhaustible and hopefully they will triumph in the end. In addition to working for improved freedoms in captive nations we must be wary of any further Communist adventures in Third World nations especially in Africa. They are vulnerable and must be protected.

On Sunday an important demonstration was conducted by the Captive Nations Committee of New York. I was proud to participate in the observance and was very much impressed with the opening remarks delivered by the chairman of the committee Horst Uhlich. Perhaps the most salient of his many relevant remarks was his recognition that freedom is by no means a static entity to be taken for granted. As Uhlich said "Freedom like friendship continues only when we work at it—dream about it, wish for it with all our hearts because freedom is very difficult to win and to keep, but very easy to lose." Words of wisdom indeed. Let us renew our pledges of support to those in captive nations and continue to serve as the beacon of freedom shining on around the world.

Mr. Uhlich's speech and the program from the New York Captive Nations Week rally follow:

OPENING DAY OF CAPTIVE NATIONS WEEK

Distinguished guests . . . members and friends:

In the name of the Captive Nations Committee, of New York—it is a pleasure to welcome all of you—on the occasion of this 20th Annual Captive Nations parade and commemoration.

We are honored by your presence, here. We know that you have made a special sacrifice, during vacation time, to join us here, today. And we are well aware that those who

still remain inside captive territory are making the greatest sacrifice of all—because the loss of man's freedom is the greatest sacrifice of all.

We are all, indeed, honored to have with us our distinguished guests who bring us strength—and who raise our spirits with their presence. We would also like to take this opportunity to thank our committee members whose efforts and encouragement have been the support of our organization. And all of you who have helped in your own special ways: many, many thanks! And our special thanks to our honorary chairman, Dr. Ivan Docheff, for his good advice and guidance. . . .

We are here today, to honor those who have died at the hands of the Communist party—and those who are living their lives in Communist concentration camps, or who are detained, for reasons of mental health.

We are the fortunate ones, to be living in this great country, the United States of America—to have the freedom to meet, here, today. And it is only a few days after the celebration of our Independence Day on July 4th, a reminder that freedom, like friendship, continues only when we work at it—dream about it—wish for it with all our hearts—because freedom is very difficult to win and to keep, but very easy to lose. We have, in our own experiences learned many hard lessons.

We have suffered—and many of us still have relatives, families and friends who are weeping, starving, and suffering at this very moment. And they only ask for a word of encouragement from us—to assure them that they are not forgotten—to let them know that we are gathering together, as we are doing today, to send them a message of hope.

But above all—we must send our stern message to the Communist slaveholders ruling the captive countries, that we will never, never stop demanding freedom for all nations—and that we will never give up, until all peoples who are living under Communist slavery are liberated.

One visible activity is the pressure that the United States has been putting on the Communists, demanding human rights. This country is, in principle, attempting to remind the Communists that the human rights issue . . . one of the vital agreements which they signed during the Helsinki conference in 1975 . . . has been disregarded by them. The news coming out of Moscow, even today, shows only too clearly what the Bolsheviks understand by human rights. President Carter we understand is just visiting Berlin. When he looks at the Berlin Wall, it is like seeing the face of death . . . he should have the truest possible understanding of what Bolshevism means by human rights.

In 1945, when I was only a boy of 9 years, I was one of 17,000,000 East Germans who were expelled from our homeland of East and West Prussia, Pomerania, Silesia, and Sudetenland . . . and many people are not aware of the fact that 2,280,000 East Germans, mostly helpless women and children, were massacred after World War Two. And we know that the Crimean Tatars had almost half of their entire population killed off. And all the other captive nations of every culture have suffered similar disasters. Therefore, it is the duty of those of us who have survived to tell the truth about Communism. So that those who have not lived through the horrors of Communism, as we have, will understand more clearly what is to be expected from Communism . . . the madness of Communism . . . the murderous ambition of the Communist Party to conquer the entire world. These may be the final hours in history for us to alert the people who yet remain free . . . to wake up to the danger of the Communist Party International, which has conquered three quarters of the world, and having succeeded in Vietnam, immediately transferred their military operations to Africa.

And finally, on this occasion, today, we cannot afford to sleep peacefully until the cause of the captive nations has been made popular before the eyes of the American people and the entire free world . . . equally popular with the cause of the two Russian dissidents.

Albania, Armenia, Azerbaijan, Bulgaria, Byelorussia, Cambodia, China, Crimean Tatars, Cossackia, Croatia, Cuba, Czechia, East Germany, Estonia, Georgia, Hungary, Idel Ural, Karatchays, Laos, Latvia, Lithuania, Mongolia, North Caucasus, North Korea, North Vietnam, Poland, Romania, Serbia, Slovakia, Slovenia, South Vietnam, Tibet, Turkestan, Ukraine.

These nations must live . . . they have the right to live . . . to exist just as other nations to exist!!!

Until these nations are free again . . . let us all work and pray for them.

May God be with us!!●

A TENDENCY TO LEGISLATE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. ANDERSON of Illinois. Mr. Speaker, a while back one of our colleagues sent out a "Dear Colleague" letter in which he referred to a bill which was coming up under the "suspense calendar." While in fact there is not even such a thing as the suspension calendar—the procedure is simply known as "suspension of the rules"—our colleague may have been closer to an accurate description of the process in referring to it as the "suspense calendar." Given the excessive use of this procedure, the perfunctory debates, the absence of amendments, and the delayed votes, most Members are left in suspense over what they are voting on.

An excellent article on the abuse of the suspension procedure appeared in the June 26, 1978, issue of the New Yorker magazine. Written by the Washingtonwise columnist, Elizabeth Drew, and entitled, "A Tendency To Legislate," the article describes the proceedings on a typical suspension day and the reactions of Members to the procedure. Most Members interviewed agreed that the procedure was being overused and abused.

The justification for the increased use of this legislative, short-circuit process is that there are just too many bills to pass nowadays and too little time to consider them under normal procedures. The irony in this, of course, is that the more bills we take up under the suspension procedure, the more we tend to extend and expand existing programs without adequate oversight or revision, and the more we make way for the creation of new programs to pile on top of the old.

Mr. Speaker, without getting partisan I would point out that we on this side of the aisle did warn about the inevitability of abuse of the suspension procedure and lackadasical legislating both when the days for suspensions were increased and when the provision for delayed voting was under consideration. I would hope that the increased bipartisan disquiet in the House over the excessive use of the suspension procedure would produce greater restraint in scheduling bills under suspension as well as some further guidelines or House rules changes which would relieve the Speaker of the constant pressure put on him to permit all manner of bills to be brought up under suspension. I, for instance, along with some 53 cosponsors, have introduced House Resolution 178–180, which would amend House rule XXVII to prohibit any bill from being brought up under suspension unless specifically authorized by majority, rollcall vote of the committee, or the written request of the chairman and ranking minority member of the committee of jurisdiction. I think we might also consider a dollar limit on bills which can be brought up under suspension.

At this point in the RECORD, Mr. Speaker, I insert the article from the New Yorker by Elizabeth Drew to which I referred earlier in my remarks. The article follows:

A TENDENCY TO LEGISLATE

On Monday, May 22nd, the House of Representatives, in approximately one hour and forty-five minutes, passed six pieces of legislation. The debate on these bills took about forty minutes altogether, and the rest of the time was consumed by roll-call votes on them. When a bill is considered on the House floor under regular procedures, hours, or even days, can be required to complete work on it, but these six bills were considered under what is known as the suspension calendar—a process that has come into increasing use. About a fourth of all House legislation of any consequence—that is, excluding private bills and routine matters that carry by unanimous consent—is handled this way.

The normal rules of legislating are suspended, debate is limited to twenty minutes for each party, amendments from the floor are prohibited, and a bill needs the approval of two-thirds of those voting. The theory is that this is an efficient way of clearing noncontroversial proposals, but the suspension procedure is also used for other purposes: to slip bills through or to deny members an opportunity to amend them, under the pretense that if a bill is on the suspension calendar it is by definition noncontroversial.

The speed of the process causes members of the House to cast their votes in even more ignorance than usual of just what it is they are deciding. Of late, members of the House, their docility on this particular Monday notwithstanding, have been growing increasingly wary of the suspension process, and that wariness is a symptom of a deeper unease—an unease about the sheer amount of legislation that comes before them.

As government grows, so does the number of bills to reauthorize old programs, to change them, to tinker with them, to find flaws in the way the executive branch is administering them. A program, once enacted, rarely dies. And, at the same time, members of Congress keep coming up with new ideas for things for the government to do.

There being many more members of the House than of the Senate, many more bills get pushed onto the House calendar. At the end of each session, the congressional leaders put out a list of bills passed that year, and the presumption is that the more bills that have been passed the more has been accomplished.

As the volume of legislation rises, so does the pressure to get bills on the suspension calendar; otherwise, a bill's sponsors must

take their place in the long line of those waiting to bring legislation to the House floor under the regular procedures, and, because of the limited time, many bills don't make it. (This year, because it is an election year, the House plans to adjourn by the first of October.) In late May, a staff member of one of the House leaders said to me, "Everybody and his dog are trying to get on the suspension calendar." Technically, the Speaker of the House decides what goes on the suspension calendar, but most of this work is done by members of his and the Majority Leader's staffs.

A committee chairman simply writes a letter to the Speaker asking that a bill be put on the suspension calendar, and, if possible, he is obliged. Speaker Thomas P. O'Neill has set "guidelines," which include stipulations that bills on the suspension calendar should be neither controversial nor expensive, but although the guidelines help to establish an appearance of orderliness, they are not necessarily followed.

In mid-May, for example, two of the bills on the suspension calendar were the Comprehensive Rehabilitation Services Amendments of 1978, a large piece of legislation authorizing at least seven billion dollars in spending over the next five years and initiating a number of new programs for assistance to the handicapped; and the Comprehensive Older Americans Act Amendments of 1978, authorizing more than four billion dollars over the next three years and also initiating a number of new programs.

Under the rules, members had little opportunity to study the bills and no opportunity to offer amendments, and were faced with the choice of voting for or against the aging and the handicapped. (They voted for them, by 361–6 and 382–12, respectively.) Earlier, the leadership brought up under the suspension rules an Administration proposal to increase federal assistance for college-tuition payments.

The idea was to ward off a proposal, popular in Congress but opposed by the Administration, for tuition tax credits, but House members saw through the stratagem and it flopped. Generally, the idea is to not bring up bills that might fail to get the necessary two-thirds vote, because, from the point of view of the chairman of the sponsoring committee, that prejudices a bill's chances if it is brought up again, under the regular rules, and, from the leadership's point of view, a defeat reflects on its expertise in reading the mood of the House.

At twelve-twenty-five on May 22nd, the first bill on the day's suspension calendar is brought up. Putting bills on a given day's suspension calendar is, of course, a way for the leadership to do favors for the members sponsoring them. Of the six bills to be considered under the suspension rules today, four, all having to do with the subject of timberlands, are sponsored by Representative Jim Weaver, Democrat of Oregon, who is facing a challenge in a primary tomorrow. Dan Rostenkowski, Democrat of Illinois and Chief Deputy Whip, is in the chair.

About forty of the four hundred and thirty-five House members are present, and of those a high percentage are reading their mail or the newspapers or chatting with each other as the "debate" proceeds. Only about a half-dozen members are listening to the first speaker—Representative Carl Perkins, Democrat of Kentucky, the chairman of the House Education and Labor Committee.

The press gallery is virtually empty. Perkins brings up a resolution blocking the consolidation of several advisory committees by the Office of Education. (Such consolidations can be blocked by a vote of either the Senate or the House.)

In recent years, Congress has got in the habit, when it establishes new programs, of requiring the creation of executive-branch advisory committees, particularly in the fields of health, education, and welfare.

The high-minded reason given is that the advisory committees bring independent judgment to the administration of the programs, but in reality the committees become creatures of the programs, of the bureaucracies that administer them, and of the client groups that benefit from them.

In any event, memberships on them are considered prestigious and useful, and they provide opportunities for members of Congress to push for appointments of their friends and benefactors. Jimmy Carter, as a Presidential candidate, it will be recalled, pledged again and again that he would reduce the number of government agencies from nineteen hundred to two hundred. Of the nineteen hundred or so, about twelve hundred turned out to be advisory committees, almost a third of them attached to the Department of Health, Education, and Welfare.

The Department was directed by the new Administration to eliminate a hundred such committees, and so the Office of Education proposed to consolidate the National Advisory Council on Equality of Educational Opportunity with the National Advisory Council on the Education of Disadvantaged Children, and to consolidate the Community Education Advisory Council and the National Advisory Council on Adult Education with the National Advisory Council on Vocational Education. But these changes were opposed not only by some of the client groups, which lobbied against them, but also by members of some of the advisory committees that were to be merged and by members of their staffs, who stood to lose jobs.

The Education and Labor Committee, protective of legislation it has spawned and sympathetic with the programs' client groups, has unanimously approved a bill, which Perkins is now bringing up, to block the merging of the advisory committee.

He routinely reads a statement giving lofty reasons for the legislation. John Buchanan, Republican of Alabama, who is also a member of the Education and Labor Committee, speaks in behalf of the bill; there is no further discussion, and ten minutes after the "debate" on this issue begins, it is over. Harold Volkmer, a freshman Democrat from Missouri, who has made a habit of demanding roll-call votes on suspension bills, does so now; a sufficient number of members agree, and, in accordance with custom, the vote is postponed until all of the day's suspension bills have been considered.

Next, Jim Weaver brings up H.R. 11777, the first of his four bills—this one to consolidate and also to expand several programs that provide federal assistance to private owners of forestland (the coöperative tree seed-and-plant program, the coöperative forest-management program, the coöperative tree-improvement program, the forestry-incentives program, the urban forestry technical-assistance program, the insect-and-disease-control program, the rural-community fire program, the cooperative forest-fire program, and the white-pine blister-rust-protection program).

Weaver quickly and sketchily explains what the bill would do, and says that it represents the efforts of the United States Forest Service and the Extension Service of the Agriculture Department, and also of ten private organizations, including the American Forestry Association and the National Forest Products Association—that is, of the bureaucracies that administer the programs and the interest groups that benefit from them. William Wampler, of Virginia, the senior Republican on the Agriculture Committee, says he supports the bill, and three minutes after the debate on H.R. 11777 began, it is over.

Representative Ronald Mottl, a Democrat from Ohio who is in his second term, demands, as has become his practice, a roll-call vote. Weaver's next bill, also backed by the two federal agencies and the ten private organizations, would expand the Forest Service program of research into forest and rangeland "renewable resources." The existing limit on spending for the program—twenty million dollars a year—would be removed. In five minutes, the debate on the bill is concluded.

The debate on the next bill, which would authorize spending of up to fifteen million dollars a year for ten years to provide extension services to private owners of forestland, takes two minutes, and the debate on Weaver's fourth bill, which would expand a program that supports volunteer work on forestlands, takes seven minutes.

Then ten minutes is spent on a bill to extend and expand a program that provides special training and employment opportunities in the federal government for veterans of the Vietnam era and certain other disabled veterans. At five minutes past one, the debate on all six bills is concluded, and the voting begins.

Under the suspension system, the first vote is allotted fifteen minutes—giving members time to reach the House chamber from their offices and committee rooms in the adjacent House office buildings—and each one after that is given five minutes. (Under regular legislative procedures, every vote is allowed fifteen minutes.)

During roll-call votes, the names of members of the House appear in lights along the wall behind the press gallery; the members insert a card in one of a number of electronic machines scattered around the floor and push a button to indicate how they are voting, and a green light next to the name indicates a "yes" vote, a red light indicates a "no" vote.

On each side of the chamber is a scoreboard that gives a running tally of how the vote is going and how many minutes on that vote remain. What these pieces of machinery say is often more important in helping members make up their minds on how to vote than is the content of the proposal they are voting on.

The system that has evolved for voting on the suspension calendar contributes to the members' relative ignorance of what they are deciding, and is an example of the kind of logic that determines so much of what happens on Capitol Hill. Until not many years ago, the suspension process was used only every other Monday, and in 1973 Tuesdays were added.

Last year, the number of days was increased again, to Monday and Tuesday of each week. In earlier years, by and large the bills were approved simply by voice vote. Since many members do not make it back to Washington from their home states until late on Monday, in 1974 the practice of postponing any roll-call votes on the day's suspension calendar until all of the bills had been debated was instituted.

When legislation is being considered under the regular procedures, members might be inclined to hang around the House floor between votes on amendments, and therefore learn what the amendments—and the bills—are about, but there is little incentive to be present during the debate on the suspension bills. And, increasingly, roll-call votes, rather than just voice votes, are being demanded on suspension bills. (The rules stipulate that a roll-call vote must be taken if one-fifth of those present ask for it—a number that, given the attendance during consideration of bills on the suspension calendar, is not difficult to achieve.)

Some Republicans began demanding roll calls because they were angry over recent changes in the rules which prevent them from demanding quorum calls at will—both as a tactic for delay and as a means of

harassing the Democratic majority. Most members are concerned, for fear of what election opponents might say, about keeping their roll-call voting records high, regardless of how unimportant some of the votes may be.

Therefore, some Democrats, annoyed because last year the House leadership began holding more frequent Friday sessions during which roll-call votes were taken, began (particularly if they had missed the Friday sessions) to demand roll-call votes on Mondays, so that they could improve their voting records.

And therefore the House leaders, for their part, in order to protect those members who do not return to Washington on Monday in time for the votes, if at all, this year limited to six the number of bills that could come up under suspension of the rules on any one day, with some exceptions. (As each session of Congress nears its end, all kinds of odd things happen in the final rush, and the number of bills brought up under suspension on any one day increases.) At one point, Rostenkowski proposed holding all suspension votes on Tuesday, but that was apparently going too far, and the idea failed.

The fact that there are more roll calls may inconvenience the members, but it does make them take more responsibility for bills passed under suspension; otherwise, just a few people could (and, in the past, often did) approve them. A high-minded reason given for limiting the number of suspension bills to six is to allow the members more opportunity to study them, but one learns to look beneath politicians' high-minded reasons.

In the Speaker's lobby, off the House floor, a member on his way to vote on the first of today's six bills says to me, "I'll be glad to tell you what I think about the suspension system after I vote. Of course, I don't know what I'm voting on." There are available weekly and daily notices from the Democratic Study Group, an organization of House liberals, explaining what is in each of the bills that will come up. There are also Democratic "Whip Advisory" sheets on each bill and similar information sheets for Republicans. But apparently few members have, or take, the time to read these.

When legislation is being considered under regular procedures, members with a particular interest in it station allies at the doors leading into the chamber to tell the incoming members what the question is and how they would like them to vote.

On suspension bills, generally nobody bothers. As the members stream in for the first vote, the official doorkeepers enlighten them only to the extent of saying, "First of six." In the Speaker's lobby, Representatives Edward (Ned) Pattison, of New York, and Christopher Dodd, of Connecticut, both Democrats in their second term and both among the more thoughtful members of the House, talk to me, after voting on the first bill, about the process I have been witnessing.

Says Pattison, "This is a symptom of the incredible overload that we deal with every day. There's no way that a member of this body can honestly say that he fully understands what he's voting on."

Says Dodd, "There's a bill up; there's a presumption it's noncontroversial."

Says Pattison, "If there's any place in this body where you almost completely rely on the system, it's this. As I stuck my card in, I asked the guy in front of me how he had just voted. He said, 'Yes.' I asked him, 'What's it about?' He said, 'Damned if I know.' "

Says Dodd, "I asked someone what it was about. He said, 'It's all right. They're all noncontroversial.' "

Pattison explains, "I go over the weekly D.S.G. report on Monday morning. That's one time when you have a chance to read those things. But if nobody's lobbying me on one of the bills or raising hell, then I tend to go along. The first thing people do is look at the tally board. If the vote is two hundred and seventy-five to one, they vote 'yes.' "

Dodd, who is a deputy whip, says he has raised objections in whip meetings that too many bills are brought up under the suspension system. "They just don't get scrutiny this way," he tells me. "Taking them up under the regular system would consume more time, but it would also give them more scrutiny. Clearly, we should have a suspension system, but there should be tighter constraints on how it's used."

In a few minutes, the resolution objecting to the consolidation of the advisory committees is approved. The next votes come quickly: the timberland bills are passed by votes of 373–2, 373–3, 377–7, and 378–5, and the veterans' bill passes 388–0.

A little later, in the House dining room, a member who does not wish to be quoted by name, a progressive Democrat, lists some of his complaints about the suspension system "I think it's being abused," he says. "Look at the consideration last week of the Rehabilitation Act amendments under the suspension rule. That's a program a lot of us support strongly in total, but it also has some very controversial aspects, and its has dozens of sections.

Among other things, it contains a formula that Perkins and some of its other sponsors did not want to see tampered with by an amendment on the floor. There is a special vice in using the suspension process on a bill like that—one that has strong general support. Members have a choice only of voting it up or down, and very few are going to vote against the handicapped."

He goes on, "The dynamics of a vote on suspension are not entirely complimentary to the House. If a bill is rolling up a substantial majority, they'll support it. On the other hand, if there starts to be a number of votes against it, then members will start to inquire around, or simply vote against it. They'll look at the board to see who's opposing the bill. If it's one of the more respected Democrats, they may wonder why, and they'll oppose it, too.

The process is like a teeter-totter, with everyone jumping on one end or the other. And it's not true that costly bills are kept off the suspension calendar. There has been too much of a tendency to use it to accommodate committee chairmen. The leadership ought to examine the bills more and see if they're being brought up under suspension simply to avoid amendments.

It's not unknown for the leadership itself to bring up a bill under suspension in order to avoid troublesome amendments. Some of us argue that we should be reexamining programs every few years. But when you bring up something like the Rehabilitation Act under suspension, you're boxed in.

There's an increasing feeling that we're just passing a lot of laws—that the machine grinds out some jerry-built proposals, that the committees are the sausage machines of legislation. Members feel that they're voting on too much, that there are too many bills. You hear more talk about how maybe it would be better if we just passed the annual appropriations bills and quit."

One of the results of the various ways in which the House has been "democratized" in recent years is that more legislation comes to the House floor. Committee chairmen used to exercise more control over their committees, and the House Rules Committee, which approves bills for floor debate under the regular rules, used to exercise independent authority, but all that has changed.

Moreover, the committees tend to be self-selecting, and are not as much divided along ideological lines as might be supposed. In large part, members go on committees because they favor the things that those committees can do. People representing rural areas go on the Agriculture Committee, and so forth.

Once they get on the committees, they pursue legislation to further the interests that they went on the committees to further. Interest groups suggest legislation—or sometimes a member even gets an idea on his own—and hearings are held, and then, the case for the legislation having been made, like as not there is a bill.

The Democrat I have been talking to says, "The subcommittees push out legislation, the full committees pass it on, and the Rules Committee sends it on to the floor. We're swimming weakly against a tide of legislation. Some of the younger members are so disturbed about the amount of legislation we're passing that they're starting to sound like old curmudgeons. You can sense a weakening of the old liberal faith.

More people are raising questions, asking, 'Are we really going to help matters if we pass that bill?' There is a growing resistance among Democrats to some of the programs the Administration and the committee leadership are pushing. Once in a while, it erupts. I have a feeling on bill after bill that if someone on the majority side would take up the cudgels the outcome would be different.

But there is still a tradition that you stay within your own garden. Your colleagues on other committees are not happy if you suddenly come out of nowhere and oppose their bills. If you really wanted to oppose a bill under suspension you'd have to organize people to work the doors, and it's a major project. Besides, it's part of the culture of this place that if you take that aggressive a role you have to have a better reason than that you just thing it's a bad idea.

They understand if it affects your district—that's OK. Otherwise, members say, 'What's Joe doing opposing this bill?' You risk being typed as a gadfly."

He continues, "Members are increasingly nervous about suspensions. They don't want to walk in and feel that they're being snowballed and the five-minute vote cuts short the consultative process—the time to ask their colleagues what they think. There are just too many votes, too many issues, too many meetings, too many attention-demanding situations.

We're going to committee meetings, subcommittee meetings, caucuses—a caucus of the class with which you were elected here, the rural caucus, the steel caucus, you name it—and we're seeing constituents and returning phone calls and trying to rush back and forth to the district, and then we're supposed to understand what we're voting on when we get to the House floor. It gets madcap from time to time."

Later in the afternoon, I talk with some other members, as they go back and forth to the House chamber to vote on other legislation. John Anderson, Republican of Illinois and chairman of the House Republican Conference, says when I ask him about the suspension process, "It's a terrible way to legislate. Last week, we took up a three-year authorization of the Older Americans Act, with a total authorization of over four billion dollars. We couldn't amend it.

The excuse was that we have so much to do that we can't handle the volume under the regular rules. Maybe that suggests we're overlegislating. The suspension process is totally bad, unless it's done under some very rigid rules, like allowing it only for proclaiming National Pickle Week and things like that."

Barber Conable, Republican of New York says, "One of the abuses is the system of taking the suspension bills up all at once and postponing the votes until the end. The theory of that is that it keeps us from having to run back and forth. But everyone knows that while the suspensions are being debated you can go to lunch or do an errand downtown.

Members cynically take advantage of the fact that they won't have to vote for a specified time. Chances are that those will be the least informed votes on the floor of the House. We tend to stay around and listen to the debate on amendments.

The assumption is that the bills on the suspension calendar are 'noncontroversial.' But the controversial part is the amendments the leadership is preventing debate on. I say that even if we have to run back and forth a lot, it would be preferable to do that, rather than vote on a laundry list in the most uninformed way. A lot of members would stay and hear the debate rather than do a lot of running. And toward the end of the year there's real abuse.

The Rules Committee, with great fanfare, announces that after a certain date it won't send any more bills to the House floor. At that point, the leadership will bring up all sorts of things under suspension, for resolution under pressure. That leads to all kinds of frustrations and resentments."

Another member, who is close to the House leadership, expresses apprehension over my questions about the suspension process. When I comment that I have the feeling that the day's bills had rather whizzed by me, he smiles and says, "That's the idea."

On the following day, some of the uneasiness about the nature and amount of legislation to be considered bursts through, and the House rejects two of the bills on the suspension calendar. The first is a bill entitled "Establishing the Aboriginal Hawaiian Claims Settlement Study Commission, and for Other Purposes."

Though the bill would only establish a commission, the end result could be paying descendants of the original natives of Hawaii the value of land including Honolulu, plus interest. (An official of the Office of Management and Budget has told me that the Hawaiian claims could end up costing the government thirty-five billion dollars.)

Moreover, there has been a growing rebellion against bills coming out of the House Committee on Interior and Insular Affairs—as this one did—that endorse Indian or other aboriginal claims to certain areas. When the roll is called on today's bill, it is clear at once that it is in trouble.

The lights next to the names indicate that such members as Robert Giaimo, Democrat of Connecticut and chairman of the House Budget Committee and Thomas Foley, Democrat of Washington and chairman of the House Democratic Caucus, along with a number of other progressive Democrats, are voting against it.

The tally boards on the sides of the House chamber show that the vote against the bill is strong, and as the members come into the chamber they look at the boards, sniff the breeze, and, seeing that the bill is going to fail to get the necessary two-thirds vote, eagerly join in the kill.

At the end of each roll call, members are given the opportunity to change their votes, and now a number of them, not wanting to pass up the chance to vote against something change their vote from yes to no. In the end, the bill fails by a wide margin to get a two-thirds vote. Bills considered under the suspension rules seldom fail by a narrow margin.

Next, the members, acting on similar group instincts, vote down a bill that would have established a new Office on Domestic Violence in the Department of Health, Education, and Welfare and authorized appropriations of a hundred and twenty-five million dollars over the next five years to make grants for local programs establishing shelters and services for victims of domestic violence. (The bill defined "domestic violence" as "any act or threatened act of violence, including any forceful detention of an individual, which results or threatens to result in physical injury, and is committed by a person against another person to whom such person is married or has been married or with whom such person is residing or has resided.")

The bill would also have established a new advisory committee—a Council on Domestic Violence. The early voting on this bill, too, shows that some certified liberals are going on record against it, and the herd follows. Whatever the merits of the bill, here is an excellent opportunity to cast a vote against a new federal program and additional federal spending. And, again, a number of members, when they see which way the vote has gone, change their votes from yes to no.

This bill not only fails to get a two-thirds vote but doesn't even get a majority. The four other bills on today's suspension calendar pass with no difficulty. One of them, backed by members from California, calls on the Administration to press the European Economic Community to ease import restrictions on dried prunes and certain processed fruits and vegetables—something that the Administration says it is already doing. Another would permit working parents to take a tax credit for grandparents who babysit with their children.

After the votes, one member says to me of the grandparent baby-sitting tax credit, "It's dumb. We shouldn't pay a relative to baby-sit and then take a tax credit for it. It's so easily abused. But we didn't think it was worth the fuss to try to beat it."

Representative Fortney Stark, a liberal Democrat from California and a member of the Ways and Means Committee, which reported this bill, had—as rarely happens on suspension bills—filed a statement in the committee's report giving his objections to the bill, but he did not bother to argue against it on the House floor. In a conversation later, I ask him why. He replies, "It would have been like trying to beat motherhood."

Today, following the votes, Ned Pattison, talking about the two bills that were voted down, says to me, "That's the psychology of it. If the vote starts to look close, people start questioning. You assume there's controversy, and if there's controversy it's not something you want to vote for."

Morris Udall comes off the House floor to the Speaker's lobby and explains to me, "There's no logic to why these votes go the way they do. There's a momentum that starts. Some bills will go roaring through, and on other days if some start to get in trouble they'll go down. Members are always looking for an excuse to vote no, and so if they see that one of these bills is going down, everybody jumps to join the pack."

Another member tells me, "I'm just so tired I could cry. The pace is so damn heavy around here. We waste so much of our time racing back and forth having roll calls on bills that pass three hundred and sixty-three to three."

Another member says of the bills that have been defeated, "You have just seen a good indicator of the mood of the House these days."

Says another, a liberal Democrat, "I just think we're passing too much damn legislation."●

LEGISLATION TO AMEND LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. RUPPE. Mr. Speaker, today I am introducing for discussion purposes, legislation which would make a number of significant amendments to the Longshoremen's and Harbor Workers' Compensation Act. These proposed amendments to the act are intended to benefit both employer and employee. Their primary thrusts are:

To make the liability of the employer insurable, predictable, and affordable;

To expedite the payment of compensation to workers entitled to it by streamling the administrative processes and modernizing an act which has not been fully reviewed for over 50 years;

To assure fair and adequate compensation to workers who suffer from industrial injuries, but also to establish compensation payments at levels which will encourage the prompt return of an injured and able worker back to the work force;

To improve the medical treatment and diagnosis available to injured workers by restoring greater control to deputy commissioners over medical services; and

To reduce substantially the nonbenefit costs of the act caused by extensive litigation and uncertainty by clearly defining those who are eligible for benefits and levels of benefits to be paid and by expediting the fair administration of the act.

These amendments are the result of long and careful study of the entire Longshoremen's and Harbor Workers' Compensation Act by affected employers and insurance companies, and represent a certain consensus of those parties.

I hope this leigslation receives prompt consideration.●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. MAZZOLI. Mr. Speaker, due to responsibilities in my district, I was absent on Friday, July 21, 1978.

Had I been present, I would have voted "aye" on rollcall No. 581 on agreeing to resolve into the Committee of the Whole House; "nay" on rollcall No. 582, an amendment to H.R. 12433, housing and community development amendments, that sought to prohibit the use of funds for the reorganization of HUD; "nay" on rollcall No. 583, an amendment to H.R. 12433 that sought to strike provisions requiring that FAIR insurance rates be no higher than those set by the principal State-licensed rating organization for essential property insurance on the private market; "aye" on rollcall No. 584, an amendment to H.R. 12433 that prohibits social security increases occurring after May 1978 from being considered as income for the purposes of determining eligibility or amount of assistance available to any recipient under public housing laws; "aye" on rollcall No. 585, final passage of H.R. 12433, housing and community development amendments; and "aye" on rollcall No. 586, final passage of H.R. 13468, fiscal year 1979 District of Columbia appropriations.●

JOHN D. WORTHINGTON III

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. BAUMAN. Mr. Speaker, Maryland lost one of her leading citizens last week with the death of John D. Worthington III, publisher of the Aegis weekly newspaper in Harford County. For those of us who knew and respected "Johnny" Worthington, his passing is an especially sad occasion because, as one of his newspaper competitors said last week in an editorial tribute, "this man knew only friends." He had no enemies because it was impossible not to like him.

He was a good and kind man. He was also one of the finest examples of a rapidly fading breed of journalist—the publisher of a locally owned country weekly newspaper. When John first took over the Aegis in 1964, Harford County was still very much a rural area. During the next decade, the county became suburbanized as thousands moved out from Baltimore. As the county changed, so did the Aegis. John was always particularly proud of the mechanical and technological changes he initiated for his newspaper. The Aegis is today one of the finest weekly newspaper published in America. Through all the changes, the improvements and the growth, John guided his newspaper and its staff just as he would a member of his family. It was my privilege on a number of occasions to sit with John in his office comparing notes about people and politics, gaining insight from a man who knew men and events.

Because he was personally and professionally such an outstanding man, John was also a well-know and respected community leader. He was on the boards of two schools, a hospital and, the job he most loved, board president of the State Fair of Maryland. People asked John to serve on their boards both because they knew he would rarely miss meetings and because they knew he always took such responsibilities seriously and contributed substantially to the progress of the organization involved.

We will all miss John Worthington. His colleagues in the press put our loss into words as well as anyone. I join them in expressing to the Worthington family my deepest sympathy.

I include with my remarks articles and columns from the Aegis of Bel Air, Md., the Baltimore Sun, the Baltimore News-American, the Harford Democrat of Aberdeen, and the Havre De Grace Record.

[From the Bel Air (Md.) Aegis, July 20, 1978]

SERVICES HELD FOR PUBLISHER JOHN DALLAM WORTHINGTON, III

John D. Worthington, III, died at 6 p.m. on Friday, July 14, at University Hospital, Baltimore, after a brief illness.

Mr. Worthington was stricken while driving from his farm in Aldino to The Aegis newspaper on Wednesday morning, July 12, and did not regain consciousness. He was taken to the Fallston General Hospital and then transferred to University Hospital for surgery for a cerebral hemorrhage.

A native of Harford County, Mr. Worthington, 57, was coowner and publisher of The Aegis.

He was also President and coowner of radio station WVOB in Bel Air.

Mr. Worthington is survived by his wife, Gray Norton Worthington of Aldino; a daughter, Elizabeth Gray Worthington Barnes of Bel Air; two sons, John D Worthington, IV, and Randall P. Worthington, both of Bel Air; one granddaughter; his mother, Mrs. Annie McC.Worthington of Bel Air; and two brothers, James McC. Worthington of near Darlington and Richard W. Worthington of Churchville.

He was a graduate of Bel Air H.S. and attended the University of Maryland.

Mr. Worthington had been a member and chairman of the Board of Directors of Harford Memorial Hospital; a member and former President of the Maryland-Delaware-D.C. Press Association; a member of the Board of Trustees of John Carroll School; a member of the Board of Trustees of Harford Day School; a member of the Advisory Board of the Equitable Trust Bank in Bel Air; a member of the Advisory Board of the Small Business Administration; a member of the Maryland Conference on Handicapped Individuals; and was the President of the Maryland State Fair and Agriculture Society, Inc.

Mr. Worthington had served as a Town Commissioner in Bel Air for two terms from 1954 to 1958, including a term as Mayor of the Town.

Funeral services were conducted Monday afternoon from the First Presbyterian Church in Bel Air, with Rev. Richard W. Shreffler and Father Charles K. Riepe officiating. Burial was held in the Darlington Cemetery.

Serving as pallbearers were: Charles H. Boarman, Judge Brodnax Cameron, Jr., Corey C. Gary, Jr., Harry E. Mitchell, Jr., Phillip St. C. Thompson and W. Robert Wallis.

Honorary pallbearers included: G. Herman Albright, Brodnax Cameron, Sr., William K. Connor, Charles C. Hudson, Jr., Edwin H. W. Harlan, Jr., Carroll G. Josselyn, Benjamin W. LeSueur, William M. Linton, Harry E. Mitchell, Sr., Robert L. Sarkisian, Theodore Sherbow, George W. Wills, Jr., Brig. Gen. (Ret.) George W. White and William O. Whiteford.

VARIOUS THOUGHTS BY OUR WRITERS

Advertising journals tell us that weekly newspapers in the U.S. are where it's at these days.

But the weekly newspaper of the Seventies is not what many people recall from an earlier era. Newcomers to Harford County frequently express amazement at The Aegis—its sheer size, its news coverage, and the like.

Publishers of weekly newspapers in America today are of two breeds, it seems. There are those young, affluent English and Journalism majors who take a fling at the glamorous life on a daily and then retire to put their views in print into their own publication. Along with them are the veteran owners of the small weeklies of often a dozen or so pages, which have hit boom days and are now ten times as large and much more sophisticated than they had ever dreamed.

We lost one of the latter people last week when death claimed John D. Worthington, III, who published this newspaper and who for many years was a successor to his father at the active news helm of The Aegis.

There is good to be said about both types of publishers, and their readers usually benefit from their products.

For John Worthington, III, there was some of both traits to be found. He was, to some extent, the latecomer into the weekly field, for he had not begun life breathing the aroma of printer's ink, but rather the smell of freshly cut hay. And yet, as a native of Harford County and one who had been familiar with the family's newspaper operations, his final twenty odd years with The Aegis were based with familiarity of the area and of the newspaper and the people involved on both ends of its production, the workers and the readers.

With each of them he displayed a consistent air of compassion. Workers here came to realize that few people are ever fired. The toughest part of his job was often to approve the printing of a story or an editorial which he knew might offend someone.

But we can never recall cancelling any editorial or story simply on the grounds of the damage it might do to an individual, no matter who they were. Truth, accuracy, fairness and the people's right to know were factors which dictated his decisions, no matter how unpleasant.

Because of this, he often had difficulity understanding how longtime friends and acquaintances would, not only be upset, but would hold a grudge. He would go out of his way to say or print something nice about them before or after the story had run, but he wouldn't back off from printing it if it should be published.

The smell of that freshly cut hay never left John Worthington, III. Only recently, he succumbed to the affection he had for dairy cattle and purchased a prize cow. He named it Petunia and told the readers of his "Sitting On The Sidelines" column about it. Many old-time and weekend farmers called to let him know they enjoyed sharing that experience with him.

He loved horses too, but could go to the track often without ever betting a dime. We travelled with him to Louisville two years ago to watch the Kentucky Derby and last year went to Belmont Park to see Seattle Slew wrap up the Triple Crown. He enjoyed those days, just as he did an afternoon at Delaware Park, particularly when the steeplechase events were held. A regular attendee at Fair Hill, he found his interests in racing and agriculture combined in recent years when he was called upon to serve as an official at Timonium, where he found pleasure in the track's beautification and expansion and the development of the State Fair.

But he would marvel more at the ability of one jockey or trainer or of the champion bull than he would over the size of a daily double payoff. In fact, he found it difficult to understand the psyche of the inveterate track-goer who spent his afternoon under the stands studying a Racing Form and then making his wager, seldom to glance at the horseflesh involved in what he always regarded as the Sport of Kings.

John Worthington, III, was a part of The Aegis and he was a part of this country. He shared with many of us the mixed emotions of seeing growth and good people moving into our county, while removing some of the area's heritage.

To compensate for his satisfaction over seeing landowners prosper and the area develop, he took an interest in the preservation of our beautiful countryside and some of the structures by which future generations will judge us. His own home was one of these historic places and, while grumbling about the work involved on occasion, was delighted with the efforts his wife, Gray, took to make it a showplace.

John Worthington, III, once actively covered news events for The Aegis. In fact, he came on board here as a cub reporter under his father, in the days when the Courthouse Crowd reverently referred to the much smaller publication as "The Gospel According to John D."

He grew to be a fixture at meetings of the old County Commissioners and, for a time, was regarded as "the fourth Commissioner" and later on, "the sixth Commissioner" because he was usually with them whenever they met or dined together.

But he fell seriously ill about the time Harford went through its transition to Charter Government and never again returned to those reportorial duties; in fact, his writing time was greatly diminished after that illness.

He spent the past half dozen years in some degree of pain which he seldom allowed his fellow workers or family to know about. But he shared with the staff the delight in putting out a good edition and despair over getting scooped or making mistakes.

Around our office, he will be sadly missed for a long time. Everyone here has an anecdote or two to tell about him. Many are about his irreverance for certain established customs and we shan't go into them.

He had difficulty in the pronunciation of long names and we chided him about that. Once, in presenting a trophy to a winning jocket at Timonium, he goofed. He knew the name Hinojosa was oriental sounding and it came out over the P.A. as "Hiroshima"—something we never let him forget.

We have a Christmas Party around here and one of the highlights was always the extemporaneous speech he would give. He wasn't above using the occasion to needle some of the gals who needed to lose a couple of pounds or those of us who didn't always make it into the office on time. But, he was one of those people who didn't have it in his heart to hurt anyone's feelings intentionally and he would go out of his way not to do that.

John Worthington, III, used to like to lift a glass or two at Christmas parties and other times, but after his brush with death a few years ago, he became a teetotaler. He often liked to talk about drinking in recent years and was quick to point out how alcohol could easily destroy someone's mind and abilities.

He would caution about the reliability of heavy drinkers; about the wisdom of attorneys in matters outside the law; about bureaucrats whose empires kept growing at the expense of the taxpayer; and about people who borrowed beyond their ability to repay.

He worried about government, about high taxes, about inflation, about declining morals, about judicial leniency, about the plight of the farmer, and the general direction being taken by this nation. He was like a lot of us.

But in many ways, John Worthington, III, was a shade apart. He had an inner contentment which most of us struggle so hard to achieve we never make it.

He enjoyed watching the world and the life in it. He enjoyed the outdoors and the freshly plowed field; he marvelled over the rapid advancements of science and was proud of the technical advances made in the publication of this newspaper; he was comfortable with old-timers and new faces in the community and always had a story to tell to let them know that he liked living in this world with people like them.

He liked to travel and visited many countries and usually came back more impressed with the people, the farms, and the industry than he did with the many rulers and officials whom he met along the way.

He felt compassion for the little guy if he was working hard to try to make a living. And he shared the worries which the governing officials and corporation presidents have in the never-met role of attempting to satisfy others.

John D. Worthington, III, enjoyed the world and the people in it. He took great pride in his column, which was aptly titled. Regular readers of it would note that he did not use it to criticize, but to comment favorably on what he could and to report on his observations of life.

In many ways, he gave of himself to the community, to the people who lived in the world with him. He took no bows for this, but regarded his actions as man's duty to his neighbor. He wasn't openly religious, I suppose, but what greater measure can there be of a man?

[From the Baltimore Sun]

A Remembrance, With Affection

(By Peter Jay)

John Worthington was my first editor, and news of his death last week, at 57, hit me—and many others who knew him—very hard.

By anybody's standard, he was a kind and decent man, easily amused and gently tolerant. He was a newspaper editor neither by instinct nor by early training, but by circumstance, and he never seemed entirely comfortable in the role.

He had a problem shared by many sons of strong fathers: People often expected him to bo a chip off the old block, and he wasn't. His father edited the weekly Aegis in Bel Air for the better part of a half-century until his death, very much in harness, in 1964; he was the archetypical country editor of his generation—a generally benign autocrat who was always consulted and usually deferred to.

(A former Harford county legislator remembers that he once introduced a local bill in Annapolis without discussing it first with old Mr. Worthington. A friend, horrified, told him he'd better go and see the editor quickly before the measure was denounced in the paper. He did, and the bill was later pronounced, editorially, to be "good legislation, poorly presented.")

Young John, who was really John 3d but whom everyone called Johnny, wasn't like that at all. He was an easy-going, friendly country boy, who in his youth worked not for the family newspaper but breeding and milking pedigreed Guernseys on the family dairy farm. It wasn't until the farm was sold for a housing development that he picked up a pencil and went to work at The Aegis. He was 36 at the time.

When his father died seven years later, he and his brother Dick found themselves in charge, and right in the middle of fast-changing times. Bel Air turned almost overnight into a traffic-choked bedroom suburb. Harford county, between 1960 and 1970, grew by 50 per cent. Business boomed. The Aegis's circulation grew and grew, as did its size and its revenues. It was another town, another life, and another paper from the one old Mr. Worthington had known.

But Johnny Worthington coped. He could have retired and lived on the paper's earnings, but he didn't. He was in the office daily, Saturdays too, answering the telephones and patiently enduring the abuse that is any editor's lot in these querulous times.

He wasn't a writer, but he did some writing, because that was part of the job. And his writing, especially a column called "Sitting on the Sidelines" he did in later years, a column full of homely anecdotes and local history, had a large following; it became one of the nicest and most personal features of the newspaper.

He never mastered the typewriter, though, and did his writing in pencil on yellow legal pads, using every other line. His handwriting was very neat, and the typesetters never complained.

Once, I remember, he was writing a letter that had to be typed, and he came into the newsroom where I was working as a reporter to use a typewriter. He rolled his paper carefully in, stared at the machine thoughtfully for a long time, and then carefully raised one finger and hit one key. "Damn it!" he said in exasperation, and everyone watching howled with glee. I never saw him at a typewriter again.

In recent years, with newspapers of all sizes being gobbled up by chains, the brokers were beating a path to his door. But he and his family held out, and The Aegis continued to grow. As time went on, John learned much more about publishing, especially its new technology and its economics. He was active in the state press association, and served a term as its president.

He was a community kind of man. Both because he was John Worthington and because he was the local newspaper publisher, he was constantly asked to serve on this or that board—and he seldom refused. He was on the boards of two schools, the hospital, and (a job he loved) president of the Maryland state fair. He seldom missed a meeting, and in his amiable way helped resolve countless disputes.

A lot of people are going to miss Johnny Worthington, who made his own way as a man and a local newspaper publisher; hundreds of them, all sorts of people from all over the state, came to his funeral here on Monday. His son, John 4th, is working at The Aegis now. He probably isn't a chip off the old block either, but if he is, he can be proud of it.

[Editorial from the Baltimore News-American]

J. D. Worthington III

Harford County readers of The Aegis will miss John Dallam Worthington III and his weekly column, Sitting On The Sidelines."

Mr. Worthington's last column appeared Thursday in the editorial section of the newspaper he helped to become rated among the top five weekly newspapers in the Nation. He died Friday in University Hospital in Baltimore. He was 57.

A strong believer in the importance of maintaining traditions, loyalty, friendship and family ties, Mr. Worthington was a proud man without being obnoxious. And he was a listener. He believed it was better to spend some time to hear a person's problem—big or small—before offering his advice or solution.

Mr. Worthington was a gentle and open man who was willing to spend thousands of hours of his time attending meetings to make Harford County and the State of Maryland a better place in which to live.

It was during his tenure as president of the Maryland State Fair and Agriculture Society that many improvements were made at the fair and Timonium Racetrack.

He also served as president of the Maryland-Delaware-D.C. Press Association. In this position, he provided strong leadership to protect the rights of the public and media against those who would impose restrictions to the freedom of information.

But his first love was agriculture and his 155-acre home place, Aquila Hall, near Churchville in the heart of the county in which he was born. He majored in animal husbandry at the University of Maryland and was actively engaged in farming until the mid-1950's when circumstances dictated that he become part of the staff of The Aegis, which was then published by his father.

It was his interest in agriculture as well as his basic fondness of young people that made him a big booster of FFA and 4–H programs.

Mr. Worthington was a successful businessman and actively engaged in many civic endeavors. He was the confident of many people in all walks of life.

But we will remember John Dallam Worthington III as a man of grace and style who made difficult tasks look easy and a man a 4–H kid currying a sheep or tugging a cow could con out of his socks any time and any place

We will miss him.

[From the Harford Aberdeen, (Md.) Democrat]

John D. Worthington 3d.

(By William Cronin)

Harford has lost the services of a valuable citizen, whose friendship and advice were prized by the many who came in contact with him.

He was a member of a family, which for several generations has left an imprint on the affairs and programs of County and State.

A few citizens living today can recall his Grandfather who was not only "a respected editor", but was also, for some years, a Superintendent of Schools. In our boyhood, we can still remember the electrifying news in the classrooms, when the teacher announced that the Superintendent was coming in to visit. Later, it was a privilege, as a young man to talk with him on his experiences as a newspaper owner and editor, and particularly his earlier days when he and Joseph M. Streett, then editor of the Harford Democrat, would exchange some "verbal shots". I remember his chuckle when he was accosted by Mr. Streett one day with the salutation, "John, let's stop this shooting at each other"; then John replied "We can't do that, no one would read either of our newspapers".

When he passed on, his son, John D. Worthington, II, became the editor, and the friendship continued between the editors of the two papers, both published only in Bel Air. "Young John" as he was called by those who had known his father, was an aggressive editor, deeply interested in the politics and affairs of his County, frequently consulted on matters of government and selection of the best candidates for County offices and appointments.

While John, the second, never sought public office, he filled many important positions, such as a director and officer of the new Harford Hospital, a leader in local farm organizations. His editorials urged the accomplishment of things that would improve the community and make it a better place in which to live.

During his day, a new editor appeared, John A. Robinson, a practicing attorney and later a Judge of the Circuit Court, who edited a third newspaper in the Bel Air area. It was largely devoted to promoting the growth of the Republican Party (needed perhaps, because both of his competitors leaned toward the Democratic Party). He also departed leaving an imprint on the affairs and history of the County.

And now, John the third has left, much too early in his useful life, and a living senior editor can look back over their accomplishments with a high degree of appreciation that he was permitted to know these three Johns; and with the hope there may be a fourth and fifth to carry on the programs of their ancestors.

[From the Havre de Grace (Md.) Record]

JOHN WORTHINGTON

We've had our squabbles over the years, both neighborly and not-so-neighborly ones, with The Aegis over in Bel Air. But we never had a squabble with John D. Worthington III. Nobody did.

Mr. Worthington, who died last week, quite literally hadn't an enemy. His newspaper, like most papers, made plenty of people furious, and he was usually the one who took the angry telephone calls or received the apoplectic visitors. He didn't enjoy the abuse, but from a public-relations standpoint there couldn't have been a better person to represent the newspaper under such circumstances because nobody could be mad at him very long.

In fact, it seems strained to write of him as Mr. Worthington. His father, who preceded him as editor and publisher of The Aegis, was Mr. Worthington; but John, who ran the paper with his brother Richard after his father died in 1964, was John or Johnny to almost everyone who knew him.

Newspaper people, especially those who work on larger papers, ofter have the idea nowadays that their lives ought to be almost monkishly removed from the life of their community. To serve on a board, or belong to a civic organization, they often say would compromise their independence.

But John Worthington was the product of a different school. He saw community service as community service, whether performed through the newspaper or through more direct, personal participation. As a result, he served willingly in numerous capacities outside of The Aegis. He was on the board of Harford Memorial Hospital, the Harford Day School, John Carroll School, and the Timonium Fair, and his work for these organizations, rather than reducing his effectiveness as a publisher, probably increased it.

Any newspaperman meets a lot of people, and is likely to be sought out by those whose interest in him is really nothing more than a desire for access to his newspaper. But John Worthington was liked more for his personality—friendly, helpful, low-key—than for his position.

At his memorial service in Bel Air on Monday, all sorts of people came together to remember him. There were farmers (he had been one himself, before he became an editor) and politicians and lawyers and laborers and military people; horsemen and real estate brokers; journalists and pharmacists and surgeons; small businessmen and government officials. They weren't there because they had to be, or because they thought attending might be in some way advantageous; they were there because they had known John Worthington and liked him as a man.

We'll miss him a lot. He brought a kindness and humanity to our sometimes cold-hearted business, and showed that local journalism can be successfully practiced by nice guys as well as tough ones. Our sympathies are extended to his famly, his employees, and his many friends.●

GOLDEN AND SILVER JUBILARIANS OF MISSIONARY ORDER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. EILBERG. Mr. Speaker, I am proud to inform my colleagues in the House that on this coming Saturday, July 29, a truly inspiring event will take place in Northeast Philadelphia.

Seven Sisters of the Order of the Missionary Servants of the Most Blessed Trinity will commemorate their 50th anniversary in the Order, and 12 Sisters will celebrate their 25th year in the Order.

I find it heartening that in a world sometimes characterized as cynical, these remarkable women have devoted their lifetimes to the service of their fellow human beings.

Mr. Speaker, the Missionary Servants of the Most Blessed Trinity are an American congregation founded by an American Vincentian priest. The Motherhouse of the Order is located in Philadelphia, and serves as the headquarters for an order whose services encompass a variety of fields—from social services to religious education.

The Sisters carry out their mission in every type of areas, from rural counties to the inner city, in the United States and Puerto Rico.

The Sisters who are celebrating special anniversaries this week have been involved—and for the most part, still are—in the fields of education, social services, parish ministry, youth work, health services, ecumenical projects, retreat work and community research.

Celebrating their 50th year in the Order are Sr. Mary McGeady, Sr. Mary Ruth McPhilliamy, Sr. Anne Marie Minken, Sr. Agnes Mary Comer, Sr. Maria Antonia Alicea, Sr. Maria Teresita Gonzalez, and Sr. Mary Rosalia Grommes.

Celebrating their 25th year of service are Sr. Catherine Francis Lamb, Sr. Elizabeth M. O'Brien, Sr. Michael Mary Sullivan, Sr. Mary of the Holy Spirit O'Halloran, Sr. Carmen Teresa Rivas, Sr. Ann William Publicover, Sr. Rose Philip Mercurio, Sr. Marilyn Salamone, Sr. Patricia Cronin, Sr. Catherine McCarthy, Sr. Grace McGuire, and Sr. Mary Ignatius Kerrigan.

I am proud to count the Sisters as members of my constituency, and I extend to them my congratulations on this occasion and my deep thanks for the invaluable contributions they have made to the needy of our Nation.●

SOME SECURITY PLEASE?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. DORNAN. Mr. Speaker, some of the information that comes to our attention staggers the mind. We recover and try to maintain our balance. But it takes a long time for the initial shock to wear off.

Mr. Jack Anderson of the Washington Post has brought to our attention something that the folks back home will have a terribly difficult time absorbing: We have no strict security regulation guarding the transshipment of defense-related materiel to our NATO allies. Mr. Anderson reports that F–16 Falcon jet aircraft parts destined for our NATO partners may have already been transported in Soviet ships, stopping along the way at Cuba, a regular port of call for Soviet merchant ships in the Western Hemisphere. Our newest top secret fighter aircraft. How did this happen? The almighty buck. Soviet merchant shipping is cheaper.

Mr. Speaker, the officials of General Dynamics deny this charge. I sincerely hope that they are sincere. And I know that Mr. Jack Anderson hopes that this "startling story * * * told in hushed tones on the docks and inside maritime union halls * * *" is pure nonsense.

Mr. Speaker, I insert this item from the July 24, 1978, Washington Post into the RECORD:

SOVIET SHIPS MAY CARRY F–16 PARTS

(By Jack Anderson)

Lurking in the dockyards of America's port cities may be a spy story, with a James Bond twist. Out of pure greed, American defense contractors may be exposing the Air Force's most secret fighter plane, the celebrated F16, to Soviet scrutiny.

The startling story is told in hushed tones on the docks and inside maritime union halls, but word of the disturbing allegations has leaked to congressional investigators. They have been quietly tracking down reports that that F16 parts may have been shipped to our NATO allies in Soviet ships.

The preliminary findings are found in a confidential memo prepared for House Merchant Marine Chairman John Murphy (D–N.Y.). The memo states ominously that "U.S. maritime unions and rank-and-file dock workers in Houston, Texas, . . . have knowledge that the classified F16 parts are already being shipped on Soviet or bloc-country merchant ships."

Industry sources, the investigators add, are also "convinced" that classified parts for the F16 are being transported on Soviet ships. These ships allegedly stop in Cuba, where the hot cargo could be examined. "It's most certainly known to the government," the memo suggests, "that Soviet ships arriving or leaving the U.S. East Coast make a port of call in Cuba."

The F16 shipments are supposed to comply with stringent secrecy requirements of the Air Force and North Atlantic Treaty Organization. Among the four NATO allies helping produce the U.S. fighter planes for mutual defense, an "eyes only" agreement strictly forbids the "release of information to non-participating states."

But the Soviets have lured American businessmen to use their merchant ships by offering drastically cut rates. Huge Russian cargo ships roam the western shipping lanes and take shipments out from under the hobbled US maritime fleet.

By slashing rates up to 40 percent, the Soviet cargo hunters have been able to make phenomenal inroads on American shipping.

At least 37 percent of all cargo coming to the United States from West Germany, for example, is first hauled eastward 6,000 miles across Russia where it is "picked up by Soviet merchant carriers at inferior rates and shipped to the US."

Most scotch whiskey, distilled in Scotland, also "takes a 6,000-mile ride across Russia," the memo reports, before it "tickles the American palate." The Soviet merchant fleet obviously is losing money on these shipments, but the Kremlin makes up the difference in order to strengthen the fleet.

The major F16 contractor, General Dynamics, vigorously denies that any Soviet ships have been used to transport F16 parts. "It hasn't happened. There's no chance," a spokesman told our associate Jack Mitchell.

But behind closed doors, General Dynamics officials conceded to congressional investigators that "there is nothing in the contract that . . . precludes shipping by the U.S.S.R."

Top Commerce Department experts have also acknowledged in secret testimony that Russian carriers could be transporting "completely classified equipment" for the F16.

Footnote: The alarmed Murphy is preparing legislation to prohibit the transport of F16 parts aboard Soviet ships.

Forgotten Fuel—The use of "gasohol"—gasoline mixed with alcohol made from garbage and other waste matter—has met with opposition from the giant oil companies, whose enthusiasm for solving the energy crisis sometimes takes second place to their thirst for profits.

Despite proof that gasohol works, federal energy czar James Schlesinger and his aides have pooh-poohed the use of waste to ease the oil shortage, denouncing it as a "myth."

It's a pleasure, therefore, to find support from a scientist of unchallenged authority: Alexander Graham Bell. The remarkable Bell, whose genius was not limited to invention of the telephone, had this to say to a high school graduate class here in Washington, according to the February 1917 issue of National Geographic Magazine:

"Alcohol makes a beautiful, clean and efficient fuel, and . . . can be manufactured very cheaply . . . Wood alcohol, for an example, can be employed as a fuel, and we can make alcohol from sawdust, a waste product of our mills.

"Alcohol can also be manufactured from corn stalks, and in fact from almost any vegetable matter capable of fermentation . . . growing crops . . . weeds . . . even the garbage from our cities. We need never fear the exhaustion of our present fuel supplies so long as we can produce an annual crop of alcohol."●

PUERTO RICAN DAY PARADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. RODINO. Mr. Speaker, I want to call my colleagues' attention to a very special event that will be held in my home city of Newark this Sunday, July 30. It is the statewide Puerto Rican Day parade, which tops a week of activities recognizing the proud heritage of Americans of Puerto Rican descent.

I am fortunate to count among my circle of friends many of the Puerto Rican families residing in New Jersey's 10th Congressional District, and it gives me a great deal of satisfaction and pleasure to participate in this celebration with them.

The Puerto Rican Day parade, now in its 16th year, is the result of the combined efforts of many hard-working leaders of the Puerto Rican community. The parade's proceeds will go toward a college scholarship fund. This year's queen, Lorraine Alemany, is an example of the beauty and charm of Puerto Rico. The president of the parade committee is Luz Miriam Hernandez, the grand marshal is Jack Horta, and the general coordinator is Miguel Sanabria. They have done an excellent job in preparing for the event, and they have received outstanding support from Jose A. Lugo, who is the parade's first vice president, and Dimas Montalvo, the second vice president.

Since the first Puerto Rican Day parade, my good friend Marie Gonzalez has been on the scene as an integral part of the event. Marie is a member of the Newark Human Rights Commission, and she is serving as the liaison between the commission and the parade.

The work of these people and many others, and also the events leading up to the parade, are very important reminders of the contributions of Puerto Rican Americans. This week in New Jersey is Puerto Rican Heritage Week, and on Monday, Newark Mayor Kenneth A. Gibson signed a special proclamation designating Puerto Rican Week in the city of Newark. The Spanish Repertoire Co. will perform at Essex County College in Newark on Friday night, and on Saturday, the parade committee will hold a banquet with the keynote speaker being Maurice Ferre, the mayor of Miami, Fla.

Mr. Speaker, I am delighted that the city of Newark is carrying on the important tradition of the Puerto Rican Day parade because I believe it will heighten the appreciation for Puerto Rican culture in America. These citizens are mindful of the value of their heritage and I am very proud to represent them in Congress. I am sure that the 16th annual Puerto Rican Day parade will be another memorable event in the celebration of the resplendent tapestry of America's ethnic heritage.●

FOREIGN INTELLIGENCE ELECTRONIC SURVEILLANCE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. McCLORY. Mr. Speaker, among the other commentaries regarding the deficiencies of the administration's proposed foreign intelligence electronic surveillance bill is an article from the May 3, 1978, issue of the Knoxville, Tenn., Journal entitled, "Excess Power for Judiciary." The article calls attention to the folly of delegating to a special district court composed of seven judges (now 11), decisionmaking authority to engage in electronic surveillance of foreign powers and foreign agents. The article from the editorial page of the Knoxville, Tenn., Journal follows:

EXCESS POWER FOR JUDICIARY

On Feb. 8, 1978, a statement on electronic surveillance for national security purposes was made before the U.S. House of Representatives Permanent Select Committee on Intelligence by Laurence H. Silberman, senior fellow of the American Enterprise Institute who has been undersecretary of labor, deputy attorney general of the United States and ambassador to Yugoslavia. His testimony was of striking interest because of his concern about the constantly tightening hold our federal courts have on America.

The question then before the committee was a choice between a Carter administration bill which would require obtaining judicial warrants before electronic surveillance could be carried out and proposed legislation by Rep. Robert McClory, R.-Ill., which would leave the matter in the hands of the executive branch, reporting regularly to Congress. Silberman favored the latter method.

There is not space here to go into the merits of that issue at length. What may be of most interest to the general public is Silberman's anxiety about legislating more power to the federal courts. Here are some excerpts from his testimony on that score:

"Much of the discussion about this kind of electronic surveillance has assumed that the interests at stake are only the privacy of individuals on the one hand, and the protection of national security on the other. The question of the appropriate distribution of power and authority within our government . . . has not been given the explicit attention it deserves. . .

"Since I believe the judiciary's role in national security electronic surevillance should

be circumscribed, I strongly support the thrust of Congressman McClory's bill. . .

"If one believes, as I do, that the so-called imperial presidency was actually in decline almost from the time it was discovered (in some respects, the most recent executive abuses were actually precipitated by that decline), and that today the chief threat to American democracy is the imperial judiciary, one views any new delegation to the judiciary with apprehension. . .

"Courts do, in truth, deal regularly with many of the most difficult issues in our society—but they should not. They are . . . not responsive to the democratic political processes, and the most difficult issues are political. . . And since judges are not politically responsible, there is no self-correcting mechanism to remedy their abuses of power.

"The administration's bill would limit jurisdiction to seven 'superjudges' appointed by the chief justice. This interesting device was chosen, I assume, to counter concerns for maintaining security as well as to develop judicial expertise in foreign affairs. But I find it troubling. Is the chief justice to appoint only those judges he believes to be 'sound' on national security matters? . . . The need for this special device suggests the impropriety of the entire delegation to the judiciary; when matters cannot be entrusted to any federal judge they should be entrusted to no federal judge.

"Even more troubling is the secrecy with which judicial deliberations are to be encased. As I have emphasized, (federal) judges are not elected; the legitimacy of their actions depends—even more than do actions taken by either the executive or the legislative branches—on PUBLIC decision making. . . Here virtually an entire phase of judicial activity will go underground. Those of us not in government will never know how the judiciary exercises the supervisory authority over national intelligence gathering which the administration bill grants it."

The principal thrust of Silberman's objections, we think, may be paraphrased thus: The federal judiciary already has too much to say about our lives. Let us not now allow it to acquire authority in foreign affairs.●

FOOD PRICE ISSUE

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. GRASSLEY. Mr. Speaker, today the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the House Agriculture Committee is holding hearings on food prices. Price increases in food during the first half of this year have been dramatic and are a concern to all of us who have to go to the grocery store each week. The food price issue is complex, and it is very difficult to place the blame on anyone. Everyone has arguments as to why he should not be blamed for the price increases.

I would like to point out to my colleagues that consumers spend only about 16.8 percent of their disposable income for food, and based on 1974 spending it can be shown that the United States and Canada allocated the lowest proportion of private consumption expenditures to food, beverages, and tobacco. I feel that consumers are getting a good buy at the grocery store, especially when you consider that they spend a smaller percentage of income for food than consumers in any other country. Farmers play a vital role in providing the citizens of this country a food supply at what I consider a bargain price. The text of my statement regarding this issue follows:

Mr. Chairman, there is no doubt that food prices are important to everyone. Food is a necessity and is purchased often. Consequently, when the price of food increases, it is noticeable. Since we are having these hearings today, it will provide those of us who represent the agriculture community an opportunity to place things in perspective as far as food prices are concerned. Farmers are helping the American consumer get a "good buy" in food. The American farmer, who represents the last bastian of free enterprise in this country, cannot legitimately be blamed for the current or anticipated rise in food prices.

Several statistics illustrate that consumers are better off than ever before. First, food expenditure as a percentage of disposable income has been on a steady decrease. As recently as 1947 the percentage of disposable income spent on food was nearly 26 percent whereas in 1976 it was 16.8 percent, a drop of nearly 10 percentage points in the last 30 years. During this same time period food expenditures as a percentage of total consumption expenditures decreased from around 27 percent to approximately 18.2 percent in 1976.

Another very important point to keep in mind is how much of their income consumers are having to pay for food items in this country compared to other countries. For example, based on 1974 spending, economists have found that the U.S. and Canada allocated the lowest proportion of private consumption expenditures to food, beverages, and tobacco. In Western Europe spending for nondurable goods ranged from 26 percent in France to 47 percent in Portugal. Experts estimate that individuals in the Soviet Union spend 35 percent of their income on food alone. Although data are not available to permit an accurate evaluation, it is estimated that most developing countries probably spend 60 to 70 percent of their income for food, beverages, and tobacco. Another example, in 1976, the U.S. spent 15.0 percent of the national income for food. This compares to 16.7 percent in Australia, 19.2 percent in Denmark, 26.5 percent in Italy, 21.5 percent in the United Kingdom. Recent figures indicate that of the 15 major countries surveyed by USDA's Foreign Agriculture Service, food prices in the United States have risen less since the beginning of this decade, except for West Germany, the Netherlands, and Belgium.

Inflation is a constant source of worry for all of us, and farmers are no exception. In May 1978, wage rates paid by farmers was up 2.46 times what they were in 1967. For livestock producers, the cost of feed had increased 1.88 times during this time period. Interest payable per acre on real estate debt increased an astronomical 3.84 times what it was in 1967. Overall prices paid by farmers have increased 7.44 times what they were during the period of 1910–1914. Prices received by farmers since the period 1910–1914 to May 1978 had increased 5.38 times. Obviously, prices paid have increased much more than the prices received by farmers.

Over the last several decades farmers have found it more and more difficult to make a living on the farm. Farmers have had to turn to second jobs or their spouses have had to start work in order to keep the family income high enough for the family to maintain an adequate standard of living or a standard of living comparable to their urban neighbors. In 1955 personal income of the farm population from nonfarm sources was about 35 percent. In 1965 this had increased to about 47 percent, and 1976 it had reached an astounding 57 percent. This in effect reflects the difficult time farmers are having in making a living solely from farm income, and I can assure you that most of them would prefer to be able to just farm.

As is the case for all Americans, farmers have seen the federal government continually become more involved in their lives and farming operation. One estimate places the cost of government regulations at about $102.7 billion for FY 79, of which $4.8 billion are direct expenses by the federal regulatory agencies and $97.9 billion are the costs of compliance with federal regulations.

There has been changing conditions on the demand side of food purchases. In more families, there is a greater incidence of more than one person working. This has resulted in both a higher family income and a demand for food in a "ready to eat" form to be eaten at home or for food to be eaten away from home in restaurants, etc. Families are eating more of their meals away from home than ever before. All of these additional services must be paid for.

Most of you here today will probably agree that farmers are not the major cause of higher food prices, and, more importantly, have the least control of their situation than any other of the factors or element of food costs. Consequently, we must look again to the "middleman" or to those factors involved in the processing and distribution of food—the farm-retail spread. The spread between the retail cost and the farm value represents an accumulation of costs involved in moving the products from the farmer to the consumer, such as labor, transportation, costs of other intermediate goods and services, and corporate profits. We must lock to the factors and try to assess their effects on food prices.

One matter which concerns me when there is a lot of public discussion about food prices is the possibility that the government will attempt to keep prices down through controls. I see that Mr. Bosworth, Director of the Council on Wage and Price Stability will be testifying later and I look forward to what he has to say. I feel that price controls never works and only serve to distort the market. There is ample evidence that the price freeze on meat in the early 70's resulted in higher meat prices instead of steady or lower prices.

Although we may think food prices are high, in my opinion consumers are getting a "pretty good deal" when they buy food. They have to spend less of their income for food than ever before and they spend a smaller percentage of their income for food than consumers in most other countries.●

AMENDMENT TO DEEP SEABED MINING BILL

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mrs. FENWICK. Mr. Speaker, I plan to offer the following amendment to title II of the deep seabed mining bill:

AMENDMENT TO H.R. 12988

On page 36, at line 7, delete "recognize the rights of" and insert in lieu thereof, "allow".

On page 36, at lines 12 and 13, delete "substantially the same" and insert in lieu thereof, "similar".

On page 36, at line 17, delete "materially" and insert in lieu thereof, "unreasonably".

On page 37, at line 23, after the word "extent" add the word "reasonably".

On page 38, at line 15, delete "substantially the same" and insert in lieu thereof "similar".

On page 38, at line 17, after the word "been" add the word "unreasonably".●

CAPITAL GAINS TAX CUT AND THE FARM SECTOR

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. NOLAN. Mr. Speaker, according to a recent CRS study, the Steiger and Jones amendments to reduce the maximum capital gains tax will not provide family farmers and the rest of the agricultural economy with the increased incentives for capital investment needed to create jobs and sustain growth. The Steiger and Jones proposals will further threaten the family farm system by accelerating the spiral in farmland prices currently plaguing this country.

Since farmland has been an attractive investment during the last 10 years, because of the high rate of appreciation and the high rental value, a capital gains tax cut would further inflate farmland prices. The Steiger and Jones plans would provide increased incentives for nonfarm investors to purchase farmland, thereby creating unnecessary competition for beginning and existing family farmers in obtaining needed acreage. The current farmland market is already being pushed past its productive value without aggravating the situation by reducing capital gains tax.

If a reduction in the capital gains tax resulted in an increased value of land holdings and stimulated nonfarm investment in farmland, the inflationary pressures would affect the land already in use. The CRS study states that no new jobs would be created from the tax cut, nor would any additional farm acreage be cultivated or farm productivity advances realized. Furthermore, the study suggests that instead of the Steiger and Jones proposals, capital investments in agriculture might better be stimulated with increased depreciation or investment credit allowances.

The CRS study also reveals that increased farmland values would "translate into increased production costs through higher real estate taxes, rental rates or interest charges." A rise in production costs, therefore, would be traded for higher consumer food prices or would be made up for out of taxpayer's pockets.

In addition, the Treasury Department estimates that "80 percent of the benefits of the Steiger plan would go to only 1 percent of the taxpayers," according to the CRS study. Other sources predict about $17 million would be reduced from the farmer's taxes, but when considering that most of the 1 million farmers sell some capital assets during the year, $17 million is quite small.

The CRS study follows:

CAPITAL GAINS TAX REVISIONS: THE IMPLICATIONS FOR THE STRUCTURE OF THE FARM SECTOR

(By A. Barry Carr, specialist, Food and Agriculture Section, Environment and Natural Resources Policy Division)

For many years Federal tax legislation has granted preferential status to income from capital gains—the profit from the sale of capital assets such as stocks, bonds, or real estate. Prior to 1969 only 50 percent of the gains from assets held for 6 months or longer were included in a taxpayer's gross income. In addition pre-1969 law provided for a maximum tax rate of 25 percent on the net capital gain and allowed full deduction of any long term capital loss.

Legislation since 1969 has gradually increased the taxation of capital gains. The qualifying period has been increased to one year. The 25 percent tax ceiling now applies only to the first $50,000 of net gain with the taxpayer's regular rate applying to the remainder. A 15 percent tax is levied against the excluded 50 percent of the capital gain which exceeds $10,000. Only one-half of any long term capital loss can be deducted from capital gains in computing net capital income.

During his election campaign, President Carter pledged to seek an end to all special treatment of capital gains, thereby proposing to tax capital gains in the same manner as ordinary income. However another school of economic thought contends that capital gains taxes should be reduced. Advocates of capital gains tax cuts believe that these cuts would provide increased incentives for capital investment needed to create new jobs and keep the economy growing.

The Administration's tax reduction package, as presented to the Congress this spring, contained no capital gains revisions. Representative William Steiger has proposed an amendment which would, in effect, reduce the maximum tax rate on capital gains to 25 percent, compared to the 49 percent now in effect. A second proposal, sometimes referred to as a compromise, has been put forth by Representative James Jones. The Jones proposal would establish a maximum tax rate of 35 percent on capital gains.

Critics of the Steiger and Jones proposals have called them tax cuts for the wealthy. The Treasury Department has estimated that 80 percent of the benefits of the Steiger plan would go to one percent of the taxpayers. Some economists have argued that capital gains tax cuts are an inefficient tool to spur business investment when compared with other fiscal tools such as accelerated depreciation allowances or investment tax credits. Representative Henry Reuss, Chairman of the House Banking Committee, has said the Steiger plan would be inflationary and would drive up the prices of homes and farmland.

In evaluating the possible effects of capital gains tax reductions on farmland prices and the ownership of farmland, it is important to consider both the sellers and the buyers of farmland.

The sellers of farmland determine the supply of land coming onto the market. According to U.S. Department of Agriculture surveys in recent years, active farmers sold 39 percent of the farmland acreage, retired farmers 16 percent, estates 19 percent, and nonfarmers sold 26 percent. In some cases the potential capital gains tax on farmland with large capital appreciation could be a powerful disincentive against the voluntary sale of farmland. This disincentive might be especially relevant in the active and retired farmer class—about 55 percent of the supply of farmland. Estate sales and sales by nonfarmers, a group largely made up of investors who expect capital gains, are less likely to be influenced by capital gains taxes. However on balance it can be reasonably postulated that a lowering of the capital gains tax rate might encourage more owners of farmland to place their acreage on the market.

The buyers of farmland determine the demand for farmland in the real estate market. According to USDA surveys active farmers purchase 63 percent of the farmland acreage sold. In general these purchases are for enlargement of existing farms, although in some cases these purchases may include a farmer converting from renter to owner status. Retired farmers, nonfarmers and other categories of investors purchased the remaining 37 percent of the acreage. In most cases these purchases can be assumed to be for investment, rather than farming, purposes.

The value of farmland as an investment is due to several factors. Rental fees and farm program benefits provide a modest return in terms of current income. Farm real estate has offered a consistently high rate of capital appreciation averaging 10.4 percent per year over the past 10 years; this return will be taxed as capital gains rather than as regular income. With skillful accounting certain operating expenses can be charged as an operating loss against regular income and at the same time increase the capital value of the farm. Under some conditions farmland may receive preferential treatment with respect to death taxes and therefore may be a desirable asset to transfer wealth from one generation to another. Nonfarm investors may obtain some recreational use or other psychological benefits through farm or ranch land ownership. On balance it can be reasonably postulated that a lowering of the capital gains tax rate might encourge more interest in farmland as an investment, particularly an investment for nonfarm capital.

Should the increased demand for farmland, resulting from a reduction in capital gains tax rates, exceed the increased supply of farmland in the market place, the impact on farmland prices would be inflationary. Higher farmland prices would be the likely result of lower capital gains tax rates.

Increasing farmland prices affect different groups in different ways. Retiring farmers and beneficiaries of farm estates would be enriched. Nonfarm owners of farmland would find the value of their investment increased. On the other hand those who are beginning a farm career would find the capital requirements increased and the entrance hurdle made more difficult. Those farmers who are already established and own part or all of their farms would see the value of their holdings increased. However, these increased land values also translate into increased production costs through higher real estate taxes, rental rates or interest charges. Eventually these increased production costs would be passed on to consumers in the form of higher food prices or on to the government in terms of higher farm program outlays benefits.

There is disagreement as to whether a capital gains tax cut would benefit the general economy. However, it is difficult to see how a capital gains tax decrease, and the resultant increase in farmland prices would produce any benefits in the farm economy, such as the creation of new jobs. More farm production would not result and additional acres would not be farmed. In short the additional value of farm assets would be inflationary, not real. As such the increased capital appreciation which might take place would largely represent a transfer of wealth from one holder to another and not the creation of new wealth per se.●

UKRAINIAN HELSINKI MONITOR LUKYANENKO SENTENCED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. BINGHAM. Mr. Speaker, the recent crackdown on Soviet Helsinki monitors has struck Ukraine with ruthless severity. The new sentence of Levko

Lukyanenko follows those of his fellow Ukrainian group members, Tykhy, Rudenko, Marynovych, Matusevych and Vins. Fifteen years of Mr. Lukyanenko's life—10 in hard labor camps and 5 in internal exile—have been extracted as punishment for his activities to promote the implementation of the Helskinki Final Act in his native Ukraine.

Lukyanenko has spent much of his life suffering for the attempts he has undertaken to qualitatively improve the lives of his fellow citizens in Ukraine. The resulting persecution at the hands of authorities moved him to renounce his Soviet citizenship in August of 1977, an act he thought would facilitate his emigration from the Soviet Union. Instead, many more years of forced detention face him now. I firmly protest the unjust harassment of this Ukrainian Helsinki group member who was found guilty for monitoring his country's compliance with the humanitarian provisions of the Helsinki Final Act.●

MICHAEL A. POLLACK

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. MINETA. Mr. Speaker, I would like to call the attention of my colleagues to an individual who lives and works in my congressional district, and whose business, civic, and community achievements deserve special recognition.

Mr. Michael A. Pollack has been awarded the "Outstanding Young Man of America" for 1978 for Santa Clara County from Fuller & Dees in Washington, D.C., an independent marketing firm. The award was based on outstanding professional achievements, superior leadership ability, and exceptional service to the community.

A resident of San Jose for 23 years, Mr. Pollack has contributed to developments which have benefited the Santa Clara business community with several million square feet of industrial and commercial complexes, as well as multiple dwellings and single family residences throughout Santa Clara County.

He has been instrumental in bringing San Jose an attractive, richly landscaped garden apartment community known as Shadowbrook Garden Apartments, that was awarded "Apartment of the Year" for 1978 in northern California. The award was based on professional supervision of construction, details, location and design, and presented by the Construction Council of California.

Mr. Pollack has been active in civic and community affairs including contributions and time devoted to the Crippled Children's Society and the Heart Fund Association of Santa Clara County.

Mr. Speaker, I ask you and all of our colleagues to join me in commending Mr. Michael A. Pollack, who has done much to improve the overall quality of life, as well as providing hundreds of employment opportunities for the people in Santa Clara County.●

CONSEQUENCES OF A THOUGHTLESS CHINA POLICY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. McDONALD. Mr. Speaker, there are many in this Congress and in the country at large who argue that the United States should sever its ties with one of its oldest and firmest allies, the Republic of China on Taiwan. They claim that this action is necessary if we would "normalize" our relations with the Communist regime in Peking, since, they say, it will not accept our recognition on any other terms.

The advocates of this policy argue that such a step would be in the interests of the United States itself, and that it would promote stability in the Western Pacific.

However, before we take such a drastic—and in my view, utterly mistaken—step, we should seriously consider what the possible results of such a policy shift would be. In June Senator BARRY GOLDWATER delivered a speech in the Senate in which he conjectured that the Republic of China on Taiwan, once abandoned by the United States, might reach a limited agreement with the Soviet Union which would provide the Soviets a hold in the Western Pacific which they do not now have. This certainly would not encourage stability in the relations between Communist China and the Soviet Union, and it most definitely would not be in the interests of the United States. What would it benefit us if we gained an Embassy compound in Peking in compensation for the possible loss of our naval supremacy in the Pacific?

However, Mr. Speaker, the scenario which Senator GOLDWATER envisions is not the only possible one. The Chinese on Taiwan have learned much more from their experience with communism than we have, and it may be that they will wish to make no accommodation whatever with the Communists, whether of the Russian or Chinese variety. Under such circumstances, what options would the leaders of the Republic of China feel were available to them?

First, they face what is in effect a declaration of war from the Communist regime in Peking: The Communists have announced their intention to "liberate" Taiwan by force, and although they are not yet able to carry out that intention, the Chinese on Taiwan have every reason to believe them. Second, after their abandonment by the United States, the Republic of China faces the prospect of economic and military decline, so that they are unlikely to be stronger in the future than they are now. If there then should occur a period of instability in mainland China, it might be entirely rational for the leaders of the ROC to launch a military invasion of the mainland, since this offers them their best hope of long-term survival.

Mr. Speaker, I do not assert that such a thing will happen, but I do believe that it is a possible scenario for the future if the United States should abandon its faithful ally. It is one that we should consider carefully before we decide upon an unfortunate course of action. And it is for that reason that I bring to my colleagues' attention an editorial published in the English-language China News for June 27 as reproduced in The Free China Weekly for July 2, 1978. I hope we will give sober consideration to the thoughts set forth in it:

The Chinese ambassador to the United States, James Shen, remarked last week that U.S. 'normalization of relations' with the Chinese Communists on Peiping's terms could lead to war in East Asia. This is a warning we have sounded off and on ever since the Shanghai communique.

Understandably, it is not a danger that we like to stress in our relations with the United States. Some Americans think we are exaggerating. Others find it unpleasant to be reminded of Asian wars after the Vietnam experience. At least a few would prefer not to have any obligations in the Taiwan Straits.

But this country has to be honest and realistic. If the U.S. relationship with the Chinese Communists were 'normalized' in accordance with the demands of Peiping, there would be no Mutual Defense Treaty. The American military presence would be removed from this island. The United States and the Republic of China would have no official relationship.

The Americans who are here to trade and operate industries have told the U.S. government that the maintenance of a commercial office in Taiwan would afford them no protection. They want security, not an unofficial consulate. That security is provided by the Defense Treaty and the U.S. Taiwan Defense Command stationed here to implement military cooperation in the event of Communist aggression.

The American Chamber of Commerce in the Republic of China has implied that many of its members would terminate their Taiwan operations if their government decided to break with this country. How can we blame them? The Chinese Communists have made no bones about their intention to attack Taiwan in the wake of 'normalization.' It might take them a while to get ready but their intention is unmistakable.

To invade is the only way they could get their hands on this island province—and this is a goal they cannot renounce or, once the United States were out of the way, postpone indefinitely.

Because of this inevitability, the Republic of China would not be disposed to wait for Communist attack. Why should it? If the United States were to desert a friend and ally, this country would no longer be under any obligation to keep the peace in the Taiwan Straits.

Counterattack is sometimes the best defense. In our case, millions of people on the Chinese mainland are awaiting the chance to strike at their oppressors. Our chances of victory would be enhanced by opening up the strategic and tactical opportunities inherent in returning the struggle to the Chinese subcontinent.

This is not a war we would welcome at this particular moment. We are aware that the United States wants peace in the Taiwan

Straits and hopes for the eventuality of a peaceful settlement. But if war is inescapable, it might as well be fought on the best terms we can get. If the United States leaves us on our own, war is inevitable. The American people ought to know that. It is right that Ambassador Shen should give them the facts, however unpalatable these may be to some Americans.●

JUDGE LOUIS HOFFMAN

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. DE LUGO. Mr. Speaker, a few weeks ago one of the most respected members of the Virgin Islands legal community, Judge Louis Hoffman, passed away while visiting friends in Iran.

For many years, Judge Hoffman served as the backbone of our local court system. He had the vision to realize that our courts must grow in both size and sophistication as the population grew and the practical knowledge to accomplish it. This rare combination, combined with his compassion, made him an invaluable asset to our community.

Judge Hoffman's goodness is stated very well in the accompanying editorial from the June 28 Virgin Islands Daily News. I commend it to my colleagues.

LOUIS HOFFMAN

Louis Hoffman was buried Tuesday afternoon in a ceremony that had as little pomp and ceremony as the man himself.

Hoffman died June 20 while visiting a friend in Tehran, Iran. As usual, he was on the move, living an active life. Retirement did not mean just sitting around for Louis Hoffman, he was on an around the world trip when he died.

Death, according to the friend, came suddenly and painlessly for him. It would have had to because, if he saw it coming, he would have fought it.

For many years, Hoffman was one of the best known members of the Virgin Islands legal community, both as a distinguished attorney and as a judge of the Municipal Court until it underwent the changeover to the Territorial Court.

As both attorney and judge, Hoffman was never known to shrink from controversy. While he could be a cheerful and entertaining conversationalist and raconteur, he could also be a tenacious and vigorous foe.

Two things stood out about Louis Hoffman as a public figure. His deep and abiding interest in court reform and his awareness of the juvenile problem in the islands.

On the former subject, he was always ready to talk. He fought long and hard in favor of upgrading a court system that, in its structure, had failed to keep up with the growth and increasing complexity of the community.

He was fully aware of the need to enlarge the local court system, provide it with better resources and to see that it focused special attention on particular problem areas, such as juvenile and family law.

On the subject of juveniles, Hoffman was seeing a problem emerging before almost anybody else. After all, he saw them daily from the bench—the youngsters who had been picked up by the police a dozen times by age 15, the ones who were bounced from foster home to foster home, the ones who were skilled burglars at 12.

He understood the complexity of the problem. He knew that most youngsters that came before him only needed a decent environment but he also knew that some were no longer children but veteran criminals. He saw the threat to the community if proper facilities and rehabilitative resources were not provided.

To the end of his days, Louis Hoffman, though "retired" kept abreast on what was going on in these fields and was a perceptive commentator on them. He maintained his interest and his vigor because he cared for this, his adopted home, where he was buried.

We need more like him.●

A TRIBUTE TO NOISE REDUCTION EFFORTS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. ANDERSON of Illinois. Mr. Speaker, nationwide concern over environmental issues has grown considerably in recent years. Positive and decisive measures have been commenced in our efforts to combat air and water pollution, erosion, and wasteful or harmful use of this Nation's dwindling resources. However, there is a more subtle pollutant which has been all too often ignored by Government and citizens alike.

Noise indeed has been labeled an invisible enemy. Unlike other pollutants, it usually leaves no lasting physical manifestations. Nevertheless, it poses a significant hazard to our Nation's health. According to the Environmental Protection Agency, 10 million Americans suffer from hearing loss due to excessive noise. Approximately 14.7 million more are exposed to levels of sound while on the job which present serious threats to their hearing. Another 40 million people are susceptible to harmful noise levels without their knowledge from airplanes, trucks, lawnmowers, hi-fi's, kitchen appliances, and motorcycles.

Unfortunately, the effects of this pollutant are not limited to these statistics. Evidence also exists suggesting a link between noise and increased cholesterol levels with accompanying high blood pressure. In the brain's arteries, veins and capillaries, noise has the opposite effect, causing enlargement which can lead to headaches. Scientists believe that it may change the secretion of acid by the stomach, the secretion of endocrine hormones, affect the functioning of the kidneys, and increase susceptibility to viral infection. Noise obviously takes its toll on the nerves and emotions as well, intruding on periods of rest, recreation, reading, and relaxation.

Presently emission limits do exist for motor vehicles and other sources of excessive noise. However, many vehicle owners associate noise with power and performance (assertions which have been proved untrue). As a result, a California study indicates that 78 percent of all motorcycles and cars have been modified and over 10 percent of each are being operated with defective exhaust systems. Some modified motorcycles generate 100 to 110 decibels, not much below a jet plane takeoff.

Mr. Speaker, in light of the preceding, I believe that we should recognize the individuals and organizations who are working to diminish the level of noise Americans are subjected to. At this time I would especially commend Frank L. Einsweiler, mayor of scenic and historic Galena, Ill.

Mayor Einsweiler has long been concerned about noise pollution and its impact. This concern has been expressed to me through our correspondence and has been demonstrated by his actions. After studying various types of community noise control regulations and observing some existing programs, Mayor Einsweiler determined that local regulations were unenforceable in Galena and that he needed an ordinance to suit the conditions of his town. As a result of his efforts, such an ordinance was passed unanimously by the city council on October 10, 1977, which limits the noise emission of light motor vehicles to 80 decibels in any area within the corporate limits of Galena.

A crucial role in the shaping of this ordinance was played by the Environmental Protection Agency's region V office located in Chicago, Ill. This office has assisted Galena and other communities in developing noise programs by providing technical assistance in ordinance development, noise measurement and enforcement training, and the loaning of equipment for measuring noise levels. Of additional note, the region V noise program sponsors environmental noise workshops for public officials involved with starting community noise control programs.

Mr. Speaker, noise, as a pollutant, needs to be taken seriously and dealt with accordingly. The actions of the Environmental Protection Agency, Mayor Einsweiler, and the Galena City Council should serve as positive examples of noise control and reduction to other communities and government agencies.●

EPA REGULATIONS AND BUSINESS INVESTMENT

HON. RICHARD KELLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. KELLY. Mr. Speaker, Government regulation costs industry an estimated $96.7 billion a year. But these direct costs, in paperwork and nonproductive capital investment, are only one part of the problem. The second part is the uncertainty created by constant revisions in environmental laws and regulations.

This growing problem was the subject of a July 22 New York Times op-ed col-

umn written by environmental consultant Robert N. Rickles. I commend it for your careful consideration.

The article follows:

[From the New York Times, July 22, 1978]

ENVIRONMENTAL RULES MESS

(By Robert N. Rickles)

Debate has raged over the economic impact of our national environmental improvement program. But the debate has failed to deal with the real and unspoken fears of the private sector concerning the Environmental Protection Agency's regulatory programs. And the problems associated with its approach to cleaning up the environment are more likely to prevent environmental clean-up and cause economic decline than any of the scare stories one hears about factory shutdowns and job loss.

As a former control official and environmental consultant to both industry and government, I hear these private doubts whispered by many industrialists and Government officials. Ignored, they mean continued warfare between environmental control officials and industry. Applied soundly, they could mean rapid improvement in the environment with the minimum of economic disruption.

Privately, many industrial leaders will tell you that they will meet environmental standards without fuss and fury, if only three conditions are met by E.P.A. and Congress.

The first is fairness. Most businesses are competitive. They cannot spend large sums of money to construct and operate pollution control facilities, if their competitors are not forced to adhere to the same standards. Too often, the E.P.A. and Congress have set standards that vary from state to state. These differences, that frequently penalize plants in areas of high industrial activity, are worrisome to industrial managers who must watch the profit line as well as the sewer line.

The second concern is time. Most industries can meet tough environmental standards if they are given enough time to plan and finance them. However, financing can be of considerable concern to small, undercapitalized concerns. There is a substantial likelihood that environmental laws will lead to further industrial concentration as smaller firms sell out because they lack the capital to finance environmental facilities.

However, the key complaint that industrialists make about the E.P.A. and the environmental laws that it administers is the agency's lack of consistency. We have witnessed an unending crescendo of new Federal laws. It seems as though Congress feels obligated to pass either a new air or water-pollution control law each year. If these regulations simply expanded the areas of pollution control, congressional action would be understandable. But each set of rules has generally dealt with new regulatory approaches, standards and timetables for problems already handled by previous legislation. That means that, just as an industry moves to solve its pollution problems, it must meet new guidelines. Municipalities have had the same uncertain present with which to deal.

Many cities and industries have simply given up trying, certain that, before long, the E.P.A. approach will change. Furthermore, those companies that procrastinate have generally been able to save money and avoid penalties. Retaining current legislation for a decade or so would permit local governments and industry to plan abatement programs with the assurance that pollution control systems will be measured by the same standards when they begin operation as when they are planned. That will remove an important barrier to municipal and industrial action.

Congress is not alone to blame for the environmental regulation mess. With each new law, the E.P.A. has produced a barrage of new regulations, most unintelligible to ordinary minds, some contradictory and others unreasonable. And with each new regulation—the requirements for public comment, for agency review and for litigation—comes more delay in cleaning the environment. There is no question that some environmental regulations—not all designed by the E.P.A.—are so complex and burdened with paperwork that they totally preclude the activities that they are meant simply to regulate. The conflict between state and local environmental control agencies and their Federal counterparts—often more concerned with their own turf than with environmental improvement—causes industry to bounce from agency to agency in order to gain construction and operational permits, without any clear direction about the appropriate pathway to approval.

We have now gotten to the point where there is general agreement about the need to clean up the environment and even about the specifics of a program to do so. But the bureaucratic mess that exists threatens the environmental movement. It is time for the E.P.A. and Congress to clean up their acts so that we can clean up the country.●

THE VANISHING SPECIES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. DINGELL. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial which appeared in the Washington Post on July 23. The article examines in a most articulate manner an oftentimes-overlooked aspect of the vital importance of fully protecting the genetic diversity of plant and animal species.

I wholeheartedly urge my colleagues to seriously consider the long-term consequences to the evolution of all living species if we allow the extinction of particular animal and plant types in order to facilitate successful project development. The Endangered Species Act is designed to serve as a protective mechanism for those endangered or threatened species that would otherwise be rendered extinct.

The article follows:

THE VANISHING SPECIES

(By Erik Eckholm)

To most people, talk of "endangered species" evokes images of tigers under siege in Asia and cheetahs losing ground in Africa, of whales hunted to scarcity in the Antarctic and whooping cranes clinging to life in North America. For those who follow such matters, it may also bring to mind recent positive preservation development: whaling quotas, restrictions on trade in rare-animal pelts, DDT bans and international save-the-tiger campaigns, among others.

Even as such salvaging operations finally get under way, however, many leading biologists have begun sounding the alarm about an unsolved, unsung species problem of vaster proportions and wider implications. At risk, the scientists say, are not just hundreds of familiar and appealing birds and mammals. Examination of the survival prospects of all forms of plant and animal life—including obscure ferns, shrubs, insects and mollusks as well as elephants and wolves—indicates that huge numbers of them have little future. Not hundreds, but hundreds of thousands of unique, irreplaceable life forms may vanish by the century's end.

Should this biological massacre take place, evolution will no doubt continue, but in a grossly distorted manner. Such a multitude of species losses would constitute a basic and irreversible alteration in the nature of the biosphere even before we understand its workings—an evolutionary Rubicon whose crossing Homo Sapiens would do well to avoid.

Estimates of the number of plant and animal species living on earth range from 3 million to more than 10 million, with recent findings on the diversity of insects in particular supporting the higher approximation. Yet to date only about 1.5 million species—about 15 to 50 percent of the presumed total—have been recorded in the scientific literature. It is likely that several million insects and plants—along with far fewer members of other animal classes—await discovery, mainly in the tropics. If current patterns of human activity continue, a good share of the unrecorded majority of species will vanish before their existence, much less their biological importance or economic utility, is established.

Currently, estimates the International Union for the Conservation of Nature and Natural Resources (IUCN), an average of one animal species or subspecies is lost each year. However, although endangered animals receive the greatest public attention, plant extinctions are often more significant ecologically; according to Peter Raven, director of the Missouri Botanical Garden, a disappearing plant can take with it 10 to 30 dependent species such as insects, higher animals and even other plants. Estimates of the past and current rates of plant extinctions are not available, but the IUCN's Threatened Plants Committee finds about 10 percent (20,000 to 30,000) of the world's flowering plants to be "dangerously rare or under threat."

These estimates of species at risk greatly understate the true problem, for they deal only with known life forms. All evidence indicates that sizable, if unknown, numbers of unnamed species are disappearing in scientifically uncharted areas in the tropics. In his forthcoming book, "The Sinking Ark," wildlife specialist Norman Myers concludes that, right now, probably at least one species is disappearing each day in tropical forests alone—and that in a few more years there may well be a species lost each hour.

Biologist Thomas Lovejoy of the World Wildlife Fund, extrapolating current trends in population, land use and the pollution of air and water, finds plausible a reduction in global diversity of at least one-sixth by the year 2000, which would mean the obliteration of 500,000 species based on the lowest estimates of total species numbers. If this projection is even remotely close to correct, then no one can accuse the many alarmed scientists of crying wolf. The fabric of life will not just suffer a minor rip; sections of it will be torn to shreds.

THE THREATENED TROPICS

Humans destroy fellow species in numerous ways, including excessive hunting and collection and the release of toxic chemicals into the air and water. Over the next few decades, however, by far the biggest single cause of extinctions will be the destruction of habitats. As both populations and economies grow and human settlements sprawl, undisturbed natural areas shrink. Essential wildlife breeding zones, migration routes and browsing and hunting domains are paved, inundated with water, grazed or plowed. Forest lands are denuded by farmers, timber companies and firewood gatherers and then are given over to cattle, crops or non-native tree species.

The problem of habitat destruction exists on every continent, but it is particularly serious in the humid tropics, which is where

the major species losses are predicted. Suffused with exceptional amounts of light, warmth and moisture, the tropical rain forests house a remarkable variety of ecosystems and species—and large areas, particularly in the Amazon Basin, remain *terra incognita* to scientists.

But the blunt truth is that huge, perhaps inexorable pressures to exploit the remaining virgin territories of the tropics are building. Many tropical forests lie within poor countries whose governments are not inclined to value abstract, long-term ecological goals above immediate economic gains. Unequal land tenure and rapid population growth cause additional encroachments into the forests even in more prosperous tropical countries. Affluent people in faraway lands, who demand wood and agricultural products, add to the pressures on tropical ecosystems, and international corporations are well equipped to facilitate the extraction and international transfer of tropical goods.

Because of this combination of powerful social forces contributing to the settlement or disruption of hitherto unexploited tropical lands, many scientists fear that little untouched rain forest will be left by the year 2000. Certainly not all the forest lands will be inhabited or treeless—and some remote regions may remain pristine. But, once disturbed, the original balance of rain-forest species in a given area may be forever lost. Large tropical areas must be set aside as biological reserves if massive extinctions are to be avoided.

THE HUMAN COSTS

Do the projected species losses matter? For a wide range of reasons, a decline in the diversity of life forms should be of concern to everyone. The biological impoverishment of the earth will certainly contribute to the economic, let alone the esthetic, impoverishment of humans.

Probably the most immediate threat posed by the loss of biological diversity arises from the shrinkage of the plant gene pools available to agricultural and forestry breeders. While crop genetic diversity can be largely preserved through seed collection and storage, wild relatives of crops may have properties of enormous potential value and are less apt than domestic strains to be collected. Moreover, despite recent international initiatives, existing seed banks are still badly incomplete.

In an age of plastics and moonshots, few people appreciate the extent to which humans remain dependent on natural products. Wild plants and animals provide the basis for life of many traditional peoples in Africa, Asia and Latin America—reason enough for their preservation. But in even the most technologically advanced societies, products derived from plants and animals serve a variety of crucial industrial, medical and other purposes.

Perhaps the greatest social costs of species destruction will stem from future opportunities unknowingly lost. Forty percent of the modern pharmacopoeia has originated in nature, yet only a small fraction of the earth's plant species have been screened for medically useful ingredients. Nearly all the food humans eat comes from only about 20 crops, but thousands of plants are edible and some will undoubtedly prove useful in meeting human food needs. It is certain that socially significant uses will be discovered for many tropical plants as more are studied.

No one can confidently say that products of comparable significance to rubber or quinine remain to be discovered. But no one can confidently say they don't, either.

AN "EVOLUTIONARY ETHIC"

Beyond particular economic or scientific losses caused by species destruction lies a more basic threat: the disruption of ecosystems on which human well-being depends. No matter how sophisticated modern technologies may seem, human livelihoods are ultimately grounded in biological processes, enmeshed in ecological webs so intricate that the consequences of destabilization cannot often be foreseen. Crushed by the march of civilization, one species can take many others with it, and the ecological repercussions and rearrangements that follow may well endanger people.

One common result of environmental degradation, for example, is an increase in the prevalence of small, hardy, fast-reproducing plants and animals of the sorts usually considered pests. Events such as the overrunning of crops by pests or the sudden spread of a disease may easily be perceived as matters of chance when in fact they are the direct result of ecosystem degradation.

No one could claim that all existing species are ecologically essential to the viability of human culture. But scientists cannot yet say where the critical thresholds lie, at what level of species extermination the web of life will be seriously disrupted. Identifying and protecting those species whose ecological functions are especially important to human society are crucial tasks facing both scientists and governments. In the meantime, prudence dictates giving existing organisms as much benefit of the doubt as possible.

In the long run, philosophical considerations may prove as potent as economic considerations as a force for species preservation. Australian geneticist Otto Frankel has urged the worldwide adoption of an "evolutionary ethic"—a determination to "try to keep evolutionary options open so far as we can" without forcing "undue deprivations on those least able to bear them." The alternative to living by such a creed is destroying many of those habitats and species that do not seem immediately useful; humans would appoint themselves as the ultimate arbiters of evolution and determine its future course on the basis of short-term considerations and a great deal of ignorance.

CONSERVATION NEEDS DEVELOPMENT

The descent from the airy summit of evolutionary ethics to the everyday human landscape of the tropical world is a jarring one. To be rich in birds, insects, trees and fungi is not necessarily to be rich in food and consumer goods. Far from it: Many of the countries in which the great species wipeout will soon unfold are burgeoning with the destitute.

When nations are poor, the temptation to choose short-term material benefits regardless of future ecological costs often proves irresistible. Besieged by restless legions of the jobless and the landless, governments are naturally inclined to transform remaining pristine areas into agricultural settlements—and, in fact, often lack the ability to prevent such transformations even when they want to.

Despite the countervailing pressures, a few tropical countries, including Colombia, Costa Rica, Peru, Thailand and Venezuela, have already established sizable, if not yet adequate, natural reserves. Leaders in wildlife-rich Kenya and Tanzania have also initiated far-sighted conservation policies; Kenya has gone so far as to ban all sales of animal-derived souvenirs. Encouraged and assisted by private international conservation organizations and United Nations agencies, other Third World countries have taken first steps toward the preservation of their biological heritages by designating limited areas for protection.

Yet even in countries with excellent conservation laws and ample nature reserves—let alone in countries where political leaders lack enough appreciation of biological diversity to act on its behalf—the permanent protection of large natural areas will be feasible only if the deeper socioeconomic forces that imperil them are dispelled. Whatever the proclamations from national capitals, and whatever the economic progress registered in aggregate GNP accounts, as long as large numbers are denied the means to make a decent living the nature reserves will be in jeopardy.

Beyond hand-wringing about the population explosion, many conservationists distraught over Third World species losses have paid little attention to the socioeconomic structures and human plights underlying these losses.

Accustomed to perceiving species-protection battles in North America and Europe as battles against mindless development, many may find it hard to devote attention and energy to the Third World battle for rapid economic development—albeit development of an ecologically sustainable, socially sensitive sort. However, the ultimate fates of thousands of plant and animal species will turn not only on what happens in the comparatively tidy worlds of scientific research and presidential decrees, but also on what happens in the confused, conflict-ridden arenas of social and economic change.

Unless national and international economic systems provide many more people with land or jobs, the dispossessed will naturally covet and molest "legally protected" lands, trees and animals. Similarly, if rapid population growth in tropical countries is not soon slowed, human pressure to exploit virgin territories will overwhelm even the most stalwart conservation efforts.

Success in bringing down birth rates, however, is also at least partly dependent on more general social progress. Immediate human survival needs will always take precedence over long-term environmental goals. Clearly, the struggle to save species and unique ecosystems cannot be divorced from the broader struggle to achieve a social order in which the basic needs of all are met.

"In wildness is the preservation of the world," sermonized Henry David Thoreau in 1851, encapsulating a philosophy that has suffused western nature-conservation efforts since then. Reflecting on the psychic anomie of an acquisitive society estranged from its natural roots, he observed that "the mass of men lead lives of quiet desperation."

Today's Third World, of course, bears little resemblance to booming 19th-century America; the quiet desperation suffered by hundreds of millions is of a more basic sort, one not much salved by the contemplation of turtles and ants. Even so devout a nature disciple as Aldo Leopold—a patron saint of modern wildlife conservation—admitted that "wild things had little value until mechanization assured us of a good breakfast." Present circumstances necessitate a complement to Thoreau's dictum: In broadly shared economic progress is the preservation of the wilderness.●

A CHILD'S JOURNEY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. FISH. Mr. Speaker, it is with great pleasure that I bring to the attention of my colleagues a new book—"A Child's Journey"—a definitive work about children. One of the authors, Herbert C. Yahraes, Jr., of Stanfordville, N.Y., lives in the 25th Congressional District, which I am privileged to represent. This book is receiving acclaim on all sides and is already into its second printing. According to several reviewers, "Segal and Yahraes have produced a monumental book about Americans' children. This book must be recommended to

everyone in the field as well as to all informed laypersons. An enormous work."

At this time, I would like to insert a review of "A Child's Journey" that appeared in the Barrytown Explorer in Barrytown, N.Y. I commend it to your reading.

The review follows:

[From the Barrytown Explorer]

A CHILD'S JOURNEY

(By Jules Archer)

The definitive work about children, and what makes them the way they are, has been written. A Child's Journey makes most previous books on child development superfluous for parents, teachers and child psychologists. A product of three intensive years of research, encompassing almost every important study in the field, old and new, the book offers an easily read, fascinating yet scholarly blueprint for producing happy, secure and fulfilled children, and rescuing those who have been damaged by mishandling.

Without so much as a footnote, the authors have managed to pack their book full of important, documented information that is totally persuasive. I have never read a work so helpful to parents in answering the problems and difficulties and frustrations common in all families. Parents doing a good job will learn how they can do an even better one. In the hands of neurotic or troubled parents, the book may prove the equivalent of a year of counselling.

A Child's Journey provides a clear picture of how childrearing theories have changed from earliest times, and why. Fascinating case histories offer important clues to parents and teachers for mistakes to avoid in handling children. The reader will learn much that is new and mind-jolting.

Segal, a psychologist and writer, is director of the public and scientific information programs of the National Institute of Mental Health. Yahraes is a distinguished author noted for thirty years of writing in the field of mental health research and other scientific subjects. As a team they have produced a work which is bound to become a classic, as popular with parents and teachers as respected by scholars. It was no mean trick to present so valid a work in so readable a form.

I, for one, learned many facts and concepts which were new to me. Segal and Yahraes, for example, reveal that over-protection of a child can be as bad as rejection, making the child feel inadequate and worthless. Their insights into the role of genetic influence will relieve parents who blame themselves for mistakes in training for everything that happens to their children. At the same time the authors encourage parents by showing that environmental factors can work toward influencing the behavior and achievements of "difficult" children.

Segal and Yahraes stress the importance of understanding children's temperamental differences in preventing behavioral problems. Such understanding offers the clue to fine-tuning stresses placed on children to help them reach their potential, while at the same time not causing discouragement, depression and rebelliousness.

A Child's Journey also examines the mental health aspects of children with physical disabilities in a chapter which is indispensable for any parents or teachers of handicapped children. Another vital chapter examines the importance of the earliest hours after birth to the future development of the child and to parent-child relationships.

Working mothers will find a wealth of guidance in the chapter which points out that the absence of the working mother from the home is not nearly as important as the question of family stability in influencing child behavior. A mother satisfied by her work, and who provides adequate alternative care for her children, need have no guilt feelings. New studies show that children thrive well in good day-care centers.

One eye-opening disclosure for mothers may influence how they regard their new babies—the finding that their own concept of the newborn child has much to do with the likelihood that it will or will not develop an emotional disorder.

Writing of the effect of violence on TV on children, Segal and Yahraes reveal that this issue is largely a cop-out on the real problem—which is violence in the home. They present astonishing evidence of widespread brutality toward children in the United States, brutality which is the source of much child pathology as well as of violent crime in our streets. The book also documents beyond question the fact that the children beaten in their homes today will beat their own children tomorrow.

They quote a father in suburban Washington who declared confidently, "I don't believe in injuring a child or doing him permanent harm, but I know that when I beat the hell out of my kid, it sure clears the air." That same parent, undoubtedly, was part of the chorus of protest against showing violence on TV as a bad influence on his child.

Segal and Yahraes point out that abusive parents often fall into a rage of disappointment because of unrealistic expectations of their children. The authors also found a surprising correlation between the low birth weight of an infant and its likelihood of being beaten.

Abusive parents will find help with their problem in the list of resources given by Segal and Yahraes, who point out, however, the danger to children when clinicians who are too trusting of abusive parents before they are really helped.

One important field of research documented by *A Child's Journey* is the role of the teacher's expectations of a child. Recent studies have proved that children tend to live up—or down—to such expectations. The teacher who feels she's wasting her time with a ghetto child will find her attitude reinforced by the child's failures. But the teacher who makes such a child feel that he *can* do the work, and has what it takes to succeed, can create dramatic miracles. All too many teachers, Segal and Yahraes reveal, believe in the necessity of corporal punishment, which only teaches kids the value of violence.

The book also warns against pinning labels on youngsters—anything which marks them as deviant from the norm, physically or intellectually. The label tends to become a self-fulfilling handicap, with tragic results in maturity. By the same token, children who are helped to become competent in school-related skills enjoy a better self-concept and are much more likely to escape damage to their mental health.

One of the most valuable chapters of *A Child's Journey* deals with the importance and impact of a child's peers. It reports studies showing that as early as the first year of school, a child who has difficulty establishing good peer relationships may have serious mental health problems later unless his difficulty is recognized and he is given early assistance.

Parents, teachers, child psychologists and social workers have reason to be grateful to Segal and Yahraes for the brilliant research and analysis that went into the making of *A Child's Journey*, which I predict will now become the standard work in its field. But even more grateful should be the children, who will benefit immeasurably from this spread of knowledge that will take the guesswork out of how to help open the world to them and rejoice in the results.●

YOUNG: A RESIGNATION IS IN ORDER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. McDONALD. Mr. Speaker, in my continuing effort to point out that the 82 votes my resolution of impeachment against Andrew Young received are not indicative of its real popular support, I would like to include in the RECORD, at this time, a very fine editorial from the Marietta Daily Journal of Sunday July 16, 1978, on this topic. The editorial follows:

[From the Marietta Daily Journal, July 16, 1978]

YOUNG: A RESIGNATION IS IN ORDER

For someone who says, "I'm trying to help, not to hurt," U.N. Ambassador Andrew Young certainly seems to have his priorities misplaced.

In fact, he "helped" so much last week that Tass, the official Soviet news agency, released the following statement about one of Young's replies to a French reporter: "These words are noteworthy, since they come from a member of the cabinet and therefore signify an official admission that political persecution is widespread in the United States."

The words referred to by Tass came from Young as a reply to the question. "How do you explain the opening of the trials of Shcharansky and Ginsburg on the eve of a Vance-Gromyko meeting?"

Since the ambassador has complained that his reply was taken out of context, we hereby quote the entire answer as printed by the Paris Socialist daily, Le Matin.

Young said, "Oh, it's certainly a challenge, a gesture of independence on their part. But that will not prevent them from pursuing the SALT negotiations.

"And then, one doesn't know, what can happen to the dissidents. After all, in our prisons too there are hundreds, perhaps even thousands of people whom I could call political prisoners. Ten years ago I myself was tried in Atlanta for having organized a protest movement. And three years later I was a Georgia representative.

"It's true that things do not change that quickly in the Soviet Union, but they do change," Young's comments concluded.

According to one U.S. official, Secretary of State Cyrus Vance's reaction to Young's statement was understandably "unprintable." Vance has already called Young on the carpet for the remarks, and as usual Young blamed the press for "distorting" his answer to the questions.

If Andrew Young has been really misrepresented in the press as often as he claims, it seems to us he would begin to stop and think before he makes a comment on anything. But the ambassador continues to speak off the top of his head without thinking through the consequences of his words.

We do not think Young's latest statements—even added to his breaches of administration policy in the past—are "high crimes and misdemeanors" deserving of impeachment.

But we do agree with Seventh District Rep. Larry McDonald who said, "U.N. Ambassador Andrew Young in no way represents the people of the United States."

And, on a more practical level, Young's outspoken manner is not doing Jimmy Carter a bit of good. If Carter thought Bert Lance was a political headache, he must be finding Young to be a continuing migraine.

Sen. Barry Goldwater in effect, has told Young to "put up or shut up" when he de-

manded that Young either provide a detailed list of America's so-called "political prisoners" or be discharged from his office.

We would hope that Andrew Young will soon realize that he is an albatross around the neck of Jimmy Carter and that his continuing mistakes are costing not only the administration but the entire country loss of esteem in the eyes of the world. We would like to see his resignation.●

NIE DIRECTOR VIEWS TITLE I AND HEAD START IN ACTION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. FORD of Michigan. Mr. Speaker, last May the new director of the National Institute of Education, Patricia Albjerg Graham, visited a Head Start program and a program funded under title I of the Elementary and Secondary Education Act in the Wayne-Westland and Westwood Community School Districts of the 15th Congressional District of Michigan, which I am privileged to represent.

Both programs are models of the manner in which dedicated local educators can use Federal assistance to improve the quality of schooling for low-income children.

During her visit to the Westwood Community School District, Pat Graham talked to Nolan Finley of the Detroit News about the need for educational researchers to stay in touch with the real world of schools, teachers, and children. And, she spoke also of the NIE's new research emphases on examining student achievement, teaching, urban schools and high school students.

I am delighted that Dr. Graham, who is a distinguished historian of education, took time from her busy schedule to visit these programs and the Wayne County Intermediate School District in my congressional district. Because I know her views on research at the NIE will be of interest to my colleagues, I ask unanimous consent to insert Nolan Finley's story from the Detroit News at this point in the RECORD:

EDUCATOR "GETS IN TOUCH" WITH PUPILS

(By Nolan Finley)

Patricia Graham, director of the National Institute of Education, got in some pupil-level research during a visit to Inkster's Westwood Community School District.

Bending to her knees, Mrs. Graham chatted with 6-year-old twins Lori and Lisa Petrimoulx, kindergartners, who attended the district's Head Start program.

"What did you like best about Head Start?" she asked the girls.

The youngsters, who were more interested in showing Mrs. Graham their purses, giggled and replied that they liked the toys.

"It's refreshing to talk with children," she said later. "Too often education researchers lose touch with the students."

The education specialist stopped briefly at the Westwood and Wayne-Westland district offices en route to Boston from her Marquette home. While waiting for a flight from Detroit Metropolitan Airport, she said, she wanted to review Head Start classes in the nearby districts.

Head Start is a federally funded program designed to prepare pre-schoolers in low-income and minority areas and help minimize disadvantages.

While touring Westwood, she discussed the national institute she has headed for one year and expressed pleasure over Congress' latest allocation.

"Last year we received $70 million," she said. "This year we will get $90 million. I think that's a good indication of the importance the administration and Congress places on education research."

The institute, based in Washington, was formed in 1972 under the Department of Health, Education and Welfare to study education questions.

"I feel that we can take on crucial educational issues," said Mrs. Graham. "And we are able to address those issues more clearly."

She outlined four areas of focus for next year's research. The first project will examine achievement-testing methods, which have drawn heavy criticism.

"No matter how dissatisfied we are with achievement tests, we appear to be stuck with them," Mrs. Graham said. "We have to realize the limits of the tests, and use them to improve the student's potential."

Researchers also will tackle the problem of revitalizing teachers.

"How do you intervene with a 40-year-old teacher, who has been teaching for 20 years and will teach for another 20 years, but who has lost some of her enthusiasm?" she said. "We have to find a way to give her a shot in the arm. It is a messy question. but it's important."

The third research area will involve urban education. Mrs. Graham said the institute will study successful urban schools and try to spread their gains to other inner-city schools.

Finally, the institute will attempt to help low-achieving high school students. She said those youths have been neglected by past programs, which emphasized reaching pre-schoolers and elementary pupils.

Mrs. Graham said she is optimistic about the outcome of her staff's research, and predicted the educational system faces "great changes." But she cautioned that results will come slowly.

"The research will take a long time," she said. "We expect the results to come in dribbles, but we will try to build on those bits of information and new discoveries."

She said the institute already has made great strides in researching school violence. Eliminating attacks in schools, she said, depends on a strong administration.

"The principal does make a difference," she said. "We found that if the principal is firm, fair and consistent, he could control the students. And it didn't matter if he was a white in a black school, a black in a white school, young, old or female.

"He could be a friend or a tough guy, but he had to treat the students equally and stand by his policies. We also found that security guards and physical punishment were not significant factors in controlling disruptive behavior."

Mrs. Graham said violence occurs mostly in urban schools, while vandalism is a greater problem in suburban districts.●

INTERRUPTION OF MAIL TO THE SOVIET UNION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. LEHMAN. Mr. Speaker, political dissidents within the Soviet Union have consistently been subjected to social, economic, physical, and psychological harassment. In its campaign to suppress criticism of the Soviet political system within its borders, the Soviet Union has violated the Helsinki Agreement by denying political dissidents, refuseniks, and prisoners of conscience, the basic human right of freedom of communication. The Soviets have attempted to isolate the dissident community by interrupting and intercepting the flow of mail between the United States and the U.S.S.R. The Subcommittee on Postal Operations and Services, under the chairmanship of the distinguished gentleman from New York (Mr. HANLEY) today held hearings to discuss the Soviet Union's failure to abide by international postal agreements through the nondelivery of mail in the Soviet Union.

I would like to share with my colleagues the text of my statement to the Subcommittee on Postal Operations and Services:

STATEMENT OF HON. WILLIAM LEHMAN

Mr. Chairman, I would like to commend the members of the Subcommittee on Postal Operations and Services, and its chairman, the distinguished gentleman from New York, Mr. Hanley, for holding these hearings to discuss the problem of Soviet interference with the delivery of mail between the United States and the U.S.S.R.

The interruption and interception of mail is part of the Soviet campaign to suppress political dissent within the Soviet Union. The Soviet Union's failure to abide by international postal regulations constitutes a violation of international postal agreements and a blatant contravention of the 1975 Helsinki Agreement which guarantees freedom of communication between citizens of Western countries and the Soviet Union.

Despite the vigilance of Soviet officials, the Soviets have not been foolproof in their methods of totally isolating activists and refuseniks from critical Western eyes. Several of my South Florida constituents have brought to my attention individual cases of Soviets' consistently thwarting attempts to communicate with Soviet dissidents. The case of Dr. Seymon Gluzman, a prisoner of conscience, illustrates the extent to which the Soviets have gone to seal off leaks of truth. The Soviet psychiatrist was imprisoned six years ago for defying KGB orders to certify critics of the Soviet government as mentally ill. Dr. Harry Graff, a South Florida psychiatrist, has on many occasions tried to contact Dr. Gluzman in prison. After each attempt the registered letter was returned with the usual "retour inconnu" stamped on the letter. I have also tried to communicate with Dr. Gluzman to assure him that many concerned individuals are actively working for his release and an exit visa to emigrate from the Soviet Union to Israel. More than five months had passed before the undelivered letter was returned to my office. I have since learned that Dr. Gluzman was transferred from Perm 36 prison camp to an unknown destination.

Our attempts to contact other refuseniks have met with similar results. The South Florida Conference on Soviet Jewry sponsors a program in which Americans can adopt a Soviet Jewish family wishing to emigrate to Israel, and has kept me informed of its experience with the non-delivery of mail to the Soviet Union.

Judith Matz, Chairwoman of the Adopt-A-Family Program, explains the nature of the problem:

"The Soviets appear to have successfully developed a means of withholding mail while preventing documentation of this interference . . . All correspondents participating in our Adopt-A-Family Program are advised to send their letters registered with a return receipt requested. The 'pink card,' Form Number 2865, is then attached to the letter to be signed by the recipient and returned to the sender . . . The Soviet Union apparently has no provisions for sending mail with a restricted signature on the receipt. Thus, any

postal clerk in the U.S.S.R. may scrawl an unreadable mark on the pink card. When such a card is returned to the sender, there is no further avenue for obtaining proof that the letter was undelivered."

The Soviet scheme has effectively blocked most correspondence between refuseniks and their American sponsors. Soviet Jews who have been allowed to emigrate have verified claims of Soviet impropriety in postal operations, for both incoming and outgoing mail. When Soviet Jews do receive mail from sponsors in the United States, they will often sign the cards in Hebrew. The returned cards and letters I am submitting with my testimony today clearly do not have any Hebrew markings, indicating that the letters were never received by the addressee.

Deliberate disregard of international postal standards is not an internal matter of the Soviet Union. I urge that Congress adopt H. Con. Res. 579 calling for Soviet compliance with prescribed international postal standards.●

"REPUBLICAN EAGLE" OPPOSES RESTRICTIONS ON AID TO WORLD BANK

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. McHUGH. Mr. Speaker, the foreign assistance appropriations bill will soon come before the House for consideration. As every Member is aware by now, numerous amendments will be offered to reduce funding and to restrict how our assistance may be used in a variety of ways.

I am opposed to these amendments, Mr. Speaker, and I have been encouraged by the fact that so many thoughtful and responsible newspapers across the Nation have indicated their opposition to them as well. For example, the Republican Eagle of Red Wing, Minn., in a recent editorial suggested that congressional threats to restrict World Bank funding would be unwise. The Republican Eagle pointed out that the United States should work to keep the World Bank nonpolitical and immune from pressures seeking to divert it from its primary goals.

For the benefit of those Members who may not have seen this editorial, I am including it in the RECORD at this time.

DON'T CHOP THE WORLD BANK

Both morality and enlightened self-interest argue that the United States should do its full share for the World Bank, says a Washington Post editorial here today.

That's a view the R–E, too, would heartily urge on Congress. The threats to be resisted there are several.

One comes from domestic economic interests which want to knife any potential competitor. Last year an amendment was offered that would require U.S. representatives at the World Bank to oppose financing any poor people's project abroad which might subsequently compete with U.S. citrus or sugar producers.

Earlier, U.S. soybean interests mounted the same kind of assault on World Bank palm oil financing.

Another Congressional threat has a different motivation: to require that the World Bank attach human rights strings to its loans.

This is high-minded but unwise. Definitions of human rights vary around the world. It's better if the World Bank concentrates on helping poor nations raise living standards without getting into political matters. The U.S. may attach human rights conditions to its own direct aid.

Still another Congressional threat is a hangover from America's unhappy Vietnam war. Some congressmen would like to subvert any World Bank loan to Communist-run Vietnam.

Again, the enlightened U.S. self-interest is to keep the World Bank nonpolitical. That's the best defense against any would-be political interference with the World Bank by communist countries or others unfriendly to America.

But the greatest threat to the World Bank as Congress comes to appropriate this month is pure and simple economy, born out of the Proposition 13 bandwagon.

But, as the Post put it in a follow-up editorial, this Prop–13 budget-cutting passion "does not extend to dams and highways . . . or the multibillion-dollar schemes roaring around Congress to help middle-class parents pay college tuition.

"Instead, the new thrift is focused with dreadful intensity on foreign aid . . . (It) recalls the story about the family that responded to a sermon on the virtue of thrift by cutting off its contributions to the church."●

BARLOW GHOST STILL HAUNTS OSHA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. HANSEN. Mr. Speaker, the Occupational Safety and Health Administration (OSHA) has again been dealt a devastating blow in a Federal court—this time in a July 3, 1978, decision in the U.S. District Court of Eastern Wisconsin.

OSHA had forced an inspection of a Weyerhaeuser facility with only an administrative warrant which came under legal challenge. The resulting decision bolstered in a big way the fact established by the recent landmark Barlow case in the Supreme Court that a businessman does not have to settle for anything less than a warrant based on probable or reasonable cause.

Thus the Barlow decision continues to assume an increasing importance in American history because it sets a constructive precedent for necessary protective guidelines for citizen rights in the face of Government activities. Heretofore, the businessman and farmer have been the victims of a recent trend in reverse justice where the citizen is assumed guilty until he can prove his innocence.

The Barlow court ruling places the burden of proof back on the Government where it belongs. OSHA can now come to inspect as before but the businessman can demand that they have a search warrant properly obtained from a magistrate, and the warrant itself can be challenged by the citizen if he wishes to question the grounds upon which the warrant was issued and the scope of the proposed search—thus the burden of proof rests on the Government as was previously stated.

All citizens and especially those vulnerable to Government inspections should know their rights and not allow themselves to be improperly victimized by an overly aggressive bureaucracy no matter how well meaning its intentions.

A small businessman, Bill Barlow, blazed the way with his landmark case and now the giant Weyerhaeuser Co. has successfully challenged the Department of Labor's contention that a magistrate must have only the Labor Secretary's claim—through a compliance officer—that probable cause exists before issuing a search warrant.

The Weyerhaeuser decision has upheld my hopes and contentions and significantly reinforced the Barlow ruling. For the benefit of my colleagues and many interested citizens across the land, I insert for the RECORD the opinion of the court in this latest victory over the still defiant bureaucrats of OSHA:

[U.S. District Court, Eastern District of Wisconsin, No. 77–C–781]

WEYERHAEUSER COMPANY, A CORPORATION, *v.* PLAINTIFF, RAY MARSHALL, SECRETARY OF LABOR, ET AL., DEFENDANTS

DECISION AND ORDER

This action is before me on the plaintiff's motions for a preliminary injunction and for an order quashing an administrative inspection warrant and suppressing evidence obtained thereunder. The defendants have filed a motion to dismiss or alternatively for summary judgment.

In this action, the plaintiff seeks declaratory and injunctive relief because of an allegedly improper administrative inspection conducted by the defendants under section 8(a) of the Occupational Safety and Health Act (OSHA), 29 U.S.C. § 657(a). The defendants are the Secretary of Labor, an Assistant Secretary of Labor responsible for enforcement of OSHA, the Occupational Safety and Health Administration and three of its compliance officers, an OSHA area director, and the Occupational Safety and Health Review Commission.

According to the complaint, on June 30, 1977, the defendant compliance officers appeared at the plaintiff's corrugated box manufacturing plant in Manitowoc, Wisconsin, to conduct a safety and health inspection of the premises. They were refused entry. On July 7, 1977, one of the compliance officers returned with a warrant issued by a United States magistrate, and the plaintiff "under protest" allowed the officer to enter and inspect the entire premises. Under the same warrant, the compliance officers continued to inspect the premises on July 8, 11, and 12, 1977. On July 25, 1977, and August 5, 1977, citations were issued to the plaintiff for conditions discovered during the inspections. The plaintiff is presently pursuing administrative review of these citations before the defendant Occupational Safety and Health Review Commission.

The plaintiff claims that the warrant issued by the magistrate was invalid under the Fourth Amendment because there was no probable cause for its issuance. Furthermore, it is alleged that the prosecution of the plaintiff over the citations in question constitutes harassment in violation of the due process and equal protection guarantees of the Fifth Amendment. Accordingly, the plaintiff seeks, inter alia, (1) a declaration that its Fourth and Fifth Amendment rights have been violated; (2) a preliminary injunction enjoining any further actions or proceedings by the defendants against the plaintiff regarding the citations in question and staying further administrative proceedings pending this court's determination

whether the evidence obtained by the defendants during the inspections should be suppressed; (3) an order quashing the inspection warrant and suppressing the evidence obtained thereunder; (4) an order quashing the citations and penalty notices; (5) a permanent injunction enjoining any further actions with respect to the subject citations; (6) a declaration that section 8 (a) of OSHA, 29 U.S.C. § 657(a) is unconstitutional under the Fourteenth Amendment; and (7) an order directing the defendants to return all evidence obtained through the search of the plaintiff's premises.

THE DEFENDANTS' MOTION TO DISMISS

The defendants' claim that this action must be dismissed for failure to state a claim upon which relief may be granted. Such claim is based on the plaintiff's alleged failure to have exhausted its administrative remedies. Much authority is cited by the defendants for the general proposition that administrative remedies must be exhausted. However, in the context of OSHA warrant cases, courts have held that the propriety of an administrative inspection warrant may be challenged in district court without first exhausting administrative remedies. Hayes-Albion Corporation v. Marshall, case no. C 77–205 (N.D. Ohio memorandum and order dated October 14, 1977); Morris v. United States Department of Labor, case no. 77–5068 (S.D. Ill. memorandum and order dated September 20, 1977; Barlow's, Inc. v. Usery, 424 F. Supp. 437 (D. Idaho 1977), *reversed on other grounds sub nom.* Marshall v. Barlow's, Inc., 46 U.S. L.W. 4483 (May 23, 1978). I agree with these decisions that no significant interest would be furthered by requiring the plaintiff to present the issue of the warrant's validity at the administrative level.

In its reply brief, the defendant Occupational Safety and Health Review Commission urges that it must be dismissed because the complaint fails to state a claim upon which relief can be granted against it and because the venue is improper in this district. Since the plaintiff has had no opportunity to respond to these arguments, I decline to rule on these contentions.

The defendants also argue that an injunction may not be granted enjoining inspections at the plaintiff's other plants throughout the country since there is no actual case or controversy concerning the other plants. Although the complaint does make reference to irreparable harm allegedly suffered by the plaintiff in its business operations throughout the United States, the complaint's demand for relief makes no request for injunctive relief directed at any facility other than that in Manitowoc, Wisconsin.

I find no persuasive basis for dismissing this action for any of the reasons advanced above. I have examined the defendants' other arguments and find none of them amenable to resolution without reference to matters outside of the complaint. Accordingly, the motion to dismiss will be denied and the remainder of the defendants' arguments will be treated as supportive of the defendants' alternative motion for summary judgment and considered together with the plaintiff's motion for a preliminary injunction.

THE PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION AND THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

The defendants argue that summary judgment must be granted in their favor because the plaintiff consented to the inspection in question. The plaintiff disagrees, explaining that when the defendant compliance officers exhibited the inspection warrant, the plaintiff allowed the inspection only "under protest." The defendants' affidavits, including the notes of the compliance officers, show beyond doubt that the plaintiff's version of the facts is correct. Thus, it appears that the defendants' consent argument is legal rather than factual in nature.

I find that the defendants' argument is contrary to well established precedent. In Bumper v. North Carolina, 391 U.S. 543 (1968), the Court faced the issue "whether a search can be justified as lawful on the basis of consent when that 'consent' has been given only after the official conducting the search has asserted that he possesses a warrant." 391 U.S. at 548. The Court held that "there could be no consent under such circumstances" and further that "[a] search conducted in reliance upon a warrant cannot later be justified on the basis of consent if it turns out that the warrant was invalid." *Id.* at 549. Thus, as a matter of fact and law, it is clear that the plaintiff did not consent to the inspection in question.

In its motion for a preliminary injunction, the plaintiff argues that section 8(a) of OSHA is violative of the Fourth Amendment because it purports to authorize warrantless inspections of business establishments. Although a warrant was applied for and obtained before the defendants conducted the inspection of the plaintiff's plant, the plaintiff urges that the constitutional infirmity of section 8(a) cannot be cured by implying a warrant procedure into the act. The plaintiff contends that only Congress may cure section 8(a) by supplying a warrant procedure.

The parties submitted their briefs prior to the Supreme Courts' decision in Marshall v. Barlow's, Inc., 46 U.S.L.W. 4483 (May 23, 1978), which speaks to several of the disputed issues in this case. In *Barlow's*, the Court held that insofar as section 8(a) permits warrantless inspection of employment facilities, it is unconstitutional under the Fourth Amendment. However, the Court noted that inspections under section 8(a) would not be unconstitutional if performed "pursuant to regulations and judicial process that satisfy the Fourth Amendment." 46 U.S.L.W. at 4487, n.23 Thus, the Court foreclosed the plaintiff's argument that a section 8(a) inspection conducted with a proper warrant is impermissible

The second ground advanced in support of the plaintiff's motion is that the search warrant obtained by the defendants failed to comply with the Fourth Amendment because there was no probable cause for its issuance and because the scope of the warrant left to the unfettered discretion of the OSHA inspectors the places in the plaintiff's plant that could be searched and the things therein which could be seized. The defendants' motion for summary judgment asserts that the warrant was based on probable cause and complies in all respects with the Fourth Amendment.

The warrant was obtained from the magistrate on the basis of an "application for inspection warrant" supplied by Everett W. Shisler, one of the defendant compliance officers. The application stated, in part:

"On June 24, 1977, the Occupational Safety and Health Administration ("OSHA") received a written complaint from an employee of Weyerhaeuser Company, a corporation. The complaint alleged, in pertinent part, that violations of the Act exist which threaten physical harm or injury to the employees, and an inspection by OSHA was requested. Based on the information in the complaint, OSHA has determined that there are reasonable grounds to believe that such violations exist, and desires to make the inspection required by section 8(f)(1) of the Act."

The application further stated:

"The desired inspection is also part of an inspection and investigation program designed to assure compliance with the Act and is authorized by section 8(a) of the Act."

Judge Warren has found that language nearly identical to this was insufficient to provide a basis from which a magistrate could determine whether a search would be reasonable. In the Matter of Establishment Inspection of Northwest Airlines, Inc., 437 F. Supp. 533 (E.D. Wis. 1977) The defendants counter with several unpublished decisions in which similar language has been found sufficient.

I turn first to the guidance provided by *Barlow's:*

"Whether the Secretary proceeds to secure a warrant or other process, with or without prior notice, his entitlement to inspect will not depend on his demonstrating probable cause to believe that conditions in violation of OSHA exist on the premises. Probable cause in the criminal law sense is not required. For purposes of an administrative search such as this, probable cause justifying the issuance of a warrant may be based not only on specific evidence of an existing violation but also on a showing that 'reasonable legislative or administrative standards for conducting an . . . inspection are satisfied with respect to a particular [establishment].' *Camara* v. *Municipal Court, supra,* at 538. A warrant showing that a specific business has been chosen for an OSHA search on the basis of a general administrative plan for the enforcement of the Act derived from neutral sources such as, for example, dispersion of employees in various types of industries across a given area, and the desired frequency of searches in any of the lesser divisions of the area, would protect an employer's Fourth Amendment rights." 46 U.S.L.W. at 4486 (footnotes omitted).

The warrant application in this case sought to demonstrate probable cause on the basis of an existing violation on the premises (as evidenced by the employee complaint) and on the basis of an "inspection program designed to assure compliance with the Act."

In my judgment, the second basis does not provide probable cause under the guidelines set forth in *Barlow's.* Neither the application nor the warrant show that the defendants' inspection program is derived from neutral criteria of the type specified in the Court's decision. Accordingly, there was no basis from which the magistrate could determine whether "reasonable legislative or administrative standards for conducting an . . . inspection are satisfied with respect to" the plaintiff's premises. 46 U.S.L.W. at 4486, *quoting* Camara v. Municipal Court, 387 U.S. 523, 538 (1967).

The first basis—the employee complaint of violations of OSHA standards on the premises—is also insufficient. Under section 8(f)(1) of OSHA, 29 U.S.C. § 657(f)(1), upon receipt of an employee complaint requesting an inspection because of a violation the employee believes exists on the employer's premises, the Secretary of Labor is required to make an inspection if he finds reasonable grounds to believe that a violation exists. It is not enough, however, that the Secretary of Labor be satisfied that grounds for an inspection exist. Under *Barlow's,* a magistrate must also be so satisfied The question is whether the reporting by the defendant compliance officer to the magistrate that an employee had made a complaint is sufficient to establish probable cause for the magistrate's issuance of the inspection warrant.

In my opinion, the answer must be in the negative. I am mindful that "probable cause in the criminal law sense is not required." *Barlow's, supra,* at 4486. Nevertheless, if the warrant procedure is to be anything more than a rubber stamp proceeding, the defendants must be required to do more than read the statute to the magistrate. Yet, the defendant compliance officer's application did little more here. The application stated that an employee complaint was received which alleged, paraphrasing the words of section

8(f)(1), "that violations of the Act exist which threaten physical harm or injury to the employees." The application also expressed the agency's belief that there are reasonable grounds to believe that violations exist. The actual employee complaint was not presented to the magistrate, and the nature of the alleged violation was not described in any form.

The defendants urge that the magistrate should not second guess the agency's determination that a particular condition on the premises "threatens physical harm, or that an imminent danger exists" within the meaning of section 8(f)(1). However, this does not relieve the defendants from showing probable cause to believe that the condition exists. Thus, I agree with Judge Warren's conclusion in *Northwest Airlines, Inc.* that language such as that found in the warrant application in this case does not establish probable cause.

Although the plaintiff's motion is for preliminary injunctive relief, I am convinced that no triable issue remains with respect to the plaintiff's Fourth Amendment claim. The parties agree that the question of probable cause is to be determined solely on the basis of the application presented to the magistrate. Since I find that the application fails to establish probable cause for the warrant which issued, there is no issue of material fact as to the impropriety of the warrant. The plaintiff is therefore entitled to partial summary judgment: (1) quashing the search warrant and suppressing the evidence obtained thereunder and quashing the citations and penalty notices arising from the inspections conducted under the unlawful warrant; (2) declaring that its Fourth Amendment rights were violated; and (3) enjoining any further actions or proceedings by the defendants against the plaintiff regarding the citations in questions. It also follows that the defendants' summary judgment motion should be denied.

Since the plaintiff's request for injunctive relief has been granted on Fourth Amendment grounds, the plaintiff's Fifth Amendment argument in support of its claim for injunctive relief need not be considered. However, such claim remains viable as to the plaintiff's claim for declaratory relief.

Therefore, it is ordered that the defendants' motion to dismiss or, alternatively, for summary judgment be and hereby is denied.

It is also ordered that the plaintiff's motion to quash the inspection warrant and to suppress all evidence obtained thereunder be and hereby is granted.

It is further ordered that the citations and penalty notices issued as a result of the inspections of the plaintiff's premises under the warrant be and hereby are quashed.

It is further ordered that the plaintiff's motion for a preliminary injunction, treated as a motion for partial summary judgment, be and hereby is granted. The defendants are permanently enjoined from conducting any further proceedings to enforce the citations issued as a result of the inspection conducted under the inspection warrant issued on July 7, 1978, In the Matter of Establishment Inspection of Weyerhaeuser Company, case no. 77-15M, and the defendants are ordered to return to the plaintiff all evidence obtained through the search conducted at the plaintiff's premises under the warrant dated July 7, 1978.

It is further ordered that the plaintiff is entitled to a declaration that the warrant application and warrant for inspection dated July 7, 1978, are null and void under the Fourth Amendment.

Dated at Milwaukee, Wisconsin, the 3d day of July, 1978.

MYRON L. GORDON,
U.S. District Judge.●

EQUALIZING ELECTRIC RATES IN NEW YORK STATE IS NONSENSE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. LAFALCE. Mr. Speaker, last year an obscure, two-sentence provision entitled "Prohibition Against Special Nonaggregate Inclusions" was added to the national energy bill during subcommittee consideration. Neither the existence of the provision nor its implications were brought to the attention of the House before the entire 500-page bill was passed.

When it did become known, it was learned that this section might have required the New York State Power Authority to radically change its rate structure. And those changes would have resulted in a serious threat to thousands of jobs in western New York and other parts of the upstate area.

We organized a coalition to fight against this shortsighted and parochial measure, and to keep decisionmaking on this issue where it belongs: on the State level. That coalition succeeded in convincing all three of the State's top elected officials—both U.S. Senators and the Governor—that the interests of the State as a whole required killing this section. Pennies a month downstate were simply not worth the risk to thousands of jobs in other regions of the State.

Today a hearing was held in Niagara Falls, in my congressional district, by a State legislative subcommittee which is reviewing a number of proposals at the State level to accomplish the same or very similar ends. I applaud the State legislators who are holding the hearings, not because I agree with them, but because they at least have the courage to bring their ideas into the light of day where they can be debated thoroughly.

I feel that this issue is so important that I prepared and submitted a statement on it at today's hearing. I would like to share that statement with my colleagues, so I ask that it be printed in the RECORD at this point.

The statement follows:

STATEMENT OF HONORABLE JOHN J. LAFALCE

Mr. Chairman, the beauty of Niagara Falls has been a source of wonder to mankind ever since, eons ago, human eyes first saw this marvel of nature.

The bounty of the Falls came initially from its draw as a tourist attraction. The United States, the State of New York, and the Western New York region all derive benefits from tourism at Niagara, an industry that will remain in this region, no doubt, for centuries to come.

Yet the Falls are bountiful in other ways, too, the most significant of which is their capacity to provide energy. The waters of Niagara constitute one of the greatest natural sources of hydro-electric power in the world. And we all know how important energy has become in today's world.

Today's hearing centers on how best to allocate the bounty of Niagara's energy—or, put another way, how to allocate the major cost savings which result from natural hydro-electric power as opposed to other means of generating electricity. I fully understand the reasons why questions like these are raised periodically, and I do not question the motives of those who believe the present situation should be changed.

With all due respect, however, I believe they are wrong.

I believe that spreading Niagara's cost savings to all customers of the State Power Authority, whatever the specific source of those customers' power, would hurt the United States of America.

I believe that doing this would hurt the State of New York.

Lastly, I know it would seriously hurt the Western New York region.

But my purpose today is not to be narrow and parochial. Rather, I want to devote this statement to the broader issues—to those longer-term questions that sometimes get overlooked—and to appeal to you to join me in assessing the real impact of these proposals on the State as a whole, as well as the nation, rather than on particular regions within the state.

We New Yorkers are famous for our downstate-upstate quarrels. Such quarrels hurt us; they should stop.

We New Yorkers are perceived as being selfish and parochial—we're not, and we must quash this perception.

As one who has been deeply involved in Congress helping assure the continued financial health of New York City, I've faced the questions I'm asking today. And the answers were obvious. I knew I had to put aside short-term political considerations and act, instead, as I best saw the long-term interests of the State of New York and the United States.

My purpose today, Mr. Chairman, is to welcome those of you who hail from other regions to the Niagara Frontier. As the representative from the 36th Congressional District, which includes Niagara Falls, I am, to a degree at least, your host. I try not to be an ungracious host.

So I do welcome you here. I hope you have enjoyed your stay thus far, and that you had an opportunity to tour the magnificent plant the legendary Robert Moses built when the old generating plant fell into the gorge in the 1950's.

But my role as a host would be far from fulfilled if I left you with that alone. Mr. Moses built a powerful machine, to be sure, but you must look not only at the machine but also at what it produces.

To do that, you have to move away from the mists of Niagara; you have to tour the industrial might of the Niagara Frontier. You have to stand at plant gates at 7 o'clock in the morning and watch the shifts change at the chemical plants in this region. There, and only there will you see the real product of Mr. Moses' accomplishment. And that product is *jobs*. Jobs for Americans and for New Yorkers.

It is that central fact that tends all too often to be overlooked in this debate. We are talking about jobs, and I submit that the one single most significant impact of the cost sharing proposals before you today is the fact that jobs—thousands of them—would be lost forever to the State of New York.

In one stroke such an action could wipe away all the gains of the last few years.

I'm not new to this debate. I dealt with this issue when I served in the Assembly and in the State Senate. And it has even come up in the U.S. Congress. The battle there last year is worth remembering and retelling, for it contains elements of both views: the narrow and short-sighted approach, against which I caution you today; and the statewide and nationwide perspective, which I urge you to adopt. I'll try to be brief in relating the 1977 story.

During consideration of the 500-page national energy bill at the Subcommittee stage in Congress two sentences of obscure legislative language were proposed and inserted into the bill. Only one member of the Subcommittee, I am convinced, knew what far-reaching consequences those two sentences might have had if they had become law. Unfortunately, however, this Congressman chose not to make known what he had done.

So this time bomb, under the innocuous title: "Prohibition Against Special Non-Aggregate Inclusions," ticked away and was not discovered until the bill reached the U.S. Senate. Upon discovery of the infamous Section 515, I helped organize and coordinate a bi-partisan coalition of Congressmen to bring out the facts about this provision, analyze its impact, and fight to eliminate it.

The facts, concisely put, were these: enactment of the provision might have required PASNY to equalize its rates, rather than base rates on the source of the power used, as it does now. Such equalization of rates would have meant pennies a month—usually less than a dime—of savings to consumers downstate. Few of those benefited would even have noticed; none, I venture, would have even considered relocating from the State for lack of a dime saved on a monthly electric bill.

But look at the effects in this region. Here many prime consumers of PASNY power are industries—firms that provide employment for hundreds of thousands of New York State citizens. Enactment of Section 515 would have meant higher utility bills for these major employers. And their bills wouldn't increase by pennies—they would have gone up by thousands of dollars a month.

Many economists predicted that if Section 515 were enacted a good number of industries would relocate from the Niagara Frontier. Estimates ranged as high as 10,000 jobs jeopardized by this provision. Let's look at what such a loss would mean to the State and to the nation.

First, the nation suffers because existing investments—both private and public—would be left idle or underutilized. This is an efficient use of resources, drawing capital away from opportunities for real growth. And to the extent the nation suffers from such inefficiencies, the State would suffer even more.

Second, workers do not follow jobs as readily as some theoretical economic models might pretend. Workers are people—people with problems, with ties, families, roots. Relocation is never easy, even when job opportunities are better in other places.

So, many families remain. Unemployment goes higher, meaning loss of revenue (the unemployed don't pay taxes) and costs to the federal government for unemployment benefit programs, job training and re-training programs, welfare, health costs, etc.

And again, these burdens do not fall exclusively on the nation—they fall at least equally, and usually more, on the State as a whole.

Third, energy efficiency alone was the major consideration. The most efficient—the least costly—way to use energy is to use it as close as possible to the source; it takes energy to transmit it from one place to another. Niagara Falls, the source of the bountiful energy, can't be moved. Therefore, having higher than average energy consumers in close proximity to this major source is efficient. Just as logically, adopting policies which might drive such users away is inefficient, for should that happen Niagara's energy would have to be transmitted greater distances to the remaining users.

All these reasons led us to conclude that Section 515 pennies in savings downstate would cost far more, over time, to the State and its taxpayers as a whole. And we presented our findings to all who would listen.

We told Senator Moynihan, who agreed that the State's overall interests required the elimination of Section 515.

We told Senator Javits; he joined those of us fighting the provision.

And we told Governor Carey, who also concluded that the State's overall interests required elimination of this section of the bill.

All three of the State's top elected officials agreed.

And Section 515 was ultimately dropped in the House/Senate Conference Committee as a result.

The facts today are the same as they were then. The pennies to be saved are the same; so are the jobs. The impact of any action, at either the federal or the state level, to equalize PASNY's rates will be exactly the same. The reasons that led all of our State's top elected officials to oppose such a move last year remain just as valid today as they were then.

I have concentrated my remarks, Mr. Chairman, on the economic ramifications of the proposed actions before you today, because I find the arguments that I have presented to be extremely compelling, and I hope you and your colleagues concur by the end of this hearing.

But I would be lax in my duty if I did not raise another point which warrants your attention. That is the strong probability that measures designed to require equalization of PASNY's rate structure would be found to be unconstitutional.

As you know, the U.S. Constitution specifically bars states from enacting laws which "impair the obligations of contracts." This very sensible provision is intended to assure certainty in the marketplace and, therefore, permit commerce to flourish. Without so basic a protection anarchy would reign.

Are not PASNY's contracts with its bondholders entitled to this protection?

Are not PASNY's contracts with private utilities entitled to this protection?

Are not the long-term contracts with major industrial users of PASNY's hydro power entitled to this protection?

In my judgment, all these contracts and others threatened by these proposals are indeed entitled to such protection.

To summarize, then, I urge you to complete your tour of this part of New York. Look at the factories; look into the faces of those who work in them. Consider, please, the economic impact on the State as a whole, and on the nation. Finally, review the Constitution of the United States as it applies to these proposals.

Having done all that, I hope and trust you will join with me in concluding that these proposals, while undoubtedly well-intentioned, would be counter-productive to those goals we all share: the enhancement of the United States and of the State of New York.●

THERE IS NO NATIONAL COMMITMENT TO CONVERT TO METRIC, BUT——

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. CRANE. Mr. Speaker, there is no national commitment to convert to the metric system, but as evidenced by the debate on my amendment to strike appropriations for the metric board (see pages 21862–21866), there are Members of Congress who believe the Metric Conversion Act of 1975 provides for "the orderly conversion of this country to the metric system."

Section 3 of the Metric Conversion Act of 1975 states:

It is therefore declared that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system.

Some Members are carried away with the word "plan" and it was obvious that others who opposed my amendment were somewhat nervous with that aspect of the debate and kept emphasizing the word "voluntary." To eliminate any confusion in this regard, I have introduced H.R. 13451 to amend the Metric Conversion Act.

My bill eliminates the costly and unnecessary Metric Board and permits the Department of Commerce to continue the coordination of the metric program. In my bill I describe the "plan" as a broad program of coordination and public education.

That program shall be initially submitted by the Secretary to the President and the Congress no later than 1 year after the date of the enactment of my bill. That program will not become effective or be carried out by the Secretary unless incorporated in or approved by a law enacted within 60 legislative days.

Mr. Speaker, at this point I include the text of H.R. 13451:

A bill to amend the Metric Conversion Act of 1975 to provide that the functions of the Federal Government with respect to the metric system shall be limited to coordinating the conversion to such system in areas or industries which desire it, and keeping the public informed thereon, without encouraging in any way the adoption or use of such system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Metric Conversion Act of 1975 is amended by striking out "to coordinate and plan" and all that follows and inserting in lieu thereof "to coordinate the increasing use of the metric system in the United States and to publicize the effects and ramifications of such use.".

SEC. 2. Section 4 of the Metric Conversion Act of 1975 is amended by striking out paragraphs (1), (2), and (3).

SEC. 3. The Metric Conversion Act of 1975 is further amended by striking out sections 5 through 11, by redesignating section 12 as section 7, and by inserting after section 4 the following new sections:

"SEC. 5. In support of the policy set forth in section 2—

"(1) the Secretary of Commerce shall devise and carry out (subject to section 6) a broad program of coordination and public education with respect to the metric system and its adoption or use, and shall collect, analyze, and publish information about the extent of usage of metric measurement; and

"(2) the Comptroller General shall analyze the costs and benefits of metric usage, and publish reports on any adverse effects resulting from increasing metric usage.

"SEC. 6. The program described in paragraph (1) of section 5 shall be initially submitted by the Secretary of Commerce to the President and the Congress no later than one year after the date of the enactment of this section, and subsequent revisions of or changes in such program may be submitted

by the Secretary to the President and the Congress at any time; but no such program, revision, or change shall become effective or be carried out by the Secretary unless incorporated in or approved by a law enacted within 60 days after its submission (excluding in the computation of such 60 days any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain).".

Mr. Speaker, I now have nine cosponsors and suggest to my colleagues that those interested in being added to the list need only contact my office. The present cosponsors are: Hon. ROBERT BADHAM, Hon. THAD COCHRAN, Hon. TENNYSON GUYER, Hon. SAM HALL, Jr., Hon. THOMAS KINDNESS, Hon. LARRY MCDONALD, Hon. ED MADIGAN, Hon. DAN MARRIOTT, and Hon. CHARLES THONE.

Mr. Speaker, much more attention and concern is being focused on the creation of the Metric Board whose new executive director was recently the chief lobbyist for metric conversion. I can assure you that a lot more surprises are in store for the Members when the 2-year, self-initiated GAO study is released this fall.

As an example of the growing concern, at this point I include an editorial by John Smoot appearing in the July 10 issue of the Washington Star, "Today Celsius, Tomorrow—What? The editorial follows:

TODAY CELSIUS, TOMORROW—WHAT?

Just what we needed: another plot. And this one, probably international in scope, is surfacing in time to keep the mind off-balance through what otherwise might have been the leisurely days of summer.

It's based on the simple principle: There's money in metric.

The first warning signs appeared some time ago when television weathermen began saying things like, ". . . 54 degrees, 12 Celsius." It was casual, but persistent. "Celsius" was being presented in what appeared to be the broadcasting industry's usual pattern—it seemed to be innovative without really informing or educating.

The success of the move to include temperature measurement in the talk of conversion to the metric system depends on the public's neglect of one fact: There is no direct connection. While the Celsius scale is a decimal system based on the freezing and boiling points of water, it is not related at all to weights and measures, which is what the metric system is supposed to be about.

Obviously, this whole matter is linked to a late-blooming public relations effort on behalf of Mr. Celsius. In high school and college physics classes, the centrigrade scale was good enough for me, and it's good enough for my children; but suddenly, after 235 years, we must learn to refer to it by its developer's name. Certainly, Celsius' descendants, jealous of the continued recognition of his predecessor, Fahrenheit, and envious of the Hertz clan who succeeded in replacing kilocycles with kilohertz, have launched a campaign to uplift the family name and wipe out any trace of competition.

But, while it's conceivable that the Celsius involvement in the conspiracy is a simple matter of family pride, television has much more at stake and its aim will become evident as soon as we see the first commercial for the new Celsi-Therm indoor-outdoor thermometers: "Only $5.95. Call right now. Operators are standing by. Call 555–H-E-A-T. Or to save COD charges, send check or money order to Temp . . . T-E-M-P . . . Temp, Box 212, Cold Harbor, Va."

This will be followed by the Wel-Dun Meat Thermometer (which I had expected to be ". . . the perfect Mother's Day gift." Presumably it is being held back for Thanksgiving marketing).

Supermarkets will be able to offer the new C-Method Cooking Library: "Volume one . . . only 39 cents this week at A&P."

Power companies, of course, will launch revised conservation-oriented ad campaigns instructing you to set thermostats at 20 degrees in the daytime, 18.3 degrees at night. Those thermostats, incidentally, will be installed by your friendly neighborhood heating contractor so that you can "bring your home environmental system up to date."

The frightening fact is that these stomach-churning probabilities will be only the beginning: As the Titanic's passengers learned, there is much below the surface.

At this point, broadcasters in particular will claim that what I envision is paranoid nonsense; that their only purpose is a gradual phasing-in of the metric system. Balderdash!

To give credence to their argument is to ignore a glaring inconsistency and, obviously, television is counting on a public nurtured on inconsistency to do just that: To overlook the fact that up to this point only temperature readings have been affected. Never is there a mention of wind velocity in kilometers per hour or barometric pressure in meters or centimeters.

To view this as an oversight, to accept the argument of "Golly, we just plumb forgot all about using those," is to fall into the trap, for conversion in those cases shapes up as phases two and three of the scheme. What we face is planned obsolesence on a massive, dollar-gobbling scale.

We have seen the circle of conspirators widen to include the advertising media and their associated leeches, scientific instrument manufacturers and publishers, and the ripples are still spreading. One German newspaper has said of the move to metric, "The suspicion that the pocket calculator industry lies behind the changeover has yet to be finally proven." It is small comfort to know the jury is still out on that one. And what is the involvement of the U.S. Weather Service? Or the entire scientific community?

To ask Ralph Nader to probe the issue would be unfair to the consumer, diverting the attention of the Raiders from the vital and, I assume, continuing examination of professional sports.

What is required is a long and thorough investigation; the type that can be launched only by Congress. Reaffirming their dedication to the American public, the men on Capitol Hill must for the moment, put aside their consideration of inconsequential matters. Energy, the economy, and other such affairs must wait their turn. The fate of generations yet unborn may rest on their determination to do what must be done. Today, Celsius. Tomorrow, what?

Some, conspirators and sketpics alike, will class me as an irrational alarmist. But I say to you, as would those who stand on the shores of Loch Ness, "There's something out there."●

MONDALE EXPRESSES U.S. SUPPORT FOR ISRAEL

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. SOLARZ. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent speech that Vice President WALTER MONDALE gave in Israel on July 2, 1978, during his recent trip to the Middle East.

This speech is a moving an eloquent reaffirmation of the American commitment to Israel, not only fitting within the traditional ambit of American foreign policy, but going much further to equisitely detail why Israel is important to the United States and why Israel's continued well-being is the cornerstone of our interests in the Middle East.

Mr. Speaker, in my view, Vice President MONDALE is one of Israel's best friends in the United States. He is deeply committed to the establishment of peace in the Middle East and to developing a set of arrangements for a Mideast peace that will allow Israel to look after its own interests. In this regard, I believe that the Vice President's statements indicating that the Arab States must "be prepared to accept carefully constructed security arrangements" and that the United States will "not fail to provide Israel with essential and crucial military assistance, nor will we use that assistance as a form of pressure," are particularly meaningful.

Mr. Speaker, I ask permission to insert the Vice President's speech at this point in the RECORD:

SPEECH BY VICE PRESIDENT WALTER F. MONDALE

JERUSALEM, July 2.—Here is the transcript of the speech delivered by Vice President Walter F. Mondale at a State Dinner at the Knesset here:

Mr. Prime Minister, Mrs. Begin, Mr. Speaker, Mrs. Shamir, honored guests and friends. There was one part of public life that I always feared the most in America, and that was on those rare occasions when I was directed to follow Hubert Humphrey. Tonight I found another orator that I very much find it difficult to follow. I know I speak for everyone here, for all the people of my country when I say your words are words that we endorse fully and your plea for peace is as eloquent as any of us have ever heard. Thank you so much.

I bring to the people of Israel the best wishes, the affection, and the congratulations of the President and the people of my country.

It is a special joy to me to return to Israel, and it is a special joy for my wife and for my daughter to visit Israel for the first time, to represent the President and to have the honor to speak in this historic hall of democracy, the Knesset.

Thirty of my fellow citizens and I have come to Israel as representatives of a young nation, to join an ancient people in the celebration of a common dream. In your 30th anniversary year, we rejoice with you. We share your pride. We honor your achievements and on behalf of the American people we say to the people of Israel: Congratulations, Mazel Tov.

Mr. Prime Minister and Mr. Speaker: We are especially grateful to you for your warmth and your gracious hospitality. My consultations with the Prime Minister have been warm, helpful, and have strengthened our friendship even more, and I look forward to our meeting tomorrow.

In my office in the White House, in an honored place, is a gift presented to me by the Prime Minister on his first visit to the White House: an oil lamp and clay pitcher from the period of the Patriarchs.

I thought about that gift this morning when I visited Beersheba where Abraham lived. One cannot visit Israel; one cannot walk these hills; or stand in the city of David, Jerusalem, without a profound sense of the history that echoes from this land.

Israel is a new nation but it's the fulfillment of an age-old dream. On Israel's independence day this year Americans celebrated

in the streets of New York with banners that said, "It is great to be thirty after 5,000 years."

Franklin Roosevelt once said that:

"Lives of nations are determined, not by the count of years, but the lifetime of the human spirit. The life of a man is three-score years and ten, a little more, a little less. But the life of a nation is the fullness of its will to live."

No one who was witness to the struggle to found this nation; no one who has seen your courage through four bitter wars; no one who has visited a kibbutz such as I did this morning, and feels the deep commitment within the hearts of the Israeli people to this land, can ever doubt that Israel will live forever.

In our lifetime there has been no more profound symbol of man's commitment to freedom, to dignity and to justice than the history of the Jewish state. For thirty years, Israel has kept alive an ideal—first proclaimed by the prophets—which remains the most revolutionary belief today of our time: that the right of human beings to be free is not a privilege granted by a state, but is a gift from the hand of God.

From the moment of your founding, Israel has never known a day of genuine peace. If there ever was a nation that could have rationalized suspending civil liberties because of an external threat; if there ever was a government that could have justified suppressing dissent—and I must say Mr. Prime Minister you do not suppress dissent—in the name of the national security, it was this embattled nation. Yet this very building in which we meet, your free press, your open debate, and the elections held last year, all proclaim that Israel is a flourishing democracy today.

People talk about the miracle of the Jewish State. They cite deserts transformed into forests and farms. They point to the cities, carved out of bedrock and swamp. They speak of a nation, thirty years old, but already a world leader in the sciences, and the arts, and technology. And all those accomplishments are wonderful and all are reasons for pride.

But the true miracle of the Jewish State is the unyielding determination of the people—no matter what the threat, or the burden—to live as free men and women in a free and independent State.

For two billion people in other developing nations who are struggling to break the bonds of mass misery, Israel is proof that a free society can best meet human needs. In thirty years, a nation of refugees has built a civilization. Israel's example shows that freedom is not an abstract theory, but the most effective instrument ever devised for advancing the welfare of man.

It is especially fitting that in this very week Americans are preparing to commemorate our own Independence Day. For we are the heirs to a common tradition of freedom and our two nations are joined by a unique historic bond.

The early Puritans, who came to America in the 1600's seeking religious freedom, viewed themselves as the ancient Israelites in search of the promised land. They called their new country, "Canaan," and spoke of the covenant that they had made with God. In 1776, when Thomas Jefferson, and John Adams and Benjamin Franklin were asked by the new Congress to design a seal for our country, they suggested the Hebrew people crossing the Red Sea, with Moses standing on the other side.

My country was founded nearly two hundred years before the modern Jewish State. But the people of America owe Israel an ancient debt. As one historian put it, "The Hebraic mortar cemented the foundation of American democracy."

As Americans watched the struggle for Israeli independence, we saw our own history as a people unfolding again. For Jew and non-Jew alike, the creation of the Jewish State was a victory in our lives as well. And for all Americans it was a moment of pride when President Truman recognized the new state of Israel just eleven minutes after its birth. It was my privilege to bring with me from the people of America the original, handwritten statement of recognition drafted by President Truman which will remain on display in Israel for the next year.

I told the Prime Minister today I did it for two reasons; first because of its historic significance, and secondly, Harry did it in three simple declarative sentences. And somehow diplomacy has lost the ability to just state things directly, and it's a good example for the future if we would follow it.

We stood together and we stand together today. Our support for Israel carries on a fifty-six year commitment by our Congress to the justice of a Jewish homeland; sustained by the deeds and pledges of seven Presidents; and ratified in the hearts of American people. No other cause, no other concern can sever the special bond that unites Israel and America today.

There have been moments during this relationship when we have disagreed over how to achieve the objectives we share. But every time, we have emerged from these times of testing with our friendship even stronger, firmer, and more secure. The special relationship between Israel and my country will always endure.

For thirty years Israel has been a stronghold of democracy; and an unshakeable friend and ally. The United States is stronger today because of the existence of the Jewish State.

And I would like to repeat to you the words President Carter spoke to Prime Minister Begin and nearly a thousand Americans at the White House celebration of your Independence Day. He said this:

"For thirty years we have stood at the side of the proud and independent nation of Israel. I can say without reservation, as the President of the United States, that we will continue to do so, not just for another thirty years, but forever."

Ours is not just a friendship between two governments, but between two peoples; two democracies; two cultures; learning from each other with mutual respect.

We are joined by the ties of history, of kinship, and love that touch millions of citizens in both our nations and most of us in this hall.

Our common values and common ideals unite us in their defense today.

We are nations of refugees. We are the children of the disposed. And we do not forget our past. No two nations in the history of the world have welcomed more immigrants to their shores than our two countries. And in Israel we cannot forget that so many of them are survivors of the Holocaust.

"Only the Jewish people," Golda Meir once said, "have had so much intimate knowledge of boxcars, and of deportation to unknown destinations." That memory keeps us from ever being indifferent to the plight of the exiled, and the refugee, today. We are not neutrals in the struggle for human rights.

After 2,000 years of exile, there is no more compelling claim on the conscience of the world than that of Jews in other nations denied their right to emigrate to Israel today. This is not only a Jewish issue. It is a moral issue as old as the Scriptures; and it is a legal issue as clear as the Helsinki Accords. Together with the people of Israel, we call on all nations in the world which deny Jews and others the right to emigrate and other basic human rights, to "unloose the heavy burdens and let the oppressed go free."

And no people who believe in human rights and the dignity of man can stand silent in the face of terrorism. We condemn the atrocities we saw in this city four days ago. This morning I visited the victims of last week's bombing. They are innocent people, but it does not tell the story. Older ladies, many of them burned mercilessly, will bear those scars for life. Young men in their prime, one badly shattered with his brother dead. An eleven-year-old Arab boy, fighting to save one of his legs, totally innocent, punished apparently for playing in the street. No purpose or goal can justify their suffering. Nothing can justify the loss of those who loved ones were killed. Those who make war on innocents commit a crime—not just against their victims—but against decency itself. There is only one possible response by civilized people to terrorism, and we condemn PLO terrorism totally and absolutely. We also condemn those responsible for these acts of terror and those who claim credit for them.

Of all the values and the commitments we share, none unite us more today than the hope for a lasting peace in the Middle East. No people in the world yearn for peace more than you do.

I know from my hours with the Prime Minister that no leader will work more tirelessly to seize this moment when it may be possible to bring peace to the people of the Middle East than your Prime Minister. On November 20, he spoke to the world from this building and said:

"We have one aspiration at heart, one desire in our souls, to bring peace; peace to our nation, which has not known it for even one day since the beginning of the return to Zion; and peace to our neighbors, to whom we wish all the best."

No theme runs through Jewish teaching more than a hatred of war. I had the privilege of joining in a Seder this year. And I was struck that even in the middle of a celebration of Israel's freedom ten drops of wine were spilled, for as the Haggadah said: "How can we fully rejoice as we celebrate Israel's freedom, when we know that our redemption involved the suffering of the Egyptians?"

And I thought of an interview I had with an Israeli soldier following the Six Day War, surely one of the most remarkable passages ever written about a war. The Israeli soldier said:

"When the fighting began and the mountains around Ein Gev began to spit fire, a group of our reconnaissance troops on one of the hills next to the Syrian border was busy putting out a fire in a little field belonging to an Arab farmer. 'A field is a field,' said one of the boys."

In that story is expressed the tragedy, and the hope of the Middle East. For Israeli and Arab alike, too many sons and daughters have been lost in too many wars. For Israeli and Arab alike, peace in the Middle East, as the Prime Minister observed can bring a joyous harvest of enrichment and advancement.

We are at an historic turning point today in the search for peace in the Middle East. Never have the prospects for peace been so favorable. Never have the dangers of failure been so great. But time is not on our side. We cannot afford to delay. We must not minimize the urgency of the moment. For as President Carter said: "The opportunity for peace may be slipping away. Statesmanship and courage will be required on the part of all of us who seek peace. The moment cannot be lost without the greatest risks for the future."

If we do not move forward with courage; if all sides simply advance maximum positions; if this opportunity slips from our hands; who can say that it can ever be re-

claimed? Who can accept the terrible price of failure?

Time and events have brought peace in the Middle East within our reach for the first time in 30 years.

First, because Israel, by its own fortitude, has proven that as a nation it is here to stay.

Second, the interim security arrangements negotiated after the 1973 war have proved workable; they remain intact today; and they've helped to keep the peace.

Third, the United States has built new relationships in the Middle East that allow us to better bring the weight of our influence to bear on behalf of moderation and peace. Those relationships are in the interest of all our friends in the Middle East.

Fourth, seven months ago, the leader of the largest Arab nation came to this city at your invitation. He was warmly received by your President, your Prime Minister, and your people. He spoke, in this very building of acceptance, recognition, and security for Israel; of a Middle East in which Jews and Arabs would co-exist as neighbors, instead of enemies. And after the talks between the Prime Minister and the President, the world heard the historic promise from both these great leaders of "no more war."

Direct negotiations have begun. Yes, they've been tentative, and they've been full of ups-and-downs. But the peace process is underway. And it must continue. The "Spirit of Jerusalem" must prevail. Negotiations must assure that the promise of "no more war" will be fulfilled.

We believe that the best way to make peace is through direct negotiations, as the Prime Minister has said this evening, between the parties to the conflict. We are bending all our efforts to resume negotiations between Egypt and Israel.

When necessary, the United States is willing to be a helpful, mediating party.

We have made, and will continue to make, constructive suggestions where they may be helpful in bridging a gap between the negotiators, themselves. As we have agreed, any suggestions will only be made after consulting with you and with the other parties.

Negotiating is a difficult, challenging, frustrating process. It can only succeed with a spirit of give and take, and compromise.

Israel put its proposals on the table several months ago. Detailed talks have taken place between Egypt and Israel. When Israel presented its views, the Israeli government made clear its readiness to consider counterproposals and to negotiate with an open mind. We hope and expect the government of Egypt will soon offer further proposals. And we hope that Egypt will continue the negotiations in this same constructive spirit. It is essential that each side seek in the other's proposals common elements from which agreement can be built. I am confident that the negotiations can be resumed in an atmosphere of mutual respects.

Fortunately, we have a powerful advantage in this process. For the essential basis for agreement has already been achieved. And that is UN Resolution 242 which was unanimously adopted by the Security Council, and agreed to by all nations in this conflict. It provides a common touchstone to guide the nations.

Resolution 242 is an equation. On the one hand, it recognizes the right of every state in the area to live in peace within secure and recognized borders free from threats or acts of force. We believe such a peace must include binding commitments to normal relations. In return, Israel would withdraw from territories occupied in the 1967 war. We believe the exact boundaries must be determined through negotiations by the parties themselves. They are not determined by Resolution 242.

But these principles of 242 cannot be viewed in isolation, or applied selectively. Together, they form a fair and balanced formula and still the best basis for negotiating a peace between Israel and her neighbors.

We understand the difficulties these issues pose for Israel. And I am reminded of a story by Martin Buber in which the Maggid of Mezritch described how he learned the secret of love by overhearing the conversation of two peasants. One turned to the other and said, "Do you love me?" And the second replied, "Of course I do. We have been friends for years."

"Tell me then," the first peasant asked, "What is it that is hurting me now?"

"The second replied, "How can I know, if you don't tell me?" And the first answered, "How can you say you love me if you don't know what causes me pain?"

The people of Israel confront painful decisions in this process. They involve negotiating the future of territories which have been occupied for a decade and which, in the absence of peace have provided a sense of security. But no one of us can forget the history of the Middle East. For six years after the 1967 war, there was no progress towards peace. And another tragic war followed in 1973.

As we have often said, we are convinced that without eventual withdrawal on all fronts, to boundaries agreed upon in negotiations and safeguarded by effective security arrangements, there can be no lasting peace. Only Israel can be the final judge of its security needs. Only the parties can draw the final boundary lines. But if there is to be peace, the implicit bargain of UN Resolution 242 must be fulfilled.

In the Sinai, Israel has proposed a peace treaty in which there would be negotiated withdrawal and security would be achieved while relinquishing claims to territory. This approach can be applied in the West Bank and Gaza as well.

The Arabs also face difficult and painful decisions. They must be prepared to accept carefully constructed security arrangements. There should be strong links between the West Bank and Gaza, and Jordan. They must accept permanent peace and Israel's right to exist in peace within secure and recognized borders. We believe that a solution based on this approach—not an independent Palestinian State—will provide the stability and security essential for peace. Such an agreement will take time to negotiate and to test. And that's why we believe a period of transition is needed.

Real peace will clearly serve Israel's security interests. But both during the transition period, and after a peace settlement, Israel's need for concrete security arrangements must be met. Any peace settlement must include continued, assured, permanent protection for Israel. The United States and Israel are completely united on this point.

The agreements of the past four years in the Middle East have demonstrated that difficult security problems can be resolved. We can draw on this experience in future agreements. Demilitarization and limited force zones have helped to keep the peace in the Sinai and on the Golan Heights; they can help keep the peace in other strategic areas as well. The possibility of surprise attacks can be reduced by early warning systems and surveillance.

International forces and observers can help maintain integrity of peace agreements and ensure stability. Technology may help solve some problems. A continuing military presence in strategic areas might solve others. The United States has helped with these arrangements in the past. We are prepared to assist again. Agreements between our countries could ensure Israel's security, and we're prepared to explore all the possibilities.

To achieve and guarantee lasting peace, Israel's strength must never be in doubt. Israel's ability to defend itself must be clear. Israel must be so strong that no nation will ever be tempted to test its strength. And America is committed to a strong Israel.

Since the war in 1973, the United States has agreed to over $10 billion in military and economic support for Israel. Under the Carter Administration, one fifth of all our economic and military assistance around the world has come to this nation. In next year's budget, nearly half of all our sales credits and grants for military equipment will go to Israel. This is an unprecedented amount, but we have no regrets.

On behalf of the President, I pledge to you tonight that aid from the United States will continue. I pledge to the people of Israel that the United States will not permit your security to be compromised in the search for peace. And I pledge to you that my country will not fail to provide Israel with essential and crucial military assistance, nor will we use that assistance as a form of pressure.

In the final analysis, "Peace," as Albert Einstein once said, "cannot come through force, it can only come through understanding." That is a profound challenge for all peoples in the Middle East.

Ancient rivalries must be overcome. Fears and suspicions on all sides, bred from the hostilities of the past, must be transformed into new visions of understanding and sympathy. And the long-standing problems of the Palestinian people must be resolved.

We have no illusions about the difficulty of that challenge. We have no smugness about the problems it entails.

But more than 5,000 years of history have shown that the Jewish people are a people of understanding and vision and sensitivity. Through exile, and persecution, and even genocide, you have never abandoned your commitment to justice and the dignity of all mankind.

And I am confident that a people of those traditions understands and accepts that the Palestinians—like all people—have the right to participate in the determination of their own destiny. We are convinced that a solution can be found which will provide stability and security for everyone in the Middle East.

The peace we seek is not a mere absence of war, or simply the end of belligerency. True peace must transform, not just the nations, but the peoples of the Middle East. It cannot be written in documents alone. It must be woven into the fabric of everyday life.

President Carter has stated that such a peace must include: open borders; diplomatic relations; normal trade, and commerce and tourism; free navigation; and an end of all boycotts. The cornerstone of normal relations must be a formal recognition by the neighboring Arab states of Israel's nationhood.

For 30 years peace has eluded the nations of the Middle East. Some say it's beyond our reach.

There are those who say no formula can be found. Others say the problems of the Palestinians are intractable. Some say that the Middle East is destined by its history to know only war, and the threat of war, for generations. Real peace they say, is nothing but a dream.

But to all the peoples of the Middle East, in the 30th year of Israel's independence, the words of Theodore Herzl still ring true today: "If you will it, it is not a dream."

For 30 years, the peoples of the Middle East have had to bear the crushing burden of ever more costly military needs. War has robbed this region, not only of its sons and its daughters, but of too much of its future. True peace can unlock the resources, the

talents and the imaginations of two ancient peoples.

No nation has more to gain from peace than Israel. When I visited your country in 1973, I was moved by the fact that every leader I talked to spoke in terms of meeting the real needs, the human needs of (Israel's) people.

This morning I presented to President Navon a gift from the American people in honor of your 30th anniversary: it was a copy of the first Bible ever printed in Hebrew in the United States. It is a symbol of the friendship, respect and love we feel for the people of Israel today.

But the gift we hope for Israel most in this anniversary year is the gift for which you have prayed for 30 years—the gift of peace.

For 30 years, we have shared in the joys of this great nation; we have taken pride in your achievements; and we have felt your losses and your pain. Now, more than anything else, we hope to share with Israel in the fulfillment of a lasting peace.

America will stand with you in the search for peace and we will rejoice when peace is won. And when that day comes, in the words of Isaiah, "The work of righteousness shall be peace . . . and the effects of righteousness, quietness and assurance forever."

Shalom.●

YOU CANNOT GET EVEN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. McDONALD. Mr. Speaker, contrary to their commonsense instincts, many persons are talked into supporting various Government programs on the basis that they ought to get their fair share since they pay taxes. This motive of "getting what is rightfully ours" leads to some dire consequences, because, as an extension of the idea of private ownership, it becomes bizarre in the context of big government reaching out to supposedly confer benefits on more and more groups. Dr. Hans Sennholz of the Department of Economics at Grove City College, wrote a short article in the Freeman for June 1978, which I feel ought to be required reading in that regard. The article follows:

YOU CANNOT GET EVEN

(By Hans F. Sennholz)

Government affects individual incomes by virtually every decision it makes. Agricultural programs, veterans' benefits, health and labor and welfare expenditures, housing and community development, federal expenditures on education, social insurance, medicare and medicaid programs, and last but not least, numerous regulations and controls affect the economic conditions of every citizen. In fact, modern government has become a universal transfer agency that utilizes the political process for distributing vast measures of economic income and wealth. It preys on millions of victims in order to allocate valuable goods and services to its beneficiaries. With the latter, transfer programs are so popular that few public officials and politicians dare oppose them.

The motive powers that drive the transfer order are as varied as human design itself. Surely, the true motives are often concealed, and a hollow pretext is pompously placed in the front for show. And yet, man is more accountable for his motives than for anything else. A good motive may exculpate a poor action, but a bad motive vitiates even the finest action. Conscience is merely our own judgment of the right and wrong of our action, and therefore can never be a safe guide unless it is enlightened by a thorough understanding of the implications and consequences of our actions. Without an enlightened conscience we may do evil thoroughly and heartily.

An important spring of action for the transfer society is the desire by most people to get even in the redistribution struggle. "I have been victimized in the past by taxation, inflation, regulation, or other devices," so the argument goes, "therefore I am entitled to partake in this particular benefit." Or the time sequence may be reversed: "I'll be victimized later in life," pleads the college student, "and therefore I want state aid and subsidy now."

This argument is probably the most powerful pacifier of conscience. It dulls our perception and discernment of what is evil and makes us slow to shun it. After all, we are merely getting back "what is rightfully our own." With a curious twist of specious deduction the modern welfare state, which continually seizes and redistributes private property by force, is defended by the friends of individual liberty and private property. "Man is entitled to the fruits of his labor," they argue, "we are merely getting back that which is rightfully and morally our own." They borrow the arguments for the private property order to sustain the political transfer order.

Surely getting back that which is rightfully and morally our own is a principle that is rooted in our inalienable right to our lives. It is a property right that springs from our human rights and from the right to life itself. It is the right to restoration of the fruits of our efforts and labors of which we are deprived by deceit, force, or any other immoral practice. It is a specific right to recovery or compensation from those who are wronging us or have injured us in the past.

This right to restoration does not beget the right to commit the very immoral act from which we seek restoration to imitate others in acting immorally, or to seek revenge against the trespassers or innocent bystanders. But this is precisely what the "get-even" advisors urge us to do.

In an unfortunate automobile accident we are hurt or injured, or our vehicle may be damaged, because of the negligence of another driver. This gives us the right to demand restoration and compensation from the guilty party. But it does not give us the right to seize another car parked in the neighborhood, or return to the road and injure another driver. Or, our home is burglarized and we suffer deplorable losses in personal wealth and memorabilia. This does not bestow upon us the right to do likewise to others. But the "get-even" advocates are drawing this very conclusion.

He who is desirous of "getting even" in the politics of redistribution longs to join the army of beneficiaries who are presently preying on their victims. They would like to get their "money back" from whomever they can find and victimize now. Like the victim of a burglary who becomes a burglar himself, they are searching for other victims. But in contrast to the new burglar who may be aware of the immorality of his actions, the "get-even" advocate openly defends his motives while he is pursuing his political craft.

We cannot get even with those individuals who deprived us of our property in the past. They may have long departed this life or may have fallen among the victims themselves. We cannot get even with them by enlisting in the standing army of redistributors. We merely perpetuate the evil by joining their forces. So we must stand immune to the temptations of evil, regardless of what others are doing to us. The redistribution must stop with us.

The redistributive society has victimized many millions of people through confiscatory taxation, inflation, and regulation. Government acting as the political agency for coercive transfer, seized income and wealth from the more productive members and then redistributed the spoils to its beneficiaries. Although many millions of victims and beneficiaries were involved, which often obscures the morality of the issue, the forced transfer took place between certain individuals. It is true, the beneficiaries, who used political force to obtain the benefits, cannot easily be recognized in the mass process of transfer. But even if we could identify them, and establish a personal right to restoration, our property has been consumed long ago. A vast army of beneficiaries, together with their legions of government officials and civil servants, consumed or otherwise squandered our substance. There is nothing to retrieve from the beneficiaries who probably are poorer than ever before having grown weak and dependent on the transfer process.

When seen in this light, the get even argument is nothing more than a declaration of intention to join the redistribution forces. It may be born from the primitive urge for revenge against government, state or society. But it is individuals who form a government, make a state and constitute a society. By taking revenge against some of them for the injuries suffered from the hands of others, I am merely reinforcing the evil.

Revenge is a common passion that enslaves man's mind and clouds his vision. To the savage it is a noble aspiration that makes him even with his enemies. In a civilized society that is seeking peace and harmony it is a destructive force which law seeks to suppress. But when the law itself becomes an instrument of transfer, the primitive urge for revenge may burst forth as a demand for more redistribution. It becomes a primary force that gives rise to new demands or, at least, reinforces the popular demands for economic transfer. The common passion for revenge, no matter how well concealed, undoubtedly is an important motive power of social policy that leads a free society to its own destruction.

No wealth in the world and no political distribution of this wealth can purchase the peace and harmony so essential to human existence. Peace and harmony can be found only in moral elevation that reaches into every aspect of human life. A free society is the offspring of morality that guides the actions and policies of its members. To effect a rebirth of such a society is to revive the moral principles that gave it birth in the beginning. It is individual rebirth and rededication to the inexorable principles of morality that are the power and the might. The example of great individuals is useful to lead us on the way, for nothing is more contagious for greatness than the power of a great example.

To spearhead a rebirth of our free society let us rededicate ourselves to a new covenant of redemption, which is a simple restatement of public morality. In the setting of our age of economic redistribution and social conflict it may be stated as follows:

No matter how the transfer state may victimize me, I shall seek no transfer payments, or accept any.

I shall seek no government grants, loans or other redistributive favors, or accept any.

I shall seek no government orders on behalf of redistribution, or accept any.

I shall seek no employment, or accept any, in the government apparatus of redistribution.

I shall seek no favors, or accept any, from the regulatory agencies of government.

I shall seek no protection from tariff barriers or any other institutional restrictions of trade and commerce.

I shall seek no services from, or lend support to collective institutions that are creatures of redistribution.

I shall seek no support from, or give support to associations that advocate or practice coercion and restraint.

We do not know whether our great republic will survive this century. If it can be saved, great men of conviction must lead the way—men who with religious fervor and unbounded courage resist all transfer temptations. The heroes of liberty are no less remarkable for what they suffer than for what they achieve.●

FLUORIDE RINSE INTRODUCTORY STATEMENT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. CARTER. Mr. Speaker, it is well known that the most prevalent chronic health problem among our children is tooth decay. Indeed, decay is nearly universal among children. At age 2, half of the children in this country have decayed teeth. Surveys show an average of one cavity a year in children aged 6 to 11 and one and one-half cavities in children aged 12 to 15. Decay is insidious. It begins soon after the primary teeth appear in early childhood and can continue throughout adult life. Almost nobody escapes dental caries, the leading cause of tooth loss before age 35.

Of course, Mr. Speaker, there are known ways to reduce tooth decay. Obviously good oral hygiene practices are extremely important. The most effective cavity preventive mechanism known today is the flouridation of drinking water. However approximately one-half of the citizens of this country, for a variety of reasons, are not drinking flouridated water.

One of the more exciting possibilities in decay prevention has just been announced by the National Institute of Dental Research. Spokesmen for the Institute say that demonstration projects during the last 2 years in 17 parts of the country show that a fluoride mouth rinse for schoolchildren is reducing tooth decay in those areas by an average of 35 percent. Fluoride rinse is a proven preventive measure. It is safe and it is available at a low cost.

For approximately 50 cents a child a year elementary schoolchildren have been rinsing with the fluoride solution once a week in participating school systems with the blessing of the local dental societies and the voluntary concurrence of their parents. The improvement in the dental health of these children has been dramatic according to Dr. James Carlos, head of the Institute's national caries program. Dr. Carlos has said, "We now have a method for partial prevention of caries that is effective, costs very little, is easily administered, and is readily accepted by the public."

Mr. Speaker, I would ask what better endorsement a preventive care public health effort could have, but there are other benefits as well. Most of the participating communities experienced important ripple effects. People became more aware of the importance of dental health. More people were going to dentists and the general level of dental health was increased according to the sponsors of these projects.

This worthy pilot project—preventive, low-cost, and locally endorsed—was supported with $2.5 million in Federal research funds during more than 3 years of operation But the Federal support ends next February when these contracts expire. The communities are then on their own for support and Dr. Carlos assures us that support is likely from local sources. However, he also tells us that we have the potential to make tooth decay a lesser problem for as many as 20 million children in communities lacking fluoridated water by continuing this fluoride rinse effort.

In addition to the obvious benefits of healthier teeth, regular school-based fluoride mouth rinsing can save parents several billions of dollars a year in dental bills. The benefits are uniform across income, social, racial, and community lines. Big city schoolchildren and rural children likewise can enjoy better teeth as a result of this excellent procedure.

I should emphasize that the fluoride rinse project is compatible with water fluoridation, it can add to the benefits of water fluoridation while providing significant new benefits in unfluoridated areas. The rinse is not swallowed by children who participate in the program. This is a safe and effective procedure.

I am, therefore, proposing an amendment to the disease control provisions of the Public Health Service Act to extend the benefits of this worthy effort to make it possible for additional schoolchildren to receive the benefits of the fluoride rinse program. This is a low-cost, effective program, and I urge its approval.

Without objection, I include the recent articles which have appeared in the Washington Post and New York Times concerning the fluoride rinse projects in the RECORD at this point:

[From the Washington Post, July 18, 1978]

FLUORIDE RINSE HELPS SAVE TEETH

(By Victor Cohn)

A weekly one-minute mouthwash with mildly fluoridated water to prevent tooth decay was recommended yesterday to the half the nation that does not fluoridate its drinking water.

The National Institute for Dental Research—a unit of the National Institutes of Health—urged schools and health departments to start regular programs as the result of several new demonstrations showing that the rinsing can reduce children's tooth decay by 35 percent, on the average.

Meanwhile, dentists or doctors can prescribe pills to make the required mouthwash to parents who want to have their children use it once a week—or for any adults who want to try it.

Tooth decay is the leading chronic disease of childhood, and in all, costs the nation $5 billion a year, Dr. James P. Carlos, associate director of the government research institute, estimated. Ideally, all decay is preventable, so wider use of fluoride could save the country billions, he said.

The dental institute recommended the rinsings primarily for children partly because they are in school and can be easily reached, and partly because decay usually tapers off after young adulthood.

"But many adults can probably benefit too, just as they benefit by using fluoridated toothpaste," Carlos said. "They just won't benefit as much, and we can't put a specific number on adult benefit."

Most cities, including Washington, fluoridate their drinking water. But in the Washington area, large parts of Fairfax and Prince William counties do not. And, nationally, Los Angeles, San Diego, San Antonio, Portland, Ore., Phoenix, Birmingham, Newark, and Honolulu are among cities that don't.

Some areas, mainly suburban or rural, don't fluoridate because they lack suitable central water treatment plants at which to add the antidecay chemical. But in many communities there has been successful opposition so far by people who think fluoridatio may cause cancer or other illness or destroy their liberty to drink unmedicated water.

"There is absolutely nothing to the claims that fluoridation causes any illness—those claims have been thoroughly refuted by the National Cancer Institute," Carlos said.

Where water is fluoridated, decay is reduced by 50 to 65 percent by the early teens for youths who have drunk the water since birth, according to Carlos, and by less for those who drank it part of the time.

Periodic application of fluoride solution or gel by dentists typically cuts childhood decay by 35 percent, but is costly, he said. But only half the population goes to a dentist each year.

Use of fluoride toothpaste cuts childhood decay by 15 to 20 percent, Carlos estimated. "And we think over 80 percent of the population now uses it," he added.

But the weekly rinsing can effectively be added to daily fluoride brushing, he said. Children in 17 federal projects demonstrating the rinsing included both fluoride toothpaste users and nonusers.

For two years, 75,000 children through sixth grade in Alabama, California, Colorado, Connecticut, Guam, Massachusetts, Michigan, Missouri, Montana, New York, Ohio, Texas and Wisconsin—and Charles City County, Va.—have rinsed for a minute a week with a 0.2 percent sodium fluoride solution.

Various groups have so far shown reductions in decay from 46 percent to nothing, for the 25 percent average benefit.

"If everyone got enough fluoride and got rid of sugary snacks and drinks and chewing gum between meals, decay in this country would approach zero," Carlos said. "I say 'between meals' because you can tolerate sugar occasionally during the day without damage. It's the repeated use that does the harm."

He also advises thorough enough brushing to remove plaque or tartar deposits on teeth, but you should be taught how to do it by your dentist."

[From the New York Times, July 19, 1978]

SCHOOLS URGED TO USE FLUORIDE MOUTHWASH TO CUT TOOTH DECAY

WASHINGTON, July 18.—A school program that would require students to use fluoride mouthwash once a week could cut tooth decay by about one-third, according to Government scientists.

The National Institute of Dental Research said yesterday that three years of testing with more than 70,000 children showed that weekly use of a fluoride mouthwash could be a good substitute for a communitywide fluoridated water system.

Dr. James P. Carlos, associate director of the institute, said that half the population lived in communities without fluoridated water. "We estimate there are at least 20

million children in nonfluoride communities who could be helped," he added.

He said that dental decay affected more than 90 percent of children, even though the nation spent more than $10 billion in 1977 on dental services.

The three-year project, which focused on elementary schoolchildren in 17 communities that do not have fluoridated water, found that it costs only 50 cents a student to supply mouthwash, cups and paper towels for the 32-week school year.

The average reduction in tooth decay was 35 percent, the scientists said. But the results from the $2.5 million demonstration program varied widely from community to community, based on a random sampling of the children involved.

In seven of the communities, reduction of decay was from 22 percent to 27 percent. In one community, the reduction was 34 percent and in another reached a high of 46 percent.

One test area showed no added reduction of decay after two years, and several others showed only 1 percent to 8 percent. The extremely low figures were attributed to sampling errors and active local dental programs.●

QUANTIFYING INDECENCY

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mrs. MEYNER. Mr. Speaker, I would like to call to my colleagues attention the following column by Howard Rosenberg, a staff writer with the Los Angeles Times. It seems inevitable that the Congress and the courts will continue to police the type of language that the public may be exposed to. We are deluding ourselves and our constituents if we maintain that it is the language only—and not the thoughts that they express—that we are regulating. In light of this, I believe that all of us must carefully examine our priorities and our personal standards of violence and obscenity.

I have never heard the now famous George Carlin routine on the "Seven Dirty Words." Moreover, I have no desire to hear this routine, or even those words. I certainly do not condone the use of that type of obscenity. I did, however, hear and see the atrocities espoused by the Nazis in Chicago on July 9. Again, I do not condone that type of obscenity. That was a violent and indecent display, in my mind.

My difficulty is squaring a condonation of the indecency of the Nazis with a condemnation of the indecency of Mr. Carlin. Which is the lesser obscenity? And, are we prepared to quantify indecency? I ask my colleagues to read Mr. Rosenberg's thoughts on this difficult question, and to examine their own.

NAZI: ACCEPTED 4-LETTER WORD

WASHINGTON.—It is bitterly ironic that Frank Collin, who wears a swastika and preaches hate, can shout his message on the nation's airwaves while comedian George Carlin's words against hypocrisy are all but stifled.

On July 9, Collin, the snarling neo-Nazi anti-Semite and white supremacist, denounced Jews and blacks at a rally in Chicago's Marquette Park that was recorded by the media army, including the nation's three commercial television networks.

If failure of the sound system made it almost impossible for Collin to be heard there by his handful of followers and others drawn to the park that day, at least he had the satisfaction of knowing some of his words were broadcast later that day by CBS News.

And coverage by NBC, ABC and the nation's print media ensured that the face of the 33-year-old Collin, until recently an anonymous nobody, would be known in most of America's households.

Six days earlier, the U.S. Supreme Court upheld the authority of the Federal Communications Commission (FCC) to act against broadcast media airing a Carlin comedy monologue that recited, in hilarious and devastating detail, the "seven dirty words" banned for broadcast.

The court emphasized that it was acting primarily on behalf of the nation's children. No telling what harm could be done if these words (which one can assume most children have heard and maybe even used) reached the ears of youngsters. After all, as Carlin points out, these words "curve your spine, grow hair on your hands."

The Justices thus affirmed the FCC's definition of the Carlin monologue as indecent. But how can Carlin's monologue be considered indecent compared with the violence-charged preachings of a Frank Collin? At a June 24 rally in Chicago, also given the big media treatment, Collin said about Jews: "In a Nazi America, we would put every one of these creatures in the gas ovens where they belong."

Any station may broadcast that type of obscenity without fear of government sanctions, while Carlin's words are virtually taboo.

Carlin's language is barbed but harmless. There is nothing in his 12-minute monologue that preaches or condones violence or hatred. He is foremost a comedian but also a social satirist whose routine is comprised of short sketches poking fun at contemporary mores. He uses "dirty words" to make us laugh at our own silliness about language. He dissects the words, turns them inside out, wrings them dry until nothing is left. That's the point. There are no dirty words. The words are merely symbols.

"America has always taken pride in its ability to laugh at itself, but it just isn't true," contends Norman Lear, "Bob Hope or Johnny Carson making a joke about President Ford falling down isn't America laughing at itself. America laughing at itself is being able to listen to Lenny Bruce and understand its own foolishness. George Carlin tries to make us do that."

But the most esteemed legal minds sometimes work in wondrous ways. Children tuned to radio or television can hear Collin, the brown-shirted promoter of genocide, but not Carlin, the gentle social satirist.

And the Nazi philosophy has been there for the hearing. Last year, public television's "Black Perspective on the News" aired an outrageous segment in which Collin and David Duke, leader of a splinter Ku Klux Klan group, were allowed to rant virtually at will about Jews and blacks in what was supposed to be a calm and reasoned discussion of their philosophies—as if there were pros and cons to hate.

However, the show's black host and two guests, purportedly on hand for balance, were so unprepared and inept that the hour became a showcase for racism.

Of course, that was not indecent.

The Supreme Court also emphasized that its ruling applied to only repeated use of specific indecent words, not ideas. After all, the chief apprehension about the court decision is that it ultimately will lead to censorship and squelching of free discussion of ideas in broadcasting, which courts have held to be outside the traditional First Amendment guarantees of free speech given other media.

However, the court is perpetrating a double standard of morality and indecency. You won't find in this space a rationale for denying Nazis or anyone else, no matter how odious, an opportunity to be heard on the air and quoted by the rest of the media. However, cutting through all the legalese, you can't have one without the other. You can't say yes to Collin and no to Carlin.

There is a word for Collin and the ideas he represents. But, unfortunately, you can't hear it on the air—or read it here.●

AMERICAN/ANGOLAN DIPLOMACY IN SOUTHERN AFRICA PROMISING

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. BONKER. Mr. Speaker, a few weeks ago, the administration was perilously close to becoming embroiled in the Angolan civil war. The National Security Council, anxious to stir up trouble for the Cubans in Angola, convinced CIA Director Stansfield Turner to explore with Senator DICK CLARK and others ways of circumventing, or even repealing, existing laws which prohibit our financial and material support of factions in that beleaguered country. This, in my judgment, would have been a recipe for disaster for U.S. policy in Africa.

However, the administration wisely eschewed the counsel of newly resurgent cold warriors, who are willing to work with the Communist Chinese, but had become mortified when faced with the presence of Cubans in countries few knew existed a few years ago.

To President Carter's credit, the United States took a different course, sending an envoy to Luanda to reevaluate our relations and explore ways of ameliorating our differences. Once reason was allowed to prevail over rhetoric, an accord was reached on Namibia, and steps were taken to bring about a rapproachment between Zaire and Angola, including a commitment to improve diplomatic relations, reopen the Benguela railway, exchange refugees, and cease aiding each other's dissident groups.

Much of the responsibility for this policy victory should go to Ambassador Andrew Young and his staff, whose painstaking efforts in cooperation with the Angolan Government are paving the way for peace in the region.

It is instructive to analyze the likely outcome had the NSC prevailed and the United States pursued a policy of confrontation with Angola, a policy that would have focused on the symptoms rather than the causes of conflict. The recent crisis in Zaire stems from displaced Katan-

gans, located in Northern Angola, who periodically attempt to reclaim the Shaba Province. President Mobutu's corrupt government and neglect of the people living in Shaba have done little to help secure the area. In Angola, the civil war is rooted again in tribal factions, two of which have been challenging the Neto government. By supporting each other's dissidents, Zaire and Angola were fueling an endless cycle of violence; actions on one side of the border simply resulted in recriminations on the other. By engaging in precipitous reactions, funneling support to whomever the Soviets and Cubans were not supporting would have placed the United States strongly on the side of South Africa, which is known to be helping the UNITA faction, headed by Joseph Savambi. In short, by aiding UNITA and FNLA, the United States would have simply escalated the level of violence in a war of proxies between the United States and the Soviet Union, while increasingly vitiating our position with the rest of Africa.

By pursuing an alternative course of cooperation rather than confrontation with key "front-line" states, however, the United States has shown that the presence of Cubans is extraneous to America's primary interest in bringing a peaceful end to the conflicts which beset southern Africa. Instead of growing confrontation and perhaps covert involvement in Africa, the United States, in a bold diplomatic move, successfully negotiated with the Neto government an accord that: First, secured a resolution of the Namibia question; second, put an end to border disputes that were dangerous to Zaire, and thus Western interests, and third, paved the way for Angola to be less, not more, dependent on the Russians and Cubans.

Mr. Speaker, at this time I would like to insert in the RECORD an article by Professor Bender which questions many of the fatuous assumptions being made about the Cuban presence in southern Africa, as well as a recent piece by David Ottaway about the potential for peace in southern Africa. The Soviet Union has a poor record in Africa. Let us not help the Russians by adopting the shortsighted policies of the cold warriors in this country.

[From the Washington Post, July 14, 1978]

NAMIBIA ACCORD KINDLES HOPE FOR REST OF SOUTHERN AFRICA

(By David B. Ottawa)

DAR ES SALAAM, TANZANIA.—The agreement reached Wednesday in the Angolan capital of Luanda between militant Namibian nationalists and five Western powers represents a major diplomatic victory for the West and a breakthrough in its search for negotiated settlements to the burning racial conflicts of southern Africa.

For the first time, there is now some hope that the deteriorating situation throughout this tense region of the continent, scarred by escalating warfare and dotted by massacres of blacks and whites, can be halted and even reversed.

With an internationally acceptable solution to the Namibia dispute now in sight, one of the first consequences of the accord will be to isolate further Rhodesia's recalcitrant transitional government and perhaps force it now to attend a Western-sponsored general peace conference wih its guerrilla adversaries.

For the Soviet Union, the accord can only be a blow to its hopes for increasing its influence in this region through the backing of guerrilla warfare at the West's expense, for it has brought closely together the five major Western powers and the five so-called front-line African states, including the two Marxist ones in Angola and Mozambique, in a combined diplomatic offensive that has finally borne fruit.

The front-line states, whose chairman is Tanzanian President Julius K. Nyerere, played a crucial role in pressuring the Southwest African People's Organization (SWAPO) into accepting the Western plan despite SWAPO's strong objections to several key provisions. Nyerere was reported yesterday to be delighted upon hearing of the agreement.

The same front-line approach toward the nationalist guerrillas in Rhodesia, plus increased South African pressure on the transitional government there, could well now lead to some progress on the deadlocked British-American peace plan for that war-exhausted country, though the situation there remains far more complex.

There is still a rocky road ahead in Namibia for the Western plan. South Africa regards SWAPO president Sam Nujome as an outright "communist," while the Namibian nationalists are convinced the South Africans are out to do them in at the elections.

The agreement is a major personal triumph for U.S. Ambassador Donald McHenry, who for 15 months has practiced a unique style of quiet diplomacy, persisting in his unthanked efforts despite multiple obstacles, repeated setbacks and dire threats from both South Africa and the Namibian nationalists.

McHenry has served as chairman of the so-called Western "contact group" made up of the United States, Britain, France, Canada and West Germany.

The Western proposals provide for United Nations-supervised elections for a constituent assembly in Namibia at which a new constitution will be drawn up. The assembly would also prepare the country for its independence under a black majority government by the end of this year.

About 5,000 U.N. soldiers and 1,000 administrative personnel are to be brought into the country to supervise the transition period jointly with the South African-appointed administrator general, Justice Martinus Steyn.

South Africa is to withdraw all but 1,500 of its more than 20,000 troops now stationed in Namibia before elections are held and then the remainder one week after a U.N. certification of the results.

The South Africans had insisted upon the right to keep those last 1,500 troops in northern Namibia while SWAPO was demanding that they be removed to the far south. It appears the Namibian nationalists were forced to give in to the South African position on this issue at Luanda.

Another key sticking point was the status of Namibia's only deep water port, Walvis Bay, which South Africa insists is a part of its own republic historically and legally. SWAPO is reported to have accepted a formula under which the five Western powers and the U.N. Security Council will recognize Walvis Bay as an integral part of Namibia despite the South African claim to it.

The issue however will be left to later negotiations between South Africa and an independent Namibian government.

South Africa has been ruling the mineral-rich, but sparsely inhabited former German colony since the end of World War I under an old League of Nations mandate. But in 1966, the United Nations ceased to recognize this mandate and began demanding that South Africa give the territory independence.

After more than a year of periodic negotiations, South Africa agreed to the Western plan in late April, but the Namibian nationalist organization broke off talks with the five Western powers after a South African raid May 5 at one of their refugee and guerrilla camps in southern Angola, in which around 800 persons were killed.

With South Africa now committed to a Western-backed plan involving the deployment of a U.N. peacekeeping force, it is thought possible here that Pretoria may now be willing to step up pressure on Rhodesia's transitional government to negotiate a similar internationally acceptable solution there.

The Tanzanian theory is that South Africa can ill-afford to back an internal settlement in Rhodesia, such as is being tried now, once it has accepted a totally different approach to Namibia. This view is shared by many American and other Western diplomats in the region.

However, South African Prime Minister John Vorster has publicly come out in support of the new biracial transitional government in Rhodesia and even criticized the United States and other Western countries for not doing the same.

The Patriotic Front, representing guerrilla now fighting in Rhodesia, has appeared to have adopted a position lately that there is little need to negotiate since it is apparently winning against the transitional government. But the front-line states, which have supported the British-American peace plan, could, if they wished, force the guerrillas to take the diplomatic route. These states supply most of the guerrillas' African backing, especially Zambia and Mozambique, from which the guerrillas operate.

The agreement in Luanda has come after months of tedious negotiations.

McHenry, as the Western group's chairman, traveled tens of thousands of miles between New York, where he is deputy head of the U.S. Mission to the United Nations and seven African capitals. At times he was on the road a month or six weeks at a stretch crisscrossing the continent. Much of the time was spent tracking down SWAPO president Nujoma, possibly the most slippery nationalist leader the West has to deal with in Southern Africa.

South African provocations and threats to "go it alone" were another major hazard along the way, but McHenry was once again heard to remark in a state of exhaustion in Lusaka, "I've got more patience than they have and I'm going to outlast them all until they agree."

SOUTH AFRICANS ARE PLEASED BUT SUSPICIOUS OF SWAPO

JOHANNESBURG.—South African Government officials and political leaders yesterday welcomed SWAPO's acceptance of a Western proposal for independence in Nambia but expressed suspicion about what assurance the Western powers have given the black nationalist movement to get its agreement to the plan.

Foreign Minister Pik Botha said the latest development "could herald a new era in southern Africa," but added that the "South African government accepted that no qualifications of any nature—direct or by implication—would be added to the proposals."

South Africa is especially concerned about what the Western countries have told SWAPO will be their position on the disputed territory of Walvis Bay.

Commenting on the SWAPO acceptance, political leaders in Namibia also were anxious to know about the "still unknown details of the deal struck between the Western powers and SWAPO," the South African Press Agency reported. The Afrikaans-language newspaper, Die Suidwester, which supports

the South African-backed party in the territory, commented that "it would be dangerous to assume that SWAPO would play the game to the end."

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The South Africans had insisted upon the right to keep those last 1,500 troops in northern Namibia while SWAPO was demanding that they be removed to the far south. It appears the Namibian nationalists were forced to give in to the South African position on this issue at Luanda.

Another key sticking point was the status of Namibia's only deep water port, Walvis Bay, which South Africa insists is a part of its own republic historically and legally. SWAPO is reported to have accepted a formula under which the five Western powers and the U.N. Security Council will recognize Walvis Bay as an integral part of Namibia despite the South African claim to it.

SWAPO then began hardening its demands to include a revamping of the police force in Namibia as well as insisting on South African acceptance of Walvis Bay as part of Namibia before its independence and the removal of all South African troops to the southern part of Namibia.

But a summit of the front-line states in early June in Luanda broke the impasse and led to their decision to force SWAPO into stopping its demands.

[From the New York Times, June 5, 1978]

U.S. POLICY ON CUBANS IN AFRICA

(By Gerald J. Bender)

The presence of Cubans in Africa has stymied both the Ford and the Carter Administrations. Under Gerald R. Ford, Henry A. Kissinger's globalist approach actually contributed to an increase in the number of Cuban troops in Southern Africa; Zbigniew Brzezinski's similar influence on President Carter's policy would have the same effect. Obviously it is time for the United States to rethink its entire approach to the issue of Cubans in Africa.

This reappraisal should begin by differentiating the Cuban presence in one African country from another, just as the United States commonly does when considering the presence of the Russians, Chinese, French or British in various African countries.

For example, the United States generally does not view the Soviet presence in Ethiopia in the same way that it views any Soviet involvement in Nigeria. It follows that a distinction should be made between Cuban activities in Ethiopia, on the one hand, and in Sierra Leone, Tanzania or even Angola on the other. The issue should not be the mere presence of Cubans in Africa, but, rather, where and when do the Cubans represent a threat to American or African interests or security?

The key to making this distinction is the clarification and articulation of precisely what Americans find objectionable about the Cuban involvement. Does the United States object to the presence of all Cubans, including doctors and engineers, or only soldiers, does it object to all Cuban soldiers, including noncombatant instructors (U.S. intelligence classifies as "troops" Cubans from the regular army or reserves who perform civilian functions in Angola), or only those who fight?

Should the United States protest when Cuban soldiers fight in any part of Africa (such as against South Africans in Angola), or only when they help crush self-determination movements, as in Eritrea? Finally, do the more than 1,000 Cuban teachers scattered throughout nearly every province represent a genuine threat to American goals and interests? Does the United States oppose the presence of several thousand Cuban soldiers in Cabinda who help to protect the vulnerable Gulf Oil installations? Is it agitated about Cubans who help provide security for the teams of Boeing technicians installing radar in seven Angolan airports? Are U.S. interests threatened when Cuba assists the M.P.L.A. regime in thwarting a bloody coup attempt by extreme leftists and black racists?

Thus far, Mr. Carter and Mr. Brzezinski have raised blanket objections to the Cubans in Angola, with no public recognition of their multifaceted and often constructive role in that country.

The Administration must spell out precisely what it finds objectionable about the Cuban-Angolan relationship. A coherent, practical policy on this issue is especially important today, since it also affects the normalization of U.S. relations with the Angolan and Cuban Governments, it ties with many other African nations, and, most important, U.S. relations with the Soviet Union.

To most African nations, the American attitude toward the Cubans in Angola smacks of hypocrisy and of an arrogance that Mr. Carter pledged to eliminate from foreign policy. This is generally the attitude of the Nigerian leaders whom he recently visited (and with whom, ironically, both the United States and Angola closely coordinate their African policies).

How does the United States' claim that its presence in these (and other) countries is legitimate because we were invited by sovereign governments differ from the Cuban's claim that they were invited by the People's Republic of Angola? There are more Americans, military and civilian advisers, working in Iran and Saudi Arabia than there are Cubans, Russians and other Eastern Europeans in Angola.

Moreover, what difference does the Carter Administration see between the rationale and nature of the French and Cuban presence in Africa?

Today there are over 2,000 French nationals living in French-speaking Africa, many of whom work as advisers and technicians for their host governments. In addition, France has over 10,000 troops stationed throughout the continent, engaged in wars in Chad and Mauritania as well as Zaire. There are more than 1,600 French officers serving directly in African armies.

Therefore, if the National Security Council estimated the number of French in Africa using the same categories that it applies to Cubans, the French presence would turn out to be considerably larger than Cuba's.

One obvious difference noted by many Africans is that Cuba apparently seeks no direct economic stake in Africa's future. By contrast, French interests control over 50 percent of the modern economic sector of the Ivory Coast, Senegal, Gabon and Camèroon. Thus, criticizing the Cubans while condoning and even assisting the French may not only strain American cerdibility in Africa but leave our fledgling African policy vulnerable to the charge that the Carter Administration is primarily interested in assisting French neocolonialism.

Mr. Carter claimed that his trip to Africa last spring was intended in part to assist in the transition to majority rule in the southern part of the continent. Yet his Administration has refused to recognize the Angolan Government, one of the key front-line states designated by the Organization for African Unity to assist in that transition in Namibia and Rhodesia (and whose cooperative attitude has been cited privately by one of the American negotiators as having greatly facilitated the Namibian discussions).

The United States faces an enormous task in breaking down African suspicions and distrust, given the legacy of past American policy in Southern Africa. The U.S. refusal to recognize the Agostinho Neto's regime only serves to nourish these suspicions further and thus undermines Washington's efforts to play the role of an honest broker.

Mr. Carter has argued that "the establishment of relations does not involve approval or disapproval (of a government), but merely demonstrates a willingness on our part to conduct our affairs with other governments directly."

Every close American ally has recognized the Luanda Government, confident that there is something to gain from conducting face-to-face relations. Every major American corporation currently operating in Angola—including Gulf, Mobil, Texaco, Boeing, Cities Service and others—favors immediate recognition.

Some corporate representatives complain that it is difficult to find American technicians who are willing to work in a country where they have no diplomatic protection. Moreover, most of these businessmen do not support the Administration's position on the withdrawal of the Cubans. In fact, they privately hope that the Cubans remain, to provide security and to continue their vital role in keeping the country's modern sector functioning (from fixing elevators in the cities to repairing bridges in the hinterland).

The State Department sponsored a symposium on Angola last February that was attended by academics, representatives from major American corporations, journalists, Congressional staff members and a cross-section of officials from the department itself. At the end of a day and a half of discussions, all agreed to the proposition that it is in the best interests of the United States to establish diplomatic relations with the People's Republic of Angola as soon as possible. Noticeably absent from the symposium was a representative from the National Security Council, which holds a contrary view that it has apparently been able to impose on the President.

If Carter continues to view Angola through Mr. Brzezinski's narrow globalist perspective, then the President may be the one to undermine his own 1976 campaign hope that the United States would "be a positive and creative force for good in Angola." If the United States misses that opportunity in Angola, its prospects may also suffer in the rest of Southern Africa.●

TERRORISM IN SPAIN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

Mr. McDONALD. Mr. Speaker, the recent period of escalating violence marked by 5 days of rioting in the Basque region of northern Spain and the assassination of two Spanish military officers last Friday—July 21—has brought to attention the activities of Spanish terrorist organizations attempting to undermine that important Western nation.

The most active of the Spanish terrorist organizations operates principally in the Basque provinces and is called ETA, an abbreviation for the Basque phrase "Euzkadi ta Azkatasuna" which means "Basque Nation and Freedom." In general the U.S. press reports have confused the ETA terrorist organization with the Basque Nationalist Party from which it split in 1959 and have characterized ETA as a "nationalist" or "separatist" rather than as "terrorist."

ETA is a Marxist revolutionary organization which seeks the formation of a separate Basque Marxist state from territory in northern Spain and southern France. ETA has a number of factions that compete with each other in demonstrating their militancy and the "correctness" of their particular lines by assassinating moderate Basque leaders who have publicly expressed their opposition to the ETA's terrorism, as well as by carrying out sabotage and terrorism against Spanish business and government targets. ETA's recent record of violence includes an attack on a nuclear powerplant under construction, blowing up sections of railroad track, and shooting Basque leaders supporting the recent transfer of major powers of autonomy to the elected Basque General Council.

One faction of the ETA, the ETA(VI), is a Trotskyite Communist group officially affiliated with the Fourth International and its Spanish section, the Liga Comunista Revolucionaria (LCR). The LCR's Basque division, LKI, forms the overt political cover for the ETA(VI) terrorist group.

The Spanish Trotskyists took a leading role in provoking the street fighting in which two rioters were killed and several hundred were injured. The initial rioting stemmed from a disruption of a bullfight in Pamplona on July 8 by LKI/LCR members who climbed down into the bull ring with a banner demanding independence for the Basque provinces. Fist fights broke out as those opposing the Balkanization of Spain rushed into the melee. Thirty Spanish riot police rushed in firing rubber bullets and throwing smoke bombs in an attempt to clear the arena.

At that point, due to a number of factors including polarized political passions and the general aura of excitement around the weeklong Pamplona "running of the bulls" festival that attracts thousands of tourists, many of the spectators joined in the melee which quickly spread to the surrounding streets. Mobs moved through the streets setting cars afire, breaking the windows of shops and restaurants, and looting. Some police, failing to stop the rioting in the bull ring with rubber bullets, were seen to use their pistols. One person, LCR member German Rodriguez, 27, was shot to death. The LCR/LKI used his funeral on July 10, to instigate additional rioting. Some 3,000 LCR/LKI supporters marched from the cemetery back to the center of Pamplona, sang the song used by the Fourth International as its theme, "the Internationale." Baiting of the riot police was followed by street fighting. Agitators in other Basque cities used the Pamplona disturbances to provoke rioting.

During the disturbances, it should be noted that Basque extremists and Basque moderates held separate demonstrations, and that in at least one case in San Sebastian, fought with each other in a street riot.

All in all, the extremists, spearheaded by the LCR/LKI action in Pamplona, has served to further polarize Spanish society. The ETA is continuing with its campaign of extortion of businessmen, bombings and terrorism of Basque moderates. The Basque Nationalist Party appears to have moved toward rejecting the regional autonomy granted in Spain's new draft constitution in favor of its old "non-negotiable demand" of total independence which still further encourages the ETA terrorists; and assorted anti-Marxist vigilante groups are pursuing courses of street thuggery and intimidation which are actually helping the Marxists accomplish the destruction of the government in Spain. Unprofessional police conduct during the disorders has brought stern criticism and reprimands to members of the national police. At the present time they are not the high morale, professional, well-trained modern force needed to cope effectively with street disturbances.

The revolutionary terrorists recognize the opportunity presented to increase disorder in Spain and are trying to take advantage of it. In Madrid on July 21, three terrorists assassinated two Spanish Army officers in an action of the sort carried out previously by the West German Red Army Faction—Baader-Meinhof Gang—and the Italian Red Brigade. Brig. Gen. Juan Sanchez Ramos, 64, and his aide, Lt. Col. Juan Perez Rodriguez, 59, were shot to death by a man and a woman, apparently armed with automatic pistols or small machineguns, as they waited to be driven to the Defense Ministry. The general was not known to be involved in politics and was in charge of the armaments supplies section of the artillery.

The two terrorists escaped in a stolen taxi, apparently driven by an accomplice. A police sergeant who arrived at the assassination site as the two were escaping fired and may have wounded one of the killers.

Shortly after the assassinations, a spokesman for the Proletarian Armed Groups, a previously unknown organization, called a Spanish news magazine to take responsibility for "executing" what he termed "two fascist soldiers." Later a woman called a Spanish newspaper to claim responsibility for the killings on behalf of GRAPO, the Revolutionary Anti-Fascist Group of the First of October, a Maoist terrorist group named after the date of their first murder of police officers in 1975. GRAPO has been linked with the pro-Peking Communist party in Spain.

This country has important defense interests in Spain, which is strategically situated on both the Atlantic and Mediterranean. Since the change of government in Spain, the various Marxist-Leninist factions have been trying for major positions of influence. The strongest of these is the Spanish Communist Party which is going through an elaborate maneuver of "eurocommunization" in order to appear less subservient to Moscow, and less totalitarian that it is. The Soviet Union also has a strong interest in Spain and recently tried to gain the right to build a naval base along the Mediterranean. In Italy, where there is also a strong Communist party seeking to enter the government, there is also a strong terrorist movement working to disrupt the social order and undermine the existing government.

One of the Italian terrorist groups, the Red Brigades, has had training in Czechoslovakia and has had the use of sophisticated Czech and Soviet machineguns in some of its terrorist actions.

The ETA also has recently been linked to the Soviet bloc's network of terrorist training camps. An Associated Press report on July 6, 1978, stated that Spanish police sources had revealed that several members of the ETA had confessed they received 3 months of terrorist training in an Algerian Army camp outside Algiers. The report stated that the ETA terrorists had been trained by instructors who spoke Spanish with a Cuban accent and that other camp instructors had confirmed that those instructors were Cubans. Cuba has as many as 500 civilian and military advisers in Algeria, some of which are assigned to the terrorist training camps for Middle Eastern, African, and European terrorists.

Reports from the Western intelligence agencies state that the ETA has longstanding contacts with both wings of the Irish Republican Army (IRA), with the Palestine Liberation Organization (PLO), with African and Latin American terrorist groups, and with the allegedly "separatist" groups in Brittany and Corsica. Obviously the Communist strategists are capable of taking advantage of the small groups of "separatists" and giving them the training, contacts and explosives needed to sow choas.

The rise in terrorism in Spain at this critical time is yet one more example of the Communists' plans for the capture of the Western world.

FEDERAL REGULATIONS INTERFERES WITH NURSING HOME CARE

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1978

● Mr. HAGEDORN. Mr. Speaker, if President Carter truly wants to reduce the cost of health care in the United States, he would do well to put the brakes on the unrestrained growth of Federal regulation.

As a nursing home administrator from my district pointed out in a recent letter to me, the rampant Federal and State regulation that exists today is interfering with the quality of care the nursing home is able to provide.

During a 25 working day time period, the nursing home had representatives

from some government regulatory agency in the facility for 12 of those days. The representatives from the five regulatory agencies spent a total of about 24 working days at public expense in the nursing home. They took up between 75 and 80 hours of nursing home staff time that should have been used to care for the residents.

The nursing home in my district is just one of the countless examples throughout the country of the negative effects Federal regulations can have as they continue to grow out of control. While regulations and inspections can serve a useful purpose, their usefulness is drastically diminished by the duplicated efforts of Government regulators paid out of hard-earned tax dollars.

I offer for the CONGRESSIONAL RECORD a letter from Charles E. Carlson, administrator of St. Luke's Lutheran Home in Blue Earth, Minn. His letter serves as another notice to those of us in Congress of the need for regulatory reform.

The letter follows:

ST. LUKE'S LUTHERAN HOME,
Blue Earth, Minn., June 15, 1978.

Hon. THOMAS HAGEDORN,
U.S. Representative,
Washington, D.C.

DEAR MR. HAGEDORN: Nursing homes have been the target of regulatory agencies for several years now, and nursing home administrators would be the first to say that some good has come from regulations and inspections. The time has come, however, when regulation and inspection have reached the point of harassment and are doing little to upgrade the quality of care given in nursing homes; but they are increasing costs of providing quality care for our senior citizens. Let me tell you what has led me to plead for your assistance in calling a halt to these unnecessary expenditures of both public and private funds.

On May 11, 1978, two surveyors arrived to begin the annual inspection by the Minnesota Department of Health. In case you are not familiar with the system, their duty is to check for compliance with the rules and regulations of MHD relating to licensure. At the same time, they are looking for compliance with Federal regulations covering certification for skilled and intermediate care under title XIX. These two ladies spent the entire day in the facility again on May 12. May 15 they returned with a third member on their team and spent the entire day. On May 16 the three-person team conducted their exit interview, at which time they discussed with department supervisors some of their recommendations. Their final report was very fair and reasonable, also very helpful. Also on May 15, we were visited by an inspector from the Veterans Administration with whom we have a contract for nursing care for certain eligible veterans. May 17 a two-person team employed by the Quality Assurance and Review Program of the Minnesota Department of Health arrived. Their arrival, unlike the earlier team, had been announced in advance and we had been asked to fill out a three-page form on each of 67 residents under the Medicaid program. When this team arrived the morning of May 17, they set up their exit interview for 11:15 a.m. on May 23, making the arrangements with the Medical Director without consulting the administrator or anyone else. This team spent May 17, 18, 19, 22 and 23 in the facility and during that time they reviewed charts and visited with residents and staff. On the last day of their visit they were accompanied by a doctor for the exit interview. At the time they discussed their recommendations regarding a number of residents and procedures. They emphasize at all times that they are not regulatory, but can only make recommendations. Today those recommendations arrived in writing and we are expected to respond to them within 30 days.

June 1 we received a call from a representative of the United States Department of Labor inquiring about a certificate authorizing special minimum wage rate for a handicapped worker. He announced that he would be arriving that afternoon to look at the file on that worker. When he arrived, he looked at that file and from that launched into a complete review of the entire payroll, challenging our right to have department supervisors on monthly salary and exempt from overtime pay. He has interviewed employees and requested information from payroll records for the past two years and our staff has spent many hours in compiling this information. He is expected back again this week and we are waiting to see what orders will be received from the Department of Labor.

Today we expect a visit from a Utilization Review Control Unit of the Department of Public Welfare. They, like the Quality Assurance Team, will be looking at records of residents under Title XIX. Our paper work will again be scrutinized.

I think you can well appreciate that all of these inspectors are taking a great deal of our staff time which should be spent in providing care to our residents. While they are in the facility telling us that they are here to help us improve the quality of care we are providing, they are in fact interfering with that care. Out of the last 25 working days, we have had representatives from some regulatory agency in the facility 12 days. With from 1 to 3 people here on various days this amounts to about 24 working days paid for with public funds. We estimate that it has taken 75 to 80 hours of our staff time away from their regular duties. This time is paid for by our residents.

Please don't misunderstand me. I am not opposed to inspection to meet reasonable standards, but this past month has made us aware of the duplication of effort that exists. Health Department Surveyors, who have regulatory power, have told us they feel their inspection assures quality of care; yet that same department sends a second team which is not regulatory, but can only make recommendations, and they spend even more time and deal only with the residents being paid for under the Medicaid program. They talk about being guardians of the public funds that pay for these residents care, but we see huge expenditures of public funds to pay their salaries to do a job that has already been done. Utilization Review has been looked at by the Health Department Surveyors, the Quality Assurance Team and now a representative of the Department of Public Welfare and when it comes to a final decision on level of care, it is the residents's doctor who has the last word in spite of all the inspectors.

As the administrator of a non-profit home dedicated to meeting the physical, social and spiritual needs of 175 residents, I am asking you to use your influence to eliminate some of this duplication and thereby allow us to devote our time and efforts to provide the best possible care for these residents at the lowest possible cost to the taxpayers as well a those who pay their own bill.

Sincerely yours,

CHARLES E. CARLSON,
Administrator.●

SENATE—*Wednesday, July 26, 1978*

(Legislative day of Wednesday, May 17, 1978)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

Mr. LEAHY. Senator HODGES will offer the prayer.

PRAYER

The Reverend KANEASTER HODGES, JR., a Senator from the State of Arkansas, offered the following prayer:

Almighty and most merciful Father, we turn to You at the opening of this legislative day. Be present in this hallowed and historic Chamber, as You accept us, despite our limitations, so we may accept one another; as You forgive us, despite our mistakes, so may we forgive one another; as You offer us new hope and new opportunity each day, so may we offer renewal one to another.

These who serve in this Senate are leaders of this Nation and of all the world. May we rise to new heights. Let us match the eloquence of our words with the integrity of our actions. Stimulate our minds to draw wisdom from the past; to draw sustenance and strength from the present; give us broad vision and new dreams for the future. Make the contributions of today positive, uplifting, of service to mankind. Make us restless and unhappy with anything less than our best efforts, individually or collectively.

We pray that what is done in this Senate this day be pleasing in Thy sight. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 26, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●