Page 120, line 18, strike out "(4)" and insert in lieu thereof "(5)".

Page 120, line 20, strike out "5.45 percent" and insert in lieu thereof "5.55 percent".

Page 120, line 21, strike out "(5)" and insert in lieu thereof "(6)".

Page 120, line 22, strike out "6.00 percent" and insert in lieu thereof "6.10 percent".

Page 121, line 13, strike out "1985" and insert in lieu thereof "1982".

Page 121, after line 15, insert the following new paragraph:

"(4) in the case of any taxable year beginning after December 31, 1981, and before January 1, 1985, the tax shall be equal to 7.85 percent of the amount of the self-employment income for such taxable year;".

Page 121, line 16, strike out "(4)" and insert in lieu thereof "(5)".

Page 121, line 18, strike out "8.20 percent" and insert in lieu thereof "8.35 percent".

Page 121, line 20, strike out "(5)" and insert in lieu thereof "(6)".

Page 121, line 21, strike out "9.00 percent" and insert in lieu thereof "9.15 percent".

By Mr. STEIGER:

Page 222, strike out lines 3 through 7 and insert in lieu thereof the following:

"(i) shall be $333.33⅓ for each month of any taxable year ending after 1978 and before 1980,

"(ii) shall be $375 for each month of any taxable year ending after 1979 and before 1981,

"(iii) shall be $416.66⅔ for each month of any taxable year ending after 1980 and before 1982,

"(iv) shall be $458.33⅓ for each month of any taxable year ending after 1981 and before 1983,

"(v) shall be $500 for each month of any taxable year ending after 1982 and before 1984, and".

Page 222, line 8, strike out "(iii)" and insert in lieu thereof "(vi)".

Page 222, line 10, strike out "1979" and insert in lieu thereof "1983".

Page 222, strike out "in 1977 or 1978" in line 18 and all that follows down through the end of line 24 and insert in lieu thereof "in 1978, 1979, 1980, 1981, or 1982.".

Page 223, line 6, strike out "1977" and insert in lieu thereof "1978".

Page 125, strike out lines 22 through 25 and insert in lieu thereof the following:

"(A) in 1978 shall be $19,200,
"(B) in 1979 shall be $22,200,
"(C) in 1980 shall be $25,000,
"(D) in 1981 shall be $26,000,
"(E) in 1982 shall be $27,000,
"(F) in 1983 shall be $28,700,
"(G) in 1934 shall be $30,300, and
"(H) in 1985 shall be $31,800."

Page 126, line 3, strike out "1982" and insert in lieu thereof "1986".

Page 119, line 15, strike out "5.05" and insert in lieu thereof "5.15".

Page 119, line 18, strike out "5.15" and insert in lieu thereof "5.25".

Page 120, line 2, strike out "5.45" and insert in lieu thereof "5.55".

Page 120, line 4, strike out "6.00" and insert in lieu thereof "6.10".

Page 120, line 13, strike out "5.05" and insert in lieu thereof "5.15".

Page 120, line 16, strike out "5.15" and insert in lieu thereof "5.25".

Page 120, line 20, strike out "5.45" and insert in lieu thereof "5.55".

Page 120, line 22, strike out "6.00" and insert in lieu thereof "6.10".

Page 121, line 10, strike out "7.10" and insert in lieu thereof "7.25".

Page 121, line 14, strike out "7.70" and insert in lieu thereof "7.85".

Page 121, line 18, strike out "8.20" and insert in lieu thereof "8.35".

Page 121, line 21, strike out "9.00" and insert in lieu thereof "9.15".

Page 122, line 9, strike out "1.00" and insert in lieu thereof "0.90".

Page 122, line 23, strike out "1.00" and insert in lieu thereof "0.90".

Page 123, line 15, strike out "1.00" and insert in lieu thereof "0.90".

EXTENSIONS OF REMARKS

A RESOLUTION FROM THE VIRGINIA PORT AUTHORITY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, October 17, 1977

Mr. HARRY F. BYRD, JR. Mr. President, one aspect of the proposed Panama Canal Treaties which has not yet been adequately explored is the likely economic impact should those treaties be ratified.

Carter administration officials have already conceded that there will probably be an immediate 25- to 30-percent increase in tolls to help meet the costs of the treaties and this will surely have an effect on the amount and types of goods sent through the canal.

Such an increase would also have an adverse effect on cargo tonnage handled by Atlantic and gulf coast ports and on longshore employment in those ports.

I have today received a resolution from the board of commissioners of the Virginia Port Authority concerning the possible effects of the canal treaties on Virginia ports and employment.

The port authority estimates that over 22,000 jobs in the Commonwealth of Virginia are generated by Virginia ports and their related business activity and that those jobs could be put in jeopardy by nonavailability of the Panama Canal or a substantial increase in canal tolls.

Mr. President, I am sure that other ports on the eastern seaboard and the gulf coast would be similarly affected and therefore I believe that this matter should be fully explored by the Congress during the course of consideration of the proposed treaties.

I ask unanimous consent that the text of the Virginia Port Authority resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION EXPRESSING CONCERN OVER THE FUTURE OF THE PANAMA CANAL AND THE POTENTIAL EFFECT ON THE PORTS OF VIRGINIA SHOULD THE CANAL BE CLOSED OR TOLLS DRAMATICALLY INCREASED

Whereas, much attention has been given to the new treaties dealing with the position of the United States with respect to the Panama Canal; and

Whereas, the Panama Canal is one of the major maritime gateways of the world providing Virginia ports and Virginia businesses with considerable economic benefits evidenced by the fact that ships carried 10,700,000 tons of cargo, valued at $1.6 billion from and to Virginia's ports via the Panama Canal in 1976; and

Whereas, Virginia industries, agricultural products and coal mines contributed some 2,100,000 tons of cargo valued at $320 million to this total; and

Whereas, this port and business activity provided some 22,500 jobs to Virginians; and

Whereas, the continued avilability of the Canal at tolls competitive with alternate methods of cargo movement is essential to economic health in the Commonwealth as loss of the use of the Canal or prohibitive toll increases have the potential to divert cargo from Virginia ports and to dislocate 22,500 Virginia jobs; and

Whereas, such loss in jobs and maritime commerce would also lose to the Commonwealth $100 million spent to handle cargo and $6 million generated in direct taxes to Virginia.

Now therefore be it resolved, by the Board authority in regular meeting assembly at Richmond, Virginia, this 12th day of October, 1977, that the Virginia Delegation to the Congress of the United States is respectfully urged to protect the uninterrupted and efficient use of the Panama Canal at tolls competitive with alternate methods of cargo movement to the ports of Virginia.

SUNSET HEARINGS

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. BLANCHARD. Mr. Speaker, the Subcommittee on Legislation and National Security of the Committee on Government Operations held hearings this morning on the concept of "sunset" legislation.

I would like to take this opportunity to thank the committee chairman, Congressman JACK BROOKS, on behalf of the 140 Members of the House who have sponsored the various sunset bills which Congressman MINETA and I have introduced this year. The Government Operations Committee's schedule has been extremely crowded, and we appreciate the chairman's courtesy in setting time aside for us.

For the benefit of those members who are interested in the sunset concept, I would like to insert my testimony before the subcommittee in the RECORD. The testimony follows:

Mr. Chairman and members of the subcommittee, I am grateful for the opportunity to appear before you today to testify on the concept of "sunset" review of federal spending programs. I know that the schedule of your committee has been extremely crowded this year, and I appreciate your willingness to make time available for us on this issue.

The idea of sunset has come a long way since Congressman Mineta and I introduced our "Truth in Budgeting bill in 1975.

I believe that is because there is a genuine need for legislation of this type—an overwhelming need.

The size and complexity of the federal government are such that if we are to try to exercise oversight in a reasonably effective way, Congress must have a structure

which lends itself to efficient and regular program review.

As all of you know, the variety and number of federal spending programs which are going on today are little short of bewildering not only to the novice, but to the seasoned veteran.

Examples of the apparent waste and duplication which can result are not hard to find:

A 1971 General Accounting Office (GAO) study found 11 different child care service programs operating in the District of Columbia alone, administered by the Department of Health, Education and Welfare (HEW), the Department of Housing and Urban Development, and the Department of Labor.

A 1973 HEW study found 50 federal programs providing help to handicapped youth. Fourteen separate units within HEW administered the programs, and the GAO, which examined the HEW report, found that there was no central coordinating point.

There are over 1,000 federal programs administered by 52 agencies; they include 302 health programs and 259 community development programs. Even using a more specific heading does not help—there are 27 different vocational education programs.

Not long ago, the Senate Subcommittee on Intergovernmental Relations, which was then considering Senator Muskie's S. 2, asked the GAO for a list of federal programs, along with their committees of jurisdiction.

The "Table of Federal Programs" which resulted listed 160 programs under the jurisdiction of the Human Resources Committee. Asked to comment on this listing, the Committee replied that it exercised jurisdiction over 682 programs.

The "Table" lists a total of 1,250 programs. The federal catalog of domestic assistance for the same year listed 1,030. And so forth. Clearly, when there is still so much question as to the actual number of federal programs, we can conclude that overall evaluation of federal spending is still in a rather early stage of its development.

Add to that uncertainty the fact that the House of Representatives has 29 committees with 15 subcommittees, and that budget authority for some programs expires each year, for others every two years, for still others not at all, and the need for a simpler structure for dealing with federal spending becomes plain.

Mr. Chairman, despite the beginning we have made with the Budget and Impoundment Control Act, the federal budget today remains basically out of control. So much is going on at once in so many different areas that even with all due diligence, effective oversight is extremely difficult.

There are three major aspects to sunset, as represented by the latest version of our bill. (I should mention at this point, by the way, that we are here in support of a concept, rather than rigidly adhering to a specific bill—we have introduced several bills embodying various related and similar provisions during the last year.)

The first is a regular review of all federal spending programs on a three-Congress, six-year cycle.

The second, a concept that to my mind is even more important, is consideration of programs in the same functional categories at the same time and in relation to one another.

That is a concept which Congressman Mineta will be discussing in greater detail, and so I will leave it for him.

The third is the idea of a fixed termination date, basically as an action-forcing mechanism, to make sure that both Congress and the executive branch take the sunset process seriously, and to make sure that each and every program receives some form of review.

It is unfortunate that some have seized on the termination date as the embodiment of sunset. As we view the entire sunset concept, the termination date is intended as a triggering device to *ensure* program review—to ensure a conscious decision on programs.

For this reason, our legislation is geared around the specific program reauthorization. If a program is "terminated" for any reason, only the funding is knocked out. The substantive law remains on the books.

The basic structure of our legislation, and that now pending in the Senate, is as follows:

First, it sets out a schedule for review at fixed intervals of all programs, by budget subfunction;

Second, it requires that a program be considered according to that schedule in order to receive new budget authority;

Third, it requires that the authorizing committee's report on the reauthorization answer certain basic questions about the program;

Fourth, it establishes a procedure by which the House and Senate can select specific program areas, from among those scheduled for termination during a particular Congress, for intensive evaluation, and sets out guidelines for such an in-depth evaluation.

Fifth, it provides for a means of extending a program's life in the event that it becomes subjected to a filibuster or some other delaying tactic (without, however, any increase in funding).

These are the main features of the sunset structure. I am certain that your subcommittee has the needed expertise to form them into the shape which will be best suited for the needs of the Congress.

In the House, we now have 140 cosponsors. In the Senate, there are over 50.

I have been seeking the opportunity to testify before you because I believe it is important to begin moving toward a sunset law in the near future.

The obvious political benefits of the sunset idea have not been lost on many in the House, and I foresee a stream of amendments and proposals going at the concept piecemeal unless some form of comprehensive approach is undertaken.

Most recently, as I am sure you are aware, sunset was proposed as an amendment to the Department of Energy bill.

Subsequently, I should note, the conference committee, which included, I believe, some members of this committee, agreed to detailed sunset provisions which are similar, if not identical, in their intent to what we are proposing here today.

The DOE bill requires a comprehensive review by the executive branch of each program carried on by the department, and sets forth review guidelines which are *identical* to the in-depth sunset guidelines which I referred to earlier.

I mention this because I want you to understand that the legislative idea we are offering today is something which is already beginning to be written into law. The problem, as I see it, is that if it is written into law in variable, piecemeal fashion—with one provision finding its way into one bill and others into others—it will only add to the confusion, rather than decreasing it. It will add to our workload without a rational system. I want very much to avoid that prospect. We have seen it happen to good ideas in the past, and sometimes they never do get completely straightened out.

Sunset has a lot of appeal because it makes good sense. At a time when it is becoming clear that some programs in which we have invested a lot of money are yielding less return than we had hoped, sunset seeks to have programs examined and questions asked about what they are accomplishing. At a time when public confidence in government institutions is low, it seeks to simplify and streamline the organization of what is now an extremely complicated process, and to deliver a message that Congress is really interested in bringing better management into its work. And at a time when the number of new projects we can undertake is severely limited by budgetary constraints, it seeks to turn the focus of Congress toward improving what is already in place.

I do not endorse sunset as a panacea; we have seen far too many programs labeled as such in the past, and I hope we have outgrown the practice. I do believe this concept will allow us to get more of our dollar's worth out of government spending. I also believe that without this concept we in Congress will not be intelligent partners with the executive branch when important decisions about spending priorities are made. Sunset is a logical and needed means of allowing us to strengthen our oversight and budgeting capabilities, and to continue the effort we are all engaged in, of making our government better in the future than it is today.

COSPONSORS OF BLANCHARD-MINETA SUNSET LEGISLATION

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JOHN AND MARY ANDIKIAN—50TH WEDDING ANNIVERSARY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. DANIELSON. Mr. Speaker, on Sunday, November 6, 1977, two of my constituents and good friends, John and Mary Andikian of Monterey Park, Calif., will be celebrating their 50th wedding anniversary. I would like to share with my colleagues some of the background of this remarkable couple who were married on November 12, 1927, in Los Angeles.

Mary—nee Kachadorian—Andikian arrived in the U.S.A. in 1917, having emigrated from Armenia with her parents, Mr. and Mrs. Louis Kachadorian and family. They settled in Providence, R.I., then later moved to Los Angeles, Calif.

John Andikian emigrated to the U.S.A. from Alexandropol, Armenia, with his mother, Mrs. Elizabeth Andikian in 1921. He settled in Los Angeles, where he has since been living.

Mary and John were married in the Holy Cross Armenian Apostolic Church of Los Angeles on November 12, 1927. In 1928, they had a daughter, Helen, now Mrs. Robert M. Shamlian. In 1939, their son, John Jr., was born. The Andikians saw to it that both children had college degrees. Helen is a graduate of UCLA and John, Jr., is a graduate of Whittier College. Helen was a schoolteacher for 21 years and John, Jr. is vice president in charge of the Dairy and Bakery Division of Certified Grocers.

John and Mary are proud of their five grandchildren, Helen and Robert Shamlian have one son, Greg. John, Jr. and Theresa Andikian have four children, John Alexandar, III; Jennifer; Beth and Michael.

Ever since their arrival in Los Angeles, John and Mary have been staunch supporters of philanthropic causes for the Armenian and American communities. John was one of the founders of the State Rubbish Collectors' Association; an inspector for the Teamsters' Union, as well as the owner-operator of a thriving business, the Eagle Rubbish Co.

Mr. and Mrs. John Andikian were instrumental in founding and working tirelessly for the Armenian Educational Home in East Los Angeles. They have been active in politics, giving freely of their time, energy and money to democratic causes.

John Andikian has served on the board of trustees at Saint Sarkis Armenian Apostolic Church, The Ararat Home for the Aged, and the Armenian Educational Home. He has thrilled audiences with his acting ability in many artistic productions for the Armenian community.

John and Mary retired from their business activities in 1976, but they did not, by any means, retire from life. Mr. Speaker, I know that you and my colleagues join me in wishing the Andikians a glorious celebration of their 50th wedding anniversary, and many more years of health and happiness.

THE CONCORDE AT O'HARE AIRPORT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. DERWINSKI. Mr. Speaker, the possibility of the Concorde landing at other cities outside of New York and Washington, D.C., has developed as a result of President Carter's recent decision.

One of the possible cities that would provide the Concorde service is Chicago's O'Hare Airport. In an editorial of September 26, Chicago—TV Station WLS very objectively discusses this subject:

THE CONCORDE AT O'HARE AIRPORT

If President Carter has his way, the Concorde supersonic jet will soon make regularly scheduled flights to O'Hare Airport. Of course, federal authorities admit the Concorde is noisier than other planes. And for that reason, some Chicagoans want to ban the Concorde from our city.

We think their protests are premature—and here's why. First, the Concorde has flown in and out of Dulles Airport, near Washington, D.C., for a year and a half, with few complaints. The decibel count is higher, but many residents say the extra noise really isn't detectable. Another point—as one of the 12 cities proposed for Concorde landings, Chicago could benefit from the extra flights. They could be both a convenience, and an economic plus for our city.

If city officials agree, British Airlines and Air France could bring the Concorde to Chicago for a few trial flights. The anti-noise protesters should welcome this opportunity, not stand in its way. O'Hare became the busiest airport in the world by taking advantage of its midwest location, using every opportunity to provide easy access to all the business hubs of this continent. Are we willing to sacrifice this reputation by turning down a plane none of us, protesters or admirers, has ever heard?

SUNSET REVIEW CONCEPT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. MINETA. Mr. Speaker, the Subcommittee on Legislation and National Security of the Committee on Government Operations, chaired by Congressman JACK BROOKS, today held hearings on the various legislative proposals before the House which embody the sunset review concept. I am particularly grateful to Mr. BROOKS for taking time from his hectic legislative schedule to conduct this inquiry into sunset.

The Task Force on Budget Processes of the Budget Committee, of which I am a member, has been studying various budget reform proposals and have found sunset to be especially intriguing. Particularly given the extraordinary growth of uncontrollable spending in the Federal budget, we are convinced that some kind of Federal spending oversight reform would be especially timely.

For the benefit of the many Members of Congress that share my concern about the confusion that is pervasive in our budget I insert the complete text of the testimony I gave at Mr. BROOK's hearings:

TESTIMONY OF CONGRESSMAN NORMAN Y. MINETA

Mr. Chairman and Members of the Committee, I want to commend you for holding these hearings on the sunset review concept. Sunset is an idea which has been talked about a great deal over the past two or three years. I think it is important for the Committee on Government Operations to sift through all of this talk and see if there is really something there. My colleague, Jim Blanchard and I think there is.

Our bill—the Sunset Program Evaluation Act is not perfect, but the concept is sound. I urge you and your committee to give this bill and the others before you a thorough review, evaluate them and tell us what you think. If Sunset is going to make a contribution to our legislative process there is a great deal of hard work ahead of us. I believe that the Committee on Government Operations is best equipped to undertake the comprehensive evaluation necessary to fashion and implement a bill that will be compatible with current Congressional procedures.

As Mr. Blanchard indicated, the objective of Sunset is straightforward: It seeks to compel the periodic review of federal spending programs in order to determine whether or not they should be continued. Most Sunset legislation contains two basic components:

1. An "Action-forcing" mechanism which carries the threat of automatic termination; and

2. A framework for the systematic review and evaluation of past program commitments.

In other words, sunset would make mandatory what is now voluntary: the legislative oversight of on-going Government activities. Further, it would encourage Congress to pursue its oversight responsibilities in a systematic, logical fashion.

As envisioned in this bill Congress would establish a review cycle that would force Congress to reconsider all Federal spending programs at least once every six years. The review cycle is arranged by broad program areas—subfunctions of the budget—so that all program within a given area will be examined together. This sunset is a process that tries to better enable us to determine which programs do not effectively fulfill the purposes for which they were created, which ones duplicate other programs, or simply no longer reflect the priorities of the American people.

The arguments for sunset are compelling. To make them I would like to draw from my experience as a Member of the Budget Committee and as former Mayor of San Jose, California.

Being on the Budget Committee has given me better appreciation of two aspects of recent budget growth: first, the growth of uncontrollable spending—and what the implication of that uncontrollability is for our future budget decisions; and second, many of the individual programs which make up recent budget growth, the programs that are the basic tools of Federal fiscal policy do not work.

To begin let's consider uncontrollable spending: despite the fact that the Constitution firmly and explicitly vests Congress with National power over the raising and expenditure of Government funds there is an obvious discrepancy between that Constitutional authority and the actual ability of Congress to control spending. A single statistic sums up this discrepancy: for fiscal 1978, more than $330 billion Federal expenditures—about 75 percent of total budget outlays—is recorded by the Office of Management and Budget as "relatively uncontrollable under existing law." If Congress had taken no action with respect to fiscal 1978—if we had adopted no budget resolutions, if we had written no new legislation, if we had made no additional appropriations—virtually all of the $330 billion would be spent anyway. Unless we begin to take steps to confront this problem of uncontrolled spending we will be overwhelmed by our budget.

During the decade that OMB has collected data on budget controllability, uncontrollable expenditures have soared from $93 billion to an estimated $330 billion. Uncontrollables accounted for 59 percent of total expenditures in 1967, but as I noted earlier, they are projected to be 75 percent of expenditures in 1987. It is important to realize that approximately ¾ of the total increase in budget outlays during the past decade has been in uncontrollable spending. From fiscal 1967 through fiscal 1976, Federal outlays rose by about $210 billion, more than $170 billion of that was in uncontrollable spending.

The growth of uncontrollable spending wreaks havoc on our budget process and is forcing us to change the way we think about the future. Until recently we could anticipate that economic growth would deliver an ample fiscal dividend which would be available for future programs. Multiyear budget projects commonly show a surplus in the future which we can use for new program starts. Unfortunately, given the growth of uncontrollable spending—with even the year-to-year increment in the budget becoming more uncontrollable (a fact due to the many entitlement programs which are indexed so their payments automatically adjust to the cost-of-living index) when the future arrives we are already encumbered by past decisions and our budget surplus is gone.

If we don't begin to fashion tools to manage this uncontrollable spending we will be overwhelmed. Sunset is one of those tools. It will help enable us to manage our budget to fulfill some of our campaign promises about making government more efficient, eliminating bureaucratic waste and reducing spending. Sunset is a necessary adjustment to the modern recognition that Federal resources are scarce. New programs and initiatives can no longer simply be thrown on top of a Federal heap.

If we are ever to begin to examine the totality of our $500 billion budget we will need something like sunset—a procedure that forces us to review programs in a systematic fashion. Our studies at the Budget Committee make it clear that money will not become available for substantial new federal initiatives in the future unless programs that no longer have high priority can be identified and eliminated, and the resources they currently consume made available for emerging needs.

As I mentioned at the beginning of my statement, being on the Budget Committee has convinced me that many of the programs which are the basic tools of fiscal policy simply do not work. Let me elaborate:

The Budget Committee has the principal responsibility for assisting in the setting of total fiscal policy. Yet we are forced to fashion fiscal policy without knowing how individual programs work—aggressive, systematic program evaluation is a crucial piece missing in our budget process. While we have successfully given ourselves a tool to set Macro economic budget policy, we do not yet have a systematic mechanism to assess the Micro economic effects of individual programs.

Mr. Brooks, before the Task Force on Budget Process of the Budget Committee on October 5, you said ". . . the Budget Committee can provide real insight and leadership in solving two major economic problems confronting this Nation: widespread unemployment and inflation." I hope you are right but, unless the Congress as a whole can begin to provide information on the effectiveness of on-going programs, I am afraid we will all be disappointed.

The failure of current fiscal policy is obvious. After several years of continued deficit spending, we are still saddled with relatively poor economic growth, high rates of inflation, and persistently high levels of unemployment. One is forced to conclude that our present programs are not working—it is time to start a wholesale, critical reexamination of all of our past programs and initiatives. If we are to make room in the budget for programs that can counteract recession, that can provide jobs and training, and that can assist the needy, we must scrutinize existing programs and eliminate those which are not working.

While the Budget Committee does recommend overall spending and revenue figures, it cannot undertake the critical scrutiny of government programs which is essential. That is the prerogative and responsibility of the various authorization and appropriation committees. If we are to meet the twin goals of a balanced budget and a full-employment economy, the Committees of the House must accept their oversight responsibilities and devote their resources and energies to weeding out bad programs.

I believe sunset will help Congress perform its oversight responsibilities effectively. The Task Force on Budget Processes is currently studying mechanims which will improve Congress' ability to review commitments more effectively. Sunset is one of the mechanisms we have found to be promising. However, it is important to point out that sunset itself is not a device that will automatically make Congress go beyond the kind of review that it can now do in the course of normal oversight activities. However, introduction of deadlines through sunset provisions would encourage program review by budget subfunction on a regular basis, and guidelines for an efficient detailed review procedure such as that suggested in Title III of the Sunset Program Evaluation Act would undoubtedly enhance the effectiveness of the oversight process.

To highlight the importance of a review procedure that would proceed along categorical budget subfunctions let me speak to you from the perspective of my former job as Mayor of San Jose. As mayor, I was the recipient of some of the billions of dollars of Federal grant programs directed at state and local governments. Seen from the local level these grant-in-aid programs are the epitome of confusion and inefficiency. The confusion makes it nearly impossible for the individual programs to achieve their objectives.

The funds—almost $80 billion in fiscal year 1978—are disbursed under a variety of programs and for a variety of purposes. One major objective is to provide income security and basic services to individuals—yet despite almost $25 billion of programs I doubt if we will provide security to those who need it. Other grant programs support on-going public services, demonstration projects, the construction of public facilities, the acquisition of land and the purchase of durable equipment yet local governments are still starved for funds.

State and local governments also have the ultimate responsibility for many programs enacted to counter recession. Countercyclical programs, such as public service employment, antirecession aid and local public works amounts to almost 13 percent of the Federal budget for fiscal 1978—but still the economy seems to be in need of more stimulus.

Rather than concentrating solely on finding more stimulus programs we ought to find out exactly why our existing programs do not work. One of the explanations for the failure of many of our grant-in-aid and stimulus programs is no doubt the competing, often contradictory objectives of individual programs. I feel that much of this could be eliminated by focusing Congressional scrutiny on entire sub-functional areas on a regular basis, rather than just programmatic parts in the piecemeal way we do now.

Such a systematic review process should also serve to eliminate some of the "red tape" associated with assistance programs which show up locally as added costs to overburdened taxpayers, and which is not directly related to the attainment of any program objectives.

Mr. Chairman, as I have tried to indicate, we must begin to limit budget growth and improve the cost-effectiveness of on-going programs. This is essential to our Congressional budget process and it is essential to improved Federal-local relations. Because there are severe needs which are not being addressed and national problems that must be attended to, we cannot allow present program deficiencies to continue uncorrected. For example, we have spent billions of dollars on health care and have enacted hundreds of health-oriented programs, yet the fundamental problem of providing quality health care at a price people can afford is not solved. We spend billions of dollars each year on education, yet every year students graduate from high school without basic reading and writing skills. We spend billions of dollars on transportation, yet in many respects transportation is a less vital sector of our economy than ever before and major questions of intermodal imbalance remain unaddressed by Congress' piecemeal, program-by-program deliberations. These are the kinds of questions that Congress might better answer if it assessed all programs within a given fundamental category at the same time.

Chairman Brooks, in my opinion the most pressing task before Congress must be to strengthen its control over the way we spend money. If our efforts at budget reform are to be successful Congress must be more than a

rubber-stamp accounting procedure that sums up expenses incurred as a consequence of past actions with little regard for what these actions accomplish. A budget process must provide genuine opportunities for making spending decisions. Decisions that while not completely free of past emcumbrances are not so predetermined by the past as to prevent meaningful and effective choice.

Naturally any legislation that seeks to change the way the Congress conducts its business must be enacted only after long and detailed study. The procedure in the Sunset Program Evaluation Act and the changes it has gone through in the past year are a good example of how a sunset trigger mechanism can be integrated into the Congress. For example earlier versions of the bill were unrealistic in the timeframe and review procedure which they called for. Critics justifiably claimed that the additional Committee workload would be enormous that reauthorization bills would be passed with no additional oversight and that automatic termination could wipe out ongoing programs accidentally.

The Sunset Program Evaluation Act addresses these criticisms. In place of the earlier more rigid provisions it establishes a longer 6 year review cycle that take a two-track approach giving the Committees of Congress flexibility—guaranteeing that they will set their own priorities.

As Mr. Blanchard pointed out Title I of the bill establishes a schedule for automatic termination and reconsideration of all but a few Federal programs. Title III provides a method for Congress to select a number of programs for intensive evaluation. Nothing in the sunset concept would require Congress to embark on a wholesale evaluation of all programs scheduled for termination. When a given program is scheduled for termination under the provisions of Title I the authorizing Committee will decide whether to re-authorize the program in such scope and detail as it deems appropriate.

Title III however establishes a procedure for the selection of certain programs to be subjected to in-depth evaluation. Under these procedures it is the authorizing committees which are the principal determinants of the selection process.

This approach recognizes important characteristics of Congressional committee activity—that some programs require more in-depth evaluation than other programs and that the authorizing committees must ultimately decide what those programs are.

The Sunset concept in this bill also employs a safeguard against automatic termination. Title V sets out provisions for the privileged consideration of a "sunset reauthorization bill." These provisions would ensure that no program would be terminated because of procedural delays and that the Congress will be given an opportunity to vote for a continuation of the program. A "sunset reauthorization bill" would extend funding for a program at no more than current appropriation level for anywhere from one year to the full length of the review cycle.

It is important to realize that it is not the intent of sunset to terminate programs. Termination of budget authority is merely a mechanism to force Congress to make a decision regarding the future of individual programs.

Of special concern to this subcommittee is Title II of the bill which provides guidelines for the development of a program inventory of all Federal programs by budget function and subfunction. Under this title the Congressional Budget Office, working with the authorizing committees would compile and continually update such a list. Obviously, if one is to review all Federal programs within a given budget subfunction one should know what programs are included in this subfunction. The fact that such an inventory is not currently available is ample testimony to the confused state of affairs in the Federal budget. The development of a program inventory is essential to the successful implementation of any procedures which try to improve oversight—I would think that the Committee on Government Operations would be especially well qualified to aid in the development of such a list.

Before I conclude my statement, I would like to point out the advantages of an oversight system that proceeds along budget subfunctional categories. By bringing up all programs within a given area at the same time we could more readily determine which programs duplicate or overlap others, and which programs operate at cross-purposes. We could be better equipped to alter, consolidate, reduce, or eliminate on-going programs, ultimately improving and co-ordinating Congressional management of federal agencies and programs.

Mr. Chairman, the bill which my colleague Jim Blanchard and I bring before you is certainly not perfect—but it shows what can be done if one takes the sunset concept seriously. This bill goes a long way towards the successful integration of sunset into the existing authorization and appropriation system. I am not asking you to pass this bill—I think a good deal of work remains to be done. But I am asking you to make it one of your major legislative concerns over the next year to foster a bill whose procedures will be effective in achieving sunset and program review goals.

HUMAN RIGHTS IN PANAMA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following statement by Rose Marie Aragon before the House Committee on International Relations on the issue of human rights violations in Panama. I believe that this statement is extremely significant in light of the fact that the Carter administration and the State Department claim that the human rights violations in Panama have not reached intolerable levels:

TESTIMONY OF ROSE MARIE ARAGON

Mr. Chairman: I deeply appreciate the opportunity of appearing before this Committee. I am Rose Marie Aragon, born in Argentina, a naturalized U.S. citizen and the widow of Leopoldo Aragon who immolated himself last month before the American Embassy in Stockholm protesting the violations of human rights in Panama and the signing of a treaty with the Torrijos dictatorship.

Gentlemen, I sometimes think that the blessings of freedom and democracy are more appropriated and more precious to a naturalized citizen. Some of you in this prestigious chamber may well remember those feelings expressed by your own parents.

With deep personal pain, I will describe the jailing without trial, the torture and imprisonment of my late husband, Leopoldo Aragon, in the infamous penal colony of Coiba, the Devils Island of Panama.

I will tell of, and offer documentation of the systematic and continuing pattern of gross violations of internationally recognized human rights by Panama's dictator, Omar Torrijos.

Until now, Panama's flagrant violations of human rights has been one of Washington's best kept secrets. This September 9, the Washington Post Editorial page article[1] raised questions: first, the reasons for State Department's cover-up of the true nature of the Torrijos regime; second, the reasons the State Department devised elaborate falsehoods to deny my husband a vistor's visa to accompany his American wife and American daughters to the U.S. this past August. I look to the Members of Congress to explore these implications.

THE WASHINGTON YEARS

I met and married Leopoldo Aragon, a Panamanian international journalist when he was assigned to Washington. He had received his law degree in the United States and completed graduate studies in International Law and Journalism in Spain and France.[2] Our twin daughters, now attending college in the United States were also born here. Leopoldo covered the White House, State Department and the Organization of American States for several Latin American and European newspapers. His first book, in Spanish, "The Kennedy Era—Inside Washington" was published then. At that time I worked for State Department with a top secret clearance. Later I worked with the Organization of American States. I have long been deeply involved with civil liberties and civil rights as my husband was devoted to the cause of human rights.

In 1967 my husband was assigned to Czechoslovakia by Interpress Service. We went with him. After nine months he was summarily given 48 hours to leave the country. He had written too many truths about communism.

THE PANAMA EXPERIENCE

In 1971 Leopoldo was assigned to Panama. For the first time since our marriage we went to make our home in his native land.

He was to set up Interpress Service. He also wrote articles for the local press and later developed a daily news analysis program on Radio Impacto. At first he viewed the political scene with a hopeful and open mind. As his views developed he began to express them privately and then publicly.

As a working journalist, he was shown a Corps of Engineers Draft Position Paper dated February 16, 1968. That paper, according to notes my husband gave me to carry to the United States, noted that popular opposition had rejected the 1967 proposed canal treaties that the Panamanian democratic government had negotiated with the United States. The paper concluded that a new treaty could not be passed in Panama except under a strong military dictatorship. This U.S. paper recommended Torrijos as the likliest man to do the job. At that time, my husband told me about this in Panama, but suggested it was better that I not know further details.

At the end of July 1972 Leopoldo, on his return trip from a short assignment in Mexico, stopped in Costa Rica at the invitation of Gonzalo Faszio, Minister of Foreign Affairs. At the dinner that evening there was also President Figueres. They held a frank conversation about the situation in Panama. These were the subjects on which Leopoldo was later interrogated.

The next day, on his arrival at the Panama International airport, Leopoldo was arrested by the G-2, the Security Arm of the National Guard.

His arrest was witnessed by a friend who informed the family. But the Guard Headquarters told me they knew nothing about my husband. After 4 days G-2 admitted to a lawyer friend that they were holding Leopoldo, but warned him not to take the case. That lawyer suggested another who had worked for other political prisoners. This Mr. Faundes agreed to present a Writ of Habeas Corpus though he accurately predicted no result. Through his contacts he learned that

my husband was charged with possession of marijuana.

He advised me to see the Attorney General. After many long days of waiting, I was told they were questioning my husband on drug charges.

I protested it was absurd and that no civilized country held a person on vague charges, denied counsel and ignored a Writ of Habeas Corpus. He replied, "In other countries, not in Panama."

I began to contact journalists throughout the world and Amnesty International, the International Committee on Human Rights and International Organizations.

My lawyer advised me to see the Minister of Justice, Materno Vasquez. For 10 days, day after day, from morning till night, I sat and I waited. When finally the Minister admitted me, it was only to say that Leopoldo was held for Subversion of Public Order.

Repeatedly I begged to see my husband. The Minister relented. I went to the jail only to be told they had received no orders. This continued for days. At last the doors of the prison opened for me and I talked with my husband after more than four weeks. He had been kept incommunicado for four weeks while tortures were inflicted on him. Which as he later told us were:

"Blows with a rubber hose; first blows to stomach and chest,

"Long questioning under strong lights without sleep."

"Electric shocks to the vital parts of the body, the ears, genital organs and the anus" that made him feel his insides were bursting.

"Hanging by the wrists and acted out executions with blank cartridges" so that each time he did not know whether he was alive or dead.

My daughters and I, having had the mental torture of not knowing whether he was dead or alive and imagining what they might be doing to him, were to start on a new stage in our anguish. I extract from the journal of my daughter, Yarmila; which she writes now for one of her classes:

"Reading other people's journals of high school romances, marijuana smoking, spaced out, partying. . . . I feel rather young and inexperienced. Though other experiences, I suppose will make up for the lack of those. Like waiting in line in the torrential tropical rains or scorching sun for an hour or more outside the "Model Prison" . . . most infamous place . . . where men whose ideas are too liberal and criticism too outspoken are thrown in among common criminals and tortured, most often to death . . . only waiting to catch a fleeting glimpse of a father's ravaged but beloved face."

My lawyer and I kept demanding that my husband be brought to trial. Instead, in December 1972 he was condemned, by simple writ, to five years in prison, and one day while standing in line to bring food and bedding to him we were told he was no longer there.

He had been sent to the Penal Colony on the Island of Coiba. The following are excerpts of Leopoldo's document:

"The prisoners are driven to Pier 18 in the Canal Zone port of Balboa under American jurisdiction, because Panama has no deep water port, and are loaded into the boat. If the trip to Coiba is hellish, it is worse if one tries to escape as I did at Pier 18 by jumping into water. It had been my hope that by doing so, I would be taken by American police who might be persuaded to take me to the hospital for injuries resulting from my torture. The shooting at me by the guards attracted a large number of American police. The shooting stopped and I shouted of my condition. The Americans agreed to take me to the hospital and so I surrendered. Then there, in front of the passive Americans I was given a severe beating with clubs, fists, rifle butts and kicks by the Panamanian guards. They handcuffed my hands behind my back. They heaved me toward the boat, but they missed. I fell into the water. I dove under the ship and made it to the underside of another pier. But I was spotted there by an American policeman. Recaptured I was turned over to the Panamanian guards who again beat me.

Half drowned, I was hanged from the handcuffs to a mast for several hours. When darkness came I was chained to a ring on the deck . . . Luckily the crammed conditions prevented the guards from kicking me as hard as they might have wished.

It was dusk of the next afternoon when the boat tied up to the jetty at the southern tip of Coiba. There were some 20 guards waiting with clubs and whips. . . . someone gave me a kick that sent me reeling over the jetty into the water . . . my delay in reaching the beach saved me from one of the most bestial practices on Coiba: the running of the gauntlet of the prisoners from the jetty to the central yard. The other prisoners were running like cattle under the whips and savage cries of the guards. These were swinging their clubs, rushing the prisoners to gallop, prodding them to run faster. The guards would run ahead of them, among them, and from behind, hitting and whipping in a happy demonical frenzy. If someone fell, several guards would converge on him, kick him, whip him, beat him and screaming louder, drag him to his feet, forcing him to sprint like crazy, the remainder of the 300 yard distance. . . .

Slumped on the ground, I watched from a distance. At first, the whole spectacle was incomprehensible because I did not grasp what was going on. It was a strange state of mind. . . . The black night in the background and the lights illuminating the goings on, sort of transported me to the environment of a theater. The play would soon be over and one would walk out with friends, have dinner or a drink and discuss the play. I felt no part of it. . . .

Then suddenly I realized with terror that the thing was real. I was in it, at the receiving end like the others. The Captain's welcoming speech was short and to the point: "You just got the Coiba shock treatment. You'll get it any time you're lazy or don't figure out what we want. In Coiba there's no God, no law, no nothing, only what is for our pleasure."

The horrors continue. At Coiba Leopoldo was told how Floyd Britton another of the political prisoners had died there. The government had announced he suffered a heart attack. The truth as Leopoldo recounted it was: "With his hands handcuffed behind his back, he was placed on a stool. Guards surrounded him and clubbed him until his brains flew out."

My husband stayed in Coiba for six months. Our appeals to the international human rights organizations and to important friends of Leopoldo in other countries bore fruit. Leopoldo was brought back to the city prison hospital. Although there are about 1,500 prisoners in Coiba, there is no medical facility. He was urinating blood and had Meniere's disease from beatings. His physical condition was terrible. Though I was told Leopoldo would be exiled, he was sent back to Coiba. Again we almost went mad. Finally in December 1973 I was ordered to buy him a one way ticket to Sweden and he was placed on a plane to Stockholm . . . where he spent two months in Karolinski hospital, recuperating from the physical and psychological tortures.

He gave several press interviews until G–2 gave me a message: "Tell Leopoldo to keep quiet. While you are still in Panama there are ways of making him come back." I had to stay to complete the teaching jobs I had taken to support us. I, too, had a severe weight loss and was emotionally drained. When we finally left Panama they made trouble at the airport, even delaying the plane, but we had many witnesses with us.

While my husband was in prison he asked me to notify the American Consul of at least two Americans detained for no apparent reason. One was a graduate student, writing his thesis on Panama, who had come to watch the so-called election of "Corregidores" (Justice of the Peace). He was picked up and denied access to the Consul. Another American almost died of a beating in the cellars of the jail. U.S. Consul, Dodson's letter of resignation substantiates the U.S. passivity (3) (4) and the 1977 case of American citizen David Mendelson (with no political involvement) beaten and exiled, brings these cases into the present (State Department and Senator Sparkman have documentation.)

LEOPOLDO ARAGON

"Let my people decide freely" was Leopoldo Aragon's dying plea. His act of sacrifice, he said, was to "call attention to the enormity of the deprivation of human rights and political freedoms under the Torrijos dictatorship."

The exile or release of those who have been cruelly imprisoned and tortured is not the end of the story. The person changes. Psychological changes have now been recognized and a commission has been formed in Norway to study the effects of imprisonment and torture. I saw change take place in my husband. He immersed himself completely in the movement to restore human rights and democracy in Panama. Despite his dedication he did not isolate himself and had a multitude of friends. He corresponded with his colleagues who speak and write of his warm human qualities. One, at the N.Y. Times in a personal note to me, spoke of him as "a man of great character passionately devoted to a cause of extreme importance". He was a loving husband and a devoted companion to his daughters. Others remark that he was a consistent and rational man. This consistency and rationality was demonstrated in his methodical planning for his final sacrifice for his high ideals.

Twelve years ago he wrote of another "To immolate himself is to sacrifice onself for others—for an ideal—for a conviction. It is an individual decision which doesn't involve nor harm another." In an letter I received on September 2nd he had sent from Stockholm. "I know what I have to do to be faithful to my destiny. I feel it with all the depth of conviction that a man can have . . . And I am going to do something that can be instinctively understood and appreciated." On September 1st, in front of the American Embassy in Stockholm he immolated himself In his last personal message he asked me to continue the struggle, "your battle post is there."

I am here to carry on. I am here as one who has also suffered the tortures of Torrijos, tortures that continue. But mine is only one story, the only one you will hear in detail today. It started in 1972 . . . The many cases of others each year since then are documented in the volumes of The Panamanian Committee for Human Rights.

Yet Ambassador Bunker has repeated in the Congress and elsewhere what I quote from his national television interview on "Meet the Press" of August 14th. The transcript reads: "What is your impression of the record of the Torrijos Government in the area of human rights?" Ambassador Bunker answered, "Well, there have been some violations of human rights by the Torrijos Government. Most of those occurred prior to 1970 when he was consolidating his position. Amnesty International in 1973, I think, did report that most of those violations had

occurred in the early years of the regime. A year ago, they did exile some thirteen people of the right and the left who had been accused of subversion. Those, I think, have all since returned to Panama. Recently has received back nearly 100 exiles. In our report which the Administration made this Spring to the Congress, as required by law, the report stated that there was no evidence of any systematic abuse of human rights. Whenever there have been, we have called it to the attention of the Panamanian Government and have expressed our views about it."

The President of the International League for Human Rights, Attorney Jerome J. Shesteck gave the Panama Human Rights Report as an example of State Department's inaccuracies and lack of candor. (5) (6)

What actually happened in 1976 or that which is known—

January 20: Thirteen professionals, businessmen and farmers, at least in the United States does not place them either on the right or the left. In addition an Argentinian born British subject, who had served the U.S. as a parachutist medic in Vietnam, was arrested, held incommunicado, tortured and then deported.

February: A Panamanian professor, a self-described Trotskyite was picked up at the airport on his return to Panama and planed to Ecuador to join the 13 exiles.

May: Marlene Mendizabal, a high school student of humble country family, and her finance, Jorge E. Falconet, an engineering student disappeared. Her body was found and autopsy prevented by the National Guard. Falconet was never found.

September: Attorney Eusebio Marchosky was arrested, tortured and exiled to Miami. Blanca de Marchosky, Alma Robles de Samos, Fulvia Morales are imprisoned and maltreated, but later released. Querube de Carles was exiled. Three men, one an American, employed in the Canal Zone were arbitrarily arrested on trumped up charges of fomenting riots for the C.I.A. A formal protest was lodged with the U.S. Embassy, but later withdrawn. . . . Carlos Gonzalez de la Lastra, an executive, and Humberto Lopez, a student, escape arrest and are exiled to Venezuela. . . . More than 150 students are arrested and tortured, according to a letter written by Reverend Fernando Guardia Jaen, S. J. in the Panama Archdiocese monthly publication.

BOMBINGS AND TERRORISM

Following the January exiles there were a series of five mysterious bombings at the places of business or homes of the exiles or their associates. The bombs were all of the same type. At the end of October and on November 1st a series of similar bombs exploded in the Canal Zone, damaging government property and automobiles owned by American critics of the dictatorship and treaty negotiations.[7] On November 29th a similar bomb was exploded in the Volkswagon of Jorge Rodriquez, seriously wounding his wife Gilma, but leaving untouched in the rear seat Dolores Montoto. On December 23rd, 1976, an official press release of the Panama Embassy in Washington makes public a letter from Torrijos protesting that the U.S. Ambassador in Panama had told Torrijos that "Certain members of the National Guard are involved in terrorist activities which have taken place in the Panama Canal Zone in connection with explosions which last October destroyed six automobiles and damaged certain buildings . . . that the United States authorities had proof of their assertions."

Let us sum up the 1976 human rights violations listed here, which are only a small part of the known violations by Torrijos in 1976:

Exiled	18
Arbitrarily arrested	3
Arbitrarily arrested and maltreated	3
Arrested and tortured	151
Bombings (1 person seriously injured)	12
Imprisoned without trial	3
Murdered	1
Disappeared	2

Returning to Mr. Bunker's assertions. Of the 13 January exiles 4 only have returned. Ambassador Bunker says also that Torrijos has recently received back nearly 100 exiles. This is simply untrue.

Let us look at the numbers. In 1 year 181 persons are known to have had their human rights violated in Panama's tiny population of 1.7 million (as opposed to heavily populated Chile, Brazil, or Argentina). Translating that number of the U.S. population is the equivalent of human rights violations of more than 21,000 citizens.

Gentlemen: I think it is abundantly clear that Panama shows a consistent pattern of gross violations of internationally recognized human rights.

PRESIDENT CARTER AND THE TRILATERAL COMMISSION: ARTICLE II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. McDONALD. Mr. Speaker, until recently the policies, plans, and operations of the Trilateral Commission established by Chase Manhatten Bank head David Rockefeller were the concern of a relatively small number of expert political analysts. Now thanks to the pioneering examinations by conservative political analysts of this powerful special interest group working to influence our Government's policies, the activities of the Trilateral Commission are beginning to receive a public airing.

In recent weeks several of my constituents have submitted extensive magazine articles and newspaper stories on the Trilateral Commission. Several of these are of particular interest and I intend to submit them for the attention of my colleagues:

THE TRILATERAL CONNECTION

(By Jeremiah Novak)

For the third time in this century a group of American scholars, businessmen, and government officials is planning to fashion a new world order. Discouraged by UN inadequacies, disheartened by chaos in the Bretton Woods institutions (IMF and the World Bank), and worried about the United States waning strength, these men are looking to a "community of developed nations" to coordinate international political and economic affairs.

"After every major war in this century Americans sought a new world order. Wilson pushed the League of Nations; Roosevelt and Truman constructed the UN-Bretton Woods system; and now, after Vietnam, Jimmy Carter gives us the Trilateral plan." So said C. Fred Bergsten, assistant secretary of the treasury and one of sixteen top Carter appointees who belong to the Trilateral Commission. All sixteen represent a deeply internationalist tradition that is part of the eastern American establishment. "Liberal internationalism is our creed," said Bergsten.

And Jimmy Carter is its prophet. Carter is a charter member of the Trilateral Commission and an advocate of its basic internationalist viewpoint. According to one Carter campaign aide, "Carter reeks of Protestant America's manifest destiny, and embodies the frontier tradition, the open door, and Cordell Hull's free trade internationalism, all wrapped up in one."

If there is one book in Carter's gospel, it is Zbigniew Brzezinski's *Between Two Ages*, published in 1970, in which Brzezinski, now national security adviser, formed the concept of "a community of developed nations" that would direct the world to new levels of freedom, human rights, and economic progress. He rejected both Kennedy's inaugural globalism and the establishment prejudice toward Atlanticism that dominated the Eisenhower, Kennedy, and Johnson years. Insisting that the community of developed nations should include Japan, he called his plan "more ambitious than the concept of an Atlantic Community, but historically more relevant."

Brzezinski's community would include not only the United States, Western Europe, and Japan, but eventually all other "advanced nations," even communist ones. The emphasis is on "developed" and "advanced." As Richard Cooper, who along with Brzezinski is a key architect of Trilateralism, wrote in a recent Trilateral paper, "Only those nations whose decisions can affect the whole group should be admitted."

Brzezinski's message did not find immediate acceptance. However, in December 1971, after the United States unilaterally went off the gold standard, causing the U.S.-Western Europe-Japan alliance to totter, Brzezinski convinced Huntington Harris, a Brookings Institution trustee, to fund a series of Tripartite Studies. Joining Brookings scholars were thinkers from the Japanese Economic Research Center and the European Community Institute of University Studies. The results of these studies influenced David Rockefeller to found the Trilateral Commision. According to his own testimony Rockefeller had begun calling in 1972 for the establishment of a Trilateral Community. He broached the subject at the Bilderberg Conference of corporate leaders, where it found immediate acceptance. Among those in attendance was Michael Blumenthal, now secretary of the treasury.

As chairman of the Trilateral Commission's executive committee, Rockefeller was able to attract members who include the chief executive officers of the Bank of America, First National City Bank, Exxon, Caterpillar, and CBS, as well as such labor leaders as I. W. Abel and Leonard Woodstock, and such scholars as Richard Cooper, provost of Yale, and Harold Brown, president of the California Institute of Technology.

From Europe came, among others, the heads of Thyssen, Royal Dutch Petroleum, and Unilever. From Japan, the chairman of the Bank of Tokyo and Fuji Bank. This high-powered group appointed Brzezinski full-time director of the Trilateral Commission, and he recruited a group of scholars who wrote a series of fourteen monographs dealing with political and economic problems facing Trilateral nations.

Although the commission's primary concern is economic—principally the same issues that concerned Cordell Hull, Henry Morgenthau, Harry Dexter White, and John Maynard Keynes at Bretton Woods—the Trilateralists pinpointed a vital political objective: to gain control of the American presidency. For, as Samuel Huntington, a Harvard government professor and a Trilateral scholar, has written: "To the extent that the U.S. was governed by anyone in the decades

after World War II, it was governed by the President, acting with the support and cooperation of key individuals and groups in the executive office, the federal bureaucracy, Congress, and the more important businesses, banks, law firms, foundations and media, which constitute the private establishment."

In 1973, with Richard Nixon in deep trouble because he did not have this support, the Trilateralists found it essential to play a role in determining the direction of the American presidency. As early as May 1975, Brzezinski, at a Trilateral Commission meeting in Kyoto, hailed Carter as "one political leader with the courage to speak forthrightly on difficult political issues." And Peter Bourne, Carter's former deputy campaign chief, has been quoted as saying, "David Rockefeller and Zbig have both agreed that Carter is the ideal politician to build on."

Carter reciprocated by reiterating during his campaign that "we must replace balance-of-power politics with world order politics"—the Trilateralists' basic theme. Of late this theme has been echoing through the halls of Congress, as some of the Administration's Trilateral appointees, such as Cooper, Bergsten, and Cyrus Vance, have testified. "The basic philosophy of the Administration," Bergstein told Congress, "is that domestic and international issues are inextricably linked."

Such concepts are being well received by many in Congress. For instance, as Representative Henry Gonzalez of Texas said after attending the International Development Association (IDA) replenishment conference in Geneva in March, "The arrival of Bergsten and Cooper was like a breath of fresh air. There's a new sense of flexibility and understanding that has gained new respect for the U.S. among our allies. They know that the people in this Administration care."

The Administration's internationalist views have also received a big boost from Federal Reserve Chairman Arthur Burns, a Nixon appointee. Speaking at the Columbia University School of Business on April 12, he made an impassioned plea for a greatly strengthened IMF. His call echoed that of a 1973 Trilateral pamphlet written by Richard Cooper, now assistant secretary of state for international economic affairs.

The Trilateralists' emphasis on international economics is not entirely disinterested, for the oil crisis forced many developing nations, with doubtful repayment abilities, to borrow excessively. All told, private multinational banks, particularly Rockefeller's Chase Manhattan, have loaned nearly $52 billion to developing countries. An overhauled IMF would provide another source of credit for these nations, and would take the big private banks off the hook. This proposal is a cornerstone of the Trilateral plan, because it makes possible the continuation of free trade internationalism.

Perhaps the best example of Trilateralism was the post-Inaugural trip to Europe and Japan of Vice President Walter Mondale (also a Trilateralist). He assured leaders of Carter's determination to work in deep consultation with them. Institutionally, the Rambouillet, Puerto Rico, and London conferences, where Trilateral leaders have met to discuss economic issues, symbolize this new community of developed nations. To implement its aims, the Trilateral Commission has called for the formation of commissions to coordinate the political and economic power of the Trilateral area. These commissions will subordinate national economic policy to international needs. As Bergsten said in a speech on April 22 to the Chicago Council on Foreign Relations, "The world's major economic powers must, in a positive sense, exercise collective responsibility for the stability and progress of the world economy."

Many Americans, in government and without, view this new emphasis on collective responsibility as a threat to traditional national sovereignty. Others worry about the basic political philosophy that motivates the Trilateralists. In particular, many people are concerned about the views of Samuel Huntington, who is an editor of *Foreign Policy* magazine—often a showcase for Trilateral thinking. (Trilateralist Richard Holbrooke, the former managing editor, is now assistant secretary of state for East Asia and Pacific affairs.) Among other worrisome statements, Huntington wrote in *The Crisis of Democracy.*" "In some measure the advanced industrial societies have spawned a stratum of value-oriented intellectuals who often devote themselves to the derogation of leadership . . . and their behavior contrasts with that of the also increasing numbers of technocratic and policy-oriented intellectuals."

Huntington also made the following statement in his essay: "Al Smith once remarked 'the only cure for the evils of democracy is more democracy.' Our analysis suggests that applying that cure at present could well be adding fuel to the flames. Needed instead is a greater degree of moderation in democracy."

Penn State political scientist Larry Spence criticizes Huntington's condemnation of value-oriented philosophers as "a direct attempt to raise the status of the technocratic elite, who curry to the needs of the wealthy corporations. If he gets his way," Spence declared, "we will have a new supernational community dominated by the multinational corporations."

Another critic is Walter Dean Burnham, professor of political science at the Massachusetts Institute of Technology. Writing in "Trialogue," the Trilateral Commission's newsletter, Burnham stated: "Firstly, Professor Huntington systematically inflates the claim of authority against the claim of liberty in any situation. . . . There is, I think it is fair to say, a visible pro-authority bias to his work. . . ."

Huntington's authoritarian views were widely debated by the Trilateralists themselves, many of whom demanded that Huntington's book not be published under Trilateral auspices. Yet, as Dr. Spence put it, "The book still stands as the official position of the Trilateral Commission."

Despite the debate over *The Crisis of Democracy*, the Trilateralists' internationalist stance is being lobbied for in Congress by a new organization called New Directions. The group was founded at the instance of Theodore Hesburgh, president of Notre Dame University and chairman of the Rockefeller Foundation. Hesburgh, with the support of Vance and Paul Warnke (a Trilateralist and Carter's chief arms limitation negotiator), was able to recruit John Gardner, chairman of Common Cause, and others to form the new lobby group. Essentially, the group's "Approved Action Program" reinforces Trilateral positions on expansion of international financial institutions, increased development assistance for poor nations, a strong plank for conservation of energy, and reduction of arms sales.

The alliance of Common Cause and New Directions with Trilateral thinking gives the Trilateralists two formidable companion organizations. It was Harlan Cleveland, a member of the board of governors of New Directions, who, on July 4, 1976, wrote a "Declaration of Interdependence" for the Bicentennial program in Philadelphia. He also published a paperback called *The Third Try at World Order.*

Jimmy Carter, as President, presides over this new internationalism. Indeed, it is said that when he faces Congress he goes as an internationalist; and when he travels to Western Europe and Japan he is welcomed as a brother Trilateralist. In the last analysis, it is Carter who directs the third try for a new world order.

PERSONAL EXPLANATION

HON. DAVID L. CORNWELL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. CORNWELL. Mr. Speaker, I was absent from voting on today's suspensions due to an urgent meeting at the Environmental Protection Agency this afternoon. The meeting concerned whether to construct or not to construct a sorely needed coal-fired energy plant in my district. Attending this meeting were a number of my constituents representing labor and local government, as well as representatives from EPA, the American Electrical Power, staff representatives from the offices of Senators BAYH, FORD, and LUGAR and the National Rural Electric Co-ops. I therefore, apologize to you, my colleagues, and to my constituency for being absent. Had I been present, however, I would have voted as follows:

H.R. 8518, aye; H.R. 9418, aye; H.R. 5643, aye; H.R. 5858, aye; H.R. 8149, aye; H.R. 8422, aye; H.R. 6715, aye.

B-1: AN EXPERT'S OPINION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. DORNAN. Mr. Speaker, on Wednesday of this week, we are scheduled to vote on the supplemental appropriations for 1978. At that time we will be given the opportunity of responding to the administration's decision to cancel production of the B-1 aircraft.

Before any of us cast our votes on this crucial issue, we should weigh carefully all of the information and evaluate the opinions of the experts in the field of strategic aircraft. Of these opinions, none has greater claim to being called expert than that of Gen. Russell E. Dougherty, recently retired commander in chief of the Strategic Air Command.

On September 21, I wrote to General Dougherty requesting his opinion of the President's decision to cancel the B-1 aircraft. I would like to share his answer to my request with my colleagues and I print his opinion in the CONGRESSIONAL RECORD at this point:

ARLINGTON, VA., *October 14, 1977.*

Hon. ROBERT K. DORNAN,
House of Representatives,
Washington, D.C.

DEAR MR. DORNAN: I appreciate your letter of 21 September 1977 and the confidence you expressed in me and my background in seeking answers to some of the very difficult questions before you and your colleagues in the House of Representatives. Also, I well recall our day together at SAC Headquarters earlier this year and am grateful that you would remember favorably SAC's people and its continuing contribution to our nation's strategic TRIAD of deterrent forces.

I will do my best to address your questions on some aspects of the important strategic issues facing you—and hope that my opinions and analyses may be useful to you and

your colleagues. Certainly they will be "candid" and "unfettered," in accordance with your request. I must add, however, that I have never really chaffed under the constraints and fetters of my official assignments. As CINCSAC, I did not feel any disabling constraint in expressing my opinions on fundamental matters affecting the continued effectiveness of our strategic forces; though, of course, I recognized I couldn't be repeatedly strident and critical as a serving commander.

You have asked for my opinions concerning the President's recent decision not to seek production funding for the B-1; and, additionally, you asked for my analyses of some of the pros and cons of the situation caused by the decision to cancel B-1 production.

First, to address myself to your questions concerning the President's decision to cancel the production of the B-1:

I was disappointed, of course. I thought we had developed a fine, capable aircraft to do a sorely needed job in the future . . . and to fill a potentially serious gap in our strategic capabilities in the mid 1980's, and beyond. Other related actions affecting our strategic futures are made more critical and dangerous as a result of the loss of time and capability associated with the cancellation of timely production of the B-1. We have lost a very valuable margin of future strength. I thought it error not to go into needed production with this modern well-designed and capable strategic bomber development. We may not have the time (nor the political consensus) to produce and make operational adequate numbers of any subsequent development.

On the other hand, I cannot complain that this momentous decision was made abstractly, by some third persons unknown in the bureaucracy of the Administration . . . this clearly was a Presidential decision, publicly made. While I think it was a wrong decision, it was not made obscurely or by default. The President had available all the arguments and rationale advanced by us in the Strategic Air Command, the Air Force, the JCS and other senior officials in DOD whose view of the future strategic requirements caused them to support a B-1 production program. I do not know to what extent all these views were considered, but the public rationale accompanying the decision leads me to believe that it was narrowly based. The public rationale indicates the decision turned on analytical studies and study factors of cost effectiveness and penetrativity assumed in the alternative examinations by the Administration staff—a very narrow and delicate basis for such an important decision. Also, I think the vast capability of a strategic penetrator throughout the full spectrum of deterrence and conflict was subsumed in a narrow analysis of the assumptions used in measuring the application of various weapons to a total strategic attack and counterattack. While such an analysis is extremely important, it is far from the only measure of merit of a flexible strategic system.

In the context of B-1 cancellation actions and other uncertainties within the Administration affecting SALT and our strategic weapons systems (MX, Minuteman II and III, MK-12A, aerial tanker futures, SRAM, ALCM, etc.), the decision not to produce the B-1 came at a particularly critical time. Lack of a modern, manned, penetrating delivery system is going to make every other aspect of our strategic decisions more difficult for we will not have the assured flexibility that comes with a penetrating bomber.

The time lost in providing an adequate operational inventory of modern long-range penetrating aircraft delivery systems could prove to be critical. Also, the superior U.S. technological iniatives and achievement represented by the B-1 may be lost. And, importantly, the confluence of disparate views of anti-B-1 zealots may be solidified and strengthened to the point that needed modernization in a manned penetrating delivery system (and not just the B-1) may, in fact, be lost to us in whatever form a modern penetrating bomber is subsequently posed.

On this latter point, it was extremely interesting (but not surprising!) to find in the minority report submitted with the recent House Armed Services Committee's action on the President's latest Supplemental the suggestion by Representatives Carr, Schroeder and Downey that the President's decision was designed to terminate forever any initiative leading toward a modern, long-range, manned, penetrating delivery system. George Wilson's article on page A-2, The Washington Post, Friday, October 7, 1977, cites Representative Carr as saying that President Carter's decision "didn't just get rid of an airplane, he got rid of a concept; low-level, strategic manned penetration." In my view, this is a very key issue for decision by Congress and by the people of the United States. Are we going to have a manned strategic penetrating delivery system beyond the B-52—or has that weapon concept been rejected for the future? If the penetrator concept has been rejected, those of us in the Air Force and elsewhere who have proposed a serious and thorough look at an alternative penetrator to the B-1—such as the FB-111H—are foreclosed, as is the B-1.

If it should turn out that Representative Carr and others who share his view that the real effect of the President's decision was to cancel forever a modernized strategic manned penetrating delivery system, then the effect of the President's B-1 decision will be far more adverse and far-reaching than if it were limited solely to the rejection of production of the B-1 and the acceleration of the cruise missile programs.

Now, to your broader questions concerning the effects of the decision to cancel B-1 production:

The ability and willingness of our Nation to respond resolutely to clear-cut national emergencies are great strengths of the United States. Our adversaries—current and potential—recognize these resolute propensities of Americans. This, as much as anything else, explains why the threats they choose to pose to our national security tend to be indirect and ambiguous. Direct, clear-cut threats are sure to produce a vigorous response by our government and our people in providing all required tools of defense and war.

Fortunately, we are not in a situation of extremes— we are not facing an immediate, clear-cut threat to our survival. The B-1 decision was made in an atmosphere characterized by an absence of war or conflict and with no clear-cut national emergency. The full military effect of the decision was futuristic by as much as a decade or so . . . maybe even longer. The ambiguity of active threats; the absence of pressing need and of extreme circumstances are far different from the traditional "clear and present danger" that spurs immediate decisions on needed systems. The B-1 requirement was a futuristic one of judgment and vision; without precise metes and bounds, without absolutes and without a clear-cut, present danger.

To the extent that it was possible to do so, my colleagues and I had considered all aspects of our present and future situation and the potential military threat situation facing our nation over the long haul, from the early 1980s and beyond. We assessed what would be needed unequivocally to preserve, as a minimum, an effective strategic equality with the Soviet Union, and any other potential aggressor, no matter what they did. In every basic measure of that future situation, we found it essential for the United States to preserve a modern, capable, strategic, manned penetrating delivery system—everything we might need to do was made more effective and assured with such a delivery system; everything was more difficult and less assured without it. The B-1 promised to provide us such a system; nothing else satisfied the requirements that we could determine to the same extent as did the B-1. It was apparent, of couse, that much of the technology of today's F/FB-111 could be incorporated into a stretched and enlarged version of that aircraft (since identified as the FB-111H); however, this did not offer all of the efficiencies and all of the desired characteristics that had been incorporated into the B-1 developmental design. Thus, the FB-111H concept was well known to us, but lacked some of the advantages and the timing of the more capable and developed B-1 as the major strategic penetrator for future decades.

To me—and I think to most of my colleagues—the real effect of the President's decision on the B-1 was to make a production program for that aircraft unacceptable to the current Commander in Chief and his administration. I chose not to belabor that decision for, at the risk of stating the obvious, it was my duty as the Commander of our Air Force's largest command and one of the nation's major combatant commands to make the best use of the force provided to them by the responsible elected officials, to accept the clear-cut decisions of constituted political authorities . . . and to go on from there as quickly as possible That the men and women of the Air Force, who had been among the staunchest advocates of the B-1 could swallow their disappointment on the B-1 cancellation was a source of deep pride for me as their Commander in Chief. It represented military professionalism in the best American tradition; it did not represent any abdication of our judgment or our views of the efficacy of a modern, manned penetrating bomber. Our reaction to the President's B-1 decision also represented to us the illogic of continuing to pursue the desire to be equipped with a primary weapon system that had been so studied by our Commander in Chief and so unequivocally rejected for production by our constituted authorities.

I thought at the time (and still do) that the most proper and effective course of professional behavior for me was immediately to advocate the next most effective and efficient alternative course of action to provide a modern, long-range penetrator. To me, that was the FB-111H concept, incorporating the exceptionally well-developed and capable engine for the B-1; the advanced avionics (both offensive and defensive) of the F/FB-111, and a larger and more flexible internal and external weapons-carrying arrangement.

If I look to the next decade, I find little to suggest that the vigor of the Soviet investment in strong total forces will diminish—particularly, their investments in strong strategic nuclear forces. I think it's a pointless argument as to whether the Soviets are involved in an all-out drive to be "number one", but I think it's sufficiently clear as to be noncontroversial that the Soviets are not willing to settle for being "number two."

This brings me to the crux of my thinking on these matters; e.g. If on-going Soviet programs are not matched and offset by firm, continuing U.S. actions, a serious imbalance could (and probably will) result by the mid-1980s or so. I told the Senate Armed Services Committee in early 1976 (and intervening events have only strengthened my conviction) that, if we are denied timely production and rapid introduction of a modern, manned strategic penetrating delivery system into our operational inventory, our nation's deterrent force mix soon will be seriously deficient in its ability to maintain an essential balance—real or perceived—with the strategic forces of the Soviet Union.

At the time I made that statement to the Senate Committee, the modern cruise missile development program was, to a considerable extent, still unproved. It still is. For instance, the first powered flight of the air-launched cruise missile had not yet taken place. The modern cruise missile is much further along than it was in early 1976—but, it is still many years away from becoming operational.

And, in any event, the cruise missile will be a far more capable weapon system development in conjunction with a modern penetrator than it would be without such a penetrator. On this point, it was my understanding that the President's B-1 decision was premised on the rapid development of air-launched cruise missiles and the retention of an effective penetrating bomber force with an opportunity to swiftly upgrade the penetrating force with new systems if cruise missile deployment ran into any unexpected difficulty or delay. If we are not to have the B-1, the stretched and improved version of the FB-111, incorporating the extraordinarily well-developed B-1 engine, is completely logical and needed alternative: less capable and less modern—but less expensive, available rapidly and not publicly rejected by the Commander in Chief.

It is my judgment that we must (and can) make prudent modifications to our B-52s and our few FB-111s to keep them capable and safe until we can get, into the operational inventory (I keep underlining operational inventory, Mr. Dornan, because it is very important that everyone understand the vast difference between concepts, ideas, development programs and operational hardware in the hands of trained operational military forces), a new and capable penetrating delivery system that will serve us well beyond the late 1980s or early 1990s when the air worthiness of a portion of our B-52 fleet is doubtful and when the operational effectiveness is probably reduced below an efficient system for retention in the active inventory.

It is easy for any experienced military planner to appreciate the full potential and flexibility of the cruise missile technology and TERCOM guidance accuracy. Not for a minute would I advocate anything less than full exploitation of this promising aspect of modern military technology; however, I see no reason and no logic that demands that this technology can be adapted to the uncertain requirements of the future only at the expense of abandoning the concept of strategic manned penetration as a future part of our strategic TRIAD.

I considered the B-1 production decision the single most important weapon system decision in front of our Administration and our Congress last year. The Commander in Chief elected not to accept the recommendations that I and others had made concerning B-1 production. Following his rejection of the B-1, and while I was serving as CINCSAC, I found it completely consistent, professionally and intellectually, for me to support and to advocate what I considered the next best alternative for keeping the U.S. equipped with a modern and flexible strategic penetrating delivery system in the future. I recommended we immediately initiate a program to look into the stretched FB-111H, with B-1 engines.

If Representative Carr is right, and if the President really intended to terminate the concept of including a modern strategic penetrating system in our strategic arsenal, then that is the real issue in front of the Congress and the people of the United States. If so, that possibility poses fundamental issues that are not merely important but could well be vital to our future ability to remain second to no other nation or group of nations in a future world. And this issue, I would observe, is too important to be left fallow in the recent minority report of the House Armed Services Committee or in exchanges of correspondence. It should be run out on center stage for all to see, to examine and to debate. In my view, there shouldn't be any ambiguity on the issue of the future of a long-range manned penetrating delivery system; this issue is too important for us to allow it to remain cloudy and ambiguous.

As to the Soviet strategy for U.S. strategic forces without the B-1, I don't pretend to know the full ramifications, of course—but I would think one thing will be certain: they will do everything in their power to keep us from having a capable and competent substitute for the B-1. I would hope that, through other strategic diversity and the multiple capabilities and characteristics of our weapon systems, we could reduce to near zero their calculations (or temptations) of achieving a disabling first strike. I would hope that this is so and that we can and will do these things. It certainly would have been easier and more effective for us in the strategic commands to give these assurances with the B-1 in our operational inventory. Every strategic task we undertake will be more difficult without the B-1—and some important tasks may not be achievable without a capable alternative to the B-1 beyond the mid-1980s or early 1990s.

Granted, Mr. Dornan, all of these things are matters of judgment. These judgments can be validated only through hindsights. What I have offered in response to your letter are solely my opinions and my views; they are, however, unfettered and, hopefully, unbiased judgments as to our Nation's needs. It took the tragedy of World War II to prove General Mitchell right in his judgments. Martyrdom in the nuclear age is too great a price for any of us, or our Nation, to pay for fatal errors in judgment concerning the diversity and strength of our central strategic systems in the future.

I hope that my views will be useful to you and your colleagues in your important considerations on the current Supplemental Bill, and others affecting our Nation's future.

Respectfully,

RUSSELL E. DOUGHERTY,
General, USAF (Retired).

NEWARK MINISTER STARS AT WHITE HOUSE PARTY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. RODINO. Mr. Speaker, I am very pleased to have the opportunity to share with my colleagues an article which appeared in today's Newark Star-Ledger, concerning Dr. Alex Bradford, one of my constituents. Dr. Bradford, a minister and musical director of the Greater Abyssinian Baptist Church in Newark, has served our community very well by encouraging civic involvement through music and church activities. He is truly a community leader who has willingly shared his great professional skills with others, and I am pleased to insert the following article into the CONGRESSIONAL RECORD in recognition of Dr. Bradford.

[From the Newark Star-Ledger, Oct. 17, 1977]

NEWARK MINISTER STARS AT WHITE HOUSE PARTY

WASHINGTON.—Dr. Alex Bradford of Newark was a special "guest of honor" at a White House party last week at which President Carter, his family and some 500 guests were enthralled by the music he composed for the hit broadway musical "Your Arms Too Short to Box With God."

Bradford, minister of the Greater Abyssinian Baptist Church in Newark, aso wrote several of the gospel numbers that the original cast of his famous Broadway show performed for the President and his friends.

Another special guest at the party was Bert Lance, former director of the Office of Management and Budget.

The Southern-style barbecue party was held on the White House's south lawn for some 500 members of the Georgia "Peanut Brigade."

The brigade is composed of the young men and women who rang doorbells around the nation in a two-year successful effort to get Carter elected President.

A native of Alabama, Bradford is music director of Newark's Greater Abyssinian Baptist Church and founder of the city's Creative Movement Repertory Theatre, a civic company.

Hailed by Newsweek Magazine as "the super gospel composer of the 70s," Bradford received on Obie for his role in Vinnette Carroll's "Don't Bother Me, I Can't Cope," and was nominated for a Tony. He also was featured in the film, "Save the Children:"

Bradford's gospel recording, "Too Close to Heaven," sold more than a million copies nationwide; his educational show, "The Black Seeds of Music," was seen throughout New Jersey's public schools.

In 1961, Bradford was chosen by the late poet Langston Hughes to be one of the original stars of "Black Nativity," the first genuine black musical on Broadway. He later made a tour of 29 countries with the production.

Accompanist and composer for such gospel greats as Mahalia Jackson and Sallie Martin, Bradford has been acknowledged by Ray Charles and Little Richard as a major influence.

He has been called one of the progenitors of the "soul music" movement.

Bradford presented his latest gospel musical—"Don't Cry, Mary"—in Newark last month at the Cathedral of the Sacred Heart. He is working on his first comedy, "From One Good White Person to Another."

FOREIGN ASSISTANCE APPROPRIATIONS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. WOLFF. Mr. Speaker, the House of Representatives will tomorrow vote on whether or not to accept the conference report to H.R. 7797, foreign assistance appropriations. I urge my colleagues to support the conference report language to section 107 of this legislation.

When this section of H.R. 7797 was originally considered by the House, two amendments were agreed upon. The first, which I offered, prohibited any of these appropriations from being used to finance reparations to the Socialist Republic of Vietnam. At that time I stated to my colleagues that the word "reparations" implies a debt due and therefore must be distinguished from the word "assistance" which implies voluntary action. While I have no doubt that the United States is under no obligation, legal or moral, to provide such reparations, the purpose of this amendment was to put to rest the question that was raised by the letter which President Nixon sent to the Viet-

namese in early 1973. In part, that letter stated that the United States "will contribute to postwar reconstruction in North Vietnam without any political conditions." This letter is, of course, moot today.

The U.S. Congress, however, has yet to take a position on its contents. It is time that we did. The question of reparations is moot because the Paris peace accords were violated by both sides. Furthermore, we must separate, and very clearly separate, the question of reparations from the humanitarian issue of MIA's. And it is without hesitation that I again state that compassion dictates that regardless of reparations or not, it is imperative that information on MIA's be forthcoming from the Vietnamese.

The second amendment, offered by the gentleman from Florida (Mr. YOUNG), added the prohibition against "indirect" aid to certain specified countries. I voted for this amendment and I still support its intent that U.S. taxpayers' dollars not be used to finance assistance or reparations to these countries through the various international lending institutions of which the United States is a member. However, since this prohibition on the indirect use of funds could, in many instances, preclude the international institution from accepting U.S. contributions, I believe that its inclusion in the statutory law would be detrimental to our interests. In view of the assurances given by President Carter that he will instruct U.S. representatives to the international financial institutions to oppose and vote against loans to Vietnam, Laos, Cambodia, Uganda, Mozambique, Angola, and Cuba, I believe that the intent of the House will be carried out and that the President's conduct of foreign policy will not be jeopardized.

Mr. Speaker, I again urge my colleagues to support the conference report on section 107.

TRIBUTE TO ATTORNEY STANLEY J. CYBULSKI

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. ZABLOCKI. Mr. Speaker, I recently attended the funeral of a close friend, adviser, former employee, and longtime civic leader, Attorney Stanley J. Cybulski. For many years he served with distinction in a variety of posts, both public and private, leaving behind him an enviable record of accomplishments.

Attorney Cybulski was my home secretary for more than 16 years until his appointment as Milwaukee postmaster in 1965. To that position, as to every other, be brought high competence, dedication, integrity, and loyalty. His service as alderman in the city of Milwaukee Common Council, on the Governor's Commission on Human Rights, the Milwaukee Library Board, Milwaukee Art Commission, and countless other civic endeavors, created a legacy which will long be remembered by the community.

His affiliations, offices, and other contributions are summarized in the following article, printed in the Milwaukee Journal on October 5, 1977, which I would like to share with my colleagues:

[From the Milwaukee Journal, Oct. 5, 1977]

LONGTIME LEADER CYBULSKI DIES

Funeral services for Stanley J. Cybulski, former Milwaukee postmaster, alderman and civic leader, will be held here Saturday morning. He died of cancer in Florida Tuesday at age 71.

Cybulski was a longtime member of the Democratic Party and was active in Milwaukee politics for more than 30 years.

He was born in Milwaukee Nov. 1 1905. A graduate of Marquette University Law School, he was a practicing attorney from 1931 to 1965. Cybulski served as alderman for the old 24th Ward from 1936 to 1948.

Cybulski was a past president of the Milwaukee Society of the Polish National Alliance and the Polish Association of America and a former vice president and director of the St. Joseph's Home for Children Athletic Association.

He was treasurer of St. Adalbert's Catholic Church from 1930 to 1948 and a past president and director of the Layton Park Lions Club. He was a former vice president and financial secretary of the Pulaski Council of Milwaukee, past president and treasurer of the Joseph Conrad Club at Marquette University, former vice chancellor of the Sigma Nu Phi national legal fraterity at the university and a lifetime member of George Washington Post No. 2 of the American Legion.

He retired as postmaster in 1970 and lived in Largo, Fla., since 1972.

Survivors include his wife, Harriet; a son, James, of Springfield, Mo.; two daughters, Mrs. Robert (Francine) Kay, Seminole, Fla., and Mrs. Robert (Janice) Artis, Cadillac, Mich.

KIWANIS INTERNATIONAL HAD A GREAT YEAR UNDER PRESIDENT STAN SCHNEIDER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. ASHBROOK. Mr. Speaker, I want to share with you the pride I have for a good friend, constituent, and fellow Kiwanian, Stanley E. Schneider of Crestline, Ohio, a man who, on September 30, finished a 1-year term as president of Kiwanis International. In that capacity, Schneider was official spokesman for nearly 290,000 Kiwanis members in 7,000 clubs located in 61 nations around the world. Kiwanis International, one of the largest service organizations in the world, is now in its 62d year.

Like Stan Schneider, I take pride in my own Kiwanis membership, and am proud to share it with some 105 other members of the 95th Congress.

Schneider's term of office was marked with outstanding success both in the field of growth and in the field of service rendered. It is the primary purpose of Kiwanis clubs to render volunteer service to their communities. As Kiwanis grows, so does its capacity for service grow.

In the field of growth, Kiwanis added more new clubs and more new members under Schneider's leadership than in any other year in its 62-year history. At the end of his term of office the membership stood at an alltime high, while the average age of the individual members stood at an alltime low; a clear indication of the fact that Kiwanis attracts young people today just as it did in its formative years in the early twentieth century.

In the field of service, Schneider successfully led Kiwanis in a new and exciting program called Safeguard Against Crime. The majority of Kiwanis clubs both in the United States and abroad participated in the program which was aimed at informing all segments of society on the incidence of crime, the kinds of crime usually perpetrated against persons and property, and the steps that individuals can take to resist such crime.

The original concept of the program was developed by Schneider, himself, with technical assistance from the Federal Bureau of Investigation, the Royal Canadian Mounted Police, and law enforcement organizations of both the United States and Canada. The program has been hailed as outstanding both in format and results achieved.

Other established Kiwanis programs went on apace, especially in the field of work with youth. Kiwanis achieved extensive growth under Schneider in a new service club movement for junior high school students called Builders Clubs which was initiated just before Schneider took office. It saw growth in a locally sponsored program for girls, too, called Keywanettes.

In the area of international extension, Schneider's year of leadership saw the organization build its first clubs on the African Continent, and in the Middle East, the last steps in its effort to bring Kiwanis-type community service to every part of the globe.

Schneider, himself, traveled to most of the "Kiwanis countries" with his wife, Millie, to provide the inspiration and insight needed for sound development of clubs in areas new to Kiwanis.

Schneider returns to a private life which, like his Kiwanis career, has been and continues to be crowded with action. He is prominent in civic and service affairs in his town and his State. He is currently serving as a member of Ohio's advisory committee for Operation Crime Alert; and he holds memberships in professional associations related to his automotive occupation, plus the VFW, Marine Corps League, and Association of the United States Army.

I take pride in the contribution of a constituent and fellow Ohioan to the welfare of a great institution—Kiwanis—and the hundreds of thousands of people throughout the world whom it is Kiwanis' privilege to serve.

SHIPBUILDING PROGRESS AT INGALLS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. LOTT. Mr. Speaker, at Pascagoula, Miss., the 25,000 employees of the Ingalls Shipbuilding Division of Litton

Industries are hard at work producing two new fleets of ships for the U.S. Navy. In production are DD-963 Class destroyers and LHA general purpose amphibious assault ships. Eight ships in the 30-ship destroyer program are already in operation with the fleet. Eleven others are launched and are proceeding toward sea trials. All others are in some phase of production. Two of the LHA's are delivered, and the others, I am pleased to say, are progressing well.

With the destroyers and LHA's in full production, the rate of progress at Ingalls is increasing rapidly. The tempo of activity was dramatically demonstrated over a 7-day period beginning September 25, and I wanted to call to your and my other colleagues' attention the events of this busy week.

Two destroyers, manned by separate Ingalls' crews, simultaneously underwent sea trials for ship operations and testing—the DD-975 successfully conducted builder's trials, and the DD-971 successfully conducted Navy acceptance trials. The eighth destroyer in the program—the DD-970—was commissioned into service by the Navy. The DD-968, having returned to Ingalls after initial operation with the fleet, completed final stages of post-shakedown availability work, and the DD-981, the 19th destroyer in the 30-ship DD-963 program, was launched.

This pace of shipbuilding activity may very well be unequaled in peace-time maritime annals. Furthermore, I take pride in noting that the pace is continuing to increase.

THE A-7 AIRCRAFT WINS IN SCOTLAND

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. MILFORD. Mr. Speaker, the "obsolescent" aircraft has done it again. The USAF 23d Tactical Fighter Wing, flying the A-7D Corsair II fighter/bomber aircraft, has won the 1977 Royal Air Force Tactical Bombing Competition held in Lossiemouth, Scotland, October 5 to 8. Competing against four teams flying the Anglo-French Jaguar, two teams from the Royal Air Force flying Buccaneer's, and the USAF 20th Tactical Fighter Wing flying the swing-wing F-111, the pilots of the 23d, flying the A-7D, walked away with both individual and team honors. Out of a possible 976 points, the 23d "Flying Tiger" pilots received 886 points, compared to the second place finishers, the 41st Squadron flying Jaguars, with 794. In individual honors, the 23d took the first four places as well as sixth in bombing and the first three places in strafing.

Mr. Speaker, we can be proud of the 23d Tactical Fighter Wing who represented the Tactical Air Command located at England AFB, La.; their skill and dedication is apparent. What concerns me, however, is that the best light attack fighter/bomber aircraft in the world today, the A-7D Corsair as flown by these pilots, is to go out of production. President Carter said recently that the A-7 aircraft is obsolescent. I strongly refuted that statement then and I refute it now. The United States can ill afford to stop production of the A-7 aircraft, especially since there is no replacement aircraft on the drawing boards or in the Air Force inventory to take its place.

Mr. Speaker, you will note that the A-10 aircraft, the aircraft the Air Force claims is going to replace the A-7D, was not competing because it was designed for one mission and one mission only—to provide support in a close-in combat environment.

I have no argument over buying a specialized aircraft such as the A-10 for close air support. I do, however, have to ask some questions. Have the modes of war changed since the advent of the A-10? Is there no longer a requirement for an aircraft flexible enough to perform close air support missions and be equally as effective in the interdiction role? Is the Air Force going to rely on the F-16, mainly a fighter aircraft designed to repel other aircraft in air-to-air combat, to perform the interdiction mission? Or will they rely on the costly F-15, again designed for air-to-air interdiction of aircraft, to bomb enemy targets?

Mr. Speaker, the U.S. News & World Report issue of October 10, 1977, in a special report entitled "Our Arms Forces, Ready or Not," pointed out that the "Air Force is in the midst of a difficult transition as it absorbs an assortment of new fighter aircraft." There are still too few planes, and many are experiencing serious trouble, the article went on to say. In the same article, the Air Force Chief of Staff, Gen. David C. Jones, stated his concern about the smallness of the U.S. Air Force. He also said "that you can only go so far in quality in a trade-off for quantity."

The 26 wing Air Force of today has enough aircraft to fully equip only 23 wings. Yet we will stop production on a proven aircraft that is not only needed in the active inventory, but also needed to continue modernization of the U.S. National Guard, which is forced to fly 25 year-old F-100 aircraft with little, if any, combat capability.

There are serious questions that should be answered before the United States stops production of the least costly, yet most capable weapons system in the U.S. arsenal of aircraft, the A-7D Corsair.

Gentlemen, I think we should take another look.

Mr. Speaker, I have a news account giving full details of the competition in Scotland, and the names of the flyers on our winning A7-D team, which I would like included in the RECORD:

LOSSIEMOUTH, SCOTLAND, October 10.—The 23rd Tactical Fighter Wing, flying Vought A-7D Corsair II's, has won the 1977 Royal Air Force Tactical Bombing Competition and taken all of the awards available to it.

In ceremonies today, the 23rd TFW "Flying Tigers" team was awarded the Sir John Mogg team trophy, Top Gun Award, weapons trophy for best individual bombing and the leadership in bombing and navigation trophy. Two other awards went to the RAF 41st Squadron, Coltishall RAF Station in England, for the best RAF unit and best Jaguar unit.

Capt. John Miller of Marianna, Ark., won the bombing and leadership trophies for the Tactical Air Command unit and was followed by his teammate, Capt. Robert Gatliff of Jacksonville, Fla. Out of 48 pilots competing in the bombing, the 23rd took the first four places. Gatliff was second to Miller, Lt. Col. Hugh D. (Dave) Ebert of Lynchburg, Va., was third, and Capt. W. W. Turner, Winston-Salem, N.C., was fourth.

The strafing Top Gun award was another sweep for the Vought A-7 and the Flying Tigers. Maj. Ron Brekke of Reserve, Mont. was first, followed by Gatliff, Miller, and U.S. Navy exchange officer Lt. Cmdr. Mike Sullivan of San Luis Obispo, Calif. Thirty-six pilots were in the competition for that award, as the RAF Hawker-Siddeley Buccaneers did not compete.

Eight teams of six aircraft were in the competition, six from the Royal Air Force and two from the United States. Joining the 23rd and its A-7Ds was the 20th Tactical Fighter Wing, RAF Upper Heyford of the United Kingdom, flying swing-wing F-111s and representing the United States Air Forces, Europe. There were four Anglo-French Jaguar and two Buccaneer teams from the RAF. The 23rd, representing the Tactical Air Command, is located at England AFB, La. The 97-member team deployed to Scotland three weeks prior to the meet.

Originally the competition was to be held Oct. 5 and 6, but weather forced cancellation of the second day's events until Oct. 8, and even then all of the competing pilots had not completed their events. Today, those who had not finished took to the skies, including two of the Flying Tigers. Only eight points were needed by the 23rd to win and Gatliff and Sullivan scored 99.

There were two phases in the competition leading to the awards. On Oct. 5, the teams strafed a land-based target and bombed a target towed by a launch on the North Sea. From the strafing came the Top Gun award and the bombing scores counted toward the weapons trophy. In the second phase, teams were judged on timing and navigation, evasion of enemy aircraft, and bombing accuracy, as well as maintenance performance during weapons reloading and quick turnaround. This phase led to the team and leadership trophies and the two bombs dropped determined individual weapons winners.

During the quick turnaround, which took only 15 minutes, the weapons and maintenance people of the Flying Tigers and the 20th TFW teams recorded the only perfect score, which accounted for 100 of the team's points.

Out of a possible 976 points, the Flying Tigers received 886 points, compared to the second place finisher, the 41st Squadron, with 794.

FLOOD INSURANCE—CONGRESSIONAL APPROVAL

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. BROWN of Michigan. Mr. Speaker, Today I have introduced legislation which would require the Department of Housing and Urban Development to get congressional approval before it could scrap the current or any future Government-industry partnership in the flood insurance program, and convert to a to-

tally Federal program. Under normal circumstances, the present statutory language which includes a report and justification to Congress prior to a HUD takeover of the program would provide enough protection against inappropriate administrative action. But, it is clear, on the evidence of the past 2 months, that HUD is determined to ignore expressions of congressional intent as well as the clear language of the statute.

The problem between the Federal Insurance Administration at HUD and the National Flood Insurers Association (FNIA) stems from the Department's attempt to exercise ever-increasing control over a relationship that Congress intended as a partnership. One of the most recent controversies has been over the asserted right of the Secretary to issue regulations which would unilaterally and automatically alter the contract between the parties which serves to govern their relationship.

Congress specifically provided in 1968, when the program was established, that:

> The Secretary will enter into an agreement with any such pool and the agreement will form the basis of the relationship between the Government and industry.

It is this basic relationship that HUD now wishes to change. Clearly, in light of increased program activity and the resulting complications, a new contract is needed. However, no case has been made that a change in the Government-industry relationship is either needed or desirable, as far as program operations are concerned.

Under current law, before HUD can convert from a Government-industry partnership (Part A) to Federal operation of the program (Part B), the Secretary is required to make a determination that the flood insurance program "cannot be carried out" as a partnership, or would be "assisted materially" by the Federal takeover. Upon making a determination, the Secretary is required to report to Congress and state the reasons for the determination, supported by pertinent findings. To date, this has not been done. Interestingly enough, a HUD progress chart of September 13, classified "Administratively Confidential," lists the formal report to Congress to be "ready for Secretarial review" on September 15 and shows the report to be presented to Congress on October 5. Obviously, they have fallen behind that schedule.

Upon request of the chairman of the Subcommittee on Housing and Community Development, THOMAS L. ASHLEY, HUD testified on September 8 concerning this issue. At that time, the Department's witness was asked by the chairman, "You want to stay under part A if possible?" The response was "Yes, sir." (Part A is the Government-industry partnership.)

Unfortunately, the committee did not have a copy, at that time, of the HUD Inspector General's "Review of the Administration of the Flood Insurance Program—Summary," dated September 7, 1977, which the Department's witness referred to under questioning.

In that report the Inspector General stated:

> With the recent decision by the Department to implement Part B of the Flood Insurance Act, the bearing these areas have on the administration of the Flood Insurance Program has changed substantially.

(Part B is the Federal operation of the program.) Also, reports from the bidders conference, held on September 7 by HUD on the Request for Proposals to replace the NFIA, indicated that HUD would not give preference to a part A proposal vis-a-vis a part B proposal, all things being equal. This report is disturbing in light of HUD's response to the chairman.

With this sort of historical background, I feel it is necessary that there be congressional approval before a part B program can be implemented. From inception, through to this very day, Congress envisioned a risk-sharing, profit sharing arrangement between Government and the insurance industry, with the ultimate goal of having the private sector assume full responsibility for the program, with only a residual Federal involvement such as through reinsurance. This program design may well be destroyed if Congress does not act, or HUD does not alter its plans.

In this regard, I wish to thank Chairman ASHLEY for sending a strongly worded letter to HUD, advising the Department of the subcommittee's feelings on this matter. I cosigned that letter, and ask unanimous consent that it appear in the RECORD immediately following these remarks.

While I am pleased that HUD has reopened negotiations with NFIA, I am quite concerned by the fact that HUD, on October 5, entered into a $623,000 contract to provide for the transition from NFIA to a fiscal agent yet to be selected by HUD. In any case, I believe Congress should act on my bill as a safeguard against precipitous action by the executive branch, which is contrary to the clear intent of Congress.

SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, D.C., September 20, 1977.

Hon. PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MADAM SECRETARY: As you know, the Subcommittee on Housing and Community Development recently completed two days of hearings on the impasse that exists between the Department and the National Flood Insurers Association with regard to the renewal of the flood insurance program contract. We regret the fact that this dispute has reached the point that no further negotiations are ongoing. It seems clear to us that the legislative intent expressed in the National Flood Insurance Act is that a Part A relationship between the Department and a pool of private insurance companies is the preferred arrangement, with a government-operated Part B program available only if a working relationship with the private sector should prove impossible. This was recognized in the statements of HUD General Counsel Ruth Prokop and of the National Flood Insurers Association, as well as the numerous other witnesses that testified before the Subcommittee.

This dispute has been ongoing for almost 17 months and after these long negotiations the issues still have not been resolved. If, as Mrs. Prokop testified, the basic disagreements existed during the whole course of these negotiations, we are concerned that we were not advised earlier and on a regular basis as to the magnitude of these disagreements, particularly since the Department is now seriously considering going to a Part B program. If we had been so advised, perhaps we could have assisted in clarification of the issues involved.

We are extremely concerned with the Department's threat of going to a Part B program in which the Department would be administering directly the contracts of some 1.2 million insurance policies. The flood insurance program is burdensome enough without the Department running the day-to-day operations. Clearly a Part B program was intended only as a last resort and from the information available to us during the course of our hearings, we are not of the view that a case for abandoning a Part A program has been established. Furthermore, time will not permit the effective implementation of a Part B program before expiration of the NFIA contract this December. Therefore, unless we can be assured that the Department can put together an effective Part A program beginning on January 1, 1978, we would urge the Department to extend the contract for an additional 90–120 days to permit you to either resolve your differences with the National Flood Insurers Association or to come up with another workable Part A industry partnership arrangement.

Sincerely yours,

THOMAS LUDLOW ASHLEY,
Chairman.

GARRY BROWN,
Ranking Minority Member.

TWO TEXANS FIND SUCCESS

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. MILFORD. Mr. Speaker, too often in this Nation we tend to think of the "Great" American as being someone who heads a big corporation, someone frequently seen in starring roles, or someone from our national or State capital. Yet, the really great people are those leaders found in each community—the people that make things happen.

Community leaders may emerge in many forms. Some inherit wealth and keep family businesses going. Others follow the blueprint of the American Dream and work their way to the top.

Jim and Larry Coker are living examples to show that the American Dream can come true. As the article below will reveal, Jim and Larry started out in life as hourly workers in an assembly line plant.

I have been able to witness, first hand, the growth of Coker Aviation. Grand Prairie, Tex., is my home, Grand Prairie Airport is home base for my personal airplane, and Coker Aviation is the provider of hangarage and maintenance to support my flying habit. I have watched the two brothers as they struggled to progress from their two-man operation—out of the rear end of a pick-up truck—to the modest hangar and office facilities that house them today. The real secret of their success stems from the fact that, in the early days, they worked out of their pickup trucks. In their present times, they are continuing to work.

The Coker brothers—at least one of them—can be seen almost any hour of any working day at the Grand Prairie Airport. And every day is a working day on that airfield. Unlike most airports, which have the appearance of a combination junk yard and landing field, their operation has a clean-cut look that encourages good business and good flying. While either can handle any phase of their operation, Jim usually works in the office and gives flight instruction, while Larry runs the shop.

The Coker brothers leadership in Grand Prairie has turned a "loser" airport into a leadership enterprise. Whereas the city of Grand Prairie—owner of the airport—once had a red ink monster on their hands, the Coker brothers have turned things around and now employ 33 people as part-time or full-time workers.

More information about Jim and Larry Coker was publishe·· in the October 11, 1977, issue of Flight Line Times in an article that was written by Joseph Weisberg.

Mr. Speaker, I would like to include Mr. Weisberg's article in the RECORD:

TWO TEXANS FIND SUCCESS IN SMALL TOWN FBO

By Joseph Weisberg

They were at the right place (Grand Prairie, Tex.) at the right time (1968).

That's part of the success story for brothers Jim and Larry Coker. They backed into the fixed base operator business when very few airports had planes for rent or flight instruction available. Now they run an entire airport.

Back in 1968, the brothers were working as tool and die makers for Ling Temco Vought, west of Dallas. After work, they enjoyed flying their 1960 Tripacer based at Grand Prairie Airport.

When they were not flying the plane, friends borrowed it and paid for the flight time. Within months, the Cokers had an ever-increasing waiting list and had accumulated considerable rental fees. So they traded for a Cherokee 140. Soon, even more people wanted flight time, so they also bought a Cessna 150.

But the airport was suffering from a lack of finances and qualified personnel, and was in an administrative nose-dive. The Cokers first negotiated a lease and became part-time FBO's. Within a short time, they had five customers housing planes in their T-hangers, and had their own aircraft heavily booked for rental and instruction.

By 1972, the Cokers had accumulated sufficient cash and established a credit rating so that they could buy the entire airport operation. Since then, the brothers have been full-time FBO's and have established a record of accomplishments that is the goal (and envy) of many other firms in the business.

At present all their 40 T-hangars are rented out, and there are also 84 tie-downs outside. A large hangar houses twin-engine planes. Every conceivable service in maintenance, repair, engine overhaul and avionics is provided daily from 7 a.m. until 11 p.m. Jim Coker prefers to call it "dawn to dark aircraft servicing."

The 3,400 runway is sturdy enough for commercial aircraft to land. Unicom operates from dawn to dark and gasoline in grades 80 and 100 is available.

In recent years, the Cokers have been granted a Part 135 certificate for air freight runs, and they now use Cessna 402's on daily flights to Tulsa, Houston, San Antonio and Amarillo. There's also a banner-towing operation on the field.

They now have 15 aircraft in their fleet to handle any kind of instruction, rentals or charters. Their combined ground and flight school boasts nearly 40 students and four instructors.

In addition, Coker Aviation is a certified Cessna dealer and franchised ground school, and a dealer for Bellanca Citabrias and Scout agplanes.

The airport cafe, situated in the main office building, features truly delicious home-cooked platters. The dining area is large enough so that one can read, study or socialize without interfering with other diners. Leon Wood is the genial chef-owner. He opened the cafe in 1970.

The Experimental Aircraft Association is now building a hangar on the field, and the Cokers are active in the 120-member Dalworth Chapter of EAA. Their homebuilt plane project is a Starduster, now more than 50 per cent complete and scheduled for a maiden flight next spring.

The Cokers had previously worked and reared their families in Illinois and Missouri. As tool and die makers, they were employed by McDonnell Aircraft in St. Louis. The job opportunities at LTV, coupled with the warmer Texas climate that made for more good flying weather, provided the reasons for the move to Grand Prairie.

Larry, 36 years of age, and his wife Sandra have three daughters, Becky, Jamie and Lisa. Jim, 43 years young, and his wife Barbara nave two girls, Debby and Cathy, and a son, Kelly.

Future plans of Coker Aviation include lengthenin, the runway to 4,000 feet and providing 30 more tie-downs and 14 more T-hangars.

At the rate they are going, the Cokers will soon be among the largest "small town" FBO's in Texas!

EXCLUSIONARY RULE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. COLLINS of Texas. Mr. Speaker, a challenging article was written by U.S. Circuit Judge Malcolm R. Wilkey of the U.S. Court of Appeals. In the Wall Street Journal of October 7, he wrote a full statement on the "Exclusionary Rule" on evidence. Today our country is working diligently to reduce our crime pattern. Judge Wilkey's conclusion is that either the Supreme Court or Congress should abolish this Exclusionary Rule. I agree and believe we should take this progressive action right here in this session of Congress.

Judge Wilkey gave excellent examples and support for this need. For brevity, I am quoting only a few summary paragraphs from the Wall Street Journal. I believe this logic is sound:

WHY SUPPRESS VALID EVIDENCE

(By Malcolm Richard Wilkey)

Among nations of the civilized world we are unique in two respects: 1) We suffer the most extraordinary crime rate with firearms, 2) In criminal prosecutions, by a rule of evidence which exists in no other country, we exclude the most trustworthy and convincing evidence.

These two aberrations are not unconnected. In fact, the "exclusionary rule" has made unenforceable the gun control laws we have and will make ineffective any stricter controls which may be devised. Its fetters particularly paralyze police efforts to prevent, detect and punish street crimes involving not only weapons but narcotics.

What is this "exclusionary rule" that permits a professional criminal to swagger down the street with a handgun bulging in his hip pocket, immune to police search and seizure? It is not required by the Constitution. The Fourth Amendment only forbids "unreasonable searches and seizures." The exclusionary rule is a judge-made rule of evidence which bars "the use of evidence secured through an illegal search and seizure."

When it was adopted in 1941 it was applied only to evidence seized by federal agents and offered in federal courts. In 1960 it was broadened to bar in federal courts evidence originally seized by state police; over which the federal government had no control. Finally, the ban was extended in 1961 to evidence seized by state officials and offered in state courts.

The impact of the exclusionary rule is that the most valid, conclusive and factual evidence is excluded from the jury. This rule produces a distortion of the truth. Irrefutable facts of decisive importance are forever barred.

In exclusionary rules cases involving material evidence there is never any question of reliability. Reliability is in question, for example, with a coerced confession or a faulty lineup for identification. Exclusion of evidence is then proper because the evidence is inherently unreliable. But when a pistol or narcotics is found on a person the legality of the search cannot impair the truth of the physical evidence.

If the exclusionary rule had merit, surely at least one other country since 1914 would have followed our example. All have shunned it. The rule in all other countries—in England, Canada, Germany, Israel, for example—is that relevant evidence is admitted, whether obtained legally or illegally.

The exclusionary rule has been devastating to gun control laws. Unless a police officer has "probable cause" to make a reasonable search, nothing found during a search—no sawed-off shotgun, automatic pistol or submachine gun—can be introduced as evidence. Therefore, since it is virtually impossible to be convicted in the U.S. of carrying a weapon illegally, American criminals do carry guns and use them. Since police know they carry and use them, they engage in far more searches and seizures than in the countries mentioned above, and some of those searches and seizures are blatantly illegal.

There are proven workable alternatives to the exclusionary rule. Either the Supreme Court (which created it) or Congress can abolish it, and surely one or the other will do so.

MEDIA ADVERTISING EXPENDITURES OF FIVE MAJOR OIL COMPANIES: AN EXPENSIVE LOBBYING CAMPAIGN AGAINST CARGO EQUITY LEGISLATION—H.R. 1037

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. MURPHY of New York. Mr. Speaker, there has been an incredible campaign of opposition to the cargo equity legislation—legislation which is clearly necessary and clearly in the public interest. It is good legislation, well

drawn and designed to maintain an effective American merchant marine.

Opposition to the bill comes from two major areas: The big oil companies and the foreign-flag fleet lobbyists, both of whom would be directly affected in that their enormous profits and tax advantages would be slightly lessened. Since these opponents were unable to defeat the bill on its obvious merits, they have taken their high-powered, highly financed attack to the media to surround the legislation with misinformation, suspicion and controversy.

I want to show just how wrong they are.

I previously circulated to each Member of the House, and to all the media, a 26-page "dear colleague" letter which outlined most of the charges and the responses dealing with each. But the Congress does not have the advertising budget enjoyed by the oil companies and other lobbyists, which sometimes makes it difficult to be heard above the din of the massive propaganda campaign to misinform the public and the Congress.

Multinational oil companies oppose the legislation because without it, they can rely on cheap, unsafe tankers with equally cheap, poorly trained foreign crews, and avoid the payment of up to $140 million in U.S. taxes every year.

The cold truth of the matter is that we cannot afford to entrust the transportation of virtually all of our oil imports to foreign ships and foreign crews who could not care less about the national security or economic welfare of the United States.

We presently import over 50 percent of our oil needs, and 97 percent of that arrives in foreign-flag vessels over which we have no control. We cannot rely on those vessels in times of national emergency or, for that matter, at any time, a fact displayed by the 120-mile oil slick deposited when the *Argo Merchant* ran aground. May I also point out that Liberian President Tolbert, in disagreeing with our objectives during the Middle East war, simply ordered U.S. tankers flying the Liberian flag not to go to the Middle East.

Cargo equity legislation is supported by everyone from the President of the United States, the House Merchant Marine and Fisheries Committee, the Secretary of the Navy and the Maritime Administration, to the Veterans of Foreign Wars, the U.S. conference of mayors, the Navy League, the American Legion, and the NAACP. Such a broad base of support does not come to bad legislation.

I have attached a copy of the documentation of the multitude of dollars spent by the big oil lobbyists who have actively opposed the legislation. I recommend that each Member who wishes to know just where the newspapers—the molders of public opinion—derive their income from, study this carefully. We should be aware of the source of opposition to legislation:

STATEMENT OF MEDIA ADVERTISING EXPENDITURES OF THE FIVE MAJOR OIL COMPANIES WHO OWN 80 PERCENT OF THE FOREIGN-FLAG FLEET

For several years, the major oil companies have been spending great amounts on media advertising. Mobil, Exxon, and Shell have been among the Nation's top 100 advertisers, and Gulf and Texaco have also had large advertising budgets.

Advertising age, a national journal serving the advertising industry, publishes annually the advertising expenditures of the top 100, and these figures are very revealing. Over the past few years, Mobil has traditionally been the advertising leader among the oil companies. In 1975, it spent $35.9 million on advertising in all media; and in 1976, it maintained the pace, spending some $36.5 million. If its overall pace remained the same, Mobil's pace in newspaper advertising did not. In 1975, it spent $3.7 million on newspaper advertisements; in 1976, this figure dramatically jumped to $5.7 million.*

Exxon has been in second place and has been moving up fast. In 1974, it spent some $23.9 million on advertising in all media. In 1975, it increased its advertising expenditures substantially—to $30.2 million. This was an increase of approximately 20 percent. In 1976, it closed further on Mobil's lead—increasing its advertising expenditures by 6 percent to $32 million.

Shell has been third. In 1974, it spent approximately $18 million; and in 1975, almost the same—$18.5 million. But last year there was a significant increase—by 13 percent, to $21 million.

All this way seem normal if we think that the major oil companies are competing amongst themselves for a larger share of the domestic market for petroleum products. But the fact is that the major portion of these expenditures has not been for product advertising.

It has not been designed to sell gasoline or engine oil. The major portion has been spent for corporate advertising—advertising designed to improve the particular company's image, on environmentalism, and on economic and legislative issues of concern to the company.

In 1976, for example, Exxon devoted almost $21 million to corporate advertising. In that same year, it spent only about $800,000 on the advertising of gasoline products. Mobil, on its part, has devoted a very large share of its advertising budget to "idea" or "op-ed"-type advertisements.

One of the targets of oil company advertisements has been a bill that will soon be on the House floor—the bill to modernize the Outer Continental Shelf Lands Act of 1953 in order to promote the rapid, efficient, and environmentally safe development of offshore oil and natural gas. These major oil companies, including Gulf and Texaco, are also bitterly opposed to the Cargo Equity bill. Why? Because they themselves own large foreign-flag tanker fleets. In all, they have foreign-flag fleets totaling 416 (80 percent of the total) vessels with a deadweight tonnage of 44.9 million.

The advertising expenditures I have mentioned represent all media, and I have cited them to give an overall impression of the large amounts spent on corporate advertising by the major oil companies to achieve their ends. It is even more instructive to take a somewhat microscopic look. The Committee on Merchant Marine and Fisheries has obtained from a national organization that specializes in compiling statistical information on newspaper advertising expenditures, estimates of the amounts spent by all oil companies on advertising in two newspapers—the New York Times and the Washington Post. The period covered is the years 1974–1976 and the first eight months of 1977. Over this period, Mobil, Exxon, Gulf, Shell, and Texaco spent almost $6,000,000.00 in these two leading newspapers alone[1] and all this money was spent on corporate advertising—to sell the companies' point of view on environmental, economic, and legislative issues. Much of it was designed to influence the course of legislative events in Congress.

In all, the five major oil companies I have been talking about spent almost $4,000,000.00 on corporate advertising in the New York Times and $1,000,000 on corporate advertising in the Washington Post during this period. These are large revenues, and the newspapers are fully aware of this fact. Has it influenced their position in their editorials and in the way they write about legislation like the Cargo Equity bill? This is a large and serious question, and no one can answer it categorically.

There has been much criticism by the New York Times of the fact that members of the Committee on Merchant Marine and Fisheries, myself included, have received political contributions from persons identified with the maritime unions and shipping companies. The Times makes a simple mechanical connection—that the contributions have dictated our favorable position on the Cargo Equity bill. It disregards the fact that we have received contributions from others, such as representatives of the oil industry, who are opposed to the bill. If a contribution means a favorable vote, why have we not voted the position of these other contributors? And the Times refuses to recognize that these are some very strong arguments—economic arguments and arguments of national defense—in support of the bill.

In a matter like the Cargo Equity bill, where the issues are so complex, I think it is simplistic to make the kind of mechanical connection that the Times makes. But if it is logical for the Times to do so, as it claims, the logic works both ways. It suggests that the New York Times may also act out of its own economic interest—that the Times may be heavily influenced in its coverage of the Cargo Equity bill by the millions of dollars it received in advertising payments from the five major oil companies with large investment in foreign-flag tankers. If true, this is a very serious charge. It is a charge, of course, that no one can prove or disprove. But I think we are entitled to weigh what the Times, and the Washington Post say about the Cargo Equity bill in the light of their known economic interests—preserving the flow of advertising dollars from Mobil, Exxon, Gulf, Texaco, and Shell.

*Of this amount $925,373 or 16 percent of the total was spent in just two newspapers, the *New York Times* and the *Washington Post*.

[1] *Media Records* of New York.

LABOR-MANAGEMENT COOPERATION: A DEMONSTRATION

HON. STANLEY LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. LUNDINE. Mr. Speaker, on Tuesday, October 18, 1977, at 4 p.m. there will be a videotape showing in room 2222 of the Rayburn House Office Building featuring participants in labor-management cooperation and quality of working life projects across the Nation.

Labor management cooperation which focuses on improving the quality of working life and increasing the participation of workers in the decisionmaking process represents an exciting approach to economic development. This presenta-

tion offers an excellent opportunity for interested persons to learn by hearing directly from labor and management representatives.

As an example of the diversity and potential of such programs, I have attached a list of the participants in the 1977 Conference of the American Quality of Work Center which produced this videotape demonstration. Representatives of these industries and unions will be featured in the presentation:

MAY 1977 CONFERENCE PARTICIPANTS

1. American Store Equipment Company, United Brotherhood of Carpenters and Joiners of America, Muskegon, Michigan.

2. AMSCO, International Association of Machinists and Aerospace Workers, Jamestown, New York.

3. Dahlstrom Manufacturing Company, Inc., International Association of Machinists and Aerospace Workers, Jamestown, New York.

4. Eaton Corporation, United Auto Workers, Cleveland, Ohio.

5. Falconer Plate Glass Company, Ceramic Workers of America, Jamestown, New York.

6. Fisher-Body Division, General Motors Corp., United Auto Workers, Grand Rapids, Michigan.

7. Harman International, United Auto Workers, Bolivar, Tennessee.

8. H. J. Heinz, Amalgamated Meatcutters and Butcher Workers of America, Pittsburgh, Pennsylvania.

9. Minneapolis Star Tribune, Newspaper Guild of the Twin Cities, Minneapolis, Minnesota.

10. Mount Sinai Hospital, New York State Nurses Association, National Union of Hospital and Health Care Workers, Committee of Interns and Residents, New York, New York.

11. Nabisco, Inc., Bakery and Confectionary Workers International Union, International Brotherhood of Electrical Workers, Houston, Texas.

12. School District 281, Robbinsdale Area Schools, Robbinsdale Federation of Teachers, Minneapolis, Minnesota.

13. Rushton Mining Company, United Mine Workers, Philipsburg, Pennsylvania.

14. City of San Diego, American Federation of State, County, and Municipal Employees, San Diego, California.

15. City of Springfield, American Federation of State, County, and Municipal Employees, Springfield, Ohio.

16. Tennessee Valley Authority, TVA Engineers Association, Office of Professional Employees International Union, Chattanooga, Tennessee.

17. Weyerhaeuser Company, International Woodworkers of America, Springfield, Oregon.

IMPROVING HEALTH INSURANCE FOR THE FEDERAL EMPLOYEE AND RETIREE

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. HARRIS. Mr. Speaker, today I am introducing a bill to make health care more accessible to Federal employees and retirees. My bill would increase the Federal Government's contribution to the employee's and retiree's monthly insurance premium from the current 60 percent to 75 percent. This 25 percent increase, I believe, will make the cost of health care easier to bear for the Nation's 2.8 million Federal employees and 1 million retirees and will help make the U.S. Government, as employer, more competitive with private industry.

OVERHAUL OF PROGRAM NEEDED

The Federal health insurance program needs an overhaul. Health insurance is an important employment benefit attracting a job-seeker to a job. The Government's current 60 percent contribution to monthly health insurance costs, I believe, is sadly lagging behind the trend in private industry.

INDUSTRY WAY AHEAD IN PAYING FOR HEALTH CARE

In the United States, 68 percent of the insurance programs offered by private industry are fully financed by the employer. For example, IBM, American Airlines, and General Electric pay the total cost of health insurance for both employees and retirees. United Airlines pays the full cost for the employee, and under United's plan, the retiree over 65 pays only $3 a month. Similarly, at Time, Inc., the retiree pays only $1.25 per month. At Safeway Stores, Inc., a major grocery chain in the Washington, D.C. area, the worker contribution averages $10 a month.

EMPLOYEE, RETIREE PAY MORE THAN HALF

The Federal employee and retiree frequently pay more than half the monthly premium for their health insurance, even though "on paper" the Federal contribution is 60 percent. The way the program works, the Federal Government, as employer, contributes 60 percent of the average of the top six health insurance plans with the most participants. Thus, the Government's share of the cost is not a straight 60 percent of the cost of each plan, as most participants believe. Hopefully, by raising the employer's contribution to 75 percent the employee's contribution will be more equitable to that of his counterpart in private industry.

HEALTH CARE COST INCREASES MUST STOP

The cost of health care and health insurance has seen unprecedented jumps in recent years. Nationally, the medical care price index has almost doubled. In the Washington area, it has been going up 10 percent a year, since 1974.

The cost of health care in the Washington, D.C. area is particularly acute. In 1974 the medical care price index was 150.5 for the country, but 161.1 for the Washington area. In 1976, the same trend existed: 184.7 nationwide, 197.6 in Washington.

Since 1950, the cost of a day in the hospital has escalated astronomically—more than 1,000 percent, over eight times the rise in the consumer price index. Twelve years ago, the average hospital stay cost less than $300; today that figure is a whopping $1,300. This year, health care will cost an average of $700 for every man, woman and child in the country. Private health insurance premiums rose 15 to 20 percent last year. According to HEW, the average American must work more than 1 full month to pay for a year's health care. It takes 2 weeks' wages to cover average annual hospital costs along. For the retired person, living on a fixed income, health care costs are a big slice of the budget.

FEDERAL PROGRAM, COSTS UP TOO

The total health insurance premiums in the Federal health insurance program have skyrocketed in recent years. In 1970, the total monthly premium for the Blue Cross-Blue Shield high-option family plan was $38.33. In 1976, that figure was $93.45, a 144 percent jump. The employee who in 1974 paid $15.30 a month for Blue Cross health insurance is paying $21.52 in 1977, a 41 percent rise. Similiarly, under the Aetna high-option family plan, the monthly premium in 1970 was $44.94; in 1976 it was $83.33, a 34 percent increase.

THE NATION'S HEALTH: A NO. 1 PRIORITY

Rising health care costs—a doubling every 5 years—is a devastating trend that we must stop. Initiatives like President Carter's Hospital Cost Containment Act and national health insurance must be explored. Sooner or later we have to stop this "hidden tax" on health care. Adequate health care should not be a luxury in one of the most progressive nations of the world. It is a disgrace that 38 million have no surgical insurance. We cannot let the Nation's health take a back seat. I will work to see that the 95th Congress acts affirmatively and promptly to alleviate this very critical problem, a sore in the Nation's economy and cancer in the family budget.

SWISS CIVIL DEFENSE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. WHITEHURST. Mr. Speaker, I am pleased to bring to the attention of my colleagues an article by Richard F. Janssen which appeared in the Wall Street Journal today. It provides a remarkable insight into the civil defense program of the Swiss Government.

A handful of us in the House have tried to sound the alarm and make clear the need to make preparations in the event of a nuclear holocaust here in America. I am not suggesting that the United States adopt in toto the Swiss plan. What I do think is significant is the fact that one of the smallest nations in the world should devote such a large portion of its resources to counter a threat that it regards as very real. The Swiss obviously intend to survive a nuclear exchange, and they are clearly serious about the business of protecting themselves.

On the other hand, this year, the Congress appropriated approximately $90 million for our civil defense program, a sum so relatively insignificant that it is equally clear that we are not serious. The contrast between the Swiss effort and our own is truly striking, and I would urge my colleagues to pay it careful heed.

[From the Wall Street Journal, Oct. 17, 1977]

AN ALTERNATE WORLD, UNDERGROUND: SWISS CIVIL DEFENSE SETUP; PROTECTION FOR ALL MANDATED IN A $3 BILLION PROGRAM KEYED TO "A MODERN WAR"

(By Richard F. Janssen)

OSTERMUNDIGEN, Switzerland.—Outside this Bern suburb's newest public school, a mysterious ramp leads down to a pair of huge red doors, which open into a vast underground fortification—the headquarters for 130 rescue workers and their full equipment, ranging from uniforms and shovels to trailer-mounted fire engines.

Beyond is another set of red doors, opening into a shelter that can accommodate 150 persons. Adjacent, also underground, is a 276-bed hospital, complete from forceps to a nurses' quarters.

Switzerland, the most pacific of nations, is energetically digging in for the nuclear holocaust or lesser conflagration that might be triggered by more bellicose countries. This nation of 6.4 million persons is in the midst of a civil defense effort ranked as by far the most ambitious in the Western world.

If nuclear war broke out today, some 50 percent of the population would have places in "really modern, well-equipped shelters," and older shelters would accommodate another 25 percent, says Hans Mumenthaler, the crew cut, 49-year-old national director of civil defense.

SAFETY BY 2000

If the holocaust can be postponed until the year 2000, so much the better. The government is obliged by law to have facilities by that time to protect the entire population "against the effects of a modern war," Mr. Mumenthaler asserts. By that time, he says, the current shelter program, launched just after the 1962 Cuban missile crisis, will have been completed at a cost to the taxpayers of about $3 billion.

The drain on the individual goes beyond his tax bills. Generally, any time a home or apartment house is built or even remodeled, the owner must provide shelters up to exacting federal standards and pay half the cost himself (with various government bodies picking up the rest). The extra construction typically costs almost $3,000 for a family of four. Similar rules apply to such public buildings as factories, offices and hotels.

Nor is money the only burden on the public. Civil defense training is mandatory for some 420,000 Swiss men. This includes those aged 20 to 50 who are unfit for the universal military training done by other males. These civil defense aides do five days of training in their first year and two days each year thereafter at a network of 55 camps and nearly 1,900 local centers. The program also includes men who have done their military training and who then must do 10 years in civil defense.

DISSUADING OUTSIDERS

Is all of this undue alarmism? The Swiss don't think so. Partly, it is neutral Switzerland's way of offsetting its lack of defense alliances and nuclear deterrents. By showing potential enemies that the Swiss are deadly serious about defending their little country, the program should have "a dissuasive effect" on any aggressor, Mr. Mumenthaler explains.

The fighting in any conventional war would be "inside our own borders," he reasons, so the shelters also would reassure Swiss troops about the safety of their families. And even if Switzerland wasn't attacked, he says, "A cloud of fallout will not consider whether we are neutral." Officials point out that in World War II neutrality didn't spare Swiss from being slain on their own soil in apparently accidental air raids, warplane crashes and ground skirmishes.

The massive shelter-building programs reported to be underway in both the Soviet Union and China give the Swiss additional impetus for thinking their own program makes sense.

Not all are persuaded that it is necessary. There are critics and scoffers. "This country prepares for everything, including an attack from the man on the moon," says a banker laughingly. And a journalist, noting that this country is a favorite repository for foreign lands, jibes, "Who would bomb his own money?"

To protect the program from anti-military sentiment and budget cuts, it has been made part of the department of justice and police. Also, officials have convinced the parliament that having hospitals and other facilities underground could be helpful in natural disasters such as earthquakes and industrial catastrophes, too, such as any future accident at a nuclear power station or the factory explosion that spread poisonous chemicals last year in nearby Seveso, Italy.

Several Scandinavina countries also have ambitious civil defense programs, but the proportionate outlays are much greater here, notes Milan M. Bodi, secretary general of the Geneva-based International Civil Defense Organization.

The Swiss have ruled out the relatively cheap approach of mass evacuation, he explains, figuring they lack the space and might well lack the time, too. Moreover, the Swiss do make active use of their civil defense forces in peacetime, as in avalanches and doing auxiliary work at major fires.

The underground facilities at the heart of the Swiss program naturally are kept inconspicuous. Here in Ostermundigen, a passerby wouldn't suspect anything out of the ordinary about the wide green playing field adjoining the school. But the gray cement ramp at one edge leads to another world beneath: clean, quiet and snug, but strangedly chilling.

"We could stay for two weeks without any help from the outside," proudly says Arnold Haehlen, the suburb's gray-smocked chief civil defense engineer. Exemplifying the priorities, he is one of three full-time CD people on the town hall staff of only 20.

If outside power supplies failed, a generator would switch on, tapping 2,200 gallons of fuel oil. If radiation or poison gas clouds spread across the outside world, double airlock doors and an elaborately filtered ventilation system would keep the air pure below. Some 55,000 gallons of water would allow for such frills as dishwashing and showers. If the internal generator failed, pumps for toilet waste would be worked manually.

The hospital is the most elaborate feature, and perhaps the eeriest; in a labyrinth of wards, there are seemingly endless rows of double-decker beds, each with a thin olive drab mattress, neatly folded brown blanket with a red stripe, shiny aluminum chart holder and zipper bag for personal toilet articles—all empty, and waiting—reminiscent, somehow, of a well-kept military cemetery.

Each bunk is set in a cream-colored tubular metal frame, bolted down so that shock waves from, say, a second nuclear blast, wouldn't topple victims of a first one to the thick concrete floor. A special handcranked forklift truck can ease each mattress out of the frame, for moving a patient to the intensive-care unit or the operating room.

It, too, is ready for anything, with surgical masks and instruments at hand, and a third electrical system to keep the powerful light over the operating table going if both outside and central shelter power fails. Nearby are offices for two doctors, nurses' quarters (with distinctive plaid pillows), sterilizing equipment, stockpiles of bandages, medicines, oxygen and anesthetic gas cylinders, a pharmacy, kitchen, laundry, and a morgue.

The hospital, built along with the school two years ago, isn't a rarity. Many regular hospitals have been ordered to duplicate themselves below ground, and, to provide practical experience, some willing patients already have undergone operations underground. By the time the program is complete, the authorities intend to have 150,000 subterranean hospital beds—a staggering total nearly four times the 40,000 beds in conventional Swiss hospitals now.

Officials admit that that may sound like overkill, conceding also that the program helps the construction business and supports a mini-industry in specialized shelter accessories (in scattered stockpiles, there already is a gas mask for every man, woman and child). But they counter that modern wars are getting harder on civilians; while there was only one civilian death for each 20 soldiers killed in World War I, the ratio swung to 13 civilians for each soldier dead in Vietnam, they say, estimating a 100 to one ratio in a nuclear war.

For Swiss families living in newer (post-1962) homes, reminders of what could happen are no farther away than the basement. At number 7 Unterdorfstrasse (by coincidence, that translates into Under Village Street) here, the door to the storage area of the three-story garden apartment house resembles that to a Bank vault—it is gray iron filled with reinforced cement, a standard eight inches thick.

Behind the door, storage lockers for each of six families take up most of the space. They are made of standardized wood slats that could be fashioned into crude beds "within 24 hours," explains Gottfried Peter, a federal CD official. Typically, the shelter is equipped with three regular and three chemical toilets, two decontamination showers, double air-lock chambers, a valve to release blast pressure, a small emergency light, and chemical warfare electric air purifiers, which can be hand-cranked if necessary.

The ceiling is 14 inches thick, or twice normal basement standards. But in case a direct hit crumbles the building anyway, there is a cylindrical tunnel leading to an escape hatch in the lawn, just beyond the likely area of rubble. Officials don't insist that home shelters be stocked with food, although they recommend it, and local building inspectors assure that there is no skimping on the construction.

Despite this country's penchant for lean government, the program still is growing. full-time CD staff has more than doubled in the past five years to over 1,600, and plans are afoot for a corps of follow-up shelter inspectors, as well as for ending the shelter exemption for new houses in towns of under 1,000 people. When enough command posts and the like are built, officials would like to boost the ranks of volunteer women CD workers to 80,000 from the present 25,000, Mr. Mumenthaler adds.

Even so, authorities don't assume that people would simply be able to emerge into the same snug world they enjoy now. As part of their down-to-the-last-detail planning, they have provided each household with a hefty red handbook covering all eventualities, including how to get along with an occupying army while discreetly preparing for a guerrilla war against it. "We are a peaceful country, but we nevertheless have to realize we are not alone," says Mr. Mumenthaler.

EXTENDNG TERM OF U.S. REPRESENTATIVES

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. STEERS. Mr. Speaker, I have introduced today a joint resolution to

amend the Constitution of the United States to lengthen the term of Members of Congress to 4 years. I do this to counter the current tendency of members of this venerable body to spend too much time politicking when we should be legislating.

At present, a representative in Congress scarcely takes his seat in the House before he must once more take his case to his constituency.

Yet, our paramount purpose should be to work for our constituents, not merely to win votes from them.

The Founding Fathers who created the 2-year term believed that this would force Representatives to be fully accountable to their constituents. No doubt Members of the House are forced to be responsive, but can they also be effective?

Could those who devised the 2-year term ever have imagined legislation as complex as the energy bill this House recently considered? How often does important legislation die in one Congress because there was insufficient time to make a wise evaluation of the issues raised?

In the Federalist Papers, Madison contends that frequent elections are unquestionably the only means by which "dependence and sympathy" with constituents can be effectively secured. But his was an age prior to 20th century achievements in transportation and communications. At that time, the most remote districts in the farthest States of the Nation were days away—not hours, as is the case today; it was not a time when Congressmen could remain in constant communication with staffed field offices. Many of my constituents have voiced their belief that the 2-year interval between elections that Madison found proper in 1787 is just too short.

Madison himself described the sources of knowledge prerequisite to making wise decisions. "Some portion of knowledge may, no doubt, be acquired in a man's closet; but some of it can only be derived from the public sources of information; and all of it will be acquired to the best effect by practical attention to the subject during the period of actual service in the legislature." It is true that we cannot remain isolated from those whom we represent, and the proposed 4-year term will not isolate us from these people. We need only to isolate ourselves from unproductive activity; from empty promises, vague assurances, responding to constituents' criticisms with: "I was unable to accomplish this for you this term, but if you put me back for another one, I will do it then." Four-year terms would bring us closer to our electorate, not—as some would believe—farther from them. In 4 years they will be able to better judge their representatives and make a wiser selection at the polls. Madison said:

> Representatives need habitual recollection of their dependence on the people . . . (so that) they will be compelled to anticipate the moment when their power is to cease, when their exercise of it is to be reviewed, and when they must descend to the level from which they were raised; there forever to remain unless a faithful discharge of their trust shall have established their title to a renewal of it.

These are wise words, especially in light of the 4-year term proposal. Representatives would become more responsive to their constituents needs, rather than their passing moods.

Thus, I have joined several of my distinguished colleagues in attempting to extend Representatives terms to 4 years. Altogether there have been six resolutions introduced this Congress to lengthen the term and five in the 94th. Indeed, we have been debating this issue from the first Constitutional Convention.

For such a bill to pass, it must have the consent of the Senate. Obviously the Senate would oppose such legislation if they feared that it would allow Representatives to run for Senate seats in a year in which the Representative is not required to run for election. My bill takes this into account, and it provides that any Representative seeking election to the Senate must forfeit his seat in the House of Representatives (his term would expire on January 3 of the year following the Senate election).

My legislation also has a unique provision in the congressional elections would not coincide with Presidential elections. I think that this provision is important since it will insure that congressional candidates campaign on their own merits rather than their association with a Presidential candidate.

Mr. Jennifer argued at that first Convention that too-frequent elections rendered the people indifferent to them, and made the best men unwilling to serve in Congress for so short a period. Madison spoke to the same effect and argued that 3 years would be necessary in a government as extensive as ours (and this in 1787), for the members to acquire any knowledge of the various interests of the States. These words could not ring truer today, when we must deal with voter apathy, ineffectual leadership and government, a complicated governmental structure, and issues with so many ramifications.

In 1966, when President Johnson proposed reform similar to what I have introduced today, Gallup found that 61 percent of the American people were in favor of extending Representatives terms to 4 years. Since there has been support in this Congress and among the American people for such a proposal for some time, it warrants serious consideration and investigation.

COAL GASIFICATION

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. CARTER. Mr. Speaker, two gentleman visited me in my office this morning to discuss the development of their coal gasification system in South Africa.

Mr. Carl Noffke and Mr. Piet Gerber from the South African Embassy had the greatest enthusiasm about coal gasification which is being used in their country with great success. Actually, 8 percent of that country's oil needs are currently met by gasification of coal with predictions that by 1980 South Africa will make 40 percent of its motor fuel from its own coal at competitive prices.

In the past, South Africa's reliance on foreign sources of energy has spurred them to welcome the "second renaissance of coal."

As you know, for many years I in this great body have tried to get my colleagues to make haste on increasing the use of our abundant coal to meet our energy needs. In a time when we find that our oil and gas supplies are decreasing at a rapid pace and we have become so dependent on unstable foreign energy supplies it is imperative that we use more coal.

President Ford urged the American people to become energy independent and now, in the Carter administration, the call has again gone out to the people that we must take heed of the present situation and find alternative energy sources. The consequences of not doing so have been all too often enumerated but with too little results.

Coal, Mr. Speaker, is the greatest known energy resource that the United States possesses yet much of its sits idle in the Earth's depths. It is time to begin to consider a second renaissance of coal here in the United States. We must pay attention to more efficient and economical ways of processing and burning coal and coal gasification and liquefaction are just such processes.

Mr. Noffke and Mr. Gerber left with me a report on the state of their country's experience with coal gasification. It is a very fine report and I wish to insert it into the RECORD. The report will be in two parts. Part one follows.

OIL FROM COAL—AN ENERGY ALTERNATIVE

INTRODUCTION

The population of the Republic of South Africa constitutes only 6 percent of the total population of Africa. Its area constitutes only 4 percent of the total area of Africa.

Yet South Africa is the undisputed industrial giant on the continent of Africa. It accounts for 42 percent of Africa's industrial output, 25 percent of the total gross national product of Africa, 90 percent of total steel production, and 50 percent of all electricity generated. South Africa also consumes 68 percent of Africa's energy requirements.

With 80 percent of Africa's total known coal reserves, it should come as no surprise that South Africa is also a pioneer in the field of coal gasification.

As an alternative energy source, together with nuclear energy, coal gasification merits careful consideration. The U.S., largest energy user in the world, dependent upon outside sources for nearly 30 percent of total local energy consumption, cannot afford to neglect any alternative energy source. Imported oil costs the country about $3 billion monthly, while vast coal reserves lie nearly untapped within American soil.

Since 1955 South Africa has been producing gasoline and other oil products profitably from low grade coal. By 1980 the country will make 40 percent of its motor fuel from its own coal at competitive prices.

The United States of America is not only the world's largest energy user, but also the world's largest energy importer. America's monthly oil import bill is well in excess of $3 billion and foreign oil constitutes nearly 50 percent of total local consumption. It is clear that alternative energy sources will have to be considered as part of any energy program the U.S. adopts.

A plausible alternative is coal gasification. America possesses vast, relatively untapped coal reserves which could, together with nuclear energy, meet the ever increasing demand for energy.

The U.S. pays billions of dollars monthly for foreign oil and can only benefit by considering the coal gasification process as a source for future energy needs.

South Africa has been producing gasoline and other oil products profitably from low grade coal since 1955. By 1980 the country will make 40 percent of its motor fuel from its own coal at competitive prices.

SASOL—PART I

What is Sasol?

The popular answer to this question is that it is South Africa's oil-from-coal project. But Sasol is many other things as well. It is the main supplier of feedstocks to the nation's chemical industry. It also supplies pipeline gas to the densely populated and industrialized region of the southern Transvaal, whose most important resources are the water of the Vaal River and the coal along its banks. Sasol plays a major part in the country's hunt for oil and natural gas, and in stockpiling imported crude oil. It is also one of the most outstanding technical achievements in the world.

With no known oil reserves of her own, South Africa had always been interested in the possibility of producing oil from her relatively large deposits of coal. So when, in 1925, the research work of the German scientists, Frans Fischer and Heinz Tropsch, had shown conclusively that liquid fuels and chemicals could be produced when gas derived from coal was passed over a suitable catalyst, the economics of potential oil-from-coal processes began to receive dedicated attention in South Africa.

A White Paper on the subject was published in 1927, and when the Germans started to apply the Fischer-Tropsch process industrially in the early thirties, South Africa established a plant for the manufacture of motor spirit from an indigenous raw material, oil-shale. The oil-from-shale project was launched by the Anglo-Transvaal Consolidated Investment Company, called Anglovaal for short, which is a South African mining house. The plant produced small quantities of petrol until 1959, when the shale ran out.

But Anglovaal had also acquired the South African rights to the Fischer-Tropsch process with a view to applying it to the coal which occurred in association with the shale deposits. Progress on this project was interrupted by the outbreak of the second world war, however. In the meantime, and during the war, the Americans were developing an alternative application of the Fischer-Tropsch principles, and at the end of the war Anglovaal also came into the possession of the rights to this American recipe.

The company then officially expressed its desire to proceed with an oil-from-coal plant and applied to the Government for the necessary transport and fiscal structure which would make such an industry possible. This resulted in a license being issued to Anglovaal for the production of oil from coal, in terms of the Liquid Fuel and Oil Act of 1947.

But as a result of devaluation and the demands upon capital resources by the developing Free State gold fields, Anglovaal was forced to solicit financial assistance from the Government. After thorough investigation of the commercial viability of the proposed project, it was agreed that the rights to the coal deposits, land and processes should be taken over from Anglovaal and that a company, financed by the Government, should proceed with the plan.

Consequently, the South African Coal, Oil and Gas Corporation Ltd., better known as Sasol, was incorporated in 1950. It was decided that this company should be run as an ordinary commercial company and be subject to the same tax laws and the Companies Act, rather than be incorporated by an Act of Parliament.

With the erection in 1952 of the oil-from-coal plant at Sasolburg, just south of the Vaal River in the province of the Orange Free State, something new was added to the South African industrial scene. In size and complexity, and also in cost, it set fresh standards for a single project built from grass roots. The plant complex included several entirely new process units, such as the biggest oxygen plant and the largest coal gasification system the world had seen until then. The coal production of a complete new mine was required to feed this factory.

Sasol chose the Lurgi pressure gasification system instead of the old water gas generators used in the Fischer-Tropsch plants in Germany during the war. This unit, consisting of 13 huge steel vessels, or gasifiers, produces the gas from which hydrocarbons, such as petrol, are recovered. The gasification is achieved by burning the coal under pressure and in the presence of steam and oxygen. Apart from the synthesis gas, which is a mixture of hydrogen and carbon monoxide in specific proportions, various other products emerge from the gasifiers, such as ammonia and creosote.

The crude synthesis gas is then fed to a gas purification plant where unwanted components are removed. This unit is the prototype of a very successful gas purification system which has by now found application all over the world.

Sasol operates two different Fischer-Tropsch synthesis systems in parallel. Both were adopted from the pilot plant stage.

In one of them, the so-called Synthol process and of original American design, a powdered catalyst is swept along by the gas stream. Initially this unit refused to work as it should, but after a new catalyst had been developed, better operational procedures introduced and plant modifications effected, it proved to be the most effective process known for the production from coal of the lighter petroleum products such as liquefied petroleum gas, motor fuels, and chemicals like alcohol and acetone.

The other synthesis process is of German design and called the Arge process, from the word "Arbeitsgemeinschaft", meaning the consortium from which the design was bought. The two to three tubes per reactor of the pilot plant were multiplied to 2,000 at Sasol. In this process catalyst granules are packed into a fixed bed in the reactors, which produce mainly high boiling point materials, consisting of waxes, diesel oil and smaller amounts of petrol and chemicals.

The unique combination of the two processes yields virtually the full range of products normally derived from crude oil, in addition to a number of others usually manufactured in petrochemical plants. Furthermore, these processes provide the raw materials for the manufacture of nitrogenous fertilisers, synthetic rubber and plastic materials.

But, perhaps the most important Sasol product is the town it has spawned. Called Sasolburg, it has a population of 35,000. It is situated 80 kilometres south of Johannesburg and enjoys the healthy climate for which the country's highveld is renowned.

The most modern planning methods were employed in the development of the town. One of its finest features is its "green zones" in the residential areas, which serve as parks and playgrounds and are so laid out that children can walk along them to their schools.

In addition to the well appointed Sasol recreation club, with its associated sporting and cultural societies, the town's recreational amenities include a modern athletic stadium with a Tartan track, a heated Olympic standard swimming pool, cinemas, and a civic theatre. The nearby Vaal River is a fishing and an aquatic sports paradise.

The Sasol enterprise, which has acquired nicknames such as "the industrial whizz kid of South Africa" and "the queen of South African industries", was awarded the coveted business achievement award for 1975 by the Johannesburg paper, the Rand Daily Mail. Sasal also commemorated its 25th anniversary last year. Until then it had won no fewer than 48 national safety awards.

SECRETARY OF NAVY CONCEDES IGNORANCE ON CARGO PREFERENCE DECISION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. McCLOSKEY. Mr. Speaker, the recently published print of the hearings before the Subcommittee on Merchant Marine of the Merchant Marine and Fisheries Committee on H.R. 1037, the Cargo Preference bill (serial No. 95-11), contains an omission and distortion, which appears both deliberate and misleading.

H.R. 1037 was the subject of 8 days of hearings before the Merchant Marine Subcommittee during the months of March through August 1977.

It was not the subject of a hearing before the full committee on July 13, 1977, which was called to consider the impact of tanker construction on Navy shipbuilding needs.

The notice of the hearing, dated July 7, 1977, stated that the hearing was before the full committee and the subject of the hearing would be, "open oversight hearings on Navy shipbuilding needs." Committee Chairman MURPHY emphasized the subject matter of the hearings when he stated in his opening remarks:

> The Committee would like to know the precise impact additional tanker construction will have on Navy shipbuilding requirements, and whether the shipbuilding industry is adequate as a mobilization base.
>
> I have asked for this hearing in recognition of the importance of Naval construction to the shipbuilding and repair industry, and because national defense requirements must have top priority.

During this hearing, however, Secretary of the Navy W. Graham Claytor included in his prepared statement some comments on cargo preference, and answered a number of questions relating to cargo preference for which President Carter had announced his support 6 days earlier.

In Secretary Claytor's prepared statement he said several things which purported to attribute national security benefits to the bill. In his later answers on cross-examination, however, he conceded that he had played no part in the President's decision and that he knew nothing of any Defense Department consultation with the President. In the memorandum to the President from Secretary of the Treasury Blumenthal, the Secretary stated: "Defense—does not support H.R. 1037 on national security grounds." When the record of hearings

on H.R. 1037 was printed, Chairman MURPHY caused a copy of the Secretary's prepared remarks on H.R. 1037 at the shipbuilding oversight hearing to be included, but omitted the questions and answers by Secretary Claytor.

This seems both deliberate and misleading, since the answers by Secretary Claytor do a great deal to cast doubt on the validity of the facts and conclusions he offered to support H.R. 1037 in his prepared statement.

It likewise seems a violation of House custom and ethics to place testimony received in a hearing called for one purpose in the record of hearings on another bill, at least without a vote of the committee or upon a unanimous-consent request.

For the record, I attach hereto the text of Secretary Claytor's July 13 comments favoring H.R. 1037, and the questions asked by Mr. RUPPE, with the Secretary's answers, related to H.R. 1037, which Chairman MURPHY chose to omit from the hearing record on the bill.

Included in hearing record on H.R. 1037:

Clearly, an efficient, productive shipbuilding and repair industry in the United States is essential to our Navy and to the Nation's Defense. It follows, therefore, since all of the Navy's new construction and some 30 percent of our ship repair is being accomplished in private yards, that the health of commercial shipbuilding in this country is most important to us. Beside that, the requirement to maintain an adequate mobilization base both for ship construction and repair is a defense requirement mandated by the Merchant Marine Act of 1970. While the Commerce Department is charged in that act with overall responsibility for the adequacy, Navy work has been—and will continue to be—a major factor in maintaining that base.

A second area I would like to address concerns the value to our National Defense of having U.S. Flag ships transport American cargoes in preference to foreign vessels. Certainly, U.S. Flag ships, when owned and operated by U.S. citizens, are likely to be more responsive to national emergencies. However, current U.S. Flag tonnage, by itself, is inadequate to satisfy both defense and commercial needs in event of war or national emergency; any increase in U.S. Flag ships will obviously improve this situation. Even with increased U.S. Flag tonnage of tankers, we would have to continue to rely on our NATO allies and others to provide the reliable backup in merchant shipping on which we have depended during emergencies in the past. "In summary, the Administration plan to increase the percentage of petroleum imports carried by U.S. Flag tankers to 9½ percent over the next five years plainly would not overtax the U.S. shipbuilding industry; it would strengthen the nation's mobilization base; it is compatible with the Navy's own shipbuilding needs; and it contributes to our national defense needs.

Questions and answers excluded from hearing record:

Mr. RUPPE. Mr. Secretary, the Carter administration has called for an oil cargo preference program that would raise the percentage of oil imports brought into the United States in American bottoms to 9½ percent over 5 years. I am very curious how we really got to 9½ percent instead of 9 or 10.

Could you tell me how that number was derived, if you know it, and did the Navy have any part in developing that figure?

Secretary CLAYTOR. No. I assume that it is a judgment figure which was reached by the President, but I was not in on that and I cannot give you any information on that.

Mr. RUPPE. So it had nothing to do with national security?

Secretary CLAYTOR. I do not want to speculate on what it had to do with.

Mr. RUPPE. If it had national security implications or reasons behind it, I presume you would have—

Secretary CLAYTOR. Not necessarily. There may have been some national defense consultation with the Defense Department. I was personally not involved, and I do not feel I am in a position to provide any information on that.

If it was proper to include Secretary Clayton's statement in the RECORD on H.R. 1037 and use it to support cargo preference—and I submit it was not—then his responses should have been included as well. I believe that the inclusion of his statement and the use of it to support cargo preference on national security grounds without making it clear that the Secretary stated that "I was personally not involved, and I do not feel I am in a position to provide any information on that"—the national security implications—was misleading and a disservice to the members of the committee and the Members of the House of Representatives.

In conclusion, I believe the inclusion of Secretary Claytor's testimony in the RECORD on H.R. 1037 was wrong and the suppression of his answers to questions put to him by members of the committee was a violation of normal committee procedure.

LOCK AND DAM 26 VITAL TO ILLINOIS AGRICULTURE AND INDUSTRY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. McCLORY. Mr. Speaker, as a cosponsor of legislation authorizing the much needed construction of a new lock and dam 26 at Alton, Ill., I was more than pleased to join the majority of my colleagues in passing H.R. 8309, the Navigation Development Act on October 13, 1977.

The State of Illinois leads all States in our Union in the quantity of agricultural products sold in the export market. To maintain and expand these markets, the farmers in my district—and throughout the State of Illinois and the Midwest must have available efficient transportation by all modes. I believe H.R. 8309 will help meet those needs and, in the long run, contribute to our Nation's economic health.

Mr. Speaker, I was, however, disappointed in the 6 cents per gallon fuel tax imposed on the diesel fuel that drives the barges using the waterways. As I stated when I appeared before the Water Resources Subcommittee in favor of construction of a new facility at Alton, I preferred the imposition of a user's fee. Under such a provision, a larger part of the improvements would be paid by those using our navigable waterways—thus easing the burden on the taxpayer.

I remain hopeful that a more appropriate charge will be included in the final measure approved by the House and Senate.

WILMINGTON 10

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. EDWARDS of California. Mr. Speaker, from time to time I have brought to the attention of my colleagues articles in the press which deal with the fate of the Wilmington 10. These young people were arrested in connection with racial unrest in Wilmington, N.C., and accused of burning a white-owned grocery store. Convicted on a conspiracy charge, nine of the defendants—a black minister and eight black teenagers—were sentenced to a total of 282 years in prison. The current issue of Barrister, the publication of the Young Lawyers Division of the American Bar Association carriers a fine article which reviews the case of the Wilmington 10. I ask that my colleagues take a moment to read it:

HOW DUE PROCESS DIED IN WILMINGTON, N.C.

(By Stan Swofford)

(NOTE.—"I think the human rights policy of the United States is based on the fact that we are not ourselves perfect. Unlike many of the countries that we deal with, we do have due process, and, while in most instances that works toward the fulfillment of justice, in some instances the very due process of our system makes it difficult for us to get justice. For instance, the Wilmington 10, I think, are very innocent. And yet, they were tried and convicted." U.N. Ambassador Andrew Young, Caracas, Venezuela, August 13, 1977.)

Due process of law for the Wilmington 10 began in March of 1972 when the nine young black men, led by the Rev. Benjamin Chavis, Jr., and one white woman, an anti-poverty worker, were arrested by Wilmington, North Carolina, police on charges of unlawfully burning a grocery store and conspiring to shoot police and firemen. The processes leading to their arrests, convictions and lengthy prison terms, however, began a long time before.

Wilmington, a city of about 40,000 on the extreme southeastern North Carolina coast, was once a major port of entry for the slave trade. Consequently, during the Reconstruction years a rather solid black middle class emerged and became quite active commercially, intellectually and politically.

But in 1898, with the return of so-called "home rule" and whites-only politics in North Carolina, that sort of participation by blacks in the everyday affairs of society ended—and in Wilmington the end was particularly harsh and abrupt. Bands of white vigilantes set out to eradicate once and for all any semblance of black leadership. Black members of the board of aldermen were forced to resign at gunpoint. The offices of two black newspapers were wrecked and burned, and their owners and editors were ordered never to publish again. Black business and civic leaders were escorted out of town. Many of them never made it out of town. They were shot and dumped into the Cape Fear River. The black leadership of Wilmington was wiped out al-

most overnight. It was to remain nonexistent, or cowed to such a degree that it was almost totally ineffective, for the next 70 years.

By 1970, however, Wilmington was about to have a confrontation with the times, and the effects brought on by court-ordered change. There was still little or no leadership among the city's 10,000 or so blacks, but there was a great deal of rumbling and discontent among young black high school students.

The city's all-black high school had been closed as part of an attempt to comply with court desegregation rulings. Black students were transferred to the previously all-white high school and had become incensed over what they considered to be inequitable representation in the school administration and faculty; unfair representation in the student governmental organizations, clubs and athletic teams; and the school's failure to establish black history and cultural studies. Fights and scuffles between white and black students became frequent. Finally, in January of 1971, after school authorities refused a request to hold a memorial service to the late Rev. Martin Luther King Jr., blacks began a boycott of the school.

WHITES REACT WITH ANGER, FEAR, DISTRUST

At that time Gregory Congregational Church, a part of the United Church of Christ, was an all-black church except for its young white minister, the Rev. Eugene Templeton. The boycotting black students asked Templeton if they could use Gregory Congregational Church as their meeting place and as a place of an "alternative school." Templeton, after consulting with the church trustees, gave his permission. But he also went further.

Sensing the students' need for leadership, he requested the United Church of Christ to send someone trained in the methods of organization, someone the students would respect and follow. The church responded by sending Ben Chavis, a young fieldworker and troubleshooter for the Commission for Racial Justice, an arm of the United Church of Christ.

Although Chavis was only 24, he already was a veteran at organizing, participating in, leading and/or mediating black civil rights protest movements throughout North Carolina and Virginia. He was well known to both whites and blacks in North Carolina.

When Chavis arrived in Wilmington in January, 1971, tensions in the town were running high. Nevertheless, he began to organize the students, and he also began to organize and gain the trust of their parents.

Nevertheless, that statement and others, plus the marches and demonstrations, angered many people and inflamed some—including the Ku Klux Klan and a similar organization named Rights of White People.

By Thursday, February 4, the tension in Wilmington was at a breaking point. Shooting broke out that afternoon. Templeton, his wife Donna and others who were at or in the vicinity of Gregory Congregational Church during that first week of February have described the shooting publicly and under oath in court proceedings. "There seemed to be an unending convoy of white men in pickup trucks driving slowly by the church," Templeton said. "At first they only stared. Then they began shooting at the church and parsonage."

Some of the blacks in and around the church parsonage began to arm themselves. Chavis, himself, was armed with a handgun at one time. "We felt that we had to stay and protect the church," Templeton said. "Everyone was very much aware of what happened in 1898. We were literally under siege, getting shot at. We were on the phone constantly begging for police protection and a curfew. We got neither."

Present and former state officials have confirmed that Chavis was indeed pleading for police protection and a curfew. The Rev. Aaron Johnson, who was at that time a member of the North Carolina Good Neighbor Council, the agency charged with finding ways to end racial strife, was in Wilmington that week trying to halt the violence. "I never heard Chavis or any other member of the so-called Wilmington 10 plan to shoot anybody or burn down anything," Johnson declared recently. "All I know is that he was asking for a curfew and for the police to come into the area of the church. I relayed this message back to the mayor and the police chief. Why a curfew was not ordered until after a white man was killed, I'll never know."

A WEEKEND OF TERROR AND KILLING

On February 6, a Saturday, Mike's Grocery, which stood a few hundred feet from the church, was destroyed by a fire which began shortly after 9 p.m. During the height of the blaze Steve Mitchell, a black youth, was shot to death by a policeman. The officer was not charged in the slaying. He said Mitchell aimed a gun at him.

Early Sunday morning a white man, Harvey Cumber, was shot to death about a block from the church. He allegedly had driven his pickup around a barricade that had been erected to keep whites out of the area. Witnesses said he stopped, got out of his truck and then pointed a gun toward the church. A loaded revolver was found beside his body.

Within hours of the death of Cumber, martial law and a curfew were declared in the city of Wilmington. The violence ended immediately. The Templetons left Wilmington very soon after the end of the hostilities. "We continued to receive threats, and the police said they could do nothing for us," Mr. Templeton said. Chavis stayed on in Wilmington for several months.

In March of 1972, more than a year after the violence, Chavis and eight young blacks—Marvin Patrick, Connie Tindall, Jerry Jacobs, Willie Earl Vereen, James McKoy, Reginald Epps, Wayne Moore and Joe Wright—were arrested by Wilmington police and charged with the unlawful burning of Mike's Grocery and conspiracy to assault emergency personnel. The white woman, Ann Shephard, was charged with being an accessory before the fact of those crimes. Except for minor traffic offenses, not one of the group had a prior criminal record.

James (Jay) Stroud was the assistant New Hanover County District Attorney in 1972 and the man who prosecuted the Wilmington 10. James Ferguson of the respected civil rights law firm Chambers, Stein, Ferguson and Becton, was the chief defense attorney. He has remained so throughout the long appeals process.

Because of the extensive publicity the case had received, neighboring Pender County was selected as the trial site. The trial ended abruptly, however, in June, before the jury selection process had been completed. Ten blacks had been selected to hear the case when Stroud, complaining of stomach problems, sought and was granted a continuance.

PROBLEMS WITH WITNESSES HIGHLIGHT THE TRIAL

The Wilmington 10 trial began anew in September, 1972. The jury seated this time was composed of 10 whites and two blacks, a domestic servant and a janitor.

Stroud's key witness at the trial was 18-year-old Allen Hall, a huge young man who had a tested IQ of 78, a history of mental disorders, and a lengthy police record.

Hall had been picked up by Wilmington police more than a year earlier on an unrelated assault case. While undergoing questioning by the police, he confessed to burning Mike's Grocery. He also said Chavis and the other Wilmington 10 defendants assisted in the burning. He was Stroud's only alleged eyewitness. Hall had just been sentenced to 12 years in prison for his confessed participation in the store burning. About a month after the trial, Hall's sentence was changed to youthful offender status at Stroud's request.

Stroud had two witnesses at the 1972 trial who, to some degree, corroborated Hall's testimony. The first was Jerome Mitchell, a young black man who several months before the Wilmington 10 trial had been declared an outlaw by the state of North Carolina. Under North Carolina law at that time, an outlaw could be shot on sight by any citizen of the state. A few weeks before Mitchell finally agreed to testify for the state, Superior Court Judge Winifred T. Wells handed Mitchell a youthful offender sentence of one day to 30 years. He had been charged with a brutal murder and armed robbery, charges unrelated to the 1971 racial upheaval in Wilmington. Stroud told the jury that Mitchell had nothing to gain; he already had been sentenced to 30 years.

Stroud's third major witness was 13-year-old Eric Junious, a child who could have passed for eight years old, and who testified that he saw Chavis and the others leaving the church to firebomb Mike's Grocery.

Ferguson vigorously attacked the testimony of Hall, Mitchell and Junious. (At one point Hall lunged for Ferguson and had to be restrained by bailiffs.) Ferguson was particularly interested in whether Hall had been the recipient of any special favors from the state or had been promised anything. Hall testified that he had received no promises or favors. Ferguson also fought vigorously, but unsuccessfully, for the inclusion into evidence of a statement Hall had signed for an agent of the federal Bureau of Alcohol, Tobacco and Firearms. That statement differed in detail from the statement Hall had later given Stroud and which was accepted by the court. Ferguson also argued that photographs of the 10 defendants had been marked by the prosecution to enable the state's star witnesses to readily identify them.

Ferguson had no witnesses to offer at the trial. Up until almost the last moment he had been counting on the testimony of the Templetons and of Aaron Johnson, the state Good Neighbor Council trouble-shooter.

The Templetons were prepared to testify that Chavis was at their home when Mike's Grocery was burned and that they had never heard Chavis exhort others to commit violence. The Templetons, however, never made it to the trial. When they arrived in North Carolina from their new home in New Jersey they heard a rumor to the effect that they would be arrested if they showed up at the trial. "We are not proud of that," Templeton was to say five years later. "But we were terrified. We were told that police would be waiting for us at the airport and that it would be the Wilmington 12 instead of the Wilmington 10." The Templetons went back to New Jersey.

Johnson and another state Good Neighbor Council worker, Preston Hill, were subpoenaed by Ferguson to appear and testify at the trial. The subpoena called also for any records the council might have relating to the violent days in Wilmington. Neither Johnson nor Hill made it to the trial.

Five years later Johnson was to explain publicly for the first time that his superiors on the Good Neighbor Council had strong misgivings at the prospect of any council worker testifying at the trial, particularly on behalf of Ben Chavis. "We were very much aware that our funding came from the legislature," Johnson said. He added that he and Hill were on their way to the trial, prepared to testify that Chavis had tried to end the violence, not evacerbate it, when they heard over their car radio that the defense had

rested. Johnson said he turned the car around and headed back to Raleigh. Ferguson was unaware that his subpoena had finally caught up with Johnson and Hill.

Judge Martin sentenced the defendants to terms averaging more than 28 years. Chavis drew the stiffest sentence, a maximum of 34 years. Sheppard received the lightest sentence, 10 years. The combined sentences totaled 282 years. Total appeal bond was set at $400,000, an amount the United Church of Christ Commission for Racial Justice, which financed, and continues to finance, the defense of the Wilmington 10, quickly met.

Two years ago, after the U.S. Supreme Court refused, without comment, to review the convictions, the Wilmington 10 surrendered to authorities and went to prison.

About the time the Wilmington 10 defendants were preparing themselves for prison, the star witness against them, Allen Hall, was getting out. He was released in June of 1975. A year and a half later, Hall was back in prison, his parole revoked. Hall's activities and statements preceding that parole revocation were of tremendous importance to the Wilmington 10.

PROSECUTION'S WITNESSES RECANT, CONFESS TO PERJURY

On September 24, 1976 Hall stated publicly that he lied under oath during the trial of the Wilmington 10, and that he was coached and coerced into lying by Stroud and the Wilmington police. Hall also said publicly, and in sworn affidavits, that his testimony against Chavis concerning explosives and "Molotov cocktails" was coached by ATF agent Bill Walden. He said his entire testimony was a lie. Hall said his conscience had bothered him so much since the trial that he had been "unable to live with myself as a black man."

Ferguson immediately sought to include Hall's recantation and admission of perjury in his petition for a writ of habeas corpus, which had been pending, and is still pending, in U.S. District Court in Raleigh. The motion to amend the petition was denied by U.S. Magistrate Logan Howell. Howell ruled that the state should have the opportunity to hear the matter first.

Four months after Hall's public recantation another major witness against the 10 defendants, young Eric Junious, signed a statement declaring that he lied at the trial. Junious said he lied because Stroud promised him a minibike and a job.

These statements by Hall and Junious prompted U.S. Attorney General Griffin Bell to order a Justice Department investigation to determine whether the civil rights of the Wilmington 10 had been violated. A federal grand jury convened in Raleigh in March to hear testimony from Hall, Junious, Mitchell and Stroud. Mitchell at that time became the third and final major witness against the 10 to recant his trial testimony. He told the jurors that Stroud had promised him he would be released from prison within a few months if he testified for the state. Mitchell also testified that he was not in the vicinity of Gregory Congregational Church or Mike's Grocery the night of the fire. Both Mitchell and Hall testified that Stroud coached them extensively in exactly what and what not to say on the stand.

Stroud denied emphatically that he arranged any deal with Hall and Mitchell in exchange for their testimony. He admitted, however, that he and a Wilmington detective bought Junious a minibike. He said he did this because he liked Junious and felt sorry for him. The grand jury, which was essentially investigative in nature according to a Justice Department attorney, returned no indictments.

When Hall, Mitchell and Junious testified before the grand jury, they did so as prisoners of the state. Hall's parole had been revoked upon his conviction in February of breaking into an unoccupied residence. Hall told police that he broke into the house because members of the Klan were chasing him.

Mitchell's parole was revoked only a few weeks after his release in late 1976. He was convicted of attempting to pass a counterfeit bill. Junious was serving a sentence for larceny.

DESPITE RECANTATIONS RETRIAL PETITION DENIED

Two months after their federal grand jury testimony, Hall, Mitchell and Junious testified before a post-conviction hearing for the Wilmington 10 at the same courthouse in Pender County that the 10 were convicted in five years before. The hearing, before Supreme Court Judge George Fountain, took almost two weeks to complete. Representatives of the North Carolina attorney general's office vigorously opposed the new trial request. Assistant State Attorney General Richard League had previously acknowledged that the state would not prosecute the 10 again if Judge Fountain granted a new trial. The state would have no case, he said. All of the important prosecution witnesses had recanted their testimonies.

At the hearing, Hall, Mitchell and Junious again testified that they lied for the state during the 1972 trial. Both the Templetons, their fear of arrest diminished after five years, testified that Chavis was at their home when Mike's Grocery burned. They recreated for Judge Fountain the three nights of siege under fire at the parsonage.

It was established at the hearing that the leader of a faction of the Klan in North Carolina visited the beach cottage in which deputies were keeping Mitchell and Hall during the 1972 trial. It also was established that in June of 1972, just before Stroud was granted a continuance until September, Hall was becoming very upset and unpredictable because of his worrying about a girlfriend 300 miles away. Hall was Stroud's only major witness at that time. Mitchell had not yet agreed to testify. Stroud admitted at the hearing that to ease his star witness' mind, he sent two detectives on a 600-mile round trip after the young woman. The officers returned with her the day after Stroud requested a continuance because of illness.

It was also established that long after the convictions of the Wilmington 10, Stroud continued to visit with Hall and Mitchell in prison, and to give them small amounts of money. Stroud testified he did this because as a prosecuting attorney, he always takes an interest in his major witnesses for the state. He said he considered Hall "a friend."

At the end of the long hearing, Judge Fountain ruled immediately from the bench that the constitutional rights of the Wilmington 10 had not been violated and that no new "credible" evidence had been presented in their favor. In his written order filed weeks later, he rejected completely every issue raised by the Wilmington 10 defense. Ferguson immediately gave notice of appeal.

A few weeks after Judge Fountain's adverse decision, Ferguson formally petitioned North Carolina Governor James Hunt for pardons of innocence for the Wilmington 10. Attorney General Griffin Bell, at the request of 60 members of Congress, has urged Hunt to seriously consider the pardon request.

Hunt has made no formal decision on the pardon petition and probably will not until after November 8, the date of a statewide referendum to determine whether the Governor can succeed himself in office. Hunt has stated publicly, however, that he is instinctively opposed to intervening in any case until all avenues of appeal, all routes of "due process," have been exhausted.

AIRBAGS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. RINALDO. Mr. Speaker, last week, we witnessed the last in a series of stalling tactics and parliamentary maneuvers aimed at forcing all Americans to buy passive restraints—better known as airbags—in their cars by 1982.

Under House rules, any legislation reported out of committee can be held up for 3 days by any Member wishing to file views on the proposal. So last Wednesday, when the Interstate and Foreign Commerce Committee had scheduled debate on a resolution to disapprove the mandatory airbag ruling, proponents said flatly that, if the resolution got out of committee, they would take up the full 3 days, making it impossible for the House to vote before the October 14 deadline. This tactic made committee consideration meaningless and effectively killed the resolution.

In my judgment, this is not the way to handle such an important issue. The serious questions raised about airbags necessitated a vote by the full House. Supporters of the DOT decision, however, used every trick in the book to keep this issued bottled up in committee. Unfortunately, they were successful.

As a member of the Consumer Protection Subcommittee which initially considered this question, I participated in hearings which clearly demonstrated that the hard facts are not there on which to base mandatory installation of air bags. I coauthored minority views which outline in detail my reasons for objecting to the Adams' ruling.

I would like to insert these remarks in the RECORD for the benefit of my colleagues and with the hope that, through concerted congressional action, we can eventually overrule this hasty decision.

These views follow:

MINORITY VIEWS ON AIR BAGS

On September 21, 1977, the Subcommittee on Consumer Protection and Finance reported to the full Committee on Interstate and Foreign Commerce H. Con. Res. 273 with a recommendation that it not be approved. This concurrent resolution provides that the passive restraint standard (commonly referred to as the air bag standard) transmitted to Congress on June 30, 1977, be disapproved. We disagree with the recommendation of the Subcommittee that the Resolution not be approved.

On December 6, 1976, Secretary of Transportation, William T. Coleman, issued a decision concerning motor vehicle occupant crash protection. In that decision, the Secretary called for a nationwide demonstration program to obtain more experience with air cushion restraint systems, to familiarize the American people with the benefits of air cushions, and to foster the continued development of passive restraint technology. The Secretary proposed to carry out this demonstration program by entering into agreements with automobile manufacturers to produce and sell, over a two-year period, 500,000 passenger cars equipped with an air cushion restraint system on a nationwide basis. The Department of Transportation later entered into agreements with Ford, General Motors,

Mercedes-Benz, and Volkswagen of America to carry out the objectives of this demonstration program.

However, on June 30, 1977, Secretary of Transportation, Brock Adams, rejected the Coleman approach and mandated a new occupant restraint standard which requires that front seat passive restraints be phased in all new cars between the 1982 and 1984 model years. We feel constrained to oppose that decision and to assist in such efforts as are necessary to assure that the standard is disapproved by the full House. We will here attempt to detail various factors and considerations which we believe clearly indicate that the decision of Secretary Adams is both premature and unwise as a national policy decision.

DATA SUFFICIENCY

The National Highway Traffic Safety Administration began gathering data on air bag experiences in the real world traffic environment in early 1973 with 831, 1972 Mercurys, and 1,000, 1973 Chevrolets. These air bag equipped vehicles were used in the manufacturers' test fleets. To these were added 75, 1975 Volvos, and 10,000 Buicks, Cadillacs, and Oldsmobiles between model years 1974 and 1976. The General Motors fleet of 10,000 vehicles is unique in that it is the only group of air bag-equipped cars which were sold to the public. Together, these vehicles make up the total of 12,000 vehicles from which NHTSA has derived its assessment of air bag performance in the field. As of September 1, 1977, these vehicles had travelled in excess of 480 million miles, 390 of which are attributable to the GM fleet. It is generally agreed that real world data is the soundest indicator of a safety device's performance. As Dr. Lawrence Goldmuntz testified before the Subcommittee, "we have come to the conclusion that there is a variety of data sources and that most reliable by far is real world data." However, out of 12,000 vehicles which have travelled over 480 million miles there have been only 165 air bag crash deployments.

In her letter dated July 21, 1977, responding to a request for comments from Honorable John E. Moss, Ms. Joan Claybrook, NHTSA Administrator, stated that "[a]lthough this field experience provides valuable information as to the practicability and reliability of air bags, all knowledgeable parties agree the fatality data are insufficient to permit drawing statistically supportable conclusions." In its "Summary of Air Bag Experience 1973–1977", dated May 31, 1977, NHTSA admitted it was true that "there are simply not enough cars in the field to permit statistically significant estimates of their effectiveness." The need for more data is obvious. This need is reinforced by the fact that there have been 15 non-crash deployments as of September 1, three of which occurred on the road. As noted by DOT in its discussion of considerations underlying the standard which accompanied the proposed FMVSS 208, "[t]he frequency of inadvertent deployment is . . . of special concern." They state that "[t]here is little question, however, that inadvertent actuation could cause loss of control by some segments (aged, inexperienced, distracted) of the driving population, and it must be viewed as a small but real cost of air bag protection." While DOT argues that the causes of the inadvertent deployments are known and can be eliminated, they continue to occur. The need for further design improvements to eliminate this occurrence is obvious, particularly since DOT estimates 7,000 on-the-road inadvertent actuations annually, or one for every 15,000 vehicles.

EFFECTIVENESS

The DOT has estimated that approximately 9,000 lives could be saved each year if all cars are equipped with air bags. This estimate is based on the use of assumptions, adjustments, and effectiveness factors, all of which have become critical in light of the very limited real world data. Other groups, such as GM, Economics and Science Planning, Inc., and the Cornell Aeronautical Laboratory have reached differing conclusions on the air bag's effectiveness. Even the DOT reached the paradoxical conclusion (Docket 74–12, Notice 10) that the air bag is more effectiveness in all modes of impact (front, side, rollover, rear) than it is in frontal impacts, the crash mode for which the air bag system was designed.

GM took issue with the DOT effectiveness estimates, because they are based on not only data from laboratory tests but also the subjective judgment of evaluators who have direct knowledge of how the value of their estimates will affect the overall outcome. The potential for bias is great. GM used a "matching case" technique with a case selection procedure which substantially reduced the chance for bias and found that the DOT estimates for air bag effectiveness appear to be significantly overstated. GM asked DOT to commission an independent group to review the basic data and analyses of both the DOT and GM in order to determine the validity of each.

In an independent study conducted by the Cornell Aeronautical Laboratory, a non-profit research organization, automobiles were crashed in offset front end collisions in a manner that simulated real world auto accidents. These tests, which used dummies and cadavers in the driver and passenger seat positions, were designed to determine the effectiveness of air bags as compared to seatbelts for drivers and right front seat passengers.

In all of the tests, with both dummies and cadavers seated as drivers and passengers, the seatbelt restraint systems did a better job in protecting the test subjects than did the air bag. None of the four occupants wearing seatbelts sustained gravitational forces above the standard for fatality. But three of the four air bag cases showed fatal forces. To our knowledge, DOT has never issued a substantive comment or analysis regarding these tests.

A discussion of air bag effectiveness should include some discussion of seatbelts and their relative merits in light of the availability and economy. Seat belts are present in over 90% of the cars on our highways today. A set of 5 seatbelts (2 lap/shoulder harnesses in the front seat and 3 lap belts in the back seat) costs $85 on the average in a new car today. In the testimony before the Subcommittee, all parties, including the DOT, agreed that a seatbelt usage rate of between 50% to 65% (usage percentage vary somewhat) would result in comparable, if not greater, protection for auto occupants. While air bags only provide protection in frontal and angular frontal collisions, seatbelts provide protection in these collisions as well as in rollovers and side and rear collisions. All of these factors constitute a solid argument for the seatbelt which, if combined with substantial effort to promote greater usage, could save more lives than the air bag.

SODIUM AZIDE

Sodium azide is currently being used by all of the major air bag suppliers as the solid propellant for inflation of the air bag. Each air bag is equipped with a canister containing approximately 1¼ pounds of sodium azide. This compound has been found to be a potent mutagen in a wide variety of organisms by two Washington State University geneticists, Professors Nilan and Kleinhofs. This finding has been confirmed by Dr. Bruce Ames, Chairman of the Genetics Department at the University of California a Berkeley. No genetic tests have been made on humans or human cell cultures but the likelihood of its being mutagenic in humans is high in view of the compound's mutagenicity in a relatively wide variety of organisms. The possibility also exists that sodium azide is a carcinogen since most mutagens are carcinogens. The carcinogenicity tests have not been extensive, however; and this aspect requires additional testing.

The Toxic Substances Control Act, which was approved by this Committee and by the Congress in 1976, not only granted authority to EPA to restrict or prohibit the production and sale of chemical substances for which there were insufficient data regarding their toxicity, but also encouraged the Administrator take actions promptly to keep such substances out of commerce. Now, another government agency, the Department of Transportation, has mandated an automobile safety standard which it knows will result in widespread use of a known mutagen and possible carcinogen, sodium azide. The agency has not mandated the use of this substance, but it is fully aware that the substance will be used extensively as a propellant for the air bag and has taken no action to restrict its use. This substance may well be banned by EPA at a later time for this particular use on the ground that it presents an unreasonable risk to our environment and to the health of our citizens.

Before the Federal Government mandates an action which it knows will result in an increased use of a known mutagen, it should engage in an extensive effort to clarify the risk and the long-term effects of this substance, determine if adequate and effective alternatives are available, and obtain proper assurances that alternative substances will be available in amount necessary to meet the large demand of the automobile manufacturers. We have seen no evidence that the agency undertook such an analysis prior to its issuance of the regulation, nor have we seen such an effort since the regulation has been issued, even though strong and numerous concerns have been expressed regarding the use of sodium azide.

This is one more area in which we firmly believe more data and information is needed before we reach a final decision concerning air bags.

COST TO CONSUMERS

While we are concerned about the effectiveness of air bags as projected from the limited data presently available, we are also concerned about unnecessary costs to consumers for a device which may prove to be a disappointment from a safety standpoint. Cost estimates for the air bag system vary substantially. Although NHTSA estimates the installation cost at $112 and the replacement cost at 325, their estimates are the lowest. (Ford Motor Company in its petition dated August 4, 1977, to DOT for reconsideration of the air bag standard indicated that DOT has in its possession supplier data which shows that the cost of air bag components alone exceeds the $112 DOT estimate.) Estimates from the auto manufacturers range from $193 to $250 for installation and from $300 to $600 for replacement. These estimates should be viewed as additional costs to consumers who have been paying for lap and shoulder belts in all cars manufactured since 1968 and who will continue to pay for 5 lap belts on the average (2 in the front seat and 3 in the back seat) under the mandate.

NHTSA's argument that air bag costs will be offset by savings which will be realized by car owners of the 1980's from the fuel economy standards announced by Secretary Adams in June, 1977, must be countered with the fact that the air bag system will add a minimum of 38 pounds to the car which will increase, by DOT's calculation, the annual consumption of fuel by automobiles by 0.71 percent (about 521 million gallons annually).

CONCLUSIONS

There is little question that the data and experience regarding air bags are totally in-

sufficient to make a meaningful evaluation of their effectiveness. As we mentiond earlier, the data base used by DOT is so sparce that its conclusions from the data indicate that air bags offered a greater degree of protection in those types of crashes in which the air bag was not designed to deploy (non-frontal crashes) than it did in those types of crashes in which the air bag was designed to offer protection to automobile occupants (frontal crashes). These conclusions alone should indicate that the data used by DOT to evaluate the effectiveness of the air bag is totally incomplete and inadequate.

However, despite the fact that its conclusions are completely inconsistent, DOT chose to ignore General Motors' extensive evaluation of basically the same data using different methodologies in which serious questions were raised as to the air bag's effectiveness. Not only did DOT take the incredible action of dismissing the GM study, without substantive comment, on the grounds that "General Motors is a vastly interested party in these proceedings", but it also rejected GM's request to have independent and disinterested experts review the basic data and analyses of both DOT and GM in order to determine the validity of both. In addition, the potentially serious questions raised by the Corell Aeronuatical Laboratory regarding the safety and effectiveness of air bags have not been addressed by DOT in any substantive manner.

While we do not take the position that the studies conducted by General Motors and Cornell provide the correct analysis regarding the effectiveness of air bags, we do firmly believe that these studies taken in conjunction with the abvious inconsistencies in the DOT study make it abundantly clear that much more data and experience are needed before the Federal Government mandates the use of air bags.

The testimony before the Consumer Protection and Finance Subcommittee from both proponents and opponents of the passive restraint standard makes it clear that if seatbelts were used more extensively by the public they would provide comparable, if not greater, protection than air bags. Also, the very critical fact that air bags would not be available in our overall automobile population for at least 14 years, while seatbelts are now contined in over 90% of the care now on the road should not be overlooked.

We should certainly not, as a matter of national policy, mandate the substitution of a proven restraint system for one that may well prove to be less effective once sufficient data and experience is available. The lack of wisdom of the DOT decision becomes even more apparent when taking into account the fact that the implementation of this standard will cost the American public in excess of $2 billion a year and place into our environment large quantities of a known mutagen which will be distributed geographically throughout all regions of our country. In addition, such an action may well have the adverse effect of casting public suspicion on the effective belt system and thereby discourage its use.

If the air bag proves to be ineffective or if the toxic chemical sodium axide proves to present a substantial risk to our citizens, it will be years before we can fully correct the situation.

We sincerey believe that the wiser and more sensible approach would be to expeditiously reinstate the Coleman decision and enact such legislation with such funding as may be necessary to carry out extensive, intense, and comprehensive programs to educate the American public as to the value of seatbelts and strongly encourage their use. Unfortunately, a program of the magniture necessary to accomplish this objective has never been undertaken by the Federal Government and is well overdue.

The decision of DOT to mandate the use of air bags in our automobiles is clearly premature, and we ask the support of our colleagues in our efforts to disapprove this action.

BING CROSBY

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. BEARD of Rhode Island. Mr. Speaker, millions of words have been written all over the world in tribute to Bing Crosby who died last week. I think it is natural to remember Bing as the singer, the Academy Award winner, as an actor, and as a powerful force in the world of both amateur and professional sports. However, I do not think enough has been said of Bing Crosby as a devoted family man, a devoted member of his church, and a quiet benefactor for an unknown number of deserving charities. That was Bing Crosby's style—unassuming, shunning the glare of show business publicity, sharing his good fortune without bugles or banners.

Although he was a national figure for 40 years, Bing Crosby was a bit special to Rhode Island. We well remember his relaxed style of life and his warm friendship during the months he spent in Newport making a film and his many visits in later years when his sons were attending one of Rhode Island's finest schools, the Portsmouth Priory.

The voice of Bing is not stilled—his records will live on forever. I commend to my colleagues the personality and the spirit of Bing Crosby of whom Frank Sinatra said:

> Bing leaves a gaping hole in our music and in the lives of everybody who loved him. And that's just about everybody.

RAPID TRANSIT—IT CAN BE ECONOMICALLY SOUND—PATCO GENERAL MANAGER ROBERT B. JOHNSON ADDRESSES THE ISSUES

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. EDGAR. Mr. Speaker, rapid rail transit has been under attack in recent months by a variety of Government officials and transportation experts. I would like to bring to the attention of my colleagues a success story in this area which points out that good planning and good management can avoid some of the horror stories which have made rapid rail transit less attractive than alternative commuter modes. The following speech by PATCO Manager Robert B. Johnson was delivered 2 years ago in Detroit. In detailing the experience he has had with the very successful Lindenwold line, Mr. Johnson points out that rapid transit can work:

RAPID TRANSIT—IT CAN BE ECONOMICALLY SOUND

When the Delaware River Port Authority began operation of its Lindenwold-Philadelphia Rapid Transit Line in January 1969, there were dire predictions of trouble ahead. Within three years after operations began, Port Authority Transit Corporation was in trouble and those troubles have continued to grow ever since. We don't have enough cars to carry all the people who want to use our service. We don't have enough fare collection equipment to adequately and efficiently process the crowds of riders who surge upon us every workday morning and evening. We don't have enough parking capacity to receive and store the cars of those commuters who drive to our train stations, then voluntarily get out of their private automobiles and continue their ride on public mass transportation.

In an age when all other public mass transit agencies were piling up huge operating losses annually, where services were being abandoned or drastically curtailed, in a business which for the past two decades had each year been able to serve only a diminishing portion of an expanding potential market demand, how could this apparent paradox happen? The answer is, because we planned, built and operate it to be successful—it is economically sound.

Unfortunately, the successful achievements of the Lindenwold-Philadelphia Rapid Transit Line have been the exception rather than the rule for a major portion of public works projects today, and particularly so in respect to new rail rapid transit projects recently completed or under construction in major American cities. The enormous capital costs of the BART facilities on the west coast have, so far, not produced a system which is reliable for its users and economic in its operation. The WMATA system in Washington, D.C., was originally expected to require $2.5 billion to construct and now is estimated to require $4.5 billion. The MARTA system in Atlanta was expected to require a capital investment of $1.3 billion when the electorate gave its endorsement to the project and is now estimated to cost $2.1 billion and construction isn't really underway yet.

These seemingly uncontrollable capital costs, coupled with the growing demand for direct operating subsidies of virtually all forms of public mass transit, have led The Secretary of the U.S. Department of Transportation to issue a policy statement declaring that fixed guideway transit systems can be regarded as appropriate only in high-density metropolitan areas of approximately two million persons or more. If the Secretary's expressed policy is adhered to, then millions of our citizens throughout the nation will be sentenced to forever endure the choking congestion that is strangling the vitality and life from our cities.

I do not fault the Secretary's conclusion if based upon the evidence accumulated from these other areas. I do fault the managers of the planning, design and construction, and the operations of systems which have virtually preordained the extravagant waste of our precious public resources on unworkable schemes and unmanageable systems. This existent situation need not be. The Lindenwold Line is existing proof that modern rail rapid transit can be constructed and operated economically.

The Lindenwold Line is the first, and to this date only, rapid transit project to be conceived, designed, and constructed from the ground up with one foremost objective in mind—to win the patronage of the potential passenger and to accomplish it within the economic resources of its Authority. To achieve this objective, the designers adopted the best of known technology within the urban transportation field. Of course, new concepts and ideas were examined—but they were adopted only when examination proved they would actually improve reliability and efficiency for both passengers and operator. Concepts were not adopted just for the sake of being new (I happen to subscribe to the philosophy that a good design is modern

even if old in years if it is the most efficient way to perform the desired function: Wheels have been made round for hundreds of years—why change them?) Automation technologies were adopted only after careful examination proved they would enhance reliability and efficiency.

Our trains are operated by a one-man crew, regardless of the length of train. We recognized from the beginning that it would always be necessary for a train operator to be aboard every train. In the event of the unusual, or if a train becomes disabled for anyone of a dozen or more causes, someone must be present and in charge. You cannot leave a group of 800 or more persons entrapped in a stalled train listening to a recording saying "don't worry, don't worry, don't worry—". And so the designers were told there will be a train operator on every train, the train operator must be capable of operating the train in a manual mode without degradation of train performance, and the train operator must be an integral part of the Automation process. On PATCO, the train operator sets up the control console to notify the ATO system that the train consist is 1-car, or 6-cars, or any length in between; the operator opens and closes the doors; the operator determines how long a train should remain in a station; the operator initiates train acceleration; the operator, by depressing a station by-pass button, can cause the train to pass through a station without stopping. And just to be sure the PATCO train operators remain in a high state of readiness to perform their functions, each operator is required to make one of his off-peak round-trip runs each day in a fully manual control mode.

By assigning these functions to the train operator the capital cost of automation is reduced to but a fraction of the cost of master centralized computer automation systems. And by reducing the complexity of its systems, PATCO's automation systems have proven to be highly reliable, and are capable of being maintained at reasonable costs.

PATCO trains are designed to facilitate rapid changes in train-consist without any intervening moves to a marshalling or storage yard. There is an operating cab in each car and some cars (single units) have a cab at each end. Fully automatic couplers, controlled from the adjacent operating cab, make up the mechanical, electrical and air connections between cars. When a 6-car train on the PATCO system completes its morning rush-hour runs, it may be separated into three 2-car trains and each dispatched successively without any movements into or out of the yard and without any assistance from anyone other than the train operator. Frequently, within two minutes after a 6-car train arrives at Lindenwold at the end of the morning rush-hour, two cars from that train will be enroute back to Philadelphia.

PATCO operates the most successful automated rapid transit service in North America. I firmly believe in automation whenever the automation will result in a safe, more reliable and more economical operation than can be achieved by manual operation. But, I do not subscribe to the idea of automation just for the sake of automation. For example: PATCO trains normally operate under Automatic Train Operation (we call it ATO). The starting signal for a train departing a terminal point is automatically given by means of a punched-tape dispatching machine at the terminal point. The train operator presses a button to close the doors, then presses a second button to initiate acceleration of the train. The on-board ATO system automatically accelerates the train at the maximum programmed rate until it reaches the allowable speed in that particular track section. The ATO system regulates the train speed to within 2 miles per hour of the authorized speed, and causes the train to accelerate or decelerate whenever the corresponding change in speed is dictated by right-of-way conditions. As the front of the train passes over a point 1900 feet before the center of the next station platform, the train receives a station stop command. The ATO speed-distance regulator causes the train to decelerate at the optimum rate and to stop at the station with the center of the train at the center of the station platform. Then, the operator presses a button to open the doors. After the passengers have disembarked and/or boarded the train, the operator presses the button to close the doors and the process is repeated. PATCO relies upon the on-site, personal observation of the train operator to determine the appropriate dwell time at each station.

Not to be overlooked as a significant factor in achieving economy of operation is PATCO's novel fare collection system. The function of any fare collection system is to collect money from the users pocket and to deposit it in the bank for use in paying for the service. PATCO uses a self-service, automatic fare collection system, utilizing magnetically encoded tickets. Passenger stations are normally un-attended but are under closed circuit TV surveillance to protect against fare evasion and assure passenger security. Passengers buy a single or two-ride ticket from automatic vending machines or 10-ride tickets by mail or from the newsstands located in each station. The ticket is inserted into the Automatic turnstile upon entry, where it is electronically read, one ride is subtracted from its value, the ticket is re-encoded so that it must next be used for "exit", and the turnstile is unlocked to allow the passenger to enter into the "paid" area; this process requires approximately 0.6 of a second. Upon reaching the destination station the passenger inserts the ticket into the turnstile in the exit direction where it is electronically read to verify that the ticket was valid for the trip just completed. If the ticket is valid the turnstile is unlocked for exit and the ticket captured if zero rides remain, or returned to the passenger if valid rides yet remain on the ticket. Tickets are always captured in the exit turnstile upon completion of the last ride.

Automatic Fare Collection is a sound and valid concept. For one thing, it reduces the potential of fare evasion since the automatic electronic equipment doesn't have any friends; for example, it was reported by the Illinois Central Gulf Railroad that when it installed automatic fare collection on its commuter service that its revenues increased substantially without any apparent change in the number of passengers. However, the most significant benefit is the potential reduction in operating cost available to the operator. PATCO's fare collection costs are the lowest in the industry. In 1974 PATCO's cost of collecting money from its passengers' pockets and depositing the money in the bank, including all servicing, maintenance, processing material and administrative costs, and all closed circuit TV operation and maintenance cost, totalled 8.6% of revenue. This is to be compared with an industry average of roughly 25% and in some cases as much as 50% of revenue. By taking advantage of the full potential of automatic fare collection in utilizing unattended stations, PATCO saves approximately $1 million annually in direct labor cost.

In my opinion the planners, designers, and engineers of most of the other new rapid transit systems have lost sight of the real objective of the passenger. People use a mass transit system to get from a point of origin to a point of destination, and they want to do it quickly, reliably, comfortably and economically. The vehicle is nothing more than a people-box. The designers' job is to create a system which will enable that people-box to traverse the transit corridor rapidly and reliably, day after day after day. The passenger doesn't care—has no interest in knowing—whether the train is controlled by a master centralized computer, or localized control—whether it is powered by AC or DC motors or by little squirrels running around cages—whether it operates on standard gauge rails or extra wide rails—whether those rails are supported on timber cross ties or concrete cross ties. The passenger does care about being able to board his people-box every day at a pre-established time, riding in a clean and comfortable environment, arriving at his destination without being ruffled either physically or emotionally, completing the trip as quickly as possible, and accomplishing it all at a fare which he considers to be reasonable.

It is absolutely essential in urban mass transit systems that the facilities be designed to create within them an attractive and pleasant social environment, and that it will be economically possible to maintain that environment. The importance of cleanliness cannot be over-emphasized. The designers of some new systems have created marvelously beautiful stations. Yet, their stations are monsters to keep clean, lighted and maintained. It is little credit to the designer if what he creates cannot be economically maintained. Stations need not be palatial museums, but they must be attractive, functional, well illuminated, easily cleaned and economical to operate. This objective can be achieved without extravagant expenditure; the average cost of each of the six new stations on the PATCO system when built in 1968 was $600,000.

DESIGN CONCEPTS

Let's turn our attention more specifically to the planning, design, construction and operation of the Lindenwold Line. The basic starting point was recognition that the facility to be built would have to offer a level and quality of service so attractive to the potential user that he would voluntarily choose to use mass transit in his daily travel. The factors which influence choice of travel mode are (in their descending order of importance) speed, convenience, comfort, cost.

Speed is the most important factor of all. PATCO facilities were designed to reduce the overall travel time from the suburbs to downtown by 50%. This required that the transit line yield an overall average speed, including station stop times, of 40 miles per hour and maximum operating speed between stations of 75 miles per hour. The portions of route utilizing subway in Philadelphia and Camden, as well as the approaches to the Benjamin Franklin Bridge over the Delaware River have short radius curves where speed must be limited to 15 mph. All of the new portions of route where the line emerges from the Camden subway is designed with a maximum safe operating speed in excess of 100 mph.

Convenience is the next most important factor. Convenience means easy access to the transit facilities. It means availability of service when you want to travel. It means never having to wait long intervals for the next train if you just missed one. It means being able to count on service any time of day or night, 365 days a year. It means being able to depend on getting to your destination on time.

For the convenience of its passengers, PATCO provides nearly 10,000 automobile parking spaces distributed amongst its six suburban stations. There are kiss-n-ride facilities for those who are driven to the stations by their wives or sweethearts. There are feeder-bus docks for those utilizing buses of the local transit system, and of apartment, business and commercial developers. There is a platform at Lindenwold where passengers disembark from railroad trains arriving from Atlantic City, Ocean

City and Cape May. There are bicycle racks at each suburban station for those choosing this mode of getting to and from the stations.

For the convenience of its users, PATCO operates 24 hours a day, 7 days a week and 365 days a year. On a normal weekday we operate 331 one-way revenue train trips per day. From 5:45 a.m. until 12:00 midnight, the longest interval between successive trains is 10 minutes, in fact from 6:45 a.m. until 11:00 p.m., it's 7½ minutes. During the morning rush-hour this headway is closer to 3 minutes, and during the evening rush-hour to 2 minutes. From 12:00 midnight until 1:30 a.m., there's a train every 30 minutes, then once an hour until 5:00 a.m. This is dependable service: in 1974 we again operated better than 98.16% of our trips "on time".

An example of the special convenience which PATCO provides for its passengers is the transportation to and from the Academy of Music, home of the famous Philadelphia Orchestra. The music hall is located at Broad and Locust Street, just one short block from our 15th and Locust Station. We have an arrangement with the management of the music hall to alert PATCO fifteen minutes before the final curtain. Five minutes after the final curtain falls we have a 2 or 4-car train ready to go at the 15th & Locust Station. And within 15–20 minutes after the final curtain, our riders are climbing into their automobiles at our suburban parking lots in their hometowns, while people who drove to the Academy are still waiting for their cars to be extracted from downtown parking garages.

Obviously for PATCO to be able to provide such a high level of service and convenience it was necessary to incorporate automation and its efficiencies into the overall design. Trains are automatically dispatched at the terminals at the beginning of each run. Each train is operated by a single crewman, regardless of the length of train. The trains are capable of being operated at full performance levels in both manual and automatic modes, assuring dependable service to the user. Automatic Train Control always assures safe maximum train speed and safe train separation between successive trains. The automatic signal system sets up routes and signals in advance of each train. Automatic change-making machines and ticket vendors supply passengers with magnetically encoded tickets in unattended passenger stations. Automatic Fare Control gates control passenger entry and exit to and from stations, subtracting one ride from each ticket in the process, and swallowing the ticket upon exit when the last ride has been consumed. Automatic equipment sorts the previously used tickets into ticket types and zones, and re-encodes the tickets for subsequent re-stocking in the automatic ticket vendors. Cars are automatically washed as they pass thru the car washer twice a week. Automatic supervisory-control systems monitor and control electric power and signal protective systems.

For the comfort of its users and neighbors the trains are designed to be quiet in operation, well illuminated inside and fully air conditioned with automatic temperature and humidity control. Car seats are well padded and upholstered and contoured to fit the human body rather than the car body. Seats are provided for 80 passengers per car. Two 50-inch wide bi-parting doors on each side of the cars permit quick loading and unloading of passengers and enable PATCO to maintain an average station dwell time of only 12 seconds per stop.

Cost of the PATCO service was priced to be competitive with or lower than the apparent out-of-pocket cost of driving, when considering fuel, parking and tolls, and with competing modes of mass transit. A 5-zone fare structure, ranging from a minimum of 35 cents to a maximum of 75 cents, results in a cost to the rider which is somewhat proportional to the length of ride. A significant percentage of the parking spaces in PATCO stations are free; a charge of 25 to 50 cents is made for the remaining spaces.

OPERATING ORGANIZATION

Our Board of Commissioners recognized that a properly motivated operating organization is just as important to the success of the transit venture as is the design of the facilities themselves. To achieve this objective, the Authority established its wholly owned subsidiary, the Port Authority Transit Corporation. Key personnel were selected to head up the various departments and other supporting functions. Detailed procedures were established prescribing how train service was to be operated and how the equipment and facilities were to be maintained. Special care was taken in developing these procedures to make full use of the advanced technical capabilities of the equipment and facilities being provided, and not to be encumbered with traditional but grossly inefficient practices, policies and work rules of the past. I believe the fact that there are no restrictive jobs descriptions existent in the whole PATCO organization has contributed significantly to making the individual PATCO employee one of the most (if not the most) productive workers in the mass transit industry. PATCO operates, today, with a small highly motivated work force of only 272 employees, which includes everyone from the janitor to the general manager. These employees are exceptionally capable and imaginative people who have learned to think and to anticipate where and when problems may develop and to take appropriate action.

OPERATING RESULTS

PATCO opened its doors to service on the New Jersey portion of the Line on January 4, 1969, and on into Philadelphia on February 15, 1969, almost 3 years to the day after the first shovel of dirt had signaled the start of construction. Prior to the start of construction, the number of riders using the railroad commuter service which had formerly utilized the new PATCO right-of-way had dwindled to approximately 1200 riders a day from a former high of about 3,000. And now the moment of truth had arrived—"The Delaware River Port Authority had gambled $94 million to build the Line; would the commuting public buy the service?"

The answer wasn't long in coming. On Monday, February 17, 1969, 14,850 riders paid their fares to ride on PATCO—and the ridership has continued to grow ever since. PATCO is now carrying approximately 42,000 fare paying riders per average workday.

Examination of the record of 6½ years of operation dramatically demonstrates the validity of the concepts under which the Lindenwold Line was conceived, planned, constructed and operated. At the end of 3 years we had reached the break-even point in paying our operating and maintenance costs from the fare box. In 1972, 1973 and 1974 we paid all direct operating and maintenance costs from revenue fares and had a small net earning which we paid over to our corporate parent, the Delaware River Port Authority, to aid in debt service. In all candor, I must acknowledge that we expect to accumulate a direct operating deficit in 1975 of approximately $600,000. The reasons for this deficit are that ridership growth is being stunted by the over-crowding of trains and saturated parking lots, and that we are still operating on schedules of fares established in April 1972 even though subsequent to the establishment of these fares our labor costs have risen by 46 percent, cost of consumable materials other than energy have risen 51 percent and the cost of electrical energy to propel the trains has risen 90 percent. If fares were permitted to rise in parallel with general inflation, PATCO would still be covering all operating and maintenance costs from the fare box. Interestingly, when PATCO raised its fares in 1972, and when it increased its parking rate in 1975, there was no drop in patronage.

Today, on one route, PATCO is carrying approximately 30% of all daily commuter work trips from South Jersey into center-city Philadelphia. And, even though PATCO has spurred a major boom in residential and commercial real estate development throughout the corridor it serves, it has also served to materially reduce traffic congestion on parallel major arterial highways. For instance, the average rush-hour speed of automobile traffic on White Horse Pike (parallels PATCO Line) increased by 30% between 1960 and 1970, primarily as a result of the startup of PATCO service.

An analysis of a survey of PATCO riders reveals that approximately 90% use the automobile to travel to and from the PATCO stations, 50% of these are kiss-n-ride passengers, and 40% are park-n-ride passengers. The same survey revealed that before PATCO 40% of our riders made their full trip by auto and 13% didn't make the trip at all. Thus 53% of PATCO patrons were brand new users of public transportation. Mass transit ridership in the corridor served by PATCO has more than doubled in the six years of PATCO operations, as compared with riders carried in buses before the start of PATCO service.

WHAT HAS BEEN LEARNED?

There are five major conclusions or lessons to be drawn from the PATCO experience.

First, and most importantly, it has been proven that attractive, modern, demand-responsive rail rapid transit trains working in coordination with the existing, highly developed, demand-responsive "Personal Rapid Transit", namely the private automobile, form a natural marriage to produce the best possible transportation system. The motoring public will voluntarily choose to transfer to a public transport mode, if the combined service provided is superior. For the specific purpose of commuting, or going downtown for other purposes, the PATCO service in coordination with the automobile is superior to driving for many people. 42,000 daily riders on PATCO trains and more than 9000 automobiles which daily crowd into the PATCO parking lots all serve to testify that PATCO has provided the proverbial "better mousetrap" and people are beating a path to our stations.

Second, good quality transit service can reduce air and noise pollution, and conserve energy. Electric trains draw power from electric utility stations where primary energy is converted to electrical energy under conditions which can be controlled to emit little or no air pollution. And with proper planning, design and maintenance, a high speed train traveling at 75 miles per hour and carrying from 600 to 800 persons emits less noise than does one diesel bus or truck traveling at 40 miles per hour, and consumes far less energy than alternative highway-oriented modes.

Third, high quality mass transit service can materially reduce traffic congestion. Even though there has been no new highway construction in the corridor, and despite major residential and commercial development throughout the area, there has been a 30% increase in the rush-hour travel speed by automobiles along the major highways paralleling the Lindenwold Line. This is a very significant benefit to those persons whose particular circumstances do not lend themselves to using public mass transit.

Fourth, existing and proven technology is fully capable of providing the kind of re-

liable, safe and socially desirable rapid transit service which will induce automobile drivers to become transit riders. There is little to be gained and much to be lost in delaying the implementation of meaningful rapid transit projects in our urban and metropolitan centers, on the vague hope that some mystical exotic new technology will evolve by some undetermined future date, and magically solve our problems. The technology is available, off-the-shelf, here and now, ready and able to do the job. To await "costly perfection is pointless if it means that reasonable transport can only be achieved in time for the next generation."

Fifth, rail rapid transit, when properly conceived, planned, constructed and efficiently managed, need not incur the huge and horrendous deficits which are common today. In planning and designing new transit systems, or in improving existing systems, we must utilize automation techniques wisely and skillfully, and resist the temptation to automate just for the sake of automation. It makes no sense to automate a process unless it can be proven that the automation will result in a safe, more reliable and more economical operation than can be achieved by manual operation. And for every automated process you must provide full capability of manual operation in order to be able to cope with all unusual and emergency situations which will come up. Operating organizations must be freed of the fetters of obsolete rules and labor practices, and of unnecessary regulations by various governmental agencies. The fact that PATCO is self-regulating in matters of safety and service standards thrusts an additional and welcomed burden of responsibility upon the PATCO management.

The principles which I have outlined have enabled PATCO to achieve the highest level of productivity of any mass transit agency in America.

On the Lindenwold Line, that is the way we conceived it, the way we planned and designed it, the way we built and operate it. And it works!

PRIEST WITH PANAMA BACKGROUND SPEAKS OUT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. SIMON. Mr. Speaker, the Chicago Daily News, the other day, carried an article by Ray DeLong about a sermon preached by Father John P. Enright, who spent 13 years as a parish priest in Panama.

Father Enright is correct in his assertions that the principle issue here is colonialism.

I am inserting the article into the RECORD at this point, and I hope my colleagues in the House and Senate will read this brief article:

CANAL PACT CAN RIGHT A WRONG

(By Ray DeLong)

"I preached Sunday on the gospel of Lazarus, the poor man who sat at the rich man's door, begging crumbs," said the Rev. John P. Enright. "It was a natural."

It was about the Panama Canal treaty.

To Father Enright, 50, the analogy and the subject came easily. He spent 13 years as a mission parish priest nine miles from the Panama Canal Zone before coming to Epiphany Roman Catholic Church, 2524 S. Keeler.

From 1964 to 1976, Father Enright served a working-class community of Panamanians in San Miguelito, a suburb of Panama City. From his unique position as an American viewing the American presence from Panamanian turf, he describes the U.S. role there as "radically colonial."

Colonialism has strong racist overtones, and the priest emphasized that "color still comes to bear in the Zone. The image that is cultivated in the United States and what we would hope to be presenting abroad is shockingly absent in the colonial mentality in the Zone."

Most of the Panamanians who work in the Zone live in Panama. But those living in the Zone are strictly segregated in their own living areas.

The second-class status produces a conflict for the ordinary worker, said Father Enright. While the Panamanians don't like that kind of treatment, they like the money. Workers in the Zone receive the American minimum wage of $2.30. If the same person worked in Panama, he would get about 60 cents an hour.

The existence of the Zone is the dominant force in the small Latin American nation. "There is an overwhelming presence of might and strength," the priest said. He makes fun of those who say that in approving the treaty the United States would be turning over the canal to a military dictatorship.

Even now, "the governor of the Zone is an American Army general," Father Enright said. The 14 American military bases dotted up and down the canal are "the thing that's really in the craw of the Panamanian university students" who are protesting the Panamanian government's signature on the treaty. The new treaty lets the United States keep the bases until 1999.

And that's not the only way the Americans embellish their supremacy with brass. There's also the School of the Americas.

This innocuous-sounding institution in the Zone is run by the American military as a teaching center—not to raise the education level of poverty-stricken Panamanians, but to pass on techniques of political and military science to the military elite throughout Latin America, he said.

One of the products of the school is Omar Torrijos, the general who took over in Panama in a 1968 coup.

The Chicago priest said that when he went to Panama in 1964, the Guardia Nacional, which has been roundly criticized in the United States for trampling on Panamanians' rights, was able to keep order simply with nightsticks. But from the time Torrijos came in, their sticks have become machineguns and the "national guard" is now also an air force and a navy. "The United States has gone into the arms sales business there." Father Enright said.

According to the priest, it's another kind of commerce—a missing kind—that rankles many Panamanians: the commerce that goes through the big ditch itself and has always accrued to United States' interests.

"The canal is their one national resource," Father Enright said. Panama should be a commercial center, he believes, because of the canal.

Now that he's back in Chicago, Father Enright's parish is another Spanish-speaking one, but this time his parishioners are from Mexico, not Panama. And when he delivered the homily on the treaty last Sunday, he spoke in Spanish to a sympathetic audience.

His summarized his thoughts on the treaty ratification fight now under way: "We seem to find it very hard to do justice to our friends. This treaty gives us an opportunity to right a wrong."

CIVIL AVIATION REGULATORY REFORM ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. CRANE. Mr. Speaker, on April 29, 1976, I was pleased to introduce the Ford administration's proposal to reform the regulatory structure of the domestic airline system. Today, I have introduced a new bill which selectively borrows from various recent legislative proposals of 1977 while stressing the concept of increased competition in the airline industry. In offering the Civil Aviation Regulatory Reform Act, I wish to stress four major concepts at which the bill is aimed.

First, regulatory reform of the Civil Aeronautics Board will improve and stimulate the airline industry. There should be no mystery to the fact that industry does a better job when it competes for the public's business than when government shields it from competition. Exhaustive studies are available from both Houses of Congress, the Department of Transportation, the General Accounting Office, the Council of Economic Advisors, not to mention the private sector which prove this point.

Of the top 30 industries in the United States, the regulated airlines have the lowest return on investment, behind even the railroads. Yet, overwhelming evidence suggests that if air fares were allowed to drop below the Government mandated level, the average number of passengers per aircraft would increase and due to efficiencies of scale airlines would earn higher profits. If this were to happen, consumers would greatly benefit from regulatory reform.

Air fares would not necessarily go down on all flights; this being something the free market would have to determine. But as in the intrastate market where pricing decisions are largely left up to the airlines, the fares would probably be reduced. Amazingly, the intrastate airlines have successfully offered fares which are lower than the bus fare between cities. I offer as evidence the following chart which compares the fares of the unregulated intrastate carriers in Texas and California to the CAB regulated fares on the very same routes. The fares tabulated as of April 1, 1977:

Market [2]	*Pacific Southwest Airlines* [1]	*CAB Formula Fare* [3]
Burbank-San Jose	$25.50	$48
Fresno-Los Angeles	20.00	37
Fresno-San Francisco	16.01	32
Los Angeles-Sacramento	26.50	43
Los Angeles-San Diego	12.25	28
Los Angeles-San Francisco	25.50	49
Los Angeles-San Jose	25.50	49
Ontario-San Francisco	26.50	42
Ontario-Sacramento	26.50	54
Sacramento-San Francisco	12.25	25
San Diego-San Francisco	31.75	60
San Francisco-Stockton	12.25	23

[1] Footnotes on next page.

Market[2]	Southwest Airlines[4]	Certificated Carriers
Dallas-Houston	$15/25	39
Dallas-San Antonio	15/25	41
Harlingen-Houston	15/25	45

[1] Official Airline Guide, April 1, 1977

[2] Only Non-stop markets served by both certificated carriers and intrastate carriers have been listed since only these have been assigned official CAB mileages for "the purposes of calculating the appropriate CAB formula fare.

[3] Standard coach fare as prescribed by the CAB fare formula determined in the Domestic Passenger Fare Investigation and amended by subsequent orders to April 1, 1977. These fares would apply to any interstate air route in the continental U.S. of equal length to the corresponding PSA route.

Since these routes are not the main elements in the systems of these carriers, the evidence that fares will decline in these markets is somewhat less conclusive than for the short haul, high or medium density markets.

[4] Off-peak fare/peak fare.

Mr. Speaker, it is important to note that the possibility of lower fares offered by this bill will open air travel to middle and lower income travelers who presently cannot afford to fly. A study released by the General Accounting Office a few months ago shows that fares would have dropped 22 to 52 percent and that passengers would have saved $1.4 to $1.8 billion annually with reduced regulation. Although these savings would probably require passengers to give up certain conveniences, like exotic meals and award-winning movies, it is likely that the reduced rates would increase ridership.

The third concept that I wish to stress is that regulatory reform will reintroduce economic opportunities to those wishing to enter the airline industry but are excluded by law. Since 1950, the CAB has received 79 applications by new companies that wanted to enter the market. Not one was granted. The added competition would force airline management into more cost-efficient resource allocations than are presently practiced under Government protection. The Board has long recognized the inefficiencies that exist in domestic trunk airline operations but have attempted to reduce it by applying more regulations and we all know what the finished product looks like.

The last concept is that Federal interference in the market decisions of a competitive industry is inherently untenable. President Carter has stressed that the airline issue represents the test case for the goal of reducing Government regulations as an overall concept. I applaud the administration for these efforts as I have long been a proponent of alleviating the private sector of the burdens of excessive Government regulation. I hope that those opposing enactment of legislation of this nature realize that they should be competing for the consumers dollar just as other industries are.

I would also like to point out that in favor of regulatory reform there has been formed one of the most extraordinary, broad-based coalitions in lobbying history. This coalition, the Ad Hoc Committee for Airline Regulatory Reform, consists of the following members:

American Association of Retired Persons.
American Conservative Union.
Americans for Democratic Action.
Arkansas Consumer Research.
Association of Massachusetts Consumers.
Aviation Consumer Action Project.
California Consumer Action Group.
Common Cause.
Consumer Alert.
Consumer Education and Protective Association, International.
Congress Watch.
Cooperative League of the USA.
DHL Corporation.
Empire State Consumers Association.
Food Marketing Institute.
Iowa Consumers League.
Libertarian Advocate.
National Association of Counties.
National Association of State Aviation Officials.
National Retail Merchants Association.
National Retired Teachers Association.
National Student Lobby.
National Taxpayers Union.
New York Consumer Assembly.
Northeast Arkansas Citizens Committee.
Public Interest Economics Center.
Sears Roebuck and Co.
Washington Committee on Consumer Interest.
Western Traffic Conference.

Also, actively supporting the concept of airline regulatory reform are: United Airlines, Pan American Airlines, Hughes Airwest, Frontier Airlines, and Southwest Airlines. Also included are: the Republican National Committee, National Governors Conference, Airport Operations Council International, American Farm Bureau, National Industrial Traffic League, and the National Association of Manufacturers.

The tremendous diversity of the preceding groups combined with strong bipartisan support from both Houses of Congress leaves no doubt in my mind that airline regulatory reform will soon become a reality. I wish to commend Representative GLENN ANDERSON and several other of my colleagues for their efforts in this area and hope to work closely with them in the future.

PULASKI DAY BANQUET

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. DERWINSKI. Mr. Speaker, a former Member of the House, and now the greatly respected Senator from Delaware, Hon. WILLIAM ROTH, JR., addressed the Pulaski Day Banquet given by the Council of Polish Societies and Clubs in the State of Delaware on October 7.

In his remarks, he honors the great Polish freedom fighter, Gen. Thaddeus Kosciuszko, whose military genius played a decisive role in the winning of our independence from Britain, and gained him an honored place in American history.

It is a special pleasure for me to insert Senator ROTH's remarks for the attention of the Members:

REMARKS OF U.S. SENATOR WILLIAM V. ROTH, JR., PULASKI DAY BANQUET, COUNCIL OF POLISH SOCIETIES AND CLUBS

Mr. Chairman, officers of the council, distinguished guests, ladies and gentlemen.

I am especially pleased and moved to be here this evening, because, marking as it does the 200th Anniversary of the Battle of Saratoga, it has special meaning for me. It brings to mind one of the greatest Poles of all times, and it makes me personally aware of just how much we Americans owe that great land of Poland.

Fate plays strange little tricks on us especially when it comes to recognition of effort and achievement.

I dare say there isn't anyone in this room tonight who hasn't noticed, somewhere along the road of life, how some people just naturally get all the glory while others—often much more skillful and earnest—seem destined to labor forever in anonymous obscurity.

For instance, a rock singer who can barely carry a tune might be the plutocratic idol of millions, while a gifted baritone, who has studied voice for years, must eke out an uncelebrated living by humming jingles for radio commercials;

Or an actress, whose artistry ranges from Shakespearean tragedy to drawing room comedy, might barely get her name in the cast credits of a movie that gives star billing to a vacuous bathing beauty.

Or—Well, the list, from astronauts to zither players, is virtually endless. Wherever humans gather to do work, be it in entertainment or science or industry or politics, it seems the greatest achievers are often the least recognized.

Perhaps the most extraordinary personification of this irony is General Thaddeus Kosciuszko, whose military genius played a role—decisive, but today largely unacclaimed—in winning America its independence from the British Crown.

200 years ago this month, at Saratoga, New York, the Americans won a battle that historians judge to be among the 10 most important of all time. The Battle persuaded France and Spain that the Continental Army could fight and win against England's finest troops, and this stunning demonstration of American grit and capability brought these two powerful nations into the war as allies of the colonies.

And this, in turn, determined the ultimate political character of the entire North American wilderness.

Sure, the victory was the result of the tenacity and plain oldfashioned guts shown by the American soldier. Of course, there were quick and wise decisions by General Gates, the American commander, and certainly there were good breaks for the Americans and bad breaks for the Americans and bad breaks for the tough and courageous Englishmen. But the outcome of the battle still could have been disastrously reversed if it hadn't been for the brilliant tactical deployment of the colonial and the selection of a site on which they made their stand.

The deployment and site selection were no mere coincidences or last minute improvision on the part of Yankee platoon leaders caught between the proverbial "rock and hard place." As directed by Kosciuszko they represented a masterpiece of inspired military strategy brought coolly and surgically to bear on British forces, which—for all their superior strength and combat savvy—had lost the battle before it began.

Throughout the Revolutionary War Kosciuszko helped the Americans outsmart the Crown's forces at seemingly every critical turn. The British Navy attempt to cut off all of New England by sailing up and seizing control of the Hudson Valley was stopped in its tracks by Kosciuszko's shrewd fortifica-

tion of West Point; the British fleet's attempt to sail up the Delaware and trap Washington north of Philadelphia was nailed to a halt by Kosciuszko's twin forts that corked the River just south of what is now the Philadelphia Navy Yards; British operations in the south were split and confused and ultimately defeated at Yorktown, thanks to the wily tactics and fortifications engineered by Kosciuszko at key points in the long and arduous campaign.

Who was this Polish officer who did so much for us?

How incredible it is, actually, that Americans today must even ask the question.

Thaddeus Kosciuszko, descended from a famous line of Polish military heroes, was later to become Poland's combined equivalent of George Washington and Abraham Lincoln. He fought beside the American colonists because he thought that people come first—not governments—and that human rights should be universally enjoyed by all mankind, not just a few.

For the record, he was born of Polish landed gentry, but he was not of the nobility like Count Casimir Pulaski. He grow up in a rural area, learned to love the peasants—Poland's common people—and, because he understood both the aristocracy and the peasantry, he eventually was able to unite them in Poland's struggle to become free of Russian and German domination.

Unlike his triumphs in behalf of the Americans, his Polish efforts ended in calamity and defeat.

Kosciuszko nearly died of saber and lance wounds received while leading the peasants last desperate charge. But he survived, and, more concerned about his fellow prisoners of war than he was for himself, he agreed to exile if they could be allowed to return to their homes.

Kosciuszko, virtually paralyzed by his wounds, managed to return to the United States where he was given a tumultuous hero's welcome and grateful adultation from every quarter—from President Adams and Vice-President Thomas Jefferson, to the most obscure Philadelphia householder.

Nobody admired the valiant Pole more than George Washington, who, during his historic farewell to his officers, presented Kosciuszko with his personal pistols and sword, and, later, his own cherished cameo ring symbolizing the Order of the Cincinnati. When the crippled Kosciuszko was receiving America's acclaim, Washington sent a note from Mt. Vernon. It read:

"I beg you to be assured that no one has a higher respect and veneration for your character than I have; and no one more seriously wished during your arduous struggle in the cause of liberty and your country, that it might be crowned with success. But the ways of Providence are inscrutable, and mortals must submit . . ."

Thomas Jefferson wrote of Kosciuszko:

"He is as pure a son of liberty as I have ever known, and of that liberty which is to go to all, and not to the few and rich alone."

These were no mere, hollow words—no platitudes. Kosciuszko was a giant of intellectual prowess, technical skills, artistic talents, and spirituality. He was in fact a soldier, a painter, an architect, a composer, a scholar, and a philosopher. But above all he was a warm and kindly human being, who built a little rock garden and fountain beside which he could meditate during lulls in the Hudson Valley battle. Who nearly starved at West Point when, as his fellow officers finally discovered, he gave his own rations to sick British prisoners. Who accepted no pay from the hard-pressed American treasury. Who, after his final return to Europe lay nearly destitute and dying in Switzerland, not only shared his meager food with the poorest in the village but also directed in his will that his American assets—never claimed by him—be used to purchase the freedom and education of slaves.

It's no wonder that when they learned of his death, thousands of peasants from all over Poland—with no means for a monument—carried handfuls of soil from their villages to the battlefield outside Krakow. The tens of thousands of handfuls, piled where Kosciuszko had nearly died in the cause of his homeland, eventually made a monumental pile more than 200 feet high.

So, while we might shake our heads over the irony of such a great and noble man going so generally unacclaimed here today, Kosciuszko himself would no doubt have smiled and dismissed the matter out-of-hand.

Because it's evident that he knew, and lived by, a fundamental truth we so called "moderns" tend frequently to forget; fame, riches, notoriety, acclaim—these are ephemeral, transient, will-o-the-wisp. What counts is what a person is, what he does. What a man truly is, what he truly does, are the things that gives the fact of his life eternal, immutable meaning.

Thaddeus Kosciuszko would be unlikely to gain any attention under the standards of today's headline writers. In fact, it would be difficult to find a monument erected in his honor in more than a few places between Cape Cod and Big Sur.

But Kosciuszko would probably be the last to care. He knew that he left his own monument on these shores—a personal bequest that will stand for all time in all history books, wherever men recall the past. His monument is the United States of America, the Nation itself.

How proud I am to have shared the evening with all of you, who stem from the same heritage—who are moved by the same love of liberty—as that splendid man, Thaddeus Kosciuszko.

Thank you again, and good evening.

TRIBUTE TO JIMMY CROMWELL, JR.

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. DUNCAN of Tennessee. Mr. Speaker, I would like to take this opportunity to ask my colleagues to join with me in honoring Jimmy Cromwell, Jr., of Townsend, Tenn., in winning two gold medals and a bronze medal in record-breaking performances in the World Deaf Olympics which were held in Rumania.

Jimmy, who is an 18-year-old senior at the Tennessee School for the Deaf in Knoxville, Tenn., has been deaf since childhood. Nonetheless, he has not allowed his handicap to stand in the way of living life to the fullest.

While he has been a student at the Tennessee School for the Deaf, Jimmy has been captain of the swimming team for the past 4 years, quarterback of the school's football team for 2 years, and a member of the track team.

Jimmy broke a world's record for the Deaf Olympics in winning a gold medal in the 100-meter breaststroke. He also set a new world's record and won a gold medal in the 100-meter medley relay. He captured a bronze medal in the 200-meter breaststroke.

His spirit and determination in overcoming his handicap should be an inspiration to all of us. Jimmy has represented himself, his family, and his country honorably and we wish him well.

WHAT HAS HAPPENED TO NIJOLE SADUNAITE?

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. STEERS. Mr. Speaker, many months ago, several of my constituents came to me about the violations of the human rights of a Lithuanian Catholic who is suffering great physical hardship in prison as a result of her religious beliefs. I have become active in trying to bring justice and humanity to the treatment of this courageous individual, but I am afraid her plight has not improved. I urge my colleagues to read an article that recently appeared in the Lithuanian daily Draugas, published in Chicago which states some alarming new developments in Nijole's case. I am also including a copy of a letter I sent to Ms. Patricia Derian, coordinator of Human Rights and Humanitarian Affairs for the Department of State asking for her assistance in this matter:

[Translated from the Lithuania daily Draugas published in Chicago, Ill., Aug. 30, 1977]

WHAT HAS HAPPENED TO NIJOLE SADUNAITE?—MYSTERIOUS SILENCE DOES NOT BODE WELL

What has happened to Nijole Sadunaite? ask those who recently visited Lithuania and report that all contact with Nijole ceased after July 1, 1977. In the city of Vilnius it apparently is well known that many influential world figures and organizations are working on behalf of Nijole's release. That her speech delivered during her trial has been translated into many languages, that her name is being mentioned in the United States Congress, that some congressmen, who initially had reservations concerning this case, now fear the revival of the Stalin, Beria era in the Soviet Union.

Numerous visitors returning from Lithuania report essentially the same story. Nijole is being tortured in the Mordavian prison. Her weight is down to one half the normal weight; although it is not known whether this is due to a hunger strike on her part or due to withheld food rations. According to the last received information, several months ago, Nijole received an unidentified visitor who inquired whether she would like to emigrate to the West. The reply was yes. Soon after that, her treatment took a turn for the worse. Some time later, the same person appeared again with the same question, the same reply and the same consequences. When he returned for the third visit, Nijoles answer was no. Since that time no one has been able to reach her, including relatives and friends (in prison).

Her friends say that this silence does not bode well. She is either in such poor condition, that no one is allowed to visit her, or no longer alive. It is known from past experience that in the case of death in the prison camps the relatives are notified after a long lapse in time. The information concerning the mysterious visitor and the start of her torture was told by Nijole to her friends (in prison) before all contact was lost with her.

U.S. House of Representatives,
Washington, D.C., September 23, 1977.
Patricia Derian,
Coordinator, Human Rights and Humanitarian Affairs, Department of State, Washington, D.C.

Dear Ms. Derian: I am writing this letter to bring to your attention a very grave concern of mine with the hope of securing valuable assistance and information from your office.

On August 27, 1974, Nijole Sadunaite, a Lithuanian Catholic, was tried and convicted for the possession and distribution of *The Chronicle of the Luthuanian Catholic Church*. A partially typed copy of the document was found during a police search of her house. She was sentenced to three years hard labor to be followed by three years of internal exile.

The *Chronicle* is a type of "samizdat", or unofficial literature. Samizdat itself is not illegal, but if the Soviet authorities determine its contents to be defamatory, then the preparation, possession, and distribution of such documents becomes illegal. Quite often, the Soviets determine that religious literature is defamatory, thus ensuring that those who participate in religion unacceptable to the state are kept to a minimum.

I feel that the arrest and sentencing of Ms. Sadunaite violates several human rights guaranteed Soviet citizens by their government. Her arrest violates her freedom of expression as guaranteed in Article 19 of the Universal Declaration of Human Rights, Article 125 of the 1936 Constitution of the USSR, and the International Covenant on Civil and Political Rights of 1973 which was signed by many nations including the USSR.

I would like to point out that the Russians lobbied for many years to get nations to meet at Helsinki, and they were very pleased with themselves after the signing of the document that was the product of that meeting, the Helsinki Declaration. I feel that the United States has every right to attempt to secure Soviet compliance with this document. Ms. Sadunaite's arrest surely violates her religious freedom as stated in Article 7 of Basket Three of the Helsinki Declaration.

Furtheremore, Ms. Sadunaite's sentence, harsh labor and a harsh regime diet, violates Article 5 of the Universal Declaration of human rights which protects individuals from cruel or inhumane treatment. It also violates the Code of Corrective Labor Legislation of the USSR which states that the execution of a sentence shall not aim at inflicting physical suffering or degrading human dignity.

My primary objections to Ms. Sadunaite's treatment several months ago were based on the neglect of the Soviet Union of the documents and treaties mentioned above. In February of this year, I circulated among my colleagues a letter to General Secretary Brezhnev protesting the arrest and subsequent treatment of this Lithuanian Catholic. I was joined by forty Members of Congress in signing this letter.

I have recently received information that leads me to believe Ms. Sadunaite's health has become even worse, and I am enclosing a copy of an article that recently appeared in the Lithuanian daily newspaper published in Chicago, Draugas. I am also enclosing a copy of letter that I sent to Ambassador Anatoly Dobrinin in August, expressing my concern over the treatment that she is receiving. I have received no response or acknowledgement from the Soviet Embassy.

I would appreciate it if your office would gather information regarding the treatment and imprisonment of Ms. Sadunaite. Please transmit whatever material you are able to gather.

Should you feel, as I do, that Ms. Sadunaite's treatment does violate the aforementioned treaties and documents, I urge you to use your position as Coordinator for Human Rights and Humanitarian Affairs of the Department of State; to become actively involved in this matter.

Thank you for your time and effort in consideration of this most important matter.

Yours sincerely,

Newton I. Steers, Jr.

LOST BUT NOT FORGOTTEN—LOCATING THE UNIDENTIFIED DEAD

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. RAILSBACK. Mr. Speaker, I would like to bring to your attention an issue of significant concern to many Americans and especially those who work in our law enforcement agencies.

Currently, the United States has developed the technology to systematically search out and identify missing persons. But, to date, we have not used this same type of technology to search out and identify the unidentified dead persons in our country.

As it now stands, the police department in Chicago may have an unidentified body, and authorities in Buffalo may be seeking a missing person who matches the description. Through today's modern law enforcement procedures there is little likelihood of the two parties ever being able to come together to solve either case.

This would have been the fate of a teenage girl whose body was found in a Chicago River, had it not been for the tenacity of Detective Sheldon Cissna of the Missing Persons Breau.

Cissna exhausted all of the current law enforcement procedures in an attempt to identify the drowning victim. After all of the conventional city, county and State reports proved fruitless, Cissna broadened his scope of the investigation by using his personal funds to look further.

After searching through volumes of nationwide police reports, Cissna learned of an Iowa family who submitted a local police report that fit the description of the unidentified body. As it turned out, the family had even had a hood that buttoned onto the victim's coat.

Thanks to Cissna's dedication this unidentified body was claimed, and two cases were sorrowfully completed. But, it is rare that any police department in our country has the manpower or manhours to take on an indefinite hit-or-miss proposition like this.

Ms. Patricia Leeds, a Chicago Tribune reporter, has been covering police stories for a number of years and, to her credit, has not only brought this matter to my attention but has suggested a very reasonable solution. I commend her. Ms. Leeds proposed that a central location be created that would maintain information on all unidentified dead persons. This would be of great assistance to the law enforcement agencies of America and to those people directly affected by such unfortunate tragedies.

This idea has been presented to Chief Howard Shook, of the Middletown Township Police, Pa., who is currently president of the International Association of Chiefs of Police. Shook expressed that this idea has "great possibilities" and he has presented it to the IACP. In addition, many of the law enforcement officers in and around the Chicago area have enthusiastically agreed that it is a very good idea. Further and of great significance was the response to my inquiry to FBI Director Clarence Kelly. He said:

> The issue of unidentified dead persons has been an area of some concern to the FBI, and if it appears that the FBI is a suitable repository for the unidentified dead person data, we will favorably consider the proposal.

Police officials estimate that approximately 500 unidentified dead persons are discovered each year. Thus, it is clear that the cost of maintaining data on these individuals will be minimal. It is feasible that one office with a small staff could be sufficient to handle the volume of victims. I would like to emphasize that this would be an information center for the unidentified dead only. To make this an extension of the missing persons bureau would be a self defeating and a duplication of services.

Because our society is becoming more mobile, the likelihood of discovering unidentified bodies increases year after year. Many times families spend thousands of their own dollars for private investigations which they cannot afford.

In response to those person's problems and in an effort to assist our law enforcement agencies which can surely use this valuable information, I am today introducing a bill to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals.

I would hope this bill receives early and favorable consideration. Thank you.

POLISH STORY

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. ZABLOCKI. Mr. Speaker, thoughtful Americans agree that ethnic humor is demeaning and in poor taste.

In the past, broadcast media have been frequent offenders, prompting repeated complaints to the Federal Communications Commission.

For that reason, I would like to share with my colleagues an editorial entitled "Polish Story" aired by Mr. John E. Hinkle, Jr., of radio 11 WISN, Milwaukee, on September 30, 1977.

POLISH STORY

We heard a "Polish story" the other day, and although it was exaggerated and cruel, we chuckled. Just about everyone chuckles at Polish stories—including a lot of Polish people.

But wait a minute! As a group, Polish people are among the proudest, hardest-working, self-sufficient citizens on this planet! They take fierce pride in their her-

itage, their homes, their jobs and their kids—and demand law and order in their communities. They have deep moral and religious convictions, pay their bills, mind their own business. Polish officers and men helped this country gain its independence.

They're the kind of people we'd choose as citizens and neighbors.

So here's another Polish story: It's a fact that a Polish name rarely turns up on the welfare rolls!

Although the ability to laugh at ourselves is a priceless American resource, all of us should attempt to keep our humor in perspective.

ELECTRONIC MAIL: GODZILLA MEETS KING KONG

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. WHALEN. Mr. Speaker, in the remaining days of this session, the House may have before it major legislation that seeks to reform and reorganize the U.S. Postal Service. But the debate most likely will focus on various short-term tinkerings with the existing system.

While we will be debating whether letter carriers should be walking their routes on Saturdays and how much of a discount should be given to persons mailing books and newspapers, the rest of the country will be moving along toward the era of electronic mail.

Already a great deal of commercial business that used to be conducted through the mails is being handlel electronically, outside the postal system. For instance, right here in most congressional offices we now send printed messages around the country via telecopier and many of us get print-outs of all manner of information from computer terminals; some offices even use communicating typewriters.

This country is in the midst of a new wave in the communications revolution. Technological advances in the past two decades have made it possible for us to move on to whole new generations of communications technology.

On a number of occasions, I have spoken in the RECORD about the growing competition betweent he telephone companies and their new competitors in the telecommunications equipment and service markets. Nonetheless, the debate over competition in telecommunications is going to pale beside the likely clash between the U.S. Postal Service and the private sector when we finally get around to deciding who will control the electronic mail marketplace.

A seasoned observer of our national telecommunications policies, Quincy Rodgers, recently wrote:

> The mere prospect of AT&T and the Postal Service doing battle is reminiscent of Godzilla meets King Kong.

This rather colorful remark takes on added significance when we recall the Asian proverb that when elephants do battle, the ants get trampled. In other words, those of us whose responsibility it is to safeguard the interests of the public had better start thinking now about the need to assure an orderly transition to the next generation of telecommunications technology, including electronic mail.

One of my personal interests is the general issue of citizens' rights to privacy. Several times this year, I have expressed my concern that neither the U.S. Postal Service nor the relevant oversight bodies have yet devoted significant thought to the problem of insuring the privacy rights of users of electronic mail systems, either now or in the future. Mr. Rodgers aptly points out that even the massive report of the Privacy Protection Study Commission is silent on this issue.

At this point in the RECORD, Mr. Speaker, I wish to insert the full text of a guest editorial that appeared in the Christian Science Monitor on August 12. It is written by Quincy Rodgers, who currently works as an attorney at the Washington law firm of Leighton and Conklin. Previously, he served as the executive director of the White House Domestic Council's Privacy Committee, and before that he was a legislative aide to Senator MATHIAS. I commend this article to my colleagues' attention:

THE GREAT ELECTRONIC MAIL RACE

(By Quincy Rodgers)

Privacy protection is back in the news. This time it is the report of the Privacy Protection Study Commission, which focuses on the effect of government and private sector information practices on the relationship between individuals and the institutions which shape their lives.

In the hardheaded and easily distracted Washington community, the report has been largely greeted with indifference. Congressional staffers and most pundits are taking a "ho-hum" attitude. Even the news that the Russians are intercepting microwave telephone transmissions is creating few ripples—for some it is an old tale, others do not understand its commercial significance.

Yet privacy as a public issue has repeatedly shown remarkable staying power. It has been a component of every major information and communications controversy of recent years. Still, when the final decisions on these issues are made, somehow other considerations—law enforcement, preventing welfare fraud, etc.—seem to take precedence. The result is a gradual erosion of privacy protection.

Among the many proposals advanced by the privacy commission, one in particular demonstrates how privacy concerns get overtaken by other factors. The commission recommends that "no governmental entity be allowed to own, operate, or otherwise manage any part of an electronic payments mechanism that involves transactions among private parties." The reference is to Electronic Funds Transfer Systems (EFTS), the anticipated electronic banking which will bring about the checkless/cashless society. The commission singles out the Federal Reserve Board as a particularly inappropriate authority for EFTS.

Regrettably, the commission fails to indicate whether this recommendation is also intended to cover the United States Postal Service. This may be the result of political prudence and not oversight because, as everyone knows, the Postal Service is in deep trouble. While there is considerable argument over who is to blame as the source for this trouble (bad management, greedy unions, etc.), the big postal problem has yet to arrive—the anticipated diversion of from 40 percent to 70 percent of first-class mail to EFTS, facsimile systems, and alternative methods of business communications. As the Commission on Postal Service has warned, the potential revenue loss to the Postal Service will be crippling.

Consequently, people are concluding that the Postal Service must compete for the developing electronics communications market if it is to survive. Unquestionably, a Postal Service "race for the wire" will set off shock waves in political, legal and regulatory Washington. And, as with all information and communications controversies, it will have its privacy component. Each contending institution's ability to provide security and confidentiality is sure to be evaluated. But few see this as the major element of the controversy.

In fact, a "race for the wire" is already under way. It began with the Bell Telephone Company's maneuvers to retain its preeminent position in the next generation of communications and information transfer. Ma Bell's opening gambit, implausibly named the Consumer Communications Reform Act, would insulate her from growing competition from microwave and satellite systems, as well as from terminal equipment manufacturers. This gambit prompted the communications subcommittees of Congress to begin revising the communications laws to create a regulatory scheme for the coming decades. The result has been open warfare among the special interests—telephone companies, specialized common carriers, cable television, computer manufacturers—each attempting to position itself to maximize its future market share.

This struggle in the communications subcommittees, which has preoccupied the participants, will seem like a minor skirmish if the Postal Service enters the race. The mere prospect of AT&T and the Postal Service doing battle is reminiscent of Godzilla meets King Kong. It seems likely that a lot of smaller players could get trampled in the struggle.

But the Postal Service brings powerful muscle to the contest. Its congressional committees do not want to be shut out of the action. The postal unions are notoriously aggressive and fearful about lost jobs. Postal users are more well-organized than other communications users (a matter of historical necessity) and include the politically powerful publishers, direct mailers, and rural interests. As long as these groups have no alternative to the Postal Service, they will need to keep it afloat. Expanding its revenue base through electronic mail seems a more plausible alternative than taxpayer subsidy. Thus, the service is not to be counted out, particularly since those who require reform of the basic Communications Act of 1934 to plan their future development strategies may have deadlocked that reform effort in the Congress.

The interests (and there are many more than those named here) are surveying the terrain, drawing up battle plans, marshalling resources, and selecting their generals from among the Washington legal and political establishment. The struggle should be a classic for students of government and politics. It will demonstrate how broad is the view through the relatively narrow window of privacy protection.

QUOTAS AND SOCIAL PROGRAMS

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. WALKER. Mr. Speaker, as you know, I have been a very vocal opponent of the Federal Government's use of quotas as a tool to enforce social pro-

grams. Our Government must not be in a position of using a discriminatory tool like quotas for the purpose of ending discrimination.

I have spoken out on this topic on a number of occasions in the past. I am doing so once again, and will speak out in the future, because this issue is vitally important.

To end discrimination and to provide equal opportunity for everyone is a noble goal deserving of total support, however, the means to achieve this goal must be as worthy as the desired result. When the Federal Government forces the implementation of quotas in its programs, we witness the denial of equal opportunity for some individuals in the name of advancing the cause of others. This is morally and legally wrong.

The Supreme Court will soon address the quotas issue in the well-known Bakke case. Much has been said and written regarding the merits of Allan Bakke's arguments against the University of California's quota system and I am sure debate on the issue will continue.

Today, I want to commend to my colleagues' attention a most intelligent treatment of the issues involved in the Bakke case. Meg Greenfield's column in the October 24, 1977, edition of Newsweek is absolutely accurate in assessing the anti-Bakke arguments and their implications for minorities:

HOW TO RESOLVE THE BAKKE CASE

(By Meg Greenfield)

There are, I suppose, no truly interesting and important political arguments that reduce very well to placard-size, to the sort of thing you can chant in front of a public building or carry around on the end of a stick. But I'm hard-pressed to think of a collection of issues less well-suited to this treatment than those raised by the case of Allan Bakke—the white would-be medical student who has claimed that the University of California denied him a chance to compete for a place in one of its medical schools strictly because of his race. My own hope (and expectation) is that the Supreme Court, which heard the case last week, will find a way to blur the edges of the controversy and reaffirm the important values raised by both sides. You say that is fudging the issue? Fine. It ought to be fudged.

One of the important values I have in mind is Bakke's insistence that government-supported institutions not be permitted to treat some individuals better and others worse *solely on account of their race*, no matter how "benign" the purpose. The other is the university's insistence that certain compensatory programs are justified to help people who have been demonstrably hurt by past acts of official racial discrimination.

NEEDLESS CONFLICT

Never mind that the university, in this case, seems to have engaged in an especially heavy-handed and constitutionally questionable racial program, one that evidently strained the bounds of acceptable practice. The point is that these values do not have to be in conflict, for there are ways of organizing compensatory programs so they won't dance so close to the edge of out-and-out racial-preference schemes. To support one of these values, in other words, does not require you to reject the other. Yet, many people insist on viewing the matter otherwise, forcing it into the mold of an us-against-them political or racial issue.

Anti-Bakke demonstrators were on the street in Washington last week. According to an AP report, 1,000 students at Berkeley protested a student-newspaper editorial supporting him. And civil-rights leaders along with assorted liberal spokesmen have come down hard against Bakke, just as various Jewish and ethnic groups have mounted the barricades in his behalf. None of this can occur except at a certain cost to the complexity and honesty and fairness with which the subject is discussed. Politics does that to issues. It foreshortens and distorts and sacrifices cumbersome reality at the altar of public "impact." It also generates intense emotions. Surely the issues raised in the Bakke case can only become socially murderous given this treatment: racial preferences, racial characteristics, racial entitlements, racial qualifications (or lack of them) for certain jobs and certain rewards.

But my objections to the sloganeering approach go beyond its potential for setting off an ugly and destructive conflict. It also corrupts our understanding. The pro-Bakke view, for instance, is all too often transformed into a simple, false assertion that all these so-called "affirmative action" programs are little more than a cover for putting unqualified and incompetent minorities, mainly blacks, into plummy positions they couldn't otherwise achieve or handle—and at the expense of people who, by rights, should have the job or place in the school or whatever it is.

DEMEANING VIEWPOINT

That is a relatively obvious and predictable distortion, however. Far subtler are the condescending implications of much that is being argued on the other side by people who regard themselves as political and social liberals. Blacks and other racial minorities are demeaned by a view which holds that, intellectually speaking, until proved otherwise, they are all "disadvantaged" and in need of special help to compete. Yet, this is a view I have often heard expressed by people who consider themselves on the do-good, racially progressive side of the issue.

One hardly knows where to begin counting its pernicious effects. It is dehumanizing in that it refuses to see the individual, submerging him instead in the racial group which becomes the only reality. It is also insulting. One of the most mindless and damaging arguments that has been put about by so-called friends of minorities in this fracas is that a ruling for Bakke would undo all the gains made since enactment of the great civil-rights statutes of the '60s. The implication is that those gains were strictly the product of special help and various props which, if removed, would spell the end of black achievement.

I think those laws, removing as they did constraints on everything from politicial participation to freedom to have a sandwich in a public place, made it possible for black people to organize their energy and enterprise in ways available to the rest of us all along. And I think it is patronizing and wrongheaded to attribute the big changes that occurred after the enactment of those laws to something other than the talent and will of a people only lately liberated. To hear some of the alleged friends of minorities tell it, however, all rank and position and power and progress has had to be . . . well, you know what I mean . . . *given* to them.

HANDOUT "REWARDS"

All that is a matter of attitude, of course. There is, in addition, the practical matter of the kinds of laws and rules we want established. As reduced to its political short form, the anti-Bakke argument often seems to contemplate foisting a new kind of dependency on blacks, an elitist Lady Bountiful handing out of "rewards" in measured portions: here . . . take fifteen out of 100 openings . . . stay special and slightly stigmatized and dependent on our favor . . . do you mind terribly if we write it into law that we must do this because you are black and, well, "disadvantaged"?

I think it is—inadvertently—anti-black in impact and patronizing as hell. And to those who tell me they are only arguing for a short catch-up period in which government and other institutions will be invited to make these racial distinctions in a stark, flat-out way, I reply that they have more faith in bureaucratic sensibility than I do. When did the managers of our government and large institutions ever handle this kind of grant of authority in any but a clumsy and dangerous manner? My generation of liberals is currently hot and bothered by the excesses of our intelligence agencies. They forget that the writ to tap wires and break in was given in a "benign" anti-Nazi cause a generation earlier. And they are naive in thinking that current "benign" purposes are any guarantee that a bureaucracy will be using its power to deal with citizens on a racial basis "benignly" a generation hence.

But as they say in the Supreme Court, we don't really have to *reach* those issues, at least not if we insist on viewing the Bakke case in all its precious complexity. There are times when politics can only make things worse and this is one of them.

WATER RESOURCES MANAGEMENT AND PRICING REFORM ACT OF 1977

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. MILLER of California. Mr. Speaker I am introducing today the third piece of legislation I have sponsored this year to effect major reforms in the development and management of our national water resources. The first of these, H.R. 6335, would require public notice of, and the opportunity for public comment on, Federal water service contracts prior to their finalization in order to review the impacts of such contracts on other contractors and interested parties. This bill would end the abuse of secretive negotiations under which many millions of gallons of public water is sold, often at heavily subsidized rates.

The second major reform bill which I introduced earlier this year, H.R. 8468, would establish conservation as a fundamental and mandatory feature of Federal water programs. During this year of drought, we have become aware that there are finite limits to our ability to produce water reserves, and we have learned that our current planning and management of those resources is seriously lacking. H.R. 8468 would require recipients of Federal water to enter into conservation programs, and would provide long-term, low-interest loans to these customers, and to other eligible water users, in order to retrofit residential buildings or install agricultural service areas with appropriate irrigation equipment.

Several recent studies have revealed the widespread waste of valuable water, and the GAO went so far as to estimate

that only about one-half of the agricultural water supplied by the Federal Government is productively used for irrigation. The continuing drought of 1976-1977 surely must have taught us that, like energy, our water resources are expensive to develop, finite in their amounts, and therefore far too valuable to squander in this manner.

The bill which I am introducing today goes to the heart of much of what is wrong with the Federal water program. Numerous studies have documented the enormous subsidies to water users which are written into long-term contracts with the Bureau of Reclamation, amounting to billions of dollars over the lives of the contracts. These subsidies pass along the cost of this water to the taxpayers, who must ultimately pay for the bulk of the cost which is not paid by the irrigators.

Some Federal water contractors are currently provided with Federal water under 40-year contracts which contain no inflation escalator clause and which require no periodic reevaluation of the water rate during the life of the contract. A contractor who agreed to pay $7.50 per acre foot for irrigation water in 1965 will still be reeciving that water for $7.50 at the end of the contract, in 2005! Even today, the $7.50 may be only one-third of the true cost of delivering that water.

These artificially low prices serve to continue the notion, which most have come to dismiss in the past few years, that water is a boundless resource. This is not so. Heavily subsidized pricing encourages wasteful uses of water. Indeed, in my own State of California, we have seen Federal contractors grabbing whatever water they can find for the cheap rate, and we have seen the Bureau of Reclamation do nothing, even when able through annual supplementary contracts, to assure that Federal taxpayers receive a fair price for their water.

Unrealistically low prices additionally encourage growers to plant crops without regard to their suitability to the region. As a result, we find water intensive crops being planted in naturally arid regions, and irrigated with heavily subsidized Federal water. I am incapable of understanding why the Federal Government should provide large amounts of subsidized water to a farmer in an arid region to grow a water intensive crop like rice or cotton, when we at the very same time pay farmers, in other areas of the country where these crops would grow easily, not to grow them. Bizarre as that may be, that is the Federal policy today.

The legislation which I am introducing today, the "Water Resources Management and Pricing Reform Act," would bring our water policies into line with reality, improve our planning and management techniques, encourage conservation, and assure a better return to the Federal Treasury from the sale of our publicly owned natural resources. This bill would establish a graduated pricing scale for water, with the base being the amount determined necessary to grow crops indigenous to the area being served. It would also establish as that base price the actual cost of delivering water to the contractor, including the energy costs, which can be considerable.

My bill would also require, in all new contracts entered into by the Bureau of Reclamation, that there be a provision mandating the recalculation of the costs of delivering water no less frequently than every 2 years, and the modification of the pricing in the contract on the basis of this reevaluation.

The need for this type of legislation is proven by the emerging reports of millions of dollars in subsidies going to agribusiness and other irrigators, subsidies which come right out of the pockets of every American taxpayer. The management and pricing policies established in this bill are exactly those which any of us, were we to be running a business which was engaged in the sale of irrigation water, would certainly use. If we ran a water business like the Bureau has run our Federal business for us, we would have been broke a long time ago, and the only reason we are not is because the burden of underwriting this program has fallen to others.

Some might say that this legislation would exact a grave burden on irrigators. I think the facts challenge that argument. In California, irrigators who receive water from the State water project pay about three times as much as their Federal neighbors across the street, even though they use water which frequently comes from the exact same sources and conveyance facilities. Fair pricing and sound management are not going to damage agriculture, but will have the effect of requiring those who greatly benefit from federally supplied water to pay their fair share.

A copy of the bill follows:

H.R. —

A bill to require the Secretary of the Interior to establish a table of water rates to be charged irrigators who contract for water resources for agricultural purposes from the United States through the U.S. Bureau of Reclamation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Water Resources Management and Pricing Reform Act of 1977".

AGRICULTURAL WATER PRICES AND CONDITIONS

SEC. 2. All water provided by the Secretary of the Interior to any person for agricultural purposes shall be provided at the rates and subject to the conditions specified in this Act.

AGRICULTURAL WATER ANALYSIS

SEC. 3. In each region in which water is provided by the United States for agricultural purposes, the Secretary shall establish in acre-feet a "base volume" of water required to grow agricultural crops suited to that region. In establishing each "base volume," the Secretary shall consider such factors as average annual rainfall, climatic conditions and other pertinent conditions relating to the amount of water needed to grow crops indigenous to each region.

BASE RATES

SEC. 4. The Secretary of the Interior shall establish a "base rate" per acre-foot for water delivered for agricultural purposes in any region, which shall apply to the "base volume" of water for the region. The base price shall reflect, at a minimum, the cost of delivering such water to each contractor (not including any repayment for drainage and distribution or main project features) including the energy costs involved in the delivery of such water.

SUPPLEMENTAL WATER RATES

SEC. 5. Any volume of water sold to an agricultural user in excess of the "base volume" shall be treated as supplemental water for purposes of this Act and shall be sold at or above the following rates:

Volume of supplemental water sold and minimum price of excess volume

So much as exceeds base volume but does not exceed 150 percent thereof—base rate plus 75 percent.

So much as exceeds 150 percent of base volume but does not exceed 250 percent thereof—base rate plus 150 percent.

So much as exceeds 250 percent of base rate—base rate plus 200 percent.

COST RE-EVALUATION

SEC. 6. All water service contracts entered into, modified or amended, by the Secretary after the date of enactment of this Act shall provide that the Secretary shall re-calculate the actual cost of delivering water to each customer not less than once every two years and modify the price of such water pursuant to such re-evaluation.

PROHIBITION ON CERTAIN CONTRACTS

SEC. 7. No water service contract, or modification of a water service contract, or any other arrangement whereby water in excess of 250 percent of the "base volume" is provided by the United States for agricultural purposes may be entered into by the Secretary of the Interior after the date of enactment of this Act unless such contract, modification, or other arrangement is approved by the Congress by concurrent resolution.

STOPPING THE B-1 BOMBER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. BINGHAM. Mr. Speaker, the House is apparently going to have to vote on whether or not to appropriate funds for the B-1 bomber once again, even though just last month we adopted the Addabbo amendment to delete all production funds for the B-1 from the fiscal year 1978 budget. B-1 supporters in the House are said to be planning to offer an amendment to the fiscal year 1978 supplemental appropriations bill which would appropriate $1.4 billion to build five production models of the B-1. They are trying to take advantage of the confusion generated by the Carter administration's willingness to accept a proposal by the Air Force that $20 million be authorized to explore the possibility of converting the FB-111 into a long range penetrating strategic bomber. If the Carter administration is willing to accept such a study, these B-1 supporters have argued, then there is reason to doubt the sincerity of the administration's opposition to production of any penetrating bomber. As President Carter has made clear in a letter to

the gentleman from Michigan (Mr. CARR), however, continuing studies of various penetrating bomber alternatives in no way affect his decision not to proceed with development of such an airplane at this time.

Even though I believe any attempt to revive the B-1 at this point is an exercise in futility, it has to be taken seriously, Twenty-seven national churches, unions, environmental groups, peace and professional organizations today wrote to President Carter and asked him to step up his efforts to protect his decision to stop the B-1. I think my colleagues would be interested in seeing their letter and the names of the groups signing it, and I include it at this point in my remarks.

WASHINGTON, D.C.,
Monday, October 17, 1977.

DEAR PRESIDENT CARTER: We considered cancellation of the B-1 bomber program one of your finest and most courageous decisions, and we promised to continue our work against the bomber until your judgment was sustained by the entire Congress. We are still engaged in that controversy.

In our estimation, your decision to cancel the B-1 is now in serious danger of being reversed in the House of Representatives. Intense lobbying by contractors who would build the B-1 and clever parliamentary maneuvers by Congressional B-1 proponents have imperiled the three-vote margin by which the House endorsed the cancellation on September 8th. The Pentagon's confusing signals on its future bomber plans complicated the situation. But for many who oppose you, this is clearly a partisan attack on your defense program and SALT negotiating posture.

It is gratifying that your opposition to the B-1 has not wavered since last June, and your letter to Rep. Carr on the FB-111 was very helpful. We hope even more can be done.

We fully understand that you are already engaged on many fronts in behalf of your programs in the Congress, but we urge you to devote personal attention to protecting your B-1 decision. Your judgment was supported by the American public. We encourage you to take your case against the B-1 to the people and the Congress one more time.

We fear that, without your public leadership, the outcome of the debate may be determined on narrow and partisan grounds.

With best regards,

(The letter was signed by the following representatives of national groups:)

Leon Shull, Executive Director, Americans for Democratic Action; S. Loren Bowman, General Secretary, Church of the Brethren; Mike Cole, Leg. Dir., Common Cause; Jeff Knight, Leg. Dir., Friends of the Earth; Marjorie Boehm, President, U.S. Section, Women's International League for Peace and Freedom; Edward F. Snyder, Exec. Dir., Friends Committee on National Legislation; Peter Harnik, Coordinator, Environmental Action; Carol Coston, Exec. Dir., Network; Dr. Jeremy J. Stone, Exec. Dir., Federation of American Scientists; Henry Niles, Chmn., Business Executives Move for New National Priorities; Jane Leiper, National Council of Churches; Steve Chapman, National Taxpayers' Union; Terry Provance, American Friends Service Committee, and Rick Boardman, Clergy and Laity Concerned.

Ray Nathan, Director, Washington Ethical Action Office, American Ethical Union; Mary Jane Patterson, Director, Washington Office, United Presbyterian Church—U.S.A.; Pat Tobin, International Longshoremen's and Warehousemen's Union; Edith Villastrigo, Women Strike for Peace; Andre Burnett, National Student Association; Victor Lloyd, Director, Sane; Molly Freeman, National Association of Social Workers; Jim Stormes, S.J., Dir., Jesuit Social Ministries Office; Robert Alpern, Dir., Washington Office, Unitarian Universalist Association; Dana Grubb, Episcopal Peace Fellowship; Paul Kittlaus, Office for Church in Society, United Church of Christ, Sarah Nelson Labor Caucus, NOW—National Organization for Women; Herbert Scoville, Chairman, Task Force on Reducing the Risk of War and Violence, New Directions; and Edith Giese, National Coordinator, Grey Panthers.

UNIVERSAL COVERAGE UNDER SOCIAL SECURITY

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. STEERS. Mr. Speaker, later this week we will be debating the Social Security Financing Amendments of 1977. One part of this measure will be universal coverage to place all Federal, State, municipal, and nonprofit organization employees under the provisions of social security. Last week, I submitted my thoughts on this matter into the RECORD, indicating that my constituents were concerned about this matter because of the fact that none of the details of the universal coverage concept had been worked out.

Today, I would like to share with the Members of the House the thoughts of my neighbor to the south, JOSEPH FISHER who, as a member of the Ways and Means Committee, is intimately familiar with the provisions of this legislation—as well as with the social security system as a whole. JOE FISHER wrote a guest editorial for the Washington Post today concerning the concept of universal coverage which I think should be read by all Members of this body before we take any votes on this complex, crucial matter.

The editorial follows:

SOCIAL SECURITY: CAN—AND SHOULD—IT COVER ALL?

(By JOSEPH L. FISHER)

This week the House of Representatives is expected to debate a bill containing proposed changes in the way the Social Security system is financed.

The bill, as approved by the House Ways and Means Committee, is intended to restore to the system short-term and long-term financial soundness. One of the bill's provisions would require that all workers be covered by Social Security beginning Jan. 1 1982. This provision, commonly referred to as "universal coverage," is the most controversial of all the proposed changes and would have the greatest impact on some 6 to 7 million government workers not presently covered.

Town meetings I held recently in my congressional district demonstrated that many persons are not only concerned but confused about the implications of universal coverage. Government employees now paying into their long-established retirement systems feel threatened that the benefits they have worked for may not materialize or may cost more. People already retired fear that some of the retirement benefits they now enjoy may be taken away.

What would universal coverage entail? The effect of this proposal would be to bring all federal, state and local government employees and employees of non-profit organizations under the Social Security system. Some newspapers have reported this as an impending "merger" of the Social Security and the Civil Service retirement systems. It is not. By itself it simply would require everyone to pay into Social Security as well as into their regular retirement plan, and receive benefits from each plan under the rules of those plans. If the bill were law now, this would mean federal government employees would have to pay 5.85 per cent of the first $16,500 of their salaries in addition to about 7 per cent for their existing Civil Service retirement system.

Most observers expect that before the plan would go into effect the federal and other retirement systems would be adjusted to coordinate with Social Security in order to eliminate double costs. But nothing in the proposed legislation requires this. In fact, the only requirement is that universal coverage be instituted. The proposal has raised hundreds of questions about the effect of universal coverage but has supplied no answers. As one example, how would years of federal service be credited to the Social Security system and which trust fund would pay the accrued benefits? This is a critical question in determining the success of this proposal as a partial solution for restoring financial soundness to the Social Security system, but it is not addressed in the bill.

One thing is certain. Universal coverage will not be retroactive, so it will not affect current retirees or those retiring prior to Jan. 1, 1982.

Congress in its present mood seems definitely to favor eventual universal coverage under Social Security, largely reflecting the opinions of those already covered who have long felt that fairness dictates that everyone should pay into the account.

If universal coverage is to be the law, there is one principle that must be followed: Employees should be entitled to receive the benefits they were promised at the time they were hired as well as any improvements made in benefits during their working careers, and to be able to make plans for their future on that basis. Any downgrading of such benefits would be a serious breach of faith. During the debate in the Ways and Means Committee, I succeeded in adding a provision to the bill in line with this principle. This provision requires HEW, in consultation with the Civil Service Commission, to develop a plan for presentation to Congress by Jan. 1, 1980 that would assure that federal employees will not be made worse off by the coordination of the Social Security and Civil Service retirement system in terms of benefit and contribution levels.

The two systems, federal retirement and Social Security, were established to fill different objectives, one a retirement income or pension for government staff, the other a minimum protection for elderly persons. Coordinating these systems requires thoughtful, sensitive, careful examination.

The approach I would have preferred, and the one preferred by the Civil Service Commission, HEW Secretary Joseph Califano and the House Civil Service Committee is to hold off any mandate for universal coverage, and instead enact legislation requiring a study of the issue. An amendment to this effect

failed in committee, but I intend to put forward this approach during the debate in the House.

There is no question that the financing of the Social Security system needs to be overhauled. For several years the financial reserves of the system have been diminishing. More has been paid out in benefits than has been taken in in contributions. The unemployment rate has been high, thus there have been fewer persons in the work force to pay into the system. There is also a trend toward earlier retirement and an increase in average life expectancy. The result is a growing percentage of older persons in our society and more retired people entitled to draw Social Security benefits. Furthermore, benefit payments go up automatically with the cost of living and have outstripped increases in contributions.

The Ways and Means bill offers many improvements: It accelerates the increase in the wage base subject to the employment tax; it corrects the overindexing of future benefits; it removes inequities in the treatment of widows, widowers and divorced persons; it increases the amount of wages that retirees can earn before their Social Security benefits are reduced; and it provides standby loan authority to bolster the trust funds if they fall below a certain level. The net increase in the cost of these and other changes would continue to be shared equally by individuals and employers. Meeting the higher cost would not be pleasant, but it would be necessary to put Social Security on a sound, long-term basis. This must be done.

But the extension of Social Security coverage to government employees, even if set for 1982, is unwise at least until a plan can be worked out and enacted to integrate Social Security with the existing Civil Service retirement. There is simply not enough information from which to conclude that universal coverage is prudent and fair at this time—from the point of view of costs and consequences to the employer in terms of new tax obligations, and to the employee in terms of changed or possibly diminished benefits. Many persons stand to lose in the wake of hasty, ill-considered action.

NEW ECONOMIC THINKING

HON. STANLEY LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. LUNDINE. Mr. Speaker, the American economy is today confronted by a new and significantly different set of challenges. We can no longer rely upon the twin assumptions of infinite resources and technological superiority. The energy crisis has demonstrated dramatically that our natural resources are finite; and increasing demands for trade restrictions bear witness that other nations have also mastered the technological revolution. The old-fashioned trade-off between inflation and unemployment no longer prevails; this Nation has been suffering from high levels of inflation and unemployment for the past several years.

At such a time, it is essential that we reexamine the traditional definitions which have guided our economic thinking. We must insist upon new approaches to economic development and productivity growth which will strengthen our national economy and expand employment opportunities. In hearings before the Senate Human Resources Committee on S. 533, the Human Resources Development Act, Associate Professor James O'Toole of the University of Southern California presented testimony on behalf of the bill which is an eloquent example of new economic thinking. I am pleased to present it here for the benefit of my colleagues, many of whom have joined me in cosponsoring the Human Resources Development Act in the House, H.R. 8065:

TESTIMONY OF JAMES O'TOOLE

The Human Resources Development Act comes before the Congress at a unique juncture in the history of the American economy. It is my observation that our incredibly successful economy is now undergoing a process of fundamental transformation. The components of this change can be readily agreed upon: the introduction of new and powerful technologies, radical shifts in resource availability, departures from longstanding social and demographic trends, and alterations in the international political order. What is significant and controversial about these changes is that they may be conspiring to produce a discontinuity with past economic history. If this is the case, then the traditional assumptions that have guided our thinking about national economic policies and private industrial practices are now obsolete and invalid. In short, I shall argue that to think appropriately about the future development of human resources will require an updated, revised and more appropriate model of how our economy works.

When considering a bill such as the one before this subcommittee, it is important to keep in mind that the "laws" of economics have been "empirically derived." That is, economists have observed past behavior, codified it, and predicted that the same behavior will also prevail in the future. Significantly, the current ideas of economists are based on the era of industrialization in Europe and America, modified significantly as the result of the experience of the Depression.

But America's economic future is likely to be significantly different from this past, a past that unfortunately constitutes the data base for all our economic assumptions and human resource policies. Let me offer a few examples to support my assertion:

1. The United States was once one of the world's chief producers of cheap, manufactured goods. Today, our comparative industrial competitive advantage is in sophisticated high technology.

2. The United States was once a land of laboring immigrants, grateful for any job at any wage, to whom the most rudimentary benefit from society was considered a privilege. Today, ours is a generally-affluent population with increasingly egalitarian expectations, to whom the most advanced of society's benefits—free education and health care, lifelong economic security, interesting jobs—are seen not as privileges but as entitlements.

3. The United States was once a vigorously independent frontier economy, with limitless opportunities for financial and physical growth. Today, we find ourselves dependent on foreign sources for such vital and diminishing resources as chrome and petroleum, and our domestic stocks of uranium, natural gas and other energy sources are being quickly depleted. Related, growth is being slowed by the damaging environmental effects of the increased use of many of these scarce resources.

In such a world, traditional economic ideas about humans resources are obsolete. And, because these ideas are based on anachronistic data, the policies and programs generated by traditional economic analyses of the industrial era are often inappropriate. Nowhere is the obsolete nature of economic thinking more evident than in the traditional treatment of human resources. For example, to the economist, progress results from replacing workers with machines. The human is the factor of production that needs to be traded-off in order to increase productivity.

Let us examine this assumption, one that underlies most industrial practices in America today. Clearly, there are only three categories of resources from which people may draw in order to produce what they need to sustain life. These resources are land (including energy and all other natural resources), capital (including machines and all other man-made sources of wealth), and labor (including all aspects of human skill, intelligence, ingenuity, and other abilities). Significantly, the first two of these "factors of production" may be reaching the point of maximum exploitation. By the end of the current millennium, it is unlikely that great increases in productivity will still be wrung out of natural resources (unless power from the sun—or sunlike fusion power—can be effectively harnessed). But even if we make the risky assumption that there are no immediate limits to natural resources, it is not clear that humankind will continue to benefit from greater use of capital-intensive machines. The kinds of machines that industrial societies seem bent on producing often bring pollution, waste, inefficiency, cheap and shoddy goods, unemployment, and a general diminution of the quality of life. But economic growth, per se, is not at fault. Rather, growth pursued in the traditional mode of the industrial revolution seems inappropriate for tomorrow's constrained environment.

It would seem, then, that improvement in the quality of life will occur mainly through making better use of the third factor of production—human resources. And by "better use" I mean not harder work but smarter work. Humankind's puny muscle power is not a potential source of greater progress; rather, it is the intellectual powers of the race that constitutes an immense reservoir of productivity and advancement.

But here my notions of productivity and advancement differ from those of the economist. When the economist thinks about increasing productivity, he has in mind an assembly-line worker whom an industrial engineer should try to make work faster or, failing that, should replace with a machine. This model of economic development was quite appropriate for an era of cheap energy, surplus capital, high consumer demand for low-quality, mass-produced goods, little environmental concern, and a poorly-educated workforce. The model I have in mind is of an engineer trying to develop new uses for micro-processors—those tiny computers contained on a chip of silicon. This is a major area of growth in the world economy, and one in which the United States is the dominant force. In many cases, the United States does not even produce the goods that utilize micro-processors.

Nevertheless, American companies invent, design, finance and market these little miracles for the world. Our future standard of living depends not on our ability to produce shoes, shirts or shinola, but on our ability to remain competitive in high technologies—that is, all the knowledge industries including computers, scientific instruments, rockets, engineering services and management consulting. Important, high productivity in knowledge industries permits us to expand the services sector of the economy—where already over half of our workforce is employed and where most jobs for the disadvantaged can be created. Significantly, the key to productivity in both high technologies and services—which together probably constitute over three fourths of our private economy—is the development of the human resource. Even in the relatively shrinking heavy industries—steel, autos, etc.—the key

to productivity is not in workers' laboring harder, but in their working more cooperatively, intelligently and committedly. Consequently, the development of untapped human resources is likely to be the "technological" challenge of the postindustrial era, as the development of better tools and machines was the ultimates source of productivity in industrial society.

What kind of a system could best tap and develop these resources? Clearly, not our present system. Today, the vast majority of our workforce is underemployed, by which I mean that their skills, training, education, talent and other human resources are grossly underutilized on their jobs. Something like 80% of our workforce, by this definition, may be underemployed. The reasons for this waste are many—habit, lack of knowledge how to tap these energies, some union practices, etc. But the primary reason why we don't more fully develop human resources, I believe, is the attitude of most American managers that blue-collar and most lower- and middle-level white-collar workers are incapable of accomplishing tasks that require much intelligence. Therefore, managers design jobs to be repetitive, simple, and unchallenging. But facts about the labor force belie these employers' stereotypes. The IQ range of workers, for instance, challenges the wisdom of giving simplified tasks to many blue-collar employees. As the figures below show, there are few dull Ph.D.s, but there are many bright laborers. (In fact, because there are many more laborers than Ph.D.s, three times more laborers than doctorate holders have IQs over 130).

Occupation	IQ range	Mean IQ
Ph. D. (professor)	100–169	130
Engineer	100–151	127
Clerk	68–155	118
Laborer	26–145	96

Unfortunately, we design most laborers' jobs for the mean IQ of 96 (or lower), an action that leaves many exceptionally bright laborers in jobs that are unchallenging and, for them, demeaning. It is clearly a waste of human resources to place bright people in bad jobs because we fail to recognize their potential.

It is also a waste of human resources not to involve these workers in finding better ways to do their jobs—more productive ways and less demeaning ways. In interviews conducted for the Work in America study, the most frequent complaint of workers was that when they tried to suggest better methods for organizing their tasks, their employers invariably responded with indifference, disdain, or contempt. Finally, these workers gave up trying. They began to make the minimum possible commitment to their jobs that would still ensure a paycheck at the end of the week. Thus, a kind of self-fulfilling prophecy is at work: Managers, who feel workers are lazy, dumb and untrustworthy will treat workers accordingly; then, the workers respond by engaging in work restriction.

I think it is not inaccurate to describe much of labor/management relations in the United States as a system of mutual mistrust. To put this admittedly bald statement into some perspective, it is useful to compare the American system with two quite divergent European models. The first European system of industrial relations is based on class conflict. In Britain, especially, managers have viewed workers as the enemy whose back must be broken in battle. It is beneath the dignity of the managerial class to attempt to communicate with the working class. The attitude of the workers (and particularly of their union leadership) is that they would rather sink the ship—with themselves in it—than cooperate with the "exploiting" class. The other European model is based on cooperation. In Scandinavia and Germany, in particular, workers and managers see themselves as being afloat together in a single boat. While there is no illusion that the interests of labor and management will always coincide, there is, nevertheless, a working agreement that it is in the self-interest of both parties to keep productivity and employment high, and inflation low.

While the parties fight like cats and dogs in the national political arena, neither is so self-destructive as to allow these democratic struggles to capsize the boat of prosperity. While these characterizations of the two systems are necessarily oversimplified and overdrawn, I do not think it is a misstatement to claim that the class conflict of Britain and Italy, on the one hand, and the union/management cooperation of Northern Europe, on the other, are reflected in the relative prosperity and productivity of the two opposing systems. But my main purpose in undertaking this international comparison is to argue that American industrial relations are not nearly as bad as those in Britain and not nearly as good those in Germany.

We must admit, regretfully, that class differences continue to exist in this country, and that with these conflicts come a host of social and economic problems. Confining my remarks only to workplace problems, these class divisions prevent the society from more fully realizing the potential of its human resources. Indeed, I should argue that unless we move away from conflict and towards cooperation between management and labor, the nation will be unable to successfully negotiate the seas of the emerging post-industrial economy. Cooperation is simply the only appropriate mode for labor relations in a services and knowledge economy.

We must, then, find models of cooperation. Most emphatically, I feel that the monolithic industrial democracy legislation of Northern Europe is totally inappropriate for the needs of our pluralistic nation. All that is probably required on the part of government in this country is to provide some incentives and assistance to employers, workers and unions to find many and varied American responses to the complex issues of human resources development, productivity and class conflict in the workplace.

In this regard, the bill before you is particularly attractive because it recognizes that there is no simple and uniform response that is appropriate for the wide variety of industries, working settings, union agreements and other local conditions found across the nation. For example, there is no single job design capable of providing satisfaction to all workers. In the past decade, many employers tried and failed to enrich jobs using one or more of the many set formulas promulgated by management experts. Frustrated in these efforts, some of the most sophisticated employers are now discovering that they can't dictate happiness for their workers.

It is now being discovered that efforts to improve the quality of working life should be intended to make work organizations places where individuals have opportunities to grow, create, and exert some mastery over their environment. These actions may also increase productivity in the bargain, but that cannot be their prime purpose. The willingness to undertake these tasks will require a sense of social responsibility on the part of unions as well as employers. Although such a change in attitude is a great deal to expect, a small number of companies and unions have begun to work seriously on improving working life, continuing their efforts even when the recession offered them an easy way out of their commitment.

Important workplace experiments are under way in both Europe and America. These range from simple flextime (workers choose their own working hours) to the revolutionary notion of full equity sharing (the stock of an enterprise is cooperatively owned by the workers). Although each on-the-job experiment from the simple to the radical has been shown to have its unique limitations, almost all of these workplace changes directly or indirectly ameliorate some problems of underemployment. There is now ample evidence that jobs can be altered to engage the "unemployed self" of many workers. In particular, routine assembly-line and continuous-process tasks have been redesigned to give workers more autonomy, challenge, and participation in decision making.

The most successful of these programs have involved a total reconception of work systems. Here, not only are jobs more interesting, but responsibility and authority over their own tasks are delegated to workers. Characteristically, workers in such programs are divided into self-managing teams that decide how to divide their own labor, when they will work, what methods they will use, who will work with them, and how they will undertake quality control. The nature of supervision is also changed, as is the form of compensation (hourly wages usually give way to salaries, profit sharing, or some other equitable system compatible with the new work environment). General Foods, Procter and Gamble, Volvo, and Saab have pioneered in such total redesign efforts, and a mine in Rushton, Pennsylvania, and the entire community of Jamestown, New York, have successfully experimented with Labor-Management Councils like those advocated in the bill before the subcommittee.

At the Harman International Plant in Bolivar, Tennessee, the company and the union are working to find ways to improve working condition for workers who make mirrors and other auto accessories. Representatives of all the parties involved, including the workers, traveled to Sweden to see what they might bring back to their plant from the pacesetters in industrial democracy. After they returned to Tennessee, about sixty jobs at Bolivar were altered and rotated—in ways suggested by the workers—and the increased productivity that resulted was shared with the workers by giving them more time away from work. As workers have gained more experience and confidence they have begun to suggest ways to redesign other jobs in the plant and invented imaginative new ways to share in cost savings that have resulted from the changes they have either initiated or supported. Although still in its infancy, the experiment at Bolivar is significant because it is the first attempt to totally redesign the work environment in a unionized and existing facility.

Significantly, after two hundred years of political democracy, it now appears that the future of work will also be determined democratically. American workers are just now beginning to participate in the decisions that most directly influence their day-to-day existence. Although they spend more of their waking hours at work than at any other activity, only a few Americans have participated in such decisions as when they will work, with whom they will work, with what technological tools they will work, and how they will divide the tasks that need to be done. However, some managers are beginning to discover that workers are most satisfied and productive when they are given the rights, resources, and responsibilities of self-management. It is a lesson that was learned long ago in political affairs. Indeed, it permeated the thinking of the Enlightenment that influenced Jefferson and his contemporaries to advocate democracy not only as the most just system of goverance, but also as the most practical and efficient (for example "overhead" costs in a democracy are low because there is no need for secret police to be engaged in the impossible task of trying to keep

the populace "loyal" and "committed" to the goals of the nation).

I believe that the chance is great that employers, unions, workers and scholars will find better ways to develop human resources. But this will only be done through experiment and negotiation among the parties directly involved. For this reason, I urge the subcommittee to resist the temptation to tighten up the specific aspects of this bill. Union leaders and corporate executives will no doubt come before you with perfectly reasonable demands for specificity that will destroy the flexibility of the bill. Without flexibility, there will be a reduced likelihood of the kind of innovation that is needed to respond to the new order of social and economic challenges the nation will face in the future.

CORN SWEETENER SUIT

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. LEACH. Mr. Speaker, in an attempt to bring equity between corn producers and sugar growers, the Corn Refiners Association, Inc., and the National Corn Growers Association last week jointly filed suit in U.S. District Court in Des Moines, Iowa, seeking immediate implementation of sugar price support provisions of the Food and Agricultural Act of 1977.

In filing the suit it was pointed out by the plaintiff that failure by the administration to implement the sugar provision of the new farm bill results in sugar continuing to hold a competitive advantage over producers of corn-derived sweeteners.

Named as defendants in the suit were the Secretary of Agriculture, the U.S. Department of Agriculture, and the Commodity Credit Corporation and the Executive Vice President of CCC.

At a time when corn prices are in a seriously depressed condition and facing even lower levels as the Atlantic and gulf coast dock strike continues to bring the marketing process to a halt, this is no time to delay implementation of a provision of the new farm law which was approved to provide equity between producers of corn and sugar. The corn growers of Iowa are anxious to compete fair and square for the sweetener market with sugar but cannot do so without implementation of the law as approved by Congress. The goal of that legislation was equity for the former producers of corn as well as sugar. Unfortunately after administrative approaches are prone to benefit the large sugar producers and sugar refineries rather than the small family producers of sugar and corn.

I am attaching to these remarks a copy of a statement by the president of the Corn Refiners Association regarding the suit:

STATEMENT OF ROBERT C. LIEBENOW, PRESIDENT, CORN REFINERS ASSOCIATION, INC., OCTOBER 13, 1977

This afternoon the Corn Refiners Association, Inc., and the National Corn Growers Association have jointly filed suit seeking immediate implementation of the sugar price support provisions of the Food and Agriculture Act of 1977. The suit, which names as defendants Secretary of Agriculture Robert S. Bergland, the U.S. Department of Agriculture (USDA), the Commodity Credit Corporation (CCC), and Mr. Ray Fitzgerald, Executive Vice President of CCC, was filed in United States District Court for the Southern District of Iowa in Des Moines.

We have requested the Court to: permanently enjoin the defendants from refusing to comply with the loan and purchase sugar price support system mandated by Section 902 of the 1977 Farm Bill; permanently enjoin the defendants from making payments to sugar processors under the program announced in the October 7, 1977, *Federal Register;* and to declare the processor payment program unlawful.

We have not taken this step lightly. However, in light of repeated statements and actions by Administration officials, we feel compelled to seek relief from the courts. Administrative actions and appeals have been exhausted. The insistence of Congress on enforcement of the sugar price support has not brought about compliance by the Administration.

Two issues are at stake here: the continuing refusal of USDA to enforce a law passed by Congress; and their repeated attempts to use a sham payment to give producers of sugar a competitive advantage over producers of corn-derived sweeteners.

In July and August, the question of U.S. sugar policy was thoroughly debated by the Congress. The result of these debates was the "de la Garza amendment," mandating a sugar price support through loans or purchases of processed sugar products. At the time of the conference on the Farm Bill, the Secretary and his representatives assured the conferees of their intention to immediately begin work to implement this support program, through a program of increased tariffs on imported sugar. This was 70 days ago. At that time, the conferees were told that the amendment would be in effect around October 1.

On September 7, a wire service story reported that USDA "has decided the sugar support program in the 1977 Farm Bill should not be implemented with tariffs or quotas," according to a staff aide.

On September 9, twenty-nine Senators wrote the President insisting the price support program be instituted "without further delay."

On September 15, USDA announced a "revised" direct payment plan for 1977-crop sugar—a plan which in practical effect is identical to a program ruled illegal by the Justice Department and the General Accounting Office.

On September 20, Secretary Bergland told reporters that the government would try and avoid implementing the Farm Bill program, and would seek "clearance" from Congressional committees to run a subsidy payment program. He noted that USDA wouldn't implement the price support program until around January 1.

On September 28, thirteen members of the House Conference Committee on the Farm Bill wrote the President, requesting immediate implementation of the Farm Bill.

On September 30, seven members of the Senate Conference Committee wrote the President, requesting immediate implementation of the Farm Bill.

On September 29, the President signed the Farm Bill into law. On October 1, all provisions of the bill not otherwise excepted became effective, including the sugar price support program.

On October 5, the USDA issued, without a public comment period, final rules instituting a subsidy payments program for 1977-crop sugar.

These dates are merely representative examples of the Department's continuing refusal to carry out the will of the Congress. Members have written the Secretary. Members have written the President. They have made themselves perfectly clear—the intent of Congress was that the Administration implement this price support without delay.

Today, imported sugar continues to flow into the country at the direct expense of domestic sugar producers and corn sweetener producers. In direct conflict with law, the Administration continues to pursue a course which would result in subsidy relief to some sugar producers at the direct expense of corn sweetener producers and the corn farmers who provide them one million bushels of corn a day. Having exhausted all administrative channels, we ask that the Court enforce the law.

THE DELANEY CLAUSE MUST BE AMENDED AND MODERNIZED

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. TAYLOR. Mr. Speaker, as we consider the need to place a moratorium on the decision of the Food and Drug Administration to ban the use of the artificial sweetener, saccharin, a decision that has dismayed millions of diabetics and individuals who must use the product for dieting purposes, I would like to call to the attention of my fellow Representatives a learned article on the Delaney clause published in the Chemical and Engineering News on June 6, 1977, written by our colleague JAMES G. MARTIN of North Carolina.

I would like to point out that JIM has outstanding credentials in the field of chemistry, having earned a B.S. in chemistry from Davidson College and a Ph. D. in the field from Princeton.

JIM also served as a member of the chemistry faculty at Davidson, specializing in organic chemistry. He has been a member of the American Chemical Society since 1959 and also chairs the Republican Task Force on Health.

It is obvious that JAMES MARTIN knows what he is talking about as the author of legislation to modify the Delaney clause.

We were indeed fortunate that the House of Representatives, at this point in time, had the benefit of JIM MARTIN's expertise and input in this matter. He is due a great credit by all Members of this body and millions of Americans for his role of leadership in obtaining the 18-month moratorium on the ban of saccharin while a more realistic study on the effects of saccharin can be conducted.

I would hope that my colleagues would read the following article so that they may be fully informed on the subject of saccharin and the need to modernize the Delaney clause:

THE DELANEY CLAUSE MUST BE AMENDED AND MODERNIZED

(By Representative JAMES G. MARTIN)

Saccharin, the last of the approved artificial sweeteners, is about to be banned.

That will do more harm than good. That will not serve the public health interest, but will aggravate it. There's little anyone can do about it, however, until Congress amends the law governing food additives or specifically exempts saccharin.

The Food & Drug Administration is required by law to ban saccharin or any other food additive if massive daily overdoses of it cause cancer in test animals. That is a single, absolute test with zero tolerance. FDA must disregard the substantial benefits that 50 million consumers will lose when saccharin is banned. FDA must disregard the fact that for all the studies on saccharin, there is no evidence that anyone has ever gotten one tumor from normal use of saccharin. Regardless of such factors, saccharin must be banned "at the drop of a rat."

The Delaney clause provides that "no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal." This requires saccharin to be banned solely on the indisputable evidence that a significant increase in bladder cancer results from drastic overexposure of test rats to ridiculously extreme concentrations of saccharin prior to birth (in utero), followed by daily massive overdoses thereafter. How absurd! How absolute!

It is true, of course, that thousands can do without any sweetener in their food. On the other hand, there are tens of millions who lack that elite, ascetic self-discipline; they cannot marshal the iron will that will be required of them. They will resent those who take away another of the free choices they are still allowed to exercise in a world swarming with risks.

There is clear evidence that in the absence of diet drinks, those who have become accustomed to them will just shift to sugar-sweetened colas. When cyclamate was banned in 1969, the annual consumption of diet colas decreased 71 million cases (from 235 million to 164 million). This was accompanied by an increase in sugar-sweetened drinks of 159 million cases (from 1445 million to 1604 million). The trend of increasing consumption of all soft drinks hardly showed a dent when diet drinks were in short supply.

Furthermore, on the basis of 16,000 interviews each year, the number of Americans drinking a low-calorie diet drink on an "average day" dropped from 21 million in 1968 to 11 million in 1970. The number taking a sugar-sweetened (only) soft drink increased from 82 million in 1968 to 96 million in 1970. It is obvious that most of the decline in diet cola consumers simply shifted over to sugar-sweetened cola. The risk of this occurring again if saccharin is banned is extremely high, and the consequences are frightening.

RISK OF BLADDER CANCER

What is the risk of bladder cancer if saccharin is permitted to continue as a food additive? It is remote at worst, as can be seen from the following calculation. Let us assume that:

There is a rectilinear (proportional) dose-response relationship.

Humans are as sensitive at normal use as the test rats in the Canadian studies were at very high overdoses.

The sensitivity of human females (there being no significant incidence of bladder cancer in second-generation rat females) is one third that of human males (one third being the existing statistical ratio of current incidence).

The amount of saccharin actually consumed by humans in the U.S. annually is 6.0 million lb.

The proportion of pregnant women using saccharin is approximately the same as for nonpregnant women.

The percentage of second-generation male test rats developing cancer is the percentage actually observed (that is, 24%, not the figure of 40 used by FDA in its risk calculations, based on its use of the maximum experimental margin of error plus rounding off of the numbers). Then the only valid conclusion is that no more than 26 additional bladder tumors might be expected annually, resulting in no more than eight deaths.

Although those numbers are regrettably large, they are nowhere near the inflated calculation of 1200 tumors fobbed off on us by FDA. Furthermore, there is no evidence and little probability that anyone has ever gotten one tumor from normal use of saccharin. So the rational risk is somewhere in the range of zero to 26.

There is, moreover, no evidence that test rats get cancer from any conditions less severe than the dual protocol of high concentration prenatally plus near pathological overdosage every day thereafter. Testimony by the Health Research Group has claimed that a 1973 Canadian study showed cancers in test animals fed 0.2% and 1.6% levels of saccharin in their diet. That misuse of data conveniently overlooks the reported fact that animals at intermediate and even higher doses had no tumors, and test animals at all exposure levels and control animals at zero exposure had precisely the same percentage of cancer—0.9%.

It is customary and accepted practice to overdose test animals because of the small number used and the short life span. To be sure, a hypothetically weak carcinogen could not be detected in a hundred animals without resorting to a massive overdose.

Clearly, but cautiously, the Delaney clause must be amended and modernized.

The Delaney clause already had fallen into scientific disrepute, as analytical chemistry steadily lowered the threshold of trace detection to a few parts per billion. The clause is an inconsistent anachronism, because it will ban a food additive with only a very remote risk of carcinogenicity, while permitting the consumption of a host of "natural" foods containing traces of far more potent "natural" carcinogens. It is about to become a bizarre "hazard to your health," because without a noncaloric noncarbohydrate sweetener, millions of Americans will cheat on their otherwise bland diet, gain weight, and increase their risk of cancer (colon and breast), cardiovascular disease, diabetes, and hypertension.

These preventive medicine benefits of saccharin in diet control are enormous.

Therefore, I have introduced with 201 cosponsors (list available on request) a bill, H.R. 5166, to allow an exception to the Delaney Absolute if saccharin or any other suspected food additive is found to have public benefits outweighing the risk attributed to it. Priority would be given to health and nutritional benefits to the general public. Benefits to producers and investors would not be counted. This measure is a cautious ex-balancing of consumers' interests. It is widely supported by consumer groups—representing real consumers who actually use the stuff, their parents, their children, and their doctors.

Ironically, the principal advocate of the saccharin ban is the Ralph Nader-connected Public Citizen's Health Research Group. Their "consumer" position is that the Delaney clause needs to be extended to cover all exposure to carcinogens (in which case we would starve).

Their view is that saccharin has no benefits, but is merely a nonessential convenience. Some convenience!

One irony of this is that some toxic substances—such as hydrogen cyanide, formic acid, and trichloroethylene—can be approved as food additives at lower than lethal concentrations without any way of knowing whether they are carcinogenic. Test animals would not survive even a modest overdose, let alone a massive one. Consequently, a poisonous substance that may be moderately carcinogenic has a better chance of being approved than saccharin does, under the existing law.

What is the probable mechanism of bladder tumor formation in second-generation rats? In all probability, the observed effect of saccharin was that of a mechanical irritant or abrasive, occurring only under the most extreme conditions. Through unrelenting abuse of bladder tissues, it produced higher sensitivity (or lower resistance) to a carcinogenic effect of some other chemical present. The general presence of microcrystals in the rats' urinary tracts cannot be ignored.

Consider the fact that first-generation rats show no incidence of saccharin-induced cancer, and second-generation rats show significantly higher incidence of bladder cancer only at the highest doses employed. There is thus no evidence of a proportional, linear relationship between dose and response—suggesting that there is a noneffect threshold in these experiments and that it is just a little bit lower han the massive exposure of the fetal rats in utero.

Consider also the reported fact that the 1977 Canadian study found the crucial second-generation test animals to be 20% underweight at birth! Clearly, they had survived, but on the verge of a pathological overdose.

TABLE TOP COMPROMISE

What about the "table top compromise," announced by FDA on April 14? I commend the agency and wish it well on that. It may be the most that it can do legally to ease the public hazard of its ban, until Congress changes the absolute law.

If FDA succeeds in approving saccharin for over-the-counter sale as a single-ingredient sweetener (under the drug section of the law), it will be a clear demonstration that the benefits are held to outweigh the risks. FDA is authorized to consider that balance in the law on drugs, but not on food additives. If it succeeds, it will reaffirm my belief that the same balance of public interests ought to be weighed in the food additives section of the law, as well—thus adding impetus to my bill.

Unfortunately, there are two major problems with this "compromise." First, there is great doubt that saccharin can be reclassified as an efficacious drug. In the Food, Drug & Cosmetics Act there is too sharp a statutory demarcation. Thus, there won't be a chance to weigh benefits against risks unless a way can first be found to include "this last of the approved noncarbohydrate, noncaloric, artificial sweeteners" within the statutory definition of a drug, according to a law proposed by Sen. Estes Kefauver in 1962.

In the second place, even if saccharin is continued as a "table top" sweetener (sold over the counter as tablets, powder, and liquid concentrate)—for which several million adults diabetics who use it only in their coffee and tea will be grateful—what about several million others who are accustomed to diet drinks? What about 2 million juvenile diabetics, facing enormous peer-group pressures at school and social events?

Then what about many obese millions who will lose control of their low-calorie diets, shifting irresistibly to sugar-sweetened desserts and beverages? Won't they be left with nothing but the old, proverbial" fat chance" of dietary management?

No, the "compromise" is inadequate. The law must be changed to allow all the evidence to be weighed, including the epidemiological evidence of public health statistics. A growing series of such statistical studies fails to detect any causal association of normal use of saccharin with cancer.

For example, Dr. Bruce Armstrong of Oxford University in the U.K. and coworkers found in 1976 that 5971 diabetics had a lower than expected incidence of bladder tumors. Omitting all kinds of cancers suspected of being due to smoking, they found that instead of the predicted occurrence of 213 other cancers, only 189 were found. That is not an

increase, but a 12% decrease overall [Armstrong, B., et al., *Brit. J. Prev. Soc. Med.*, 30, 151 (1976)].

LET THE PUBLIC DECIDE

The time has come to amend the Delaney clause and any other part of the food additives law (such as the general safety provision) that would ban saccharin on such flimsy grounds. If the benefits to the public are substantial and the risks remote, then put a warning label on it, but don't ban it. Let the people make their own choice, just as they do with alcohol, cigarettes, riding in automobiles and airplanes, swimming, hiking, and eating grilled steaks and various other wholesome but suspect foods.

According to a recent poll, the public opposes any saccharin ban by a margin of 5 to 1. An estimated million Americans have written to their government or their representatives to oppose the ban. The American Diabetes Association, the American Cancer Society, the present and past director of the National Cancer Institute, four consecutive former FDA commissioners, and thousands of private physicians have argued for a cautious modernization of the Delaney clause.

What can you do?

You can add your voice to that of others, expressing your own judgment on the merits of this issue. From thoughtful consideration of the points of view presented from all sides in this News Forum, you can reach your own conclusion as to the scientific validity of the evidence and arguments.

Then, as citizens, you can sort out the priorities of public policy like anybody else. Having done so, I suggest that you carry out your obligation to speak out on this subject—to your Congressman, your Senator, your local paper—and ask your neighbors to do the same. I think I know what the majority of you will conclude. But either way, you need to speak up for yourself, before it's too late.

RURAL HEALTH CARE IS WORKING AT LAFAYETTE COUNTY CLINIC

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. FUQUA. Mr. Speaker, in the October 9 issue of Florida Accent, a magazine published by the Tampa Tribune and Tampa Times newspapers, there appeared an excellent article detailing the importance of rural health.

The author used the Health Center in Lafayette County, which is in the Second Congressional District of Florida, as an example of how such health services should and can be provided to rural counties.

Through the help of the University of Florida Medical School and the hard work and cooperative spirit of the people of Mayo and Lafayette County, this rural health program is a tremendous success as is pointed out in the article.

I am very proud of this outstanding facility and of the people who made it work. Today I am inserting the article in the RECORD to share its success with my colleagues and the Nation.

The story follows:

THE RURAL MEDICS

(By Sharon Cohen-Hagar)

The large, rotary fan was used to cool the poultry house. Hundreds of caged hens, squeezed together in the confines of the tin and wire enclosure made the chicken house unbearably hot and rancid—for fowl and human alike. But one day, the behemoth fan, forgetting its function as an air circulator, became an instrument of destruction. And in doing so became the starting point for this story.

A young visitor to the farm wandered too close to the revolving fan, tripped and fell into the whirring blades, and lacerated his face and head. Bleeding profusely, he went into shock. He needed prompt, skilled medical attention to survive.

The accident had occurred in Mayo, a small, farming community in Lafayette County (pronounced La-FAYette) about 50 miles northwest of Gainesville. If the accident had occurred 10 years ago, the boy's parents would have had several options, none of them satisfactory in an emergency. Ten years ago, Lafayette County's 2,892 residents had no physician to call their own. People either ignored their medical problems, treated them with home remedies or drove to the nearest town with doctors: Gainesville; Live Oak; Perry; or even to Valdosta, Ga., 65 miles to the north.

When the boy tangled with the fan recently, Lafayette County still didn't have its own physician. But it did have a medical clinic at Mayo, a project of the University of Florida's College of Medicine. The boy was taken to the clinic, where he was given first aid and then driven to the Shands Teaching Hospital in Gainesville. He spent months in the hospital, undergoing plastic surgery for repair of his face. He has recovered now. And the emergency treatment he received at the clinic is credited with saving his life.

The Lafayette County Health Center is one of four rural health clinics operated by the University of Florida Medical School in cooperation with the communities served by the facilities. The clinic at Mayo opened in 1969. Three years later, a clinic was opened in Dowling Park, 15 miles north of Mayo, in a retirement community and nursing home operated by the Advent Christian Church. A third site was developed the same year in Trenton, the seat of Gilchrist County, which borders Lafayette County on the southeast. And a fourth clinic opened in 1975 in Cross City, the seat of Dixie County, south of Lafayette County.

The four locations share common problems: They are rural; their per capita income is low; and, prior to the opening of their clinics, they didn't have a permanent physician. Nor was their lack of medical services unique in Florida. Today, according to guidelines established by the United States Department of Health and Rehabilitative Services, 22 Florida counties have critical medical manpower shortages. Another 21 counties have critical dental manpower shortages, and 11 counties, many in the Panhandle and north Florida, have shortages in both.

"When we first took a look at Lafayette County in 1968, it had not had a permanent doctor for 10 years," said Dr. Richard Reynolds, chairman of the Department of Community Health and Family Medicine, University of Florida College of Medicine." The old doctor who had lived there for years had died. And they never could replace him. An anthropologist from the university had done a study there and was on good terms with many of the people. The county had built a building which served as the health department but it had no staff, only an itinerant doctor. For all these reasons, Lafayette County seemed a good place for us to start."

Under Reynolds' guidance, the medical school was embarking on a program designed to introduce its students to a wider range of medical problems than they had been encountering. At the university's Shands Teaching Hospital, medical students studied techniques in specialty areas but didn't have much real-life exposure to what he calls "ordinary things": the child with mumps, or the farmer with a broken arm. Through the new program, medical students would be trained in rural medicine, with its wide range of problems, and the rural communities would have on-site services of medical personnel.

The clinic opened in January, 1969, with a free fish fry provided by the local Rotary Club, the community's only service club. The fish fry, recalls W. G. Croft, Jr., the easygoing owner of the Thriftway grocery store in Mayo, drew 1,500 to 2,000 people anxious to eat fish and inspect the new facility. Seventeen persons actually sought medical attention.

Croft, chairman of the Lafayette County Health Trust, the clinic's governing body, said the citizens of Lafayette County were only too happy to cooperate with the university to bring health care to the community. They had been working toward the same goal since 1962, when Croft's late brother, Harold Croft, then mayor of Mayo, had appointed a committee to build a clinic. The clinic opened in 1967, but until the beginning of its association with the University of Florida, its only trained staff had been a public health nurse and an itinerant doctor.

But the county had to provide more than its cooperation to insure the clinic's success. Housing had to be found for the medical students and nurses who would work at the clinic, and the clinic had to be managed locally so that salaries could be paid for permanent clinic personnel. Today, the Mayo clinic is self-supporting, said Dr. Wilmer Coggins, chief of the medical schools Division of Rural Health. Fees paid for medical services ($8 to $10 for a typical clinic visit) are less than those paid to a private physician but are sufficient to keep the clinic going.

Mayo, like many other rural communities, had not been able to attract a young physician anxious to begin practice. The southern part of Lafayette County is swampy. Much of the usable land is given over to 16 dairy farms, to poultry houses and to tobacco and watermelon crops. Mayo has no real industry, but many of the residents travel the 28 miles to Perry to work in the cellulose plant there. The 1970 census listed the total population of Lafayette County at 2,892. Today, by some local estimates, it has increased to 3,300.

The Lafayette County Health Center sits on the north end of Mayo's winding Main Street, State Road 27. To reach it from the south, you pass West Pharmacy downtown, the magnificent Greek porticoed county courthouse, W. G. Crofts Thriftway and Folson's restaurant, but a step away from Cindy's Motel.

The health center is a squat concrete building with an institutional exterior that makes it easy to spot among the architectural styles of its folksy neighbors. Next door, is the modernistic, wood frame dental clinic, opened since January, an adjunct to the university's rural medicine program.

A row of mobile homes next door houses the four medical students and the four student nurses who serve a two-week rotation at the medical clinic. A resident physician spends one month in the community, and a permanent physician's assistant has been a recent welcome addition to the staff.

A resident pediatrician pays a weekly visit to the clinic, as does a physical therapist. Medical school teaching staff, including Reynolds and Coggins, also see Mayo patients weekly.

The waiting room is crowded, but people wait patiently to be called into one of the simple-appointed examination rooms. Although many will pay the basic clinic fee, other patients' fees will be scaled according

to their ability to pay. Blacks and whites sit side by side on plastic chairs here, but the blacks still live in their own section of town called "The Quarters." Children, some obviously ill, sit quietly on their mothers' laps. Others play quietly on the floor.

Robert Snipes, a Mayo farmer, is being treated for a broken bone in his foot. The foot is in a cast, and he props himself up on his cane as he talks. Snipes said he would have to drive to Perry for treatment if the clinic didn't exist. He's thankful it does.

Lilly Mae Miller remembers the difficulty of getting medical care before the clinic opened. "If you didn't have a car," she said, "you had to hire a car to drive you to Perry. Sometimes it was hard finding someone to drive you. Now, I go to the clinic a lot. They treat me just fine."

Phyllis Land, project administrator for the health and dental centers, said during its busy season, just prior to the opening of Mayo's one comprehensive school, the clinic treated as many as 40 patients per day. The average number of patient visits per year is about 7,000. The number has steadily increased each year.

The clinic is open Monday-Saturday, but medical personnel are on call 24 hours a day. Because it is the only medical facility in town, the clinic treats a large percentage of trauma cases often found in city hospital emergency rooms: broken bones; lacerations; burns.

But the medical students and resident see their share of children with head lice and scabies; pregnant teenagers; and diseases resulting from poor nutrition.

"Diabetes and hypertension are particular problems here," Land said, "because they are diseases related to the nutrition of the area. The people have starchy diets and use a great deal of pork as seasoning in their food. Obesity is a problem."

Some of these chronic patients are now in the care of the clinic's physician's assistant, John Willis, 30, who spent six weeks at the clinic during his training and decided to stay on permanently.

With a bachelor's degree in zoology and two years spent in a physician's assistant program, Willis said he will handle trauma and emergency cases and see the regular patients with chronic problems. "They need to establish a rapport with one person here," he said. "I can be that person."

Willis, who is single, said he has no qualms about living in a small town and working in a rural medical clinic. "I like to hunt and fish, and there's plenty of that around here" he said." If I want to raise hell, I can go to Gainesville."

And clinic regulators consider Willis a welcome addition to the medical facility they now proudly call their own.

THE QUOTA SYSTEM: CHINESE STYLE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. MICHEL. Mr. Speaker, news about the Supreme Court's hearing of the Bakke "reverse discrimination" case has appeared on every front page in the country. The case concerns a number of issues. Should the United States, even for the best of reasons, treat individual citizens as members of certain "classes" from which there is no way to remove oneself? Should the U.S. Government ask young men and women to pay the price for the discriminatory practices of others a generation ago? Should certain kinds of Americans be looked upon as not worthy of Government attention because of an accident of birth?

These questions have already been asked and answered in Communist China. In a chilling and horrifying story in the New York Times, October 13, 1977, Ross H. Munro tells of members of China's "sub-class." Members of this class can never get out of it. They are denied advancement and a chance to improve themselves. They are treated as outcasts by the government. What is their crime? They happen to have owned land when the Chinese Communists conquered China in 1949. Not only these people but their children as well are considered members of the "sub-class."

Mr. Speaker, what is the moral difference between denying an American of, say Polish ancestory, a place in school because he is not a member of an officially recognized minority group and the Chinese Communist practice of denying advancement to children of those who once owned land? I can see no moral difference between the two practices. In each case freedom is denied. In each case individuals are treated as members of a class. In each case those who call for such treatment do so in the name of some alleged high good. In China it is the "revolution." In this Nation it is "equality."

Equality, what crimes are committed in thy name.

Mr. Speaker, I place in the RECORD, "China Is Still Stigmatizing 'Rich Peasants' of the 1940's," New York Times, Thursday, October 13, 1977:

CHINA IS STILL STIGMATIZING "RICH PEASANTS" OF THE 1940's

(By Ross H. Munro)

PEKING.—Fu Nung-ren has been a member of China's sub-class ever since the Red Army arrived in his village in —— when he was 26 years old.

Chen Fu Nung-ren's misfortune to have been born into a family categorized by the Communists as "rich peasants," a label he wears to this day. He is only one of at least 30 million Chinese who are openly and systematically discriminated against because of their "bad class background."

Like other members of the sub-class in the Chinese countryside, he gets lower wages, he is barred from his commune's free medical service, he cannot participate in any political activities, he is target for verbal abuse and he has hardly any hope of improving his lot in life.

Families like Fu Nung-ren's were "rich" only in comparison with the masses of poor and landless peasants in the war-torn China of the 1930's and 1940's. The average rich peasant in the 1940's owned two to three acres of land, but as long as he rented some of it out, or hired even part-time labor to work on it, then he was "rich."

Chen Fu-ching, the leader of the Tung Ku Cheng production brigade where the former rich peasant works as a field laborer, described what happened to families like his when the Communists took over an area near the city of Shinkichwang, 160 miles southwest of Peking.

PUNISHMENT FOR PAST "CRIMES"

"The poor and lower-middle peasants organized the Poor and Lower-Middle Peasants Association and brought the landlords and rich peasants together and settled accounts with their crimes in the past," he said.

As was not the case in many, and perhaps most, villages in China, no one there was executed or beaten to death, according to Mr. Chen. But "settling accounts" in Chinese Communist parlance suggests that some severe beating took place.

Then, Mr. Chen said, the Communists confiscated the lands of the landlords and rich peasants as well as those possessions that were deemed "surplus to their personal use." The land and belongings were distributed to everyone in the village. From then on, Mr. Chen said, the landlords and rich peasants "were not permitted to do or speak evil things, and they were deprived of their political rights."

Although Mr. Chen did not reveal the man's real name—Fu Nung-ren is a pseudonym meaning rich peasant—he is quite frank in discussing his case. Fu Nung-ren is after all, just one of 11 members of the sub-class in the Tun Ku Cheng production brigade who 30 years ago lost their property but kept their class enemy status.

Some members of China's sub-class have succeeded over many years in convincing Communist Party officials that the "caps" should be removed from their heads. To "put a cap on" a person in China means to attach a negative political label to him. When Mr. Chen is asked why Fu Nung-ren has not succeeded in shedding his sub-class status, the response is vague.

BEHAVIOR IS "NOT SO GOOD"

"His behavior and manner are not good so he still has the cap on. The production team ask him to work honestly in the fields but he just doesn't work and he sometimes says nasty things and some nonsense."

Well, he was asked, how much work does this shirker actually do?"

"He works more than 300 days a year." He may find it necessary to. Like almost all members of the sub-class in rural China, Fu Nung-ren receives 10 to 20 percent less in wages than others alongside him doing the same work.

Rural wages are based on the type of job and the skill involved, the effort that the worker is judged to be making and, finally, his political attitudes toward his work and the Communist system in general. These last two, rather subjective, factors each count for about 10 percent of a peasant's wages under this work-point system. And, as Mr. Chen pointed out, "these two things are linked together."

"If he doesn't like to work, then of course he can't work hard," the brigade leader said.

The former rich peasant pays another economic penalty besides having had his wealth confiscated and his income cut 20 percent below those of the average field worker. Mr. Chen said that Fu Nung-ren could not get free medical care from the local clinic as do other members of the brigade. How common this particular form of discrimination is remains uncertain; many brigades still charge all their members for medical care.

NO CHANCE FOR ADVANCEMENT

As long as he remains a member of the sub-class, Fu Nung-ren is barred from political meetings and from what Mr. Chen calls "selecting and being selected," that is, from having any voice in choosing the brigade's officers. In fact, Mr. Chen suggested at one point that Fu Nung-ren really was not considered a member of the brigade at all. Fu Nung-ren's chances of getting any job except the lowliest are, of course, nil.

Mr. Chen insisted that the children of former landlords and rich peasants "get the same treatment as others" in this particular production brigade. But this is not the general rule in China today. In many communes, children and even grandchildren of rich peasants and landlords automatically inherit their fathers class standing and must

work hard to have their "cap" removed. And anyone with a "bad class background" anywhere in China falls under a political cloud.

"If they are of landlord family origin," said a brigade leader in Shansi Province, "then they may be influenced by that. So they need more tempering and transformation." The brigade leader indicated that this meant they must prove their worth by doing more ordinary labor than others.

EDUCATIONAL OPPORTUNITY LIMITED

Children with the wrong class background have only a very slim chance of being selected to attend a school of higher learning even if they have proven their ability. Visits by this correspondent to Chinese colleges and universities during the last two years provided evidence that there was some sort of regulation that restricted the number of students with a "bad class background" to a maximum of 5 percent of the enrollment. It is also evident that the actual proportion is well below 5 percent.

The records revealing class background follow Chinese citizens everywhere. Sometimes the class background of someone who has moved away from a rural area is ignored for years and then suddenly becomes relevant again and the person in question suffers.

There was the case of two Chinese citizens, for instance, who were idealistic and patriotic teen-agers when they joined the Red Army before the Communist victory in 1949. Over the years both established excellent records in the army and were advancing at a good pace.

Then along came one of these periodic campaigns during which officials were urged to pay more attention to the class background of those serving under them. The two men suddenly found that roads to further advancement were blocked and they were being systematically discriminated against because their grandfather was a small-scale landlord.

In addition, they became objects of suspicion because some of their relatives had left China soon after 1949. Today they hold factory jobs that are quite satisfactory by Chinese standards, but they know they have no hope of promotion and they worry that their children will have little chance of getting any advanced education because of the few acres of land their great-grandfathers once owned.

MANY SLAIN IN CULTURAL REVOLUTION

One of the most unpleasant aspects of being a member of China's sub-class is the social isolation that goes with it. Chinese children are taught from an early age that landlords and rich peasants are bad people. They are also told the identity of their village's former landlords and rich peasants and their children.

It seems that every political convulsion in Communist China has been accompanied by attacks on members of the subclass, who provide the easiest if not the most appropriate targets.

Sometimes the attacks are more than verbal. Ten years ago, during the Cultural Revolution, peasants in one area in northern China killed all the former landlords and rich peasants, as well as their wives and children, in one day. According to the official Chinese source of this story, the incident involved 10 production brigades, suggesting that hundreds may have been killed.

Many outsiders initially find it strange that Chinese officials are still regularly denouncing landlords, rich peasants and "bourgeois elements" nearly three decades after the wealth and property of these groups was confiscated. A partial explanation for the denunciations is that there is a lingering fear among some Communists that these elements would somehow regain their elite status if the Communists lowered their vigilance.

But Richard Curt Kraus, a United States sociologist and expert on China, has offered a second explanation that seems to gain greater validity each year. He argues that members of China's "new class" of officials have discovered that it is very much in their interest to keep the pressure on for landlords, rich peasants and old bourgeois elements.

By focusing attention on these groups, Professor Kraus reasons, Chinese officials divert attention from themselves, the new bourgeois, which Chairman Mao Tse-tung himself identified as posing new and more dangerous class problem that China faces.

DALLAS-FORT WORTH REACTION TO THE PRESIDENT'S OUTBURST

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 17, 1977

Mr. MILFORD. Mr. Speaker, Members of the House and Senate may be interested to know of the reaction brought about by President Carter's press conference this past week.

I would like to enclose for the RECORD three different articles: First, the lead editorial from the Fort Worth Star Telegram, Sunday issue, October 17, 1977; second, the lead editorial from the Dallas Times Herald, October 16, 1977; and third, an editorial by Bert Holmes, Dallas Times Herald, October 16, 1977:

[From the Fort Worth Star-Telegram, Oct. 17, 1977]

PRESIDENT'S OUTBURST DISAPPOINTING

We're disappointed.

Although we didn't endorse Jimmy Carter in the 1976 presidential election, we held great hope that a person of his integrity and poise would restore public confidence in the office of the presidency, which had been so shattered by Watergate.

We still nourish the hope, but it has been grievously diminished by the President's vicious attack on the U.S. oil industry.

Obviously fretting over the disaster suffered by his energy proposals at the hands of Congress, President Carter left his usual decorum and used a nationally televised news conference to unleash a rhetorical assault against the industry.

He employed inflammatory language such as "war profiteering" and the "greatest ripoff" in history to warn the public against what he envisions as the possible results of Congress' refusal to go along with his proposals for continued and expanded government control of the oil and gas producers.

". . . The oil companies apparently want it all," he said, in charging that the oil and gas industry operate outside the free enterprise system, a charge such as no other President to our knowledge has ever made.

The President's outburst appears to have been aimed at trying to pursuade the American people to chasten Congress for not approving his energy plan intact.

That seems particularly ironic in view of the fact that, in balking at the bulk of the Carter energy package, Congress has merely reflected the leanings of public sentiment on the issue.

The fault has not been with Congress—or more specifically the Senate, which has done most of the damage to the energy package. The fault has been with the package itself.

In emphasizing a penalty-oriented conservation approach to the energy crisis, the President's plan flew in the face of both human nature and American tradition.

What the President's plan said, in effect, was that it's time for the U.S. economy to grind to a halt.

That may be so, but the American people are not sold on the idea. They would like to give the fabled American technology and initiative just one more go at a solution that would not mean the abandonment of the high material standard of living we have achieved with such great effort and have become so deeply accustomed to.

The American people think in terms of the Panama Canal, the Manhattan Project and the man-on-the-moon when their country faces a problem.

The President offered them the prospect of ever higher fuel costs (through federal taxation), more government controls and very little hope that all the proposed hardship would get the job done.

His plan provided few positive incentives to inspire anyone to make an effort to do something about the energy crisis. It provided practically no such incentives for the one best situated to do the most in the short and intermediate term—the oil and gas industry.

The President's attempt now to blame others for the apparent failure of his ill-conceived program can only be counterproductive to his effort to get it approved.

His impugning of the character and motivation of those who constitute one of the country's largest private industries can only cost the presidency in terms of dignity and respect.

That's most disappointing.

[From the Dallas Times Herald Oct. 16, 1977]

FUEL "WAR" NOT ANSWER

If President Carter has any hope of achieving a sound energy program, he is going to have to work with and not against the Senate, the oil and gas industry and the American consumer.

In lashing out last week at the oil and gas producers, whom he compared with war profiteers, the President promised to follow the maxim of Gen. Ulysses S. Grant during the Civil War: "I propose to fight it out along this line if it takes all summer."

Grant eventually led his Union troops to victory over the starving Confederate armies, but he knew more about fighting a war than does the former Georgia governor now in the White House.

President Carter's self-assigned task of imposing his own energy program on a reluctant Senate is weakened by his apparent addiction to another, less famous quotation: "My mind is made up; don't confuse me with facts."

In attempting to document his charge that the oil and gas industry is seeking to profit from the biggest ripoff in history, President Carter said that if Congress rejects his program to continue regulation of oil and natural gas prices, $50 billion would "go into the pockets of oil companies themselves."

The man who calculated that figure for the White House, consultant Steve Muzzo, later pointed out that the President's interpretation was not quite right. The $50 billion represents gross revenues, before taxes and business expenses are subtracted, not profits into the "pockets" of the companies.

Stubbornness in defending his own energy plan will not help the President win over the senators who are working on a more sensible incentive program. Nor will the President be able to enrage consumers and thus get them to exert pressure on the Senate by using "ripoff" estimates which his own consultant admits are erroneous.

Threats of rationing and stiff tariffs on im-

ported oil will not frighten any consumer who realizes that the senators are not about to approve these ideas either.

Oil spokesmen were generally restrained in replying to the President's charges. While they criticized the statements as untrue and unfair, they used the incident to point out again that incentives are needed to encourage maximum development of domestic energy resources.

The Senate Finance Committee, the real source of the President's frustration, has discarded all of the Carter energy tax program. It is developing a package of tax credits and incentives which could be financed with part of the energy taxes approved by the House.

The committee favors the creation of a new energy development corporation to offer loans to developers of new energy sources, energy research and energy efficient transportation.

If President Carter will back off his Gen. Grant position and look at the facts, he might be able to work with the House-Senate conference committee in the design of a sound energy policy. We do not need a civil war on energy; we need a leader who can follow President Johnson's advice: "Come, let us reason together."

[From the Dallas Times Herald, Oct. 16, 1977]

ENERGY AND THE AVERAGE CITIZEN

(By Bert Holmes)

President Carter may have stirred up additional resentment against the oil and natural gas industries in his "ripoff" charges last week, but he may be underestimating the common sense of the average American in his attempts to generate public pressure on the Senate.

The President said that we will have "acceptable energy legislation" this year "if the American people recognize the importance of this issue." The issue he was talking about was the continuation of controls on new natural gas prices and the increase in crude oil prices through taxes.

The Senate has rejected the oil equalization taxes, which would triple the price of domestic oil during the next three years. The taxes would increase the price of gasoline some 7 cents a gallon, which the President thinks would help force conservation.

The Senate has also voted for the deregulation of new natural gas prices contrary to the wishes of President Carter.

The average American may indeed buy the President's thesis that the oil and gas companies are greedy. But for that matter, he probably thinks that nearly every company is out to make as much money as possible. (Indeed, polls have shown that the majority of people think the profit margins of corporations generally are far higher than they are in fact.)

Our average American knows, however, that the oil exporting nations are greedier than any domestic company would dare to be. The quadrupling of the price of imported oil in the last four years is no secret, nor is the fact that gasoline pump prices have more than doubled.

One reporter at the presidential press conference raised an important point. How, he asked, does the President square his warnings about the energy crisis with the public perception that things are not too critical? It's a tough job, President Carter noted, and he hopes that it will not take another oil embargo and long lines at the gasoline stations to confirm the fact that there is an impending energy problem.

The average American knows that he can buy all the gasoline he wants to at the moment. He has likely read that there is an actual glut of oil and that Alaskan oil has hardly begun to reach the market. He perhaps has also heard that Mexico has an ocean of oil and natural gas awaiting development.

If given the choice of paying more to American companies or paying more to the Arabs, one would hope that our average citizen would opt for keeping as many of our dollars as possible at home. Huge deficits in our balance of payments may not be understood by too many of us, but the resulting inflation and the fears of recession are troubling to the most uninformed.

Before the average American gives up his auto commuting habits or reduces his consumption of gasoline, he is going to have to be convinced that there are no alternatives. If there is oil and gas awaiting discovery, why not find it? If the cost is higher than "old oil" but less than imported oil, why force us to depend further on foreign producers?

Even if Americans are convinced that we must conserve our dwindling reserves, they might join the Senate Finance Committee in asking whether it is not wise to encourage the development of alternate fuels, such as gasified coal, oil shale, alcohol or electricity generated in nuclear plants.

There is an innate faith among the ordinary citizens that American ingenuity can solve complex problems. After all, we went to the moon, didn't we? Our scientists invented the atomic bomb in time to help win World War II. They also developed synthetic rubber when that war cut off imported supplies.

The high cost of natural gas and electricity are getting the attention of homeowners, and tax incentives will speed the weatherization of homes. More fuel-efficient automobiles are being accepted in the market place.

Sacrifices will be made if enough people believe they are necessary, but there are few masochists. If there is a way to match supply and demand, through free enterprise or government incentives, why impose suffering?

President Carter is reaching for support of his energy plan from the ordinary American. He might have better luck in his educational campaign if he changed his textbook.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, October 18, 1977, may be found in Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 19

9:00 a.m.

Commerce, Science, and Transportation

To continue hearings on S. 2036, the Amateur Sports Act of 1977.

5110 Dirksen Building

9:30 a.m.

Foreign Relations

To resume hearings to receive testimony from Ambassador Ellsworth Bunker and Sol Linowitz, Co-Negotiatiors, on the Panama Canal Treaties (Exec. N., 95th Cong., 1st sess.).

4221 Dirksen Building

Governmental Affairs

Permanent Investigations Subcommittee

To continue hearings to receive testimony concerning labor union insurance programs.

Dirksen Building

Judiciary

Administrative Practices and Procedures Subcommittee

To hold hearings on proposed legislation dealing with the Department of Agriculture's policies, practices, and procedures regarding family farmers.

2228 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To continue markup of legislation proposing simplification in the truth in lending laws (S. 1312, 1501, 1653, and 1846).

5302 Dirksen Building

Rules and Administration

To hold hearings on the nomination of John J. Boyle, of Maryland, to be Public Printer, followed by a business meeting on pending calendar business.

301 Russell Building

10:30 a.m.

Judiciary

Business meeting on pending calendar business.

2300 Dirksen Building

OCTOBER 20

8:30 a.m.

Energy and Natural Resources

To hold a business meeting on pending calendar business.

3110 Dirksen Building

9:00 a.m.

Human Resources

To hold a business meeting on pending calendar business.

4232 Dirksen Building

9:30 a.m.

Judiciary

Administrative Practice and Procedure Subcommittee

To continue hearings on proposed legislation dealing with the Department of Agriculture's policies, practices, and procedures regarding family farmers.

2228 Dirksen Building

Judiciary

Criminal Laws and Procedures Subcommittee

To resume hearings to examine the erosion of law enforcement intelligence gathering capabilities.

1114 Dirksen Building

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Thomas F. Moakley, of Massachusetts, to be a Federal Maritime Commissioner.

5110 Dirksen Building

Commerce, Science, and Transportation

To hold a business meeting on pending calendar business.

235 Russell Building

2:30 p.m.

Human Resources

Education, Arts and the Humanities Subcommittee

To continue hearings on S. 1753, to extend the Elementary and Secondary Education Act of 1965.

4232 Dirksen Building

OCTOBER 21

8:00 a.m.
Finance
Health Subcommittee
To resume hearings on S. 1391 and 1470, hospital cost containment bills, and H.R. 8423, to improve Medicare administration and operation of coverage for patients suffering from kidney failure.
2221 Dirksen Building

9:00 a.m.
Armed Services
Arms Control Subcommittee
To resume closed hearings to receive testimony from Secretary of State Vance on the current status of the SALT II negotiations.
S-407, Capitol

9:30 a.m.
Select Indian Affairs
To hold hearings on S.J. Res. 86, to extinguish title, if any, claimed by the Mashpee Tribe to property presently occupied by homeowners in Mashpee, Massachusetts.
6202 Dirksen Building

Judiciary
Criminal Laws and Procedures
To hold hearings on S. 1487, to eliminate racketeering in the sale and distribution of cigarettes.
2228 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings in connection with recent increases in lumber prices and their effects on the Nation's housing industry.
5302 Dirksen Building

*Human Resources
Education, Arts, and the Humanities Subcommittee
To resume hearings on S. 1753, to extend the Elementary and Secondary Education Act of 1965.
Until noon 6226 Dirksen Building

OCTOBER 25

10:00 a.m.
Energy and Natural Resources
Energy Production and Supply Subcommittee
To hold oversight hearings on the coal leasing program and its general impact on coal development in the West.
3110 Dirksen Building

Judiciary
To mark up S. 1437, to codify, revise, and reform the Federal criminal laws.
S-126, Capitol

OCTOBER 26

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the role of the FHA in home financing.
5302 Dirksen Building

Energy and Natural Resources
Energy Production and Supply Subcommittee
To continue oversight hearings on the coal leasing program and its general impact on coal development in the West.
3110 Dirksen Building

Judiciary
To continue markup of S. 1437, to codify, revise, and reform the Federal criminal laws.
S-126, Capitol

OCTOBER 27

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 35, proposed Civil Rights Improvements Act of 1977.
2228 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the role of the FHA in home financing.
5302 Dirksen Building

Energy and Natural Resources
Energy Production and Supply Subcommittee
To continue oversight hearings on the coal leasing program and its general impact on coal development in the West.
3110 Dirksen Building

OCTOBER 28

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings on S. 35, proposed Civil Rights Improvements Act of 1977.
2228 Dirksen Building

Judiciary
Criminal Laws and Procedures
To resume hearings on S. 2013, to require the additional labeling of explosive materials for the purpose of identification and detection.
6202 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the role of the FHA in home financing.
5302 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 61, requiring that a certain percentage of U.S. oil imports be carried on U.S.-flag vessels.
5110 Dirksen Building

OCTOBER 31

9:30 a.m.
Human Resources
Labor Subcommittee
To resume hearings on S. 1883 and 1855, to strengthen the remedies and expedite the procedures under the National Labor Relations Act.
Until 5:00 p.m. 4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Energy Production and Supply Subcommittee
To hold hearings on S. 1879, to bar the granting of pipeline rights-of-way to applicants who produce oil products.
3110 Dirksen Building

NOVEMBER 1

9:00 a.m.
Judiciary
Constitution Subcommittee
To hold oversight hearings on activities of the Civil Rights Commission.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Energy Production and Supply Subcommittee
To continue hearings on S. 1879, to bar the granting of pipeline rights-of-way to applicants who produce oil products.
3110 Dirksen Building

NOVEMBER 2

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to receive testimony on the possible effect of recombinant DNA research on the field of scientific inquiries.
5110 Dirksen Building

Judiciary
Constitution Subcommittee
To continue oversight hearings on activities of the Civil Rights Commission.
2228 Dirksen Building

NOVEMBER 3

9:30 a.m.
Human Resources
Labor Subcommittee
To resume hearings on S. 1883 and 1855, to strengthen the remedies and expedite the procedures under the National Labor Relations Act.
Until 5:00 p.m. 4232 Dirksen Building

NOVEMBER 4

9:30 a.m.
Human Resources
Labor Subcommittee
To continue hearings on S. 1883 and 1855, to strengthen the remedies and expedite the procedures under the National Labor Relations Act.
Until 5:00 p.m. 4232 Dirksen Building

NOVEMBER 8

*9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to receive testimony on the possible effect of recombinant DNA research on the field of scientific inquiries.
5110 Dirksen Building

NOVEMBER 9

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Judiciary
Constitution Subcommittee
To hold hearings on S. 1845, the Polygraph Control and Civil Liberties Protection Act of 1977.
2226 Dirksen Building

NOVEMBER 10

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to receive testimony on the possible effect of recombinant DNA research on the field of scientific inquiries.
5110 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Judiciary
Constitution Subcommittee
To continue hearings on S. 1845, the Polygraph Control and Civil Liberties Protection Act of 1977.
2228 Dirksen Building

NOVEMBER 11

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on U.S. monetary policy.
5302 Dirksen Building

NOVEMBER 14

10:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2014, to provide greater protection to consumers in bankruptcy proceedings.
2228 Dirksen Building

NOVEMBER 15

10:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To continue hearings on S. 2014, to provide greater protection to consumers in bankruptcy proceedings.
2228 Dirksen Building

NOVEMBER 16

10:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To continue hearings on S. 2014, to provide greater protection to consumers in bankruptcy proceedings.
2228 Dirksen Building

NOVEMBER 17

10:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To continue hearings on S. 2014, to provide greater protection to consumers in bankruptcy proceedings.
2228 Dirksen Building

NOVEMBER 18

10:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To continue hearings on S. 2014, to provide greater protection to consumers in bankruptcy proceedings.
2228 Dirksen Building

DECEMBER 13

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 67, proposing an amendment to the Constitution with respect to the proposal and the enactment of laws by popular vote of the people of the United States.
2228 Dirksen Building

DECEMBER 14

10:00 a.m.
Judiciary
Constitution Subcommittee
To continue hearings on S.J. Res. 67, proposing an amendment to the Constitution with respect to the proposal and the enactment of laws by popular vote of the people of the United States.
2228 Dirksen Building

DECEMBER 15

*9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the United Nations conference on science and technology for development in 1979.
Until 5:00 p.m. 5110 Dirksen Building

CANCELLATIONS

OCTOBER 19

9:00 a.m.
Human Resources
To resume hearings to receive testimony from Executive branch officials in connection with recent studies on human resource programs.
Until noon 4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, October 18, 1977*

The House met at 12 o'clock noon.

Rabbi Simcha Freedman, Temple Adath Yeshurun, North Miami Beach, Fla., offered the following prayer:

לחיים to Life

Dear G-d, Scripture enjoins us "choose life."

This shall be a life of Independence, not an existence subject to isolation and coercion;
A life of Security, not an existence in fear of terrorism;
A life of Righteousness, not an existence at the mercy of international injustice;
A life of Amity, not an existence menaced by war;
A life of Earnestness, not an existence dependent upon questionable safeguards and promises;
A life of Love, not an existence threatened by plots of extinction.

Dear G-d, we pray You vouchsafe Your blessings upon the Members of this great House. May their continued support be granted the State of Israel and all democracies which cling to those selfsame ideals upon which this Nation was founded and lives.

לחיים to Life!

Amen.

CALL OF THE HOUSE

Mr. MARTIN. Mr. Speaker, under rule I, clause 1, of the rules of the House, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOLAND. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 663]

Ambro	Chisholm	Drinan
Archer	Conyers	Ford, Mich.
Armstrong	Coughlin	Goldwater
Ashley	Davis	Harrington
Badham	de la Garza	Harsha
Badillo	Dent	Hollenbeck
Burton, John	Derrick	Koch
Cederberg	Diggs	Krueger
Meeds	Ruppe	Vanik
Metcalfe	Sarasin	Waxman
Mikva	Scheuer	Whalen
Miller, Calif.	Seiberling	Wolff
Nolan	Shuster	Young, Alaska
Pepper	Solarz	
Rangel	Teague	

The SPEAKER. On this rollcall 391 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RABBI SIMCHA FREEDMAN

(Mr. LEHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN. Mr. Speaker, Rabbi Simcha Freedman was born in Philadelphia, Pa. He graduated Yeshiva University. He was ordained by the Rabbi Isaac Hanen Theological Seminary in 1962 and received a master's degree in Hebrew literature from the Bernard Revel graduate school that same year.

Rabbi Simcha Freedman has served congregations in Shenandoah, Pa., and Philadelphia. He is currently spiritual leader of Temple Adath Yeshurun in North Miami Beach, Fla. Rabbi Freedman is a past president of the Philadelphia branch of the Rabbinical Council of America, and is a past secretary of the board of rabbis of Greater Philadelphia.

He now serves as secretary of the Rabbinical Association of Greater Miami and serves on the City Advisory Council of the Planning Commission of North Miami Beach. He has contributed articles to various local and national publications.

Rabbi Freedman is married to the former Anna Becher Wasser and they have two children, Sammy and Benjy.

During the years that I have known Rabbi Freedman personally and been acquainted with the extent of his community involvement, I have been impressed by not only his active commitments to Jewish causes but also his concern for the well-being of our entire religious and secular community. Rabbi Freedman is a great humanitarian as well as a true spiritual leader.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 573. Joint resolution commemorating General Thaddeus Kosciusko by presenting a memorial plaque in his memory to the people of Poland on behalf of the American people.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3387. An act to continue until the close of June 30, 1979, the existing suspension of duty on synthetic rutile.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1811) entitled "An act to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, and for other purposes," agreed to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. CHURCH, Mr. BUMPERS, Mr. ABOUREZK, Mr. FORD, Mr. DURKIN, Mr. MATSUNAGA, Mr. HANSEN, Mr. HATFIELD, Mr. DOMENICI, Mr. MCCLURE, and Mr. BARTLETT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the House amendment to Senate amend-