

EXTENSIONS OF REMARKS

JOBLESS RATE STATE AND
NATIONAL TRAGEDY

HON. LES AU COIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. AuCOIN. Mr. Speaker, the Nation's jobless rate jumped from 8 percent to 8.4 percent in just 1 month. In Oregon, 10.6 percent of the work force is unemployed. In some counties, the rate is 20 percent. For Oregon, the loss of tax receipts, estimated now to be \$250 million less than estimates of just last spring, means a disastrous budget situation and more cuts in vital human welfare programs. These reductions will come on the tails of Federal budget cuts of \$1.7 billion in food stamps, \$1.5 billion in child nutrition, and \$1 billion in health care.

Recently, Senator PAUL LAXALT of Nevada was in Detroit to address the annual meeting of the National League of Cities. He expressed concern that too much money may have been cut from Federal social programs when control over them was shifted to the States as part of President Reagan's economic program. Senator LAXALT said Republican Governors have been telling him they have had a big load dumped on them and they're not getting adequate money: "It may well be the case in a lot of these States—and only time will tell—that we've given them too much authority, too much responsibility, and not enough funding."

In Oregon, my constituents already know firsthand what it means to be out of work for months at a time, with no hope in sight. The lumber industry's seasonally adjusted unemployment rate of 20.3 percent means that in Oregon, of the 31,076 workers normally employed in the lumber industry, 60 percent are either unemployed, or working curtailed shifts. Of the 210 mills usually working, 140 have either shut down or are operating short shifts. Many will never reopen.

Ron Wymore, his wife, and five children live in Molalla, Ore. His grandfather was a logger. His father was a logger. He was a logger, and a good one, a professional in a very dangerous job. But since last July, he's been unemployed. As a veteran and someone who's used to long, hard hours at work, he sees the dreams he had for his family falling apart as he adjusts to the shock of not being able to find work anywhere. He sums up his situation like this: "The bills you don't pay with your unemployment check you

pay with your savings, and you just about sit there and cry because it took so much work to put that money in the bank in the first place. It's just depressing as hell."

For those who have doubts about the impact on the folks back home of history's longest wave of high interest rates, massive budget cuts in social programs, a military spending spree, and the largest tax cut in history, I am inserting several recent articles from the New York Times. They describe the critical situation we have in Oregon as a result of the collapse of the lumber and housing industry, the tragedy of joblessness on families, and the jobs that won't be back after the recession.

[From the New York Times, Dec. 7, 1981]

JOBLESS RATE IS CUTTING INTO OREGON'S
BUDGET

(By Wallace Turner)

EUGENE, OREG. Dec. 6.—A recession that began with the collapse of the lumber and new housing markets in early 1980 has forced Oregon officials into an almost frenetic search for ways to cut back on a budget that has already been pruned.

With unemployment at 10.6 percent statewide, and around 20 percent in several counties, state revenues from personal and corporate income taxes are expected to run \$250 million behind estimates made last spring.

The problem became evident late last month when predictions of advisers to Gov. Victor L. Atiyeh and data on recent economic trends were fed into a computer program designed to simulate Oregon's economy.

Although some politicians are a bit uneasy about accepting the computer's word for the expected shortfall in revenues, none has challenged the figures.

LEGISLATIVE SESSION SET

Governor Atiyeh, a Republican, has called the Legislature into session beginning Jan. 11. Mindful that three quarters of Oregon's financing comes from income taxes, he and the Democratic leaders of both houses have said a tax increase is to be avoided. Some legislators may try once again to get voters to accept a sales tax, though that would not be popular either.

"I don't believe a sales tax is politically saleable here now," said Terry Mattock, executive director of Oregon Tax Research, a nonprofit organization dedicated to holding down taxes.

It has not been decided which programs will be cut. The Governor, who announced the grim results of the computer analysis on Nov. 27, has told department heads to show him by Dec. 15 what it would mean to their departments to cut the budget by 5 percent, 10 percent, 15 percent and 20 percent.

A 20 percent cut in operating budgets would produce the needed saving, according to the computer analysis. Almost half of the budget now goes into tax relief for homeowners and support for public schools, both of which are viewed as sacrosanct. So the political leadership now seems determined

to trim the general operations side of the budget. That means they probably will fall on welfare, higher education, prison budgets and wage increases state employees are expecting.

What a 20 percent cut would mean to higher education in the state was spelled out by Roy Lieuallen, chief officer of the Oregon system of higher education, which includes University of Oregon and Oregon State University.

Western, Eastern and Southern Oregon state colleges would have to be closed, he said, along with schools of law, dentistry, pharmacy and veterinary medicine.

No political figure seems ready to blame President Reagan's economic policies for a recession that began two years ago. Rather, they point to high interest rates that have virtually halted home construction and ruined the state's lumber business.

The most recent figures show that 126,000 people were out of work in October. In 1980 about 36,000 people exhausted their 26-week eligibility for unemployment benefits; 14,500 of those also ran through the 13-week period of extended benefits.

"As bad as that sounds, the picture really is worse," said Donavon Steward, assistant administrator of the state employment division. "A lot of people are working only part-time and are not listed as out of work."

[From the New York Times, Nov. 23, 1981]

FAMILIES TELL OF LIVING WITH AN
UNWANTED GUEST: JOBLESSNESS

(By Iver Peterson)

DETROIT, Nov. 22.—The end sometimes comes in a pay envelope with a slip of paper titled "Notice of Reduction in Force," a euphemism for a layoff.

The worker fills out an unemployment benefit form and heads for the parking lot with the unfamiliar sensation of having no place to go tomorrow and of knowing that the paycheck will be the last one for a while.

As the recession continues, more and more people are finding themselves in this predicament. The national unemployment rate stands at 8 percent, the highest level in six years, meaning that 8,520,000 men and women are out of work and looking for jobs, and Government economists predict that it could rise another percentage point.

These are the stories of a handful of them:

"You remember the American dream?" Claude W. Williams asked casually. "Work hard, save your money, get an education, get ahead? I'm kind of discouraged in all that now."

The phone rang, and Mr. Williams was up with a bound, moving his large frame quickly around the furniture, snatching up the receiver before the second ring had died. But it was not a job offer, and he returned slowly to the task of feeding Justin, his 22-month-old son.

Mr. Williams is 33 and unemployed, laid off last August from the Ford Motor Company's huge Flat Rock foundry south of here. He is one of the tens of thousands of jobless automobile workers in this area.

He grew up on 12th Street, the cockpit of Detroit's old black ghetto and the center of the city's deadly riot in 1967, and he thought he had come a long way from there to the big brick house in northwest Detroit where he lives with his wife and two young sons.

"I didn't want to work in a factory," he said, "but the money was too good to pass up." A summer job at Ford between terms of teaching school 10 years ago gave way to full-time work at the hot, dirty foundry, where blacks like him have been concentrated since the dawn of the automobile age.

Mr. Williams finished his higher education at Wayne State University. Ford recognized his ability and paid for him to get a master's degree in industrial relations. His income rose from \$8,000 to \$16,000, and then to \$49,000 one year when he joined management and worked weekends at the height of the boom in the late 1970's, before things started to go sour, before he was demoted back to laborer, before the layoffs began.

Prospective employees have sent him form letters saying they "cannot use your services at this time." Even his master's degree is in the wrong field. "They want marketing and retailing skills," he said, "not industrial production. Or else they say I'm overqualified."

"I feel like I'm falling backwards," he added. "You climb up to heaven, and fall back to hell."

He looked around his big living room, at the chrome and glass, the African art, the warm comfort of home.

"I'm surrounded by all the things I've ever wanted," he said. "I wanted to escape from 12th street, I wanted a big house with a big sofa to lie back in, I wanted a family and two cars and an educational background, and now I've got it all, but I don't have a job."

At first, years ago now, Valora Hamburg's job at the Pantry Pride food store north of Philadelphia brought a welcome supplement to the income of her husband, a telephone company employee. She also loved the job and getting out of the house every day.

But then, four years ago, her husband suffered a stroke that has kept him from working since, and the \$311 weekly Pantry Pride paycheck became crucial to her, her husband and her son.

But Pantry Pride began to founder, and eight months ago the last store closed, ending her job and her 21 years with the company.

"It's really frightening, being out of work," said Mrs. Hamburg, who is 58. "When you've worked all your life, it's pretty hard. I did a little work around the house, some gardening and repairs, and tried not to think about it."

Mrs. Hamburg exhausted here 30 weeks of unemployment benefits "going from place to place, looking for work." But there was none, and she says she knows why.

"It's because of my age, I know, that I couldn't get work," she said. "Oh, I know they're not supposed to ask your age, but some application forms ask what year you graduated from school. You're not going to trick me, I thought, so I started leaving that a blank."

The Hamburgs got a wood stove, to avoid the expense of oil, and put the television nearby. "The TV gets a lot of use," she said. "You can't go out with gasoline prices what they are, so we stay home."

She paused, then said: "It's a frightening feeling when you can't advance your

income. It's an awful feeling that makes you sick in your stomach."

Rod Wymore's grandfather was a logger, as was his father. So after a tour of military service in Vietnam and a year as an inspector for a trucking concern, he pulled on a pair of spike-soled "cork boots" in 1969 and went to work in the deep forests of northwest Oregon.

"I've done just about everything there is to do in logging," Mr. Wymore said in his soft, steady voice. Starting out setting drag-chains on felled trees, he worked his way up to feller, the top-paying job of cutting the trees. His take-home pay reached \$350 a week.

Then, as the economy worsened and the building industry began to slow, Mr. Wymore's career began to slide—to laborer, and then to a night job fixing tires on logging machinery.

"Every whack, every time they switched my job, I went down a notch in pay," he remembered, until last July 31, when he was laid off.

Unused vacation pay and a \$3,400 lump-sum severance payment went to pay off as many bills as Mr. Wymore and his wife could manage, and to buy a side of beef for the freezer in a kind of battering down for hard times. The money has carried the Wymores and their five children this far, but their savings are starting to dwindle.

"The bills you don't pay with your unemployment check you pay with your savings," he said, "and you just about sit there and cry because it took so much work to put that money in the bank in the first place. It's just as depressing as hell."

Many of Mr. Wymore's friends are in the same bind, "out there scratching and kicking with the rest of them." He has scoured Molalla, his little town, for jobs, and has begun to branch out to neighboring areas, but with no luck.

"When you go out looking to apply, sometimes they won't even take your application," he said. "They have too many already."

He has begun to sense the stigma of unemployment, the way "it just takes the wind out of half the people you talk to," the looks he gets when he proffers a credit card, looks that say "I wonder how he's going to pay for this."

Word has it that men may be needed for a power line that is being built across Montana, he said, but that would mean moving, so he keeps looking closer to home.

"I've gotten to spend a whole lot more time with the kids," he said, looking for the bright side. "When I worked nights in the tire shop I would never see them. Yeah, that's about the only good thing that's come out of it."

"Anyone in construction deals with layoffs periodically," said Jesse Brown, a 33-year-old carpenter from Baldwin City, Kan. "It's a fact. When the job's over, you've got to find a new one."

Yet Mr. Brown is starting to feel apprehensive, even though his year-long, \$14.05-an-hour hospital construction job in St. Joseph, Mo., ended just over a week ago.

"As many job sites as I've hit, I should have had some luck by now," he said. "I didn't think I'd have this hard a time finding a job—I really didn't."

The slump in the construction industry that threw Mr. Wymore out of work in Oregon has idled Mr. Brown in Kansas. Unemployment insurance will carry him and his wife and two young daughters for a while, but the expense of building his new

ranch house is a heavy drain that will have to be stopped for a while.

"You have to decide which bills you're going to pay first," Mr. Brown reflected. His wife, Becky, added, "I'm not one of those who takes this too well. I'm just calling up and telling them that my husband doesn't have a job and I'll pay as much as I can."

Meanwhile, Mr. Brown burns precious gasoline scouring the region for work. "Sometimes if you approach a foreman or a superintendent in a face-to-face situation, you have a better chance," he said, "but a lot of them are saying they're going to have to lay off men."

Later, he added, "I'm not as economist or anything, but the whole picture seems to be getting worse, not better. A guy can get a little concerned over that."

"I go to sleep worried and I wake up worried," Paul Mihalcin was saying. "It sure is tough."

Mr. Mihalcin is a coal miner, or was a coal miner until last March 27, when the United Mine Workers went on strike. The walkout was settled in June, but because of a slow-down only 28 of the 100 men who had worked Republic Steel's Banning No. 4 at West Newton, Pa., were called back, and Mr. Mihalcin was not one of them.

Although he comes from a family of miners, Mr. Mihalcin stayed out of the mines until 1978, when, at the age of 36, he doubled the wages he was making as a welder by going into the mines.

Now 39, he cannot even get a welder's job. He has applied at other mines, but the coal industry is depressed, and so is steelmaking and everything else, it seems.

"I'm a steady worker," He said. "I would go into work when I was sick. But when I go in to apply for a job, they don't even look at me. They just show me a big stack of job applications."

He has been supporting his wife, Juanita, and two children on \$183 weekly unemployment insurance, augmented by \$22 a month in food stamps. These stipends will end the second week in December, and after that, they will apply for welfare, hoping to get a little extra money to heat the three-bedroom trailer they live in.

"I can't even find a part-time job," Mr. Mihalcin said sadly. "Christmas looks very dim." ●

IN SUPPORT OF H.R. 4326

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. BRINKLEY. Mr. Speaker, I am pleased to add my support as a cosponsor of H.R. 4326, the Small Business Innovation Development Act of 1981. As a longtime proponent of small business I feel that this bill would go far in promoting productivity and technological innovation for which small business has demonstrated such an impressive ability.

The purpose of H.R. 4326 is to enhance the role of small business in federally funded research and development projects by requiring agencies with large research and development budgets to set aside a percentage of

those funds for Small Business Innovation Research.

The declining rate of productivity and increasing foreign competition signal the need for the Government to maximize the contributions which small business can make to our economy. By making Federal research and development funds accessible to small business, the Government can insure the utilization of the technological and innovative capability of small, high technology businesses.

H.R. 4326 represents a compilation of the best provisions of several other small business innovation bills introduced in the 97th Congress. The SBIR program provided for in this bill is patterned after the National Science Foundation innovation program which has proved to be most successful. This is a program which will work on a larger scale as well, to the benefit of the Government and the economy.●

H.R. 4326 COSPONSORS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. LaFALCE. Mr. Speaker, I would like to insert in the RECORD the names of 12 new cosponsors of H.R. 4326, the Small Business Innovation Development Act.

We now have 36 cosponsors of this very important piece of legislation that will strengthen the role of small, high-technology firms in federally funded R. & D. programs and actively promote the innovation that is essential if our economy is to be productive and competitive. I urge those Members who have not yet joined as cosponsors of H.R. 4326, the major small business bill of the 97th Congress, to do so.

Following are those Members who have joined as cosponsors of H.R. 4326 during the Thanksgiving recess: PAT WILLIAMS, Montana; CLINT ROBERTS, South Dakota; CLAUDINE SCHNEIDER, Rhode Island; PAUL SIMON, Illinois; WILLIAM BONER, Tennessee; LARRY WINN, Jr., Kansas; ADAM BENJAMIN, Jr., Indiana; MARIO BIAGGI, New York; DON BAILEY, Pennsylvania; IKE ANDREWS, North Carolina; WILLIAM BROADHEAD, Michigan.

VOLUNTARY PRAYER IS NOT VOLUNTARY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. LEHMAN. Mr. Speaker, before serving in Congress, I was a member of the Dade County School Board for 6 years, from 1966 to 1972. During those years, the school board often had to

resist efforts to include voluntary prayer as part of the official public school activity.

Now, 10 years later, the Congress may be forced to vote on this issue. Senator JESSE HELMS of North Carolina, much admired by the so-called moral majority and a proponent of voluntary prayer, has said he will not press the issue for the remainder of 1981. He has promised, however, to "go at it again next year."

In the House of Representatives, a resolution to eliminate Supreme Court or Federal court jurisdiction over voluntary prayer was introduced by Congressman PHILIP CRANE of Illinois. This legislation, now pending in the Judiciary Committee, would allow States to institute voluntary prayer without allowing Federal judicial review. At present, 30 Members of Congress have cosponsored this bill. Also initiated by Congressman CRANE is a "discharge petition," which with a majority or 218 signatures, would force the House Judiciary Committee to report the bill out to the House for floor action. This would sidestep the usual legislative procedure providing for public hearings and the consideration of amendments.

We must not allow the historic American separation of church and state to be overturned, and to let religion, through our public schools, become a part of our process of government. This would pose a great dilemma for people of minority religions in our country. School prayer would also have a harmful effect on their children because even voluntary prayer fosters exclusion.

My own childhood memories are still clear. I was the only Jewish child in the first grade in a small Southern town. We all said the Lord's prayer every morning. When the school began the usual Christmas programs, our teacher, Miss Evelyn Lassiter, whom I well remember as a kind lady, called me aside and said, "You don't have to sing Christmas carols along with the others in the class if you or your parents do not wish you to." Was this voluntary? One can imagine my feelings of confusion and embarrassment at being singled out.

To place a youngster in a position where he or she had to pray with the majority of students or make something of a spectacle of himself by asking to be excused is cruel. The proponents of voluntary school prayer are insensitive to the problem this poses for children of minority religions. There is simply nothing voluntary about the voluntary prayer legislation. Would any child of 8 or 10 not bow his head in prayer when everyone around him does it? The child of a minority religion often does this because not to do so brings unwanted attention his way.

I agree with Richard Cohen's Washington Post article of November 19,

1981, in which he characterizes the proponents of voluntary prayer as people with good intentions who want to impose their religion on others, to be universal parents to our school children, and to tell our kids when to pray and how to pray. They want, especially, to encourage children to start the school day with a prayer. As Cohen says, and I agree, "Start the day with a prayer if you wish. But start it at home." Not at school. Why is there such an urge to impose religion on a public school system when we have countless churches and synagogues where children and their parents can pray?

We are not one religion. This is one reason why America is strong. And in early childhood education, respecting these religious differences is important. Those who founded our Constitution wisely separated government from religion. We are duty bound to maintain that separation which would be violated by voluntary prayer in our public schools.

I for one will continue to oppose the efforts of Senator HELMS, Congressman CRANE, and all those who would seek to restrict our essential freedom of religion.●

TRIBUTE TO KIWANIS CLUB OF UTICA

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. MITCHELL of New York. Mr. Speaker, as the Representative of the 31st Congressional District of New York State, I would like to pay tribute to the Kiwanis Club of Utica, N.Y., which celebrated its 65th anniversary on December 5. Beyond noting the club's 65 years of service to the community, I would like to bring special attention to a scholarship fund that the Utica Kiwanis Club has established in honor of Kiwanian Charles Schmidt.

Mr. Schmidt, an emeritus professor at Mohawk Valley Community College in Utica, was a prominent Kiwanian and well known throughout the community for his many good works. He taught business management at Mohawk Valley Community College for 27 years. He also served as a director and officer of the Mohawk Valley Workshop, a sheltered workshop for the handicapped. In addition he was an active contributor to the Foothills Girl Scout Council, the Service Corporation of Retired Executives (SCORE), and St. Johns of New Hartford Men's Club. He was treasurer of the Utica Kiwanis Club.

Mr. Schmidt left his mark on several generations of students in his many years of teaching. He is fondly remem-

bered by countless friends throughout the community. As a tribute to his life of dedication and sacrifice, the Utica Kiwanis has established a memorial scholarship in honor of Charles Schmidt.

I hope my colleagues in the House will join me in congratulating the Utica Kiwanis Club for its long and active record of service and for its most laudable effort to continue to serve the community in the name of one of its most distinguished former members. ●

ROTC COVERAGE UNDER TITLE 38

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DASCHLE. Mr. Speaker, today I am introducing legislation which will correct an unfortunate inequity which currently exists in title 38 of the United States Code. At this time, title 38 (veterans benefits) does not provide any assistance (medical or compensation) for members of the Reserved Officer's Training Corps (ROTC) who may be injured while en route to or in summer camp training exercises, despite the fact that they are under military orders.

This situation was brought to my attention as a result of a case I have been involved in. Richard Oeschley, was involved in a tragic auto accident on his way to summer camp for ROTC training which left him seriously injured and blind in both eyes. Since that time, Richard has suffered from epilepsy and spinal meningitis, both of which doctors attribute to the injuries he suffered in the accident.

Even though he was under Army orders, Rich has been determined ineligible for veterans benefits and hospitalization. Thus, he has been forced to shoulder massive hospital and medical bills on his own. Incredibly, however, if Rich would have been killed in the accident, and married at the time of his death, his spouse would have been eligible for death benefits.

It is difficult to ascertain just how many patriotic young Americans have been adversely affected by this loophole in the law, but I feel it is extremely important that these individuals are eligible for compensation and medical treatment for any injuries or disabilities they incur while under military orders. Following is the text of the bill:

H.R. 5144

A bill to amend title 38, United States Code, to make members of Senior Reserve Officers' Training Corps programs who are injured during summer military camp eligible for compensation benefits administered by the Veterans' Administration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(22) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (C);

(2) by redesignating clause (D) as clause (E); and

(3) by inserting after clause (C) the following new clause (D):

"(D) annual training duty performed by a member of a Senior Reserve Officers' Training Corps program when ordered to such duty for a period of 14 days or more; and".

Sec. 2. The amendments made by the first section of this Act shall apply with respect to diseases and disabilities incurred or aggravated after September 30, 1982. ●

THE PRESIDENT AND ARMS CONTROL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 9, 1981, into the CONGRESSIONAL RECORD:

THE PRESIDENT AND ARMS CONTROL

President Reagan's first major foreign policy speech was a milestone. In the address, he set forth a general approach to negotiations with the Soviet Union and a specific approach to the mutual reduction of intermediate nuclear forces.

The first thing I noticed about the speech was its tone. The President dropped the belligerence toward the Soviet Union which has often marked his comments on foreign policy in the past. He did not say that the Soviets lie and cheat and cannot be trusted. He did not say that they are evil or are bent on world conquest. The President simply recognized that the Soviets must be dealt with. In a matter-of-fact way, he offered to cancel plans to deploy American intermediate-range missiles in Western Europe if the Soviets dismantle similar intermediate-range missiles they already have aimed at Western Europe. This is the so-called "zero option". He also proposed that the two nations open talks on limiting strategic arms "as soon as possible next year." The President said that the United States is willing "to achieve equality at lower levels of conventional forces in Europe," and he renewed a Western proposal for a conference to discuss both disarmament and ways to "reduce the risk of surprise attack and the chance of war arising out of uncertainty or miscalculation."

The President's proposals recognize that Europe has changed since World War Two. The new generation, which has taken to the streets in protest, does not remember America as the benevolent victor and liberator of Europe. It is a generation with a more complicated, less complimentary view of America. It was not present at the creation of NATO, and many of its members have not

grasped the need for new weapons to respond to the Soviet buildup. "Their questions," he said, "deserve to be answered." The United States must do more than negotiate an arms control agreement with the Soviet Union; it must also keep the Europeans behind NATO's determination to deploy new weapons if the Soviet Union does not dismantle its own.

President Reagan shifted away from his old approach that arms control was out of the question as long as the Soviets were misbehaving in Afghanistan or elsewhere. He downplayed the theory of linkage and left aside the idea that arms control is a kind of concession to the Soviets to be offered only in return for an end to their adventures outside the Communist Bloc. The view expressed by the President is that the limitation of nuclear arms is just as much in our interest as theirs. He made it clear that time for adequate preparation is the only precondition to America's participation in talks on strategic arms control with the Soviet Union. Also missing from the President's speech was any suggestion that the United States seeks military superiority or even a margin of safety in its competition with the Soviet Union. Instead, the President seeks levels of strategic and conventional forces which are "equal". By adopting the objective of equality, he apparently accepts the view that military superiority is not a practical objective since neither side will accept inferiority.

The President's speech highlighted the extraordinary importance of arms control and made it a major objective of his administration. "Nothing will have a higher priority than the goal of nuclear disarmament," he said. In making this statement he joins his recent predecessors, all of whom have tried to establish national limits to the nuclear arms race. It matters a great deal—much more, I think, than most Americans may realize—that an American President embrace the principle of arms control. All of us should be encouraged that in doing so the President struck a responsive chord in public opinion everywhere.

For me, it does not detract from the speech to know that it was designed in part to calm European fears of nuclear war. To show concern about the feelings of Europeans strengthens our relationship with them. After all, one of the Soviet Union's long-term goals is to fragment NATO. Talks on arms control are part of the effort to preserve NATO against a determined Soviet campaign to split America off from our allies in Western Europe. In response to that campaign, the United States must be firm enough to gain concessions from the Soviet Union and flexible enough to show our European allies that we will not increase the risk of nuclear war.

Even though the President's speech starts us on a serious course of arms negotiations, his proposal of the zero option has not been and will not be accepted by the Soviet Union. The Soviets argue that there is parity in intermediate-range missiles today; the United States insists that the Soviet Union is far ahead. The two sides are far apart in their analyses of the present configuration of forces and the forces which should be counted in any agreement. Therefore, an extended period of negotiations can be expected. The first months of negotiation will be spent haggling about the kinds of weapons to be included and the numbers of weapons to be allowed. The United States, of course, contends that its proposal would eliminate the Soviet lead and leave

the two sides equal. The Soviets object that the proposal neglects a whole group of American nuclear weapons based in and around Europe, the so-called "forward-based systems". Moreover, they claim that French and British forces should be counted. This is the background to Chairman Brezhnev's counter-proposal—a moratorium on new missiles while negotiations proceed, a unilateral reduction of "hundreds" of weapons by the Soviet Union, and a "complete renunciation by both sides" of all medium-range nuclear weapons in Europe. The United States counters that the Soviet Union excludes its own aircraft and submarine-based missiles. It offers to enter into a two-phased negotiation. The first phase would be limited to ground-based nonstrategic missiles with ranges in excess of 1,000 miles. The second might include the "forward-based" systems as well as shorter-range missiles.

No one can predict where the negotiations will lead, but we should be encouraged that things are moving. The movement itself is an international development of major significance. ●

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TOYS FOR TOTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. PORTER. Mr. Speaker, the holiday season is approaching and while it is a time of joy and happiness for many, we must remember those who are in need and unable to enjoy all that the season offers. There is a group of Americans who work very hard during this time of year to bring joy to needy children, and I think they deserve special recognition. The group I refer to is the U.S. Marine Corps Reserve, and their program is called toys for tots.

The U.S. Marine Corps Reserve toys for tots program brings joy to needy children through the collection and distribution of brand new toys. The toys are new so that the children who receive them have the benefit of receiving the shiny, unused toys that every youngster desires.

Toys for tots was founded in 1947 by Marine Col. Bill Hendricks, in the Los Angeles area. Since that time, it has grown to become a national effort with involvement by civic leaders, celebrities from the entertainment field, and well-known athletes from virtually every sport. Throughout the 1970's and into the 1980's, the program enjoyed tremendous growth: Toys for tots collected a record 5.7 million new toys in 1980.

The toys for tots program is supported by volunteers throughout our Nation. Americans help in three ways: Through donations of new, unwrapped toys; through businesses that sponsor collection sites and help make the community aware of the program; and through volunteer work to assist off-duty Marines in the publicity, collec-

tion, delivery, and other phases of the campaign.

Again, Mr. Speaker, I commend the U.S. Marine Corps Reserve toys for tots program and in particular, M. Sgt. Eugene Kolko from my district who does so much to promote this worthy effort in the Chicago area. ●

CAR TROUBLE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. FRENZEL. Mr. Speaker, on Sunday, November 29, the Washington Post printed an editorial which called for an end to the Japanese voluntary auto export restraints to the United States.

As expected, the restraints only serve to hurt the consumer in the long run as Japanese producers have moved to replace exports of lower priced models for more expensive models. This served only to force the U.S. manufacturers to compete in another area of car sales which they have formerly concentrated.

The problem of the United States-Japan trade imbalance remains, however. Rather than pursuing counter-productive import quotas and other nontariff barriers, which only serve to worsen bilateral relations, we should pursue an agreement with Japan to open its markets to U.S. products. This agreement would be monitored by a joint task force of some sort. We can begin by pursuing a genuine opening of Government procurement contracts by both sides to implement the signed procurement code of the multilateral trade agreements.

The editorial follows:

CAR TROUBLE

Japan's "voluntary"—that is, involuntary—agreement to hold down its exports of automobiles to the United States has been in effect half a year. Over these months the agreement has demonstrably done the American automobile companies no good whatever. There's some evidence that it has actually increased their troubles with foreign competition.

Last spring, as you doubtless remember, several of the American companies were banging desperately on the door of the White House to demand relief from the relentless pressure of imports—primarily Japanese imports. The administration needed to do something quickly, and trade restraint was what the American industry wanted. The industry's deeper ills—runaway wages, unpopular designs, occasional lapses in quality control—were all going to take far longer to correct.

With much pulling and hauling, the administration managed to extract from the Japanese government a pledge that its manufacturers would not ship more than 1,680,000 cars into the United States in the year beginning last April. The Commerce Department's figures show that in the first six months, through September, 964,000

cars came in from Japan. If that rate continued through the winter, the Japanese companies would be well over the limit. That's not likely to happen. The limit will be enforced, not by the agreement, but by the recess.

While the sales of imported cars are down, compared with this time last year, they aren't down quite as far as the sales of domestic cars. That leaves the imports with a larger share of the American market than they had a year ago. There's another recent difference, as well. The Japanese are shipping more expensive cars into this market. Perhaps the import agreement has nothing to do with it; moving up the price scale had been the Japanese companies' strategy for some time. But this response was widely predicted when the import restraints went into effect last spring. Whenever an import business is put under quotas, the importer is likely to move into more expensive lines and models to protect profit against a declining volume. The effect is to give the American manufacturers more severe competition in the middle range of the price scale, where they have traditionally looked for their own profits.

As the import agreement was originally stated, there was to be a second year of it with the precise numbers to be worked out later. Undoubtedly the American automobile industry will plead for even tighter controls of even longer duration. But present experience suggests that the administration would do the automobile companies a favor by abandoning the whole thing. ●

RESTORE THE MINIMUM BENEFIT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DE LUGO. Mr. Speaker, I rise today to appeal to those members of the conference committee who are now working on H.R. 4331, the bill that would restore the minimum social security benefit. I appeal to these colleagues of ours to consider the hardships that many of our elderly and low-income citizens are now experiencing due to the elimination of this \$122 monthly benefit.

In my district, the U.S. Virgin Islands, the need to restore this minimum benefit is particularly acute. Many of our senior citizens depend solely on this minimum benefit. The high cost of living in my district, coupled with the severe impact of the budget and tax cuts, has already imposed tremendous hardships on these people.

On July 21 of this year I was proud to cosponsor along with the majority leader, JIM WRIGHT, and my colleague from Illinois, Mr. ANNUNZIO House Resolution 181 stating that the House of Representatives strongly urged that social security benefits not be reduced. That resolution was passed by the House on July 21.

Then on July 31, this House made itself clear on retaining the minimum

benefit when it passed H.R. 4331 by a vote of 404 to 20. The conference committee on H.R. 4331 has been deadlocked for over a month and I do not believe we can wait any longer. Even if we pay our senior citizens retroactively, our colleagues must understand that their need is immediate and for them, there is no safety net. These people do not have savings or investments that they can liquidate when their rent is due or when they need food and medicine. Most are not even covered by private retirement plans or have an alternative source of income. This is the case in the area that I represent and I am sure it is the case in your district. Their need is now, Mr. Speaker, and we must not deny them.●

GOVERNMENT BLINKED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. PAUL. Mr. Speaker, on November 23 Government blinked. The order went out to shut down nonessential Government activities. A modest number, 400,000 persons, went home; and no one suffered. It made headlines but everyone, on both sides of the debate, knew it was all a political stunt. Hardly can \$1.9 billion, whether it is to come out of the welfare budget or the foreign aid budget, deserve the attention it got knowing that the budget for this year will be over \$700 billion and the deficit over \$100 billion. Had the debate been over a \$150 billion budget cut, the noise would have been justified. Nevertheless, Government blinked and some lights were turned off and the doors closed as a fraction of the bureaucracy went home on a paid holiday. Some claimed it was a nightmare and a disaster, that Government should be slowed to a trot for a moment. Others claimed it was essential to make the point that an additional \$2 billion be cut from the budget, an inconsequential amount considering the size of the deficit and the overall budget.

The real issue, the clash of two special interests, the one benefiting from our continued foreign giveaways and the other from welfare payments, was ignored. More importantly, it was not recognized to be a contest of will between politicians who seek to stay in power or gain power by satisfying various special interests. Although they never admit to it, in the past several decades when we lived in more prosperous times, the status quo was maintained by the coalition between these two groups, welfare recipients and the international corporate and banking communities who receive the benefits of foreign aid and extravagant military expenditures.

Economic reality has split the camp—the pie is now smaller. The corporate-banking establishment will no longer tolerate giveaways to the poor, and the do-good liberals have now chosen to defy the block favoring foreign aid giveaways.

The clash is wonderful and the emotions are high and leads me to dream of the day when we will close down the agencies once and for all. The obvious compromise, and the one most beneficial to the American taxpayer, needed to settle this dispute is to eliminate both foreign aid and welfare. And while we are at it let us cut the fat out of the military budget, spending only that amount necessary to insure a strong national defense, thus stopping all the foreign adventurism.

Yes; when Government blinked, some said it was a nightmare. But it can be argued it was a sign that soon the day will come when the people will insist on the American dream of limited Government and maximum freedom. Although November 23 turned out to be only a momentary daydream, I continued to dream my dream of the day we send all the bureaucrats packing and the buildings are auctioned off. Until then, the rancorous debate will heighten as factions battle over the remaining sliver of economic pie. When we finally close down nonessential Government agencies permanently, the American people will once again get back to working, producing, and competing; then prosperity and economic order will return to the land.●

MISSOURI CONGRESSMAN IKE SHELTON HAS THE RIGHT IDEA ABOUT SOCIAL SECURITY AND FELONS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. GEPHARDT. Mr. Speaker, several weeks ago, my colleague, Congressman IKE SKELTON, introduced legislation to prevent felons from receiving social security disability payments. I commend Congressman SKELTON for his efforts.

Mr. Speaker, I submit the following statement released by the editorial director of KCMO radio for the RECORD:

Fourth District Missouri Congressman Ike Skelton has the right idea in KCMO Radio's opinion. Last month Congressman Skelton introduced a bill to stop Social Security Disability payments to prisoners convicted of a felony. The bill is designed to close a loophole in a law passed last year which intended to cut off benefits to incarcerated felons. Under that law, prisoners could continue to receive Social Security Disability benefits if they agree to participate in a rehabilitation program. As Skelton points out . . . this loophole does no favors for the Social Security system which is having financial diffi-

culty, or for rehabilitation programs, which should be entered with a true commitment to reform. KCMO Radio agrees. You may want to share your feelings with Congressman Skelton, too . . . we'll give you his address in a moment. Another bill Congressman Skelton has introduced ends retirement benefits to incarcerated felons. This bill alone could save up to \$4 million in Social Security benefits. These convicted felons have already cost society enough. KCMO Radio feels as Congressman Skelton does that we shouldn't be paying them to stay in jail when honest Americans are working hard to make a living and paying into the Social Security system. At a time when we are having to make serious decisions on Social Security, ending benefits to prisoners is a good place to start. Write Congressman Skelton in care of the House of Representatives, Washington, D.C. 20515. He needs your support for these two bills.●

IN SUPPORT OF THE CLEAN AIR ACT

HON. LES AU COIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. AU COIN. Mr. Speaker, I rise today to bring to the attention of my colleagues a resolution adopted by the city council of Medford, Ore. Resolution No. 4499 details the opposition the Medford City Council has to any amendments to the Clean Air Act which would weaken ambient air quality standards. Under the leadership of Mayor Al Densmore, the city of Medford has been developing an implementation plan to deal with the high levels of carbon monoxide pollution found in this otherwise beautiful area of southwestern Oregon. Mayor Densmore, and the other members of the council, are to be commended for their farsighted and diligent efforts on behalf of a strong economy and a clean environment.

RESOLUTION No. 4499

A resolution opposing any amendment to the Clean Air Act which would weaken ambient air quality standards.

Whereas, Oregon Department of Environmental Quality following EPA guidelines has determined that the Medford area is in violation of Clean Air Act standards and established the Medford-Ashland Air Quality Maintenance Area (AQMA), and

Whereas, the AQMA, Jackson County and the City of Medford have been developing an implementation plan to meet Clean Air Act standards since 1976, but the area remains in violation of Clean Air Act standards for both carbon monoxide and total suspended particulates, and

Whereas, substantial progress has been made since 1976, but both elements on non-compliance are affected by pollution sources beyond local control because:

(a) Carbon monoxide standards cannot be met without the tight controls on new car standards and on inspection maintenance programs.

(b) TSP standards will not be met without controls on pollution drifting into the area and from outside the AQMA, and

Whereas, elimination of requirements for prevention of significant deterioration (PSD) would place the Medford area at an economic disadvantage by making other areas relatively more attractive to industry;

Now, therefore, be it *Resolved* by the city council of the city of Medford, Oregon:

That the Medford City Council opposes any amendments to the Clean Air Act which would weaken or lower its standards and is particularly opposed to any change which would:

(a) Permit additional pollution in this AQMA, or

(b) Reduce the power of state and local governments to abate pollution sources, or

(c) Relax or eliminate present requirements for PSD, and

That all Oregon senators and congressmen are urged to support this position.

Passed by the Council and signed by me in open session in authentication of its passage this 19th day of November, 1981.

Attest:

EMILY H. KIRKHAM,
City Recorder.
AL DENSMORE,
Mayor.

[SEAL]

I, Emily H. Kirkham, Recorder of the City of Medford, Oregon, do hereby certify that I have prepared the foregoing copy of resolution No. 4499, have carefully compared the same with the original thereof on file in my office, and that it is a correct, true and complete transcript therefrom and of the whole thereof.

Dated at Medford, Oregon, this 20th day of November 1981.●

ISRAELI AND PLO COMMENTARIES ON THE SAUDI "PEACE PLAN"

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. ROSENTHAL. Mr. Speaker, last week I placed into the RECORD the full text of Saudi Crown Prince Fahd's plan for peace in the Middle East.

Today I offer two recent commentaries on the Saudi plan which help to place it in the context of Middle East politics. First is an assessment by Abba Eban, former Israeli Minister for Foreign Affairs and now a member of the Knesset.

Next are the opinions of the several factions which comprise the PLO. Their views reveal the state of discussion among the Palestinian terrorist groups located in Beirut.

Mr. Eban's essay appeared in the New York Times on November 18, 1981, and the PLO opinions were reported in the daily report of the Foreign Broadcast Information Service.

THE SAUDI TEXT
(By Abba Eban)

JERUSALEM.—Nobody does Israel any service by proclaiming its "right to exist."

It is disturbing to find so many people well-disposed to Israel giving currency to this contemptuous formulation.

Israel's right to exist, like that of the United States, Saudi Arabia, and 152 other

states, is axiomatic and unreserved. Israel's legitimacy is not suspended in midair awaiting acknowledgement by the royal house in Riyadh. Nor does a group such as the Palestine Liberation Organization have any juridical competence to accord recognition to states, or withhold it.

A majority of the 155 states in the modern international community are younger in their sovereignty than Israel, which was the 59th member of the United Nations. There is certainly no other state, big or small, young or old, that would consider mere recognition of its "right to exist" a favor, or a negotiable concession.

What Israel is entitled to have in return for the increase of its territorial vulnerability is not verbal recognition but an effective security system, to be arrived at by negotiations.

Back in 1967, when the world community adopted its unanimous policy for the Middle East in Security Council Resolution 242, some members suggested that Israel should be satisfied with a solemn declaration of the right of all states to exist. They added that Israel might, if it chose, regard itself as included in that definition. At that time, hardly any responsible government in the Western world or elsewhere accepted that definition of Israel's rights as adequate. Most Western countries voted many times between 1967 and 1976 to defeat proposals similar to the one that is now winning Saudi Arabia such exaggerated attention and praise.

Throughout that period, Israel was considered worthy of something more concrete than a mere declaration of its right to stay alive. In Resolution 242, there is a call for "acknowledgment of the right to live in peace within secure and recognized boundaries." The resolution also calls for "agreement . . . to achieve a peaceful and accepted settlement."

In recent days, it has been left to President Hosni Mubarak of Egypt and his colleagues to make the lucid observation that any proposal for a Middle Eastern settlement is merely a collection of words unless it is accepted by Israel. Since ours is the only nation that would increase its security risk by further territorial renunciation, this is not an excessive requirement.

If Saudi Arabia, as it seems, is now ready to move from the fantasies of "holy war," there is good reason to hope for a further evolution of its policy. But what chance is there of further evolution if responsible statesmen abandon all critical rigor and, as they already have done, praise a niggardly Saudi text that falls short, by an astronomical distance, of the established international jurisprudence expressed in 242?

If one wants to help bring about a change of Saudi policy, the worst thing to do is to pretend that the desired change has already occurred. At this stage, the aim and result of Prince Fahd's text is to supersede Resolution 242, which is couched in the language of reciprocal rights, by a new international policy that would acknowledge Arab rights alone, and call for Israel's total and unconditional withdrawal.

The Saudi text not only seeks to annul 242 by emptying it of those provisions that safeguard Israel's interests. It is also a body blow to the Camp David accords. Saudi Arabia has attacked Camp David by boycotting Anwar el-Sadat up to and beyond the grave, by lavishly financing the P.L.O. and other anti-Camp David forces, and by insisting on restoring Soviet participation in the Middle Eastern peace process.

The Egyptian-Israeli peace treaty, one of the most spectacular victories for international conciliation in this generation, has been assailed by Arab hostility, European skepticism, and—grotesquely—by United Nations condemnation. This would be understandable if the Camp David agreement really injured Palestinian interests. But if the Camp David text is honored, it can carry those interests a long way toward fulfillment.

The agreement calls for replacement of the Israeli military administration in the West Bank and Gaza by an elected Palestinian self-governing authority that would preside over a system of full autonomy for a few years, after which the final status of those areas would be determined, not by Israel alone, but by negotiations and agreement between Israel, Egypt, Jordan, and elected representatives of the Palestinian inhabitants, who would also have the right to approve or reject any agreement.

It is only in the bizarre world of Middle Eastern diplomacy that the Camp David text could be represented as anti-Arab or anti-Palestinian.

No harm would be done if American policy makers who claim to be wedded to the Camp David approach would assert and practice their fidelity to it without reservation and avoid sending roving eyes in the direction of a Saudi policy that is still immensely remote from the values and interests that the United States is committed to uphold.

KUWAIT KUNA

(By Muhammad Salam)

BEIRUT, November 14.—The Palestine Liberation Organization is facing "serious" differences between leaders of its eight guerrilla factions regarding a Saudi Arabian project for comprehensive peace in the Middle East, a ranking Palestinian official told KUNA Saturday.

The official, who refused to be identified, noted that the PLO's 15-man collective leadership said the Executive Committee "failed Friday evening to adopt a unified stand" regarding the eight-point project announced by Crown Prince Fahd last August 7.

PLO Chairman Yasir Arafat, who also heads the PLO's mainstream faction Al-Fatah, is to leave for Kuwait later in the day Saturday for "talks covering the Saudi project and possibilities of working out a compromised version accepted by all the Arabs, hardliners and moderates alike," the official explained.

The Executive Committee's meeting Friday evening, according to the official, (?was) tense. The radicals insisted on rejecting the Saudi plan while Chairman Arafat insisted that it constitutes a good basis for a peaceful settlement to the Arab-Israeli conflict."

The radical guerrilla factions, according to the official, objected to what they said was indirect Arab recognition of Israel, while Arafat and other representatives of Fatah insisted that the Saudi project is based on well-balanced everybody's recognition of everybody [as received] within the framework of a comprehensive settlement of the dispute."

The Saudi eight-point project, strongly rejected by Israel, calls for a complete Israeli withdrawal from Arab territories occupied since the 1967 Six-Day War and the creation of an independent Palestinian state in such vacated territories. The holy city of Jerusalem should be the capital of this state.

The project also recognized the right of all the Middle East states to live in peace.

Text of the Saudi project, as officially released by the oil-rich Arab kingdom, does not include any mention of the U.S. or any other superpower. It rather announces in the eighth point that "That United Nations, or some of its members, will guarantee implementation of these principles."

The project's 5th point also states that the "West Bank and Gaza Strip (following the proposed Israeli withdrawal) will be brought under U.N. sponsorship for a transitional period lasting only a few months."

The radicals, the official explained, also "note, with special emphasis, that the Saudi project did not include any mention of the PLO, especially in its capacity as the sole-legitimate representative of the Palestinian people and, therefore, the authority which will lead this people into its independent state."

However, Saudi Arabia—as all other Arab states—recognize the PLO's sole and legitimate representation of the Palestinian people and "Crown Prince Fahd's project does not include a [word indistinct] opposing such a recognition," the official said.

Fatah leadership, according to the official, "believes that the Israeli withdrawal, elimination of Israeli settlements, guaranteeing freedom of worship and the re-affirmation of the Palestinian people's rights—as outlined by the Saudi project—do not contradict at all with the PLO's declared policy and its sought objectives."

In fact, Fatah leadership "considers that the Saudi project's call in the third point for 'guaranteeing freedom of worship and practice of religious requirements in the holy places' is identical to the PLO's national charter item calling for the creation of an independent-secular Palestinian state where Muslims, Christians and Jews can live equally," the official said.

Arafat reiterated several times that "who says yes to Brezhnev cannot say no to Fahd and who says no to Fahd cannot say yes to Brezhnev."

Soviet leader Leonid Brezhnev proposed late last year an "international" conference on the Middle East dispute with the participation of all the concerned parties. Brezhnev's call was welcomed by the PLO and all its radical factions as well.

Independent observers, trying to draw a comparison between the Soviet and Saudi proposals, point out that the U.N., as noted in Fahd's project, is an international venue that falls in line with Brezhnev's international conference.

Saudi officials, namely Foreign Minister Sa'ud al-Faysal, clearly stated that the "procedural frame" of the initiative could be an international conference sponsored by the U.N. Security Council where the Soviet Union "can" participate.

The third ranking leader of Arafat's Al-Fatah, Salah Khalaf, launched a visit of the Soviet Union last week which mainly aimed, according to ranking Arab diplomats, "at sounding the Soviet view regarding the Saudi project and the Kremlin reaction to this initiative."

The Executive Committee, following its session late Friday, issued a terse statement saying it "reviewed the political initiatives and the political moves in the area."

The committee, the statement said, "agreed to continue contacts in this regard for the formulation of a joint Arab stand supporting the Palestinian struggle and the just cause of our people."

The paper [as received], in a separate report, also said Prince Sa'ud al-Faysal will

fly into the Syrian capital of Damascus Saturday for talks with President Hafiz al-Asad and his Foreign Minister Abd al-Halim Khaddam.

The visit, the paper said, "falls within present contacts between numerous Arab capitals in preparation for the Fes summit." It did not disclose further details, however.

SALAH KHALAF ON PEACE PLAN

An oratory rally was held last night at the Jamal Abd an-Nasir Hall of the Arab University of Beirut to pay tribute to the martyrs of At-Tibi Street and martyr Commanders Majid Abu Sharar and Al-Haj Sami on the occasion of the 40th day anniversary of their death.

The rally was attended by a crowd of citizens and families of the martyrs who died in the At-Tibi Street explosion. Brothers and Comrades Abu Iyad [Salah Khalaf], George Hawi [Lebanese Communist Party secretary general], and Nayif Hawatimah [secretary general of the Democratic Front for the Liberation of Palestine] also took part in this rally.

Delivering a speech on behalf of the Palestinian revolution, Brother Abu Iyad said: On the anniversary of all the martyrs we know or don't know; on the anniversary of those heroes we lost in difficult time—we pledge to them and announce to all those who are trying to strike at us that there will be no inter-Palestinian fighting, irrespective of the multiplicity of views, and that there will only be a perpetual national unity.

He added: On this basis we dare say with confidence that we support any positiveness contained in Prince Fahd's plan for peace in the area. We are sorry that the United States has announced that the plan contained only one positive element, which is the recognition of Israel.

He continued: No plan will be allowed to submerge the Palestinian arena in inter-fighting. We uphold the unity of rank and position, because major battles will be awaiting us after the Fes summit conference. We say from here that we shall confront U.S. imperialism with a united position in which we shall push the groups of our revolution toward further achievements on the way toward Palestinian national unity, and we shall try to respond to those who have placed their bets on the disintegration of our national arena over purely theoretical arguments and differences. We must stick together because our enemy is sticking together. We call on everyone to unite. This is what we are working for, contrary to what the suspect imperialist information media are imagining.

BEIRUT ON QADDUMI REJECTION

Regarding the Palestinian stand on Saudi Prince Fahd's peace plan, the head of the PLO Political Department, Faruq Qaddumi, has said that it is not necessary for the Arab countries to adopt a decision on the Saudi plan. In a statement that will be published in the Lebanese weekly magazine Monday Morning, Qaddumi said that current conditions are not suitable for putting forward peace proposals because of the power imbalance between the Arab countries and Israel. He added that the Fes summit conference must focus its efforts on rectifying this imbalance by encouraging Egypt to return to the Arab fold. He said that the present regime in Egypt under Husni Mubarak is undoubtedly a transitional one. He said: As Palestinians, we categorically reject Article 7 of Prince Fahd's plan, which provides for the right of the countries of the area to live in peace and consequently recognizes Israel

as a fait accompli. He further said: This stand is not negotiable.

VOP ON QADDUMI REJECTION

The Beirut weekly magazine Monday Morning has published an interview in its issue which is due to appear in the newsstand tomorrow morning with the head of the PLO Political Department Faruq Qaddumi [Abu al-Lutf].

The main substance of the interview concerns the PLO attitude toward the Saudi peace proposal for a Middle East settlement. When asked about the PLO attitude to the eight-point Saudi plan, Qaddumi stated: It should be clear to everyone that we, as Palestinians, object to the seventh clause and reject it categorically. This position is not open to discussion. Point 7 implies unconditional recognition of Israel.

Qaddumi went on to say that, in any event, peaceful settlements are inaccessible at this time due to the imbalance of power in the region. The Arabs must get it into their head that the coming stage is the stage of building up their power and taking the reins into their hands again—the reins that were in the hands of American imperialism and As-Sadat.

Commenting on the likelihood of the Saudi proposals appearing as an agenda item at the upcoming Arab summit conference at Fes, Morocco, Qaddumi said that the Arabs could discuss peace ideas if they wished, but they should focus their attention on urgent issues.

He noted that the PLO had proposed a number of such issues to be included on the summit agenda: The political situation after the death of As-Sadat, the American military exercises in the Middle East, the multinational Sinai force and European Community participation in it, support of the Palestinian people's struggle in the West Bank and Gaza and the strategic cooperation pact between the United States and Israel.

PELP, DELP, COMMUNIQUE

BEIRUT, November 15—The Popular Front for the Liberation of Palestine (PFLP) has categorically refused to recognize the State of Israel, a senior PFLP official, Bassam Abu Sharif, affirmed today.

In a communique released here, Mr. Abu Sharif also affirmed the Palestinian rejection of the Saudi peace plan for the Middle East proposed in August by Saudi Crown Prince Fahd. But he said this meant only that Palestinians rejected the attaching of any prior conditions to the establishment of an independent state over "all or part of Palestinian territory."

The communique accused Israel of preparing a military action in south Lebanon aimed at weakening the Palestine Liberation Organization (PLO) and the Lebanese leftist national movement.

Mr. Abu Sharif called on Palestinians in the occupied territories to reject the autonomy plans called for by the Camp David accords.

Meanwhile, the Democratic Front for the Liberation of Palestine (DFLP) hailed the "popular revolt" against repression in the occupied territories, which it said had entered its third phase.

The DFLP said in a communique that the Israeli plan for limited Palestinian autonomy was "the other face of the Fahd plan aimed at the recognition of Israel."●

A TRIBUTE TO JAMES T.
HOWARD

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. ADDABBO. Mr. Speaker, it is with great pride that I take this opportunity to call to the attention of my distinguished colleagues in the House of Representatives of the recent awarding to James T. Howard, a constituent of mine, of the Red Cross Certificate of Merit for his actions on June 24, 1981, when a fellow employee was unable to breathe.

The American Red Cross, one of our Nation's greatest treasures, often appears in the public eye after a disaster such as an earthquake, flood, or fire tragically disrupts the lives of Americans. But what many people do not realize is that the American Red Cross each year trains men and women like ourselves to act accordingly before tragedy can strike. Such was the case of Mr. Howard who had been skillfully trained in lifesaving techniques prior to the incident.

It was on that day in June when James realized that a coworker choking on some food, was unable to breathe. Immediately, and most importantly, calmly, he began a sequence of first aid maneuvers to relieve an obstructed airway, working under pressure until the piece of food was expelled. Thanks to the efforts of Mr. Howard and extraordinary techniques taught by the American Red Cross, tragedy did not occur.

Mr. Speaker, the Red Cross Certificate of Merit and pin is the highest award given by the American Red Cross to a person who saves or sustains a life by using skills and knowledge learned in a volunteer training program offered by the Red Cross. James Howard, a man who acted bravely when seconds could have meant the difference between life and death is certainly most worthy of that award and I commend him for his meritorious action.●

POLISH REFUGEE CAMPS IN
AUSTRIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DERWINSKI. Mr. Speaker, Linda Yu, coanchor and reporter for WMAQ-TV in Chicago, recently completed a tour of Polish refugee camps in Austria. Born in Zian, People's Republic of China, she and her family left China for Hong Kong before reaching the U.S., thus she can understand the refugee crisis.

In a recent article which appeared in the November 23 edition of Crain's Chicago Business, a publication serving the business community of Chicago, Ms. Yu gives her impressions of the Polish refugee camps in a very objective and thought-provoking manner. As I believe her comments are especially timely, I insert them at this point for the Members' attention:

[From Crain's Chicago Business, Nov. 23, 1981]

POLISH PILGRIMS SAVOR THEIR OWN
THANKSGIVING

(By Linda Yu)

"I want to be free."

Those words have been repeated countless times in every language since mankind began to talk. The words should have special meaning to Americans because the concept of freedom formed this nation. This is a season when we enjoy turkey dinners, tell our children about the Pilgrims and recite prayers of thanksgiving.

But how often do we remember the true reasons behind the settlement of these colonies? A group of people wanted to be free—free to feed themselves and their children, free to pray to God as they believed they should, free to work as hard as they could and know that the fruits of that toil would reward them and their families.

It was with great thanksgiving that Americans celebrated a bicentennial five years ago with continual reminders that those goals still hold true, making this country a symbol of freedom to the world.

In these past two centuries, people have sacrificed lives, fled homes, abandoned possessions for the chance to be free in the United States. I know that personally, having heard my own parents say in Chinese, "I want to be free." I am an American citizen today because they believed in that dream, and Americans backed up their right to believe in it.

In recent years, Americans have supported that commitment to freedom with dollars, jobs, homes. Hundreds of thousands of refugees are newly settled in every state of the union. They had said, "I want to be free" in Spanish, Russian, Farsi, Vietnamese and the countless dialects of Southeast Asia.

But a few weeks ago, I heard those very same words this way: "Chce byc wolnym." That's Polish, spoken by fathers, mothers, young men and women, even little children. They are sitting in refugee camps today, boarding houses, one-room walk-up apartments in Vienna, Austria. They are waiting to come to the United States and freedom.

About 20,000 to 40,000 Poles live in Austria. No one is sure exactly how many, their number increasing daily. They claim to be political refugees, because that is their only way to enter the United States. There is no doubt some have suffered physical and economic deprivation at the hands of the government in Poland. However, the United States requires proof that they experienced harassment, threats if they did not join the Communist Party, loss of work or education because of union activities. The Polish food shortage and fear of a Russian invasion are not enough reason to gain a U.S. visa.

Even so, many made the difficult choice of leaving their homeland because they see no freedom in the futures of their children.

I met one man who left behind two homes, furniture, artwork, books, jewels and several bank accounts in Poland. He and his

wife have two children: a draft-age son and a brilliant daughter who led her family in supporting Solidarity, the independent Polish trade union. Each member of the family carries a deep wound inside—the cutting loss of a beloved country. But the parents had given up hope that Poland would give their children a chance.

They feared their son would be taken in an uprising against invading Russian troops. They feared their daughter would lose her chance at more education and that her profession would be closed to her because of her union activities.

So one by one, the members of the family slipped out of Poland.

The son first, then the daughter, followed some months later by the mother, and finally, the father. One by one, they waited in Vienna, applying for refugee status. One by one, they reached the United States and Chicago.

All but the father. He was the last to leave Poland and remains stuck in Vienna, in the bureaucratic nightmare of immigration interviews, visa applications and countless documents. But he waits with patience because his children are in Chicago, already working toward the dream he has for them.

His admonition to them as they left Poland and his reminder in his letters is this: "First, learn English. Then you can become anything you want in America. You can think anything you want in America. You are free to speak your thoughts in America."

He believes all that can happen in Chicago. He visited this city once, years ago. In the small room he shares with four other refugees in Vienna, he has a book he brought in Chicago, an English grammar.

But what is life like for a man like this, who has committed the one act of freedom his country allowed him? He has transformed himself into a refugee.

Walk into the camp at Traiskirchen, located about 30 miles southwest of Vienna. It is not physically horrible, as we have come to think of refugee camps. Conditions are crowded, with one of the best buildings housing 120 people—children and adults—in a room 25 feet by 50 feet. Each person's living space consists of his cot, measuring 2-foot-by-6-foot. Privacy was available if you could find enough blankets to drape around your cot . . . unless you had an upper bunk. If your cot was against a wall, lucky for you, because you could drive nails into the wall and hang up your belongings.

There is no heat, but there is a roof overhead. Every inch of space is used, so newcomers make do with a bunk and mattress, even if it is one of hundreds spilling out into the hallways. As winter approaches, those in the hallways may be assigned an extra blanket each. Cold air will blow in through the windows, long since broken by other refugees, worn with the anxiety of waiting, losing themselves day after day in alcohol.

But no one is hungry, and that is a great improvement from Poland. Breakfast, lunch and dinner are served daily, as long as you don't lose your meal tickets. Starch is predominant in the food, the thin broth has a coating of grease, the stew is long on lard but short on meat and vegetables. But few complain. It's food, and the children are not hungry.

But those are merely the physical concerns. It is the internal, the emotional, the intellectual concerns that are important.

Some people say the refugees pass through three stages: first, elation in the

days after leaving Poland because this is an adventure, the beginning of a new life.

Soon the second stage, depression or anxiety, sets in. The Polish refugees spend their time waiting, knowing there is little likelihood of being accepted as a political refugee by Austria and then by the United States, not wanting to acknowledge that, not wanting to believe it. It is very important to believe life can start anew in the United States. But days are stretching into months, and for some, the months are becoming years, as they sit and wait.

For a few, there is a third stage—genuine hope. This comes for those who receive the precious slip of paper, summoning them to a new life in the United States. For others, there is Canada, Australia or some other country where freedom waits.

Fear is always with the refugee. It sits next to him, walks behind him, hovers over his bunk. Only those who have left a repressive government can fully understand the fear. There is the fear that the government will reach out and bring him back. There is the fear mixed with guilt that the family left behind will suffer the persecution the refugee should have suffered himself.

Americans, even those of us who long ago were refugees, can so easily forget the value of freedom. It takes a walk through Traiskirchen, the refugee center in Vienna, it takes a conversation, when two strangers make themselves understood with gestures, smiles and a few words learned in the other's language, to be reminded that we are still the envy of many. They do not believe it trite to call this the land of opportunity.

It should not be embarrassing for us to acknowledge that life in the United States includes a precious gift, the gift of freedom.

Linda Yu is co-anchor and reporter for WMAQ-TV in Chicago and recently completed a tour of Polish refugee camps in Austria. Born in Zian, People's Republic of China, she and her family left China for Hong Kong when she was two years old.●

WE MUST REPEAL ARBITRARY CHANGE IN RETIREMENT TEST AGE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. OTTINGER. Mr. Speaker, the recently enacted Budget Reconciliation Act contained a number of significant changes in the social security program including one which received almost no attention during the debate of this legislation or since. Yet, this provision adversely affects the immediate retirement plan to 200,000 Americans. I am introducing legislation today to repeal this change.

The Budget Reconciliation Act delayed for 1 year—until January 1, 1983—a provision of the 1977 Social Security Amendments under which individuals age 70 and over could receive full retirement benefits without regard to their earnings.

Most individuals affected by this were not even aware of the change until they contacted their social security office to file the papers necessary

to prepare for their retirement in January. This sudden change in the law came as a cruel surprise.

An additional problem with this revision is that grossly inadequate notice was given to those affected—they were to receive this benefit just 5 months after enactment in January of 1982. Thus, people who made their retirement plans based on existing law were unfairly jolted. Five months simply is too short a time for a change of this kind even if it were justified and is extremely unfair to these 200,000 people who were only months away from their retirement.

I hope my colleagues will join me in supporting this bill to repeal the extension of the existing earnings limit contained in the Budget Act and allow the provision adopted in 1977 to take effect as planned.

The text of my bill follows:

H.R. 5149

A bill to repeal the recently enacted temporary extension of the existing earnings limitation under title II of the Social Security Act (limiting the amount of outside income which an individual aged less than 72 may earn while receiving benefits thereunder) so as to allow previously enacted provisions to take effect restricting the applicability of such limitation to persons aged less than 70.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 2204 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 837) (relating to temporary extension of earnings limitation to include all persons aged less than seventy-two) is repealed.●

JOBS WON'T COME BACK

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. AuCOIN. Mr. Speaker, in addition to my remarks on the tragedy of unemployment across this Nation, and in Oregon, this article from the New York Times, December 6, 1981, is illustrative of what the effects of an extended recession mean for the lumber industry.

THE JOBS THAT WON'T COME BACK
SOME INDUSTRIES SHRINK IN EACH RECESSION—
SO UNEMPLOYMENT, NOW AT 8.4%, MAY NOT FALL MUCH IN A RECOVERY

(By Winston Williams)

JOLIET, Ill.—Like hypersensitive economic bellwethers, the old smokestack towns of the East and the Middle West have for many years foreshadowed what economists call America's "slow economic rot." This sulfur-filled town 40 miles southwest of Chicago is no different. It emerges weaker from each recession than it did from the last, and it is likely to do the same this time around, too.

The gradual degeneration of Joliet became apparent when the Vietnam War ended. A local munitions factory closed, stripping 7,000 jobs from this community of

78,000 jobs. A few years ago the United States Steel Corporation shut an old mill, and Texaco Inc. mothballed an obsolete refinery here, idling hundreds more workers.

New little businesses had come along to take up some of the slack when the automobile and housing industries entered their prolonged slumps more than two years ago. Unemployment, which reached 11.3 percent locally last month, is rising again as Caterpillar Tractor, GAF, Dow Chemical, Mobil and Olin Mathieson and others trim production and lay off additional workers because of the current recession.

In recent weeks throughout the industrial belt and in much of the country, hundreds of communities are confronting events similar to Joliet's. Manufacturing plants are shutting down in Louisville, Ky. Ore miners are being laid off in Minnesota. Aircraft production is winding down in Seattle and Wichita, Kan., and textile output is falling in New England.

Unemployment in the nation jumped to 8.4 percent last month, higher than had been expected, and public officials are concerned that many of these jobs may disappear forever, leaving unemployment at high levels for some time to come. And a number of social activists, noting that many public programs such as unemployment compensation, CETA and trade readjustment assistance have been trimmed in the Federal budget cutbacks, are predicting unusually harsh times even for a recession.

"The implications of a renewed recession are particularly serious for Illinois and the neighboring Great Lakes states" where much of the nation's manufacturing is concentrated, said Roland Burris, controller for the State of Illinois. "They have yet to fully recover from the recession of the second quarter of 1980." In September of this year, he said, the number of jobs in Illinois was five-tenths of 1 percent below the level of March 1980, just before the 1980 recession began.

Growing unemployment will leave its mark on the rest of the nation, too, experts say. Rising unemployment will undoubtedly aggravate the Federal deficit, now officially projected to be in the \$40 billion to \$60 billion range for the current fiscal year. According to the Congressional Budget Office, a 1 percent jump in the unemployment rate increases the Federal deficit by \$27 billion as the falling level of economic activity cuts tax revenues for the Government and soaring unemployment increases unemployment compensation benefits and other transfer payments that the Government has to pay out.

And the probability of unemployment going as high as 9 percent and remaining in the 7.5 to 8.5 percent range for most of next year, as many economists predict, will also bring mounting pressure on the Administration to alter its economic program.

In recent months, the recession has spread beyond the automobile industry, affecting office workers and government employees. General Motors indicated in Detroit last week that it would lay off 13,000 white-collar workers. In Chicago, the city announced layoffs of hundreds of health workers and bus drivers.

"These interest rates have to come down," said Michael Biernat, an unemployed carpenter, who chatted with a friend about the housing industry as they waited in a long line at an unemployment claims office in Joliet. "The Government could ease up a little on money," he added.

A partner with his brother and father in a small construction company, Mr. Biernat said he had become disenchanted with Reaganomics. "The election was supposed to bring the rates down, but they went up," he said. "It looks like they've lost confidence in everything they were trying to do."

But conservative economists in Washington, who see a labor bargaining calendar for 1982 that encompasses contracts covering 40 percent of organized labor, say a sustained period of unemployment is necessary to dampen wage demands and to cool inflation.

"The most constructive thing that should be done is nothing," said Marvin Koster, a specialist in labor economics at the American Enterprise Institute. "Anything done now would have adverse consequences later and no immediate beneficial effects."

In Washington, officials expect the unemployment situation to correct itself. The Administration hopes that the interest rates will fall enough next year to stimulate a recovery.

The next round of tax cuts set for June 1982, will put money in the pockets of consumers and business, insuring a recovery, according to Administration economists. In the meantime, they say, short-term deficits from the recession should not cause alarm.

Needless to say, that outlook has not gone unchallenged. Many economists say that even after a recovery, businesses add workers slowly and cautiously and many managers use slow periods to permanently reduce their work forces.

Laurita Parish, a secretary who was laid off last month from the GAF building materials plant in Joliet, said she has seen examples of this at GAF since she started working there a few years ago.

"Every year they lay off people, saying it's temporary," she said. "Only two people have come back. They worked a few months and were laid off again." She said the office staff dwindled to 17 from 45 during her tenure, while the production force, at 300 now, is about a third of what it had been.

Others say the large budget deficits will prevent an economic self-correction. "You're going to have these tremendous deficits from the recession," said Marion Anderson, executive director of Employment Research Associates, a Lansing, Mich., consulting firm. "The Government will be going to the debt market next year for more than a billion dollars a week. That's going to send interest rates back up and choke off the recovery."

Barbara R. Bergman, an economist at the University of Maryland, has questioned the stimulative effects of the tax cuts, saying they may not lead to high employment and output because they mostly benefit the rich and will not greatly stimulate demand for durable goods such as autos and appliances.

At the same time, such developments as U.S. Steel's \$6.3 billion bid for Marathon Oil have raised questions about the commitment of big business to such distressed industries as steel, rubber, textiles and automobiles. During the last decade tens of thousands of jobs have been lost in these industries to more-efficient foreign plants and cheaper overseas labor; the tax reductions were supposed to help win them back.

But even if the tax plan were working according to plan, industrial jobs would still be disappearing, experts say. Robots have been eliminating jobs in the auto industry since General Motors started using them at its Lordstown, Ohio, plant several years ago. And their use has been spreading rapidly to other industries since then.

The bleak prospects for employment are producing louder pleas for help from the unemployed. "I'm a conservative myself," said Gary Stiller of Waseca, Minn. "I know we have to save money, but the Government ought to be able to do something." Despite his political leanings, he says he favors some sort of public works employment program, recalling that it helped his parents during the Depression.

Mr. Stiller, a 42-year-old truck driver who had worked for the same company for more than 23 years, was thrown out of work last April when his employer, Herter's, a sporting goods chain, went bankrupt, tying up more than \$17,000 he had in the company's profit-sharing account. With a daughter in college and a son in high school the family is surviving on the wife's part-time job.

Having drawn his final \$86-a-week unemployment check, he is getting despondent. "It's getting out of hand," he said of the recession. "It looks like the bottom could drop out."

Some social activists insist that the bottom could fall out for people if unemployment remains unusually high for a long period. Extended benefits, which sustained some of the unemployed for more than a year during the 1974-75 recession, have been severely curtailed under the Reagan program, making it much harder to receive benefits past 26 weeks.

Other transfer payments, which are sometimes called "automatic stabilizers" because they prevent a recession from spiraling downward into a depression, have been cut also. In addition to welfare and food stamp cuts, there have been changes in trade readjustment assistance and the Comprehensive Employment and Training Act.

And many of the supplemental funds of the auto, rubber and steel companies, which add to the income of furloughed workers, are close to depletion because of the prolonged slump in those industries.

The unemployed defend these programs vigorously. "If it weren't for unemployment compensation, I would have missed a few mortgage payments," said Mr. Biernat, the Joliet carpenter, who is single. He insists that he would much rather work than collect the payments. But, he says, his company has not built a house in three years, and they have had to settle for small, occasional remodeling jobs, which are now becoming even more scarce.

The cutting back on transfer payments and the scaling back of subsidies to the unemployed by the Federal Government has another purpose besides saving Federal dollars. "The theory is that the stabilizers have taken away people's incentive to work at certain wages and for companies to lower prices," said George Schwartz, the associate director of research for the United Automobile Workers.

Next year, labor contracts covering the auto, trucking, rubber, construction, electrical equipment, oil refining and food processing and production industries will be negotiated. The Administration is counting on the swelling ranks of the unemployed and the reduction in Government benefits, including the denial of food stamps to strikers, to moderate wage demands.

The economy's poor performance has already caused unions of railroad, airline and automobile workers to offer concessions to troubled companies. And individual workers seem willing to experiment with lower pay within limits.

Mrs. Parish, the furloughed secretary at GAF, said she would accept a job paying as

low as \$5.50 an hour, down \$3 an hour from her old rate. Mr. Biernat has considered moving to Miami or Houston to find work as a carpenter, but the \$6 to \$8 an hour that he could make in the Sun Belt is less than half the local scale of \$13 to \$17 an hour.

Liberal political groups in the area are saying they hope to mount enough pressure before next year's Congressional election to prevent the unemployed from making such dire sacrifices. National People's Action, a Chicago-based activist group that has taken the Federal Reserve to task at a series of "town meetings" it sponsored around the country with the central bank, says it is now turning its attention toward organizing the unemployed.

"What this country has to see is a lot of angry unemployed people demonstrating and demanding jobs," said Gail Cincotta, executive director of the group. "We learned some things in the 60's—how to organize people and how to build coalitions. Without organization we would run the risk of something happening spontaneously. This could be a rough summer." ●

FAIR COMPETITION—SOLUTION TO FEHBP'S PROBLEMS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. GEPHARDT. Mr. Speaker, I submit my testimony on the Federal Employees' Health Benefit Plan (FEHBP) for the RECORD. The survival and stability of FEHBP is crucial as it serves over 10 million Federal employees. Reform of the program is necessary judging from the current confusion and the delay of open season. This reform should promote fair competition among the plans and allow Federal employees to choose the health plan that best meets their needs.

The statement of RICHARD A. GEPHARDT follows:

STATEMENT OF REPRESENTATIVE RICHARD A. GEPHARDT TO THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Madame Chairwoman and members of the Subcommittee, I appreciate this opportunity to express my views on the difficulties facing the Federal Employees' Health Benefit Program (FEHBP). I am here today not to promote my health legislation, the National Health Care Reform Act (H.R. 850), but to emphasize the importance of the Federal program.

FEHBP serves as the first model in the United States of an employer offering health plans in a competitive environment. It has been the vanguard for well over twenty years. However, as successful as the FEHBP has been in these twenty years, certain structural problems exist. When OPM tried to restrain cost escalation in the Federal contribution to FEHBP, these structural problems became apparent. OPM's discretionary role has inhibited competition between the health plans and is at the root of the difficulties facing the FEHBP today. A short-term solution which would allow all the present plans to participate through an open season must be found. This will give

your Committee and the Congress time to carefully restructure FEHBP, utilizing the most current thinking on competition.

Competition in health care delivery is being supported by the Reagan Administration as well as several members of Congress. Cost escalation in the medical field is rampant and the familiar statistics no longer need repeating. Cost is the straw that broke the camel's back in the Federal program and brought the structural problems of FEHBP out into the open. Even though competition existed to an extent in the FEHBP, it did not have enough clout to restrain health care costs in the entire health system. Competition can work in a small segment of the population like the FEHBP, but it will not be able to restrain health care costs on its own. Competition must restructure the incentives facing all consumers across the country in order to affect the health system. The cost problem facing OPM emphasizes problems facing all employers and the Federal government in the implementation of Medicare and Medicaid.

The current structure of the FEHBP demonstrates that competition can work. On the demand side, ten million employees are able to make choices and respond to the price, quality, and benefits of several health options. FEHBP further demonstrates that one employer can administer over one hundred health plans nationally. These plans are even administered with some semblance of efficiency, considering that a few years ago it cost 26 percent more to process a Medicare claim than a FEHBP claim.

On the supply side, however, several structural flaws prohibit the plans from competing with each other on premiums and benefits. As you know, to constrain their costs, OPM requested a six and a half percent reduction in benefits and premiums. OPM's ability to constrain premiums and benefits is contrary to competition and serves to intensify the problems of adverse selection. The carriers should have free rein to set their premiums and benefit packages to meet the needs of the employees.

In recent years, for example, Blue Cross-Blue Shield has been required by OPM to offer mental health benefits. No other carrier has faced such a requirement. This tends to encourage Federal employees who feel that they would utilize mental health benefits, to join high-option Blue Cross-Blue Shield. It has been estimated that these mental health benefits have raised the Blue Cross-Blue Shield premiums by 7 to 8 percent in the Washington area. These increased costs are then reflected in higher premiums which accentuate the problem, employees who utilize mental health benefits remain, while employees who do not, think twice before they continue to pay such high premiums.

At this point I would like to emphasize that I am not advocating a "bail out" for Blue Cross. Blue Cross is financially stable and not dependent on the Federal employees' business to survive. The ground rules by which these plans compete need adjustment. We do not need to regulate the structure of the plans themselves. As a matter of fact, it is regulation not competition that is threatening Blue Cross.

The Federal government's contribution to their employees' health benefits should be limited and adjusted annually. This would divorce the government's contribution level from the premiums which the largest six plans charge. It would also remove OPM's inclination to become involved in the benefits these plans offer, because OPM's ex-

penses will no longer be tied to the six largest plans. The limit should be adjusted annually to reflect inflation in the medical sector as long as the rest of the health system is not competitive.

Besides being limited by the Federal government, the Federal contribution should be adjusted according to several actuarial categories including age, sex, geographic area, and employee or annuitant status. This would decrease the effect of adverse selection. The age and sex of a population do tend to reflect differences in health status and should be accounted for in the government's contribution. A fifty year old or an annuitant is likely to utilize more health services than a thirty year old. The government should contribute more to the fifty year old's health coverage. This will enable the health plan with the fifty year old to serve him, without artificially increasing their premium next year to cover the additional costs. Sicker people, or people who think they may become sick, will continue to desire comprehensive, first-dollar coverage. The trick is to balance these "sicker" people with healthier people in the same actuarial category, which will allow the carriers to underwrite such a plan.

Furthermore, contributions should also be adjusted for the area of the country in which the Federal employee lives. Through the government's experience with Medicare, we know that health services are more expensive in New York City than in Oklahoma City.

The FEHBP requires careful restructuring. My health legislation contains certain aspects of what I have proposed above to incorporate into the FEHBP. We believe that the health care needs of the Federal employees, and ultimately the general public, would best be served by a competitive health system. In FEHBP the employees should be able to choose coverage from several health plans which compete with one another on the basis of quality, premiums, and benefit packages. Minimum regulations should govern this system to encourage fair competition. As legislators we are not here to dictate the details of the benefit packages available to Federal employees. Rather, we are here to preserve their benefits by the best possible means. That translates into taking very modest steps that will facilitate competition in the delivery of health care to Federal employees, which in turn will guarantee an open season for the people we are attempting to serve.●

AMERICAN LABOR MOVEMENT CELEBRATES ITS CENTENNIAL

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. BIAGGI. Mr. Speaker, I would like to call attention to an event that occurred 100 years ago in Pittsburgh. On November 15, 1881, 107 delegates from a handful of unions and local assemblies gathered together to establish the Federation of Organized Trades and Labor Units—the forerunner of today's AFL-CIO.

This historic meeting of working people called for: compulsory free public education; an end to child labor; achievement of the 8-hour work

day; apprenticeship laws; payment of wages in legal tender; creation of a national bureau of labor statistics; workers' compensation; and use of the ballot box to elect friendly legislators.

One hundred years later—due to the courage and work of the American trade union movement, we have a better life in this country.

We now have better wages, shorter hours, and safer working conditions in the American workplace. Decent schools, adequate housing and hospital care, and a secure retirement are some of the fruits of union representation in America.

Today, Lane Kirkland and the AFL-CIO's work still echoes the words of Samuel Gompers 100 years ago. When asked,

What does labor want?

He replied,

We want more schools and less jails; more books and less arsenals; more learning and less vice; more constant work and less crime; more leisure and less greed; more justice and less revenge.

So much has been accomplished. So much more must still be done, as the AFL-CIO's centennial slogan so aptly states: "A century of achievement, a challenge for the future."

Long before the current wave of consumer advocate and public interest groups were formed, the labor movement toiled diligently as the "people's lobby." Whether the cause is fair wages and safer workplaces or the quest for world peace, the American trade union movement has been the conscience of our Nation. We have a more compassionate society because of them. God bless and protect them in their next 100 years.●

BENEFIT CUTOFFS AND DELAYS TAKE THEIR TOLL ON DIS- ABILITY RECIPIENTS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. SEIBERLING. Mr. Speaker, 2 months ago, I introduced legislation, the Social Security Rights Act, which would impose mandatory time limits on processing social security claims. The legislation has 57 cosponsors, and each week my office receives calls requesting information about the bill, or notifying us about an additional cosponsor.

Interest in this bill is high and continuing because the problem of backlogs and delays in social security claim processing is worsening. And I fear that the situation will be even bleaker for social security claimants as unemployment continues to climb, and the effects of the administration's economic policy hit home.

One of the reasons for delays in social security processing is the fact that the Social Security Administration is implementing an order enacted by Congress to review the cases of current disability beneficiaries to see if they are still eligible for benefits. This review was part of the social security disability benefits approved by the 96th Congress.

However, the Reagan administration has accelerated the review. Some people have suggested that the step-up is not really aimed at keeping only the truly disabled on the social security disability rolls, but to cut a certain quota of current recipients off. The effect has been devastating for the social security appeals process, because those persons who receive notice that their benefits have ceased can appeal and are appealing. It is no wonder that they are appealing, since the statistics show that there is a very good chance that their benefits will ultimately be restored. However, the effect of the increased appeals is to increase the backlog of undecided cases, and to lengthen the already long processing time.

But the most devastating effect is on the people who are told that they will no longer receive social security disability benefits. Even if they ultimately have their benefits restored on appeal, they must wait months during which they receive no benefits. The frustration, confusion and anxiety experienced by these people—and I hear from them every day—is compounded by the very real financial hardship they and their family experience during the appeals process.

My bill would at least assure current recipients whose benefits have ceased a timely review of their appeal. The legislation would require the hearings and appeals process for those who appeal termination decisions to be made within 60 days.

I believe that Congress must send a message to the administration that it will not countenance the arbitrary termination of hundreds of thousands of social security disability benefits as the way to solve social security financing problems. It is time these delays were paid for by the Social Security Administration through adequate staffing, rather than by the disabled workers who pay in suffering, uncertainty and hardship.

I am including in the RECORD following my remarks a copy of a recent Wall Street Journal article on the administration's stepped-up review of current disability recipients' records:

CUTTING DISABLED ROLLS ISN'T ANY WAY TO WIN A POPULARITY CONTEST—TENNESSEE'S HERBERT BROWN TAKES HEAT AS HE STRIVES TO FOLLOW REAGAN POLICY

(By John J. Fialka)

NASHVILLE, TENN.—Bureaucratically speaking, nobody seems to like Herbert L. Brown, 58, a soft-spoken, unfailingly polite

man who runs an obscure branch of the Tennessee Department of Education.

What Mr. Brown does is socially and economically important, even trendy. While other people talk about refocusing the nation's faltering benefit programs on the "truly needy," he and his staff of 227 people are trying to do it.

But for the most part, it has been a truly thankless job.

Mr. Brown is the director of the Disability Determination Section of Tennessee's Division of Vocational Rehabilitation. He and his equivalents in 49 other states function as the gatekeepers for the Social Security Administration's two huge disability-benefit programs. Those programs pumped out over \$22 billion last year, and investigators say that some of the money has gone to people not eligible.

Since March, at the request of the Reagan administration, state officials have been trying to narrow the gates by reexamining and rejecting an ever-larger number of claimants, telling them that their government checks will stop because they are no longer considered disabled.

That is how the heat started for Mr. Brown, who had been running his agency so quietly that few politicians here even knew what it did. State legislators suddenly began to get angry calls and they, in turn, began calling Mr. Brown.

"Some of the legislators have started to wonder why do we really need this agency," he says. While he has been fielding the calls from legislators and from the offices of Tennessee Congressmen, his disability examiners have been getting a steady stream of angry, often abusive calls from disgruntled claimants.

One young man in East Tennessee has attempted suicide. Another has attracted the attention of the FBI by threatening to do bodily harm to President Reagan.

Local television crews have even confronted Mr. Brown while he was at home, raking leaves in his driveway. Reporters have demanded to know why it was that he hired a firm of doctors who were reexamining disability claimants at the speedy rate of over 30 per doctor per day.

"It's unsettling to have this kind of situation," says Mr. Brown. "We're not accustomed to this kind of heat."

What is happening in Tennessee has been going on in varying degrees across the nation, but a disproportionate share of the pain from tightening up the disability programs will be felt in the southeastern U.S., where one out of every four disability claimants resides.

STRANGE ANATOMY

Part of the pain and confusion that surround the disability programs stems from their strange political anatomy. Both the Disability Insurance program (\$18 billion a year to 4.6 million people) and the Supplemental Security Insurance (SSI) program (\$4 billion to 2.3 million disabled clients, plus other outlays) are run on federal money and administered by the Social Security Administration. Yet the critical decision—who is medically and legally disabled—is left up to the 50 state agencies. Many of them admit that their decision-making, often hindered by staff shortages, leaves something to be desired.

Investigators for Congress's General Accounting Office believe that the disability programs have been running out of control for several years. Last spring the GAO estimated that the Disability Insurance Trust Fund, which is collected from payroll taxes,

was losing over \$2 billion a year to ineligible claimants.

Congress had already ordered the state agencies, which normally reexamine 160,000 cases a year, to take on an additional 200,000 cases starting in 1982. Then the Reagan administration decided to accelerate the schedule; the speedup began in March, using a computer profile to pinpoint questionable disability claims and to send the cases back to the states.

FOLDERS FILE UP

That's when case folders, some of them as thick as the Manhattan phone book began piling up in Mr. Brown's suite of cramped offices. Each represents a claim awaiting review. In March, 7,272 of them were lying around; now there are 14,433.

Mr. Brown says his office has been terminating about 40 percent of the computer-profile cases at a cost of about \$112 a case. That means he is saving the federal government a great deal of money: The average disability-insurance case costs the government \$29,000 over its lifetime.

He had managed this success despite a handicap: Until last July, Mr. Brown's office was under a statewide job freeze ordered by the governor to cut 3,000 jobs off the state payroll—even though his people are paid not by the state but by the Social Security Administration. Since the freeze ended, he has hired more people, but their training is slow. The Social Security Administration estimates that he should have 100 more employees.

Mr. Brown's struggle to get the job done amid economy measures isn't so unusual. GAO investigators have found disability-determination agencies in other states caught up in a wide variety of state-imposed penny-pinching policies. One state agency short of employees ordered disability examiners to decide cases "on the basis of an informed guess."

What all this means is that it will take a long time to sort out the disability programs. At the Social Security Administration, Commissioner John A. Svahn predicts that things will get worse before they get better because caseworkers haven't even begun to probe the SSI program, a \$7-billion-a-year adult-welfare program that pays 60% of its funds to disabled clients.

"I was told that the payment error rate in SSI was 5%, but when I got in here and stated looking at it I said what about disability? They said, 'We don't count that,'" Mr. Svahn recalls.

As disability claims are reviewed, "error rate in this program is very definitely going to go up," the commissioner adds. He concedes that the task won't be easy. "What makes disability so tough," he says, "is that there is a lot of subjectivity involved."

Once, the decisions were easier. In 1958, just two years after Congress started the Disability Insurance program, Mr. Brown's Tennessee office could handle all its claimants with just 10 employees. That was because the original program required a claimant to be over 50 and to prove a mental or physical disability that would result in permanent unemployment or death.

NUMBER SOAR

In 1960, Congress removed the age requirement. Five years later if opened the program to those who could prove a mental or physical problem that would result in an inability to work for 12 months. Next, the program was further liberalized to allow benefits to widows of disabled workers.

In 1974, Congress opened the doors to a new type of claimant when it created the SSI program. As originally conceived, the program was aimed at the elderly and the blind on the states' adult-welfare rolls. The disabled on the welfare rolls were also eligible and, applying in record numbers, soon turned SSI into a program that primarily serves the disabled.

In 1964 there were four disabled workers for every 1,000 workers paying into the Disability Insurance Trust Fund; by 1975 there were seven. But the problem wasn't just in the numbers. SSI had introduced an entirely different class of disability claimants, some of whom had never been to private doctor.

Mr. Brown's office relies heavily on the record of private doctors, which are often more complete than those of emergency rooms and some other health institutions, so the new class of claimants has presented a serious problem. "Tennessee is about the third-lowest state in terms of doctors per capita," Mr. Brown says. "There's a shortage of doctors to treat sick folks."

Furthermore, the office under state law must pay medical examiners according to a 1978 fee schedule that hardly matches the going rates of 1981. As a result, he says, there are no doctors in Tennessee who will work full time examining claims for his agency. At the moment, he makes do with 20 part-time doctors, many of whom work nights and weekends for \$30 an hour. They never see claimants, they simply examine and sign disability records prepared by Mr. Brown's technicians.

THIRTY OR FORTY A DAY

But some disputed claims must be settled by an independent medical examination. The need was filled here, for a time, by an enterprising group of doctors who got around the low fee schedule by handling disability claimants in volume. They are part of a new medical genre that has grown up around the disability programs and is called "the volume provider."

In Tennessee and in eight other states in the South and Midwest, the volume provider was Suburban Internal Medical Group, a consortium of 12 doctors who used paramedical workers and word-processing equipment to allow a doctor to examine as many as 30 or 40 disability claimants in one day.

Several frustrated disability claimants now are suing the federal government over the use of Suburban Medical. One of them is Arthur Adams, 50, a former warehouseman who quit his job after undergoing vascular bypass surgery that replaced major arteries in his legs with synthetic tubes. He says he has trouble sitting and bending over.

Mr. Adams recalls that he spent the better part of a hot day in July 1980 waiting for a Suburban Medical doctor to examine him in Kingsport, Tenn. Although he had a number of tests administered by paramedical workers, he got to see a doctor for only 15 minutes. "He didn't write down half of what I told him," Mr. Adams complains. He says the process "makes you feel you're a crook and that you expect to get something for nothing."

Although the Social Security Administration has found most of Suburban Medical's reports to be accurate, a federal district judge, Glen M. Williams, called its practices "fraudulent in nature" and set off a round of controversy and newspaper stories that continues to plague Mr. Brown.

Because other states are beginning to use volume providers, Social Security officials

are trying to prepare guidelines for them, but Mr. Svahn isn't sure just what they will be. "We have contacted the AMA (American Medical Association)," he says. "They haven't been banging at our front door to help us out."

Three years ago the General Accounting Office concluded that one simple way to end the crazy quilt of policy and political conflicts in the disability programs would be to put the whole process under the federal government. No one in Washington has exactly jumped at the idea. Mr. Svahn says the Reagan administration isn't enthusiastic. Mr. Brown says:

"The federal government doesn't want this program. It would add to the number of federal employes and inflate the federal budget because federal employes make a whole lot more than we do."

There are many times when Mr. Brown's office doesn't seem to have any bureaucratic parent at all. "I guess we're just a bastard," Mr. Brown says. ●

QUEEN LOUISE HOME FOR CHILDREN CONGRATULATED

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DE LUGO. Mr. Speaker, I would like to take this opportunity to congratulate the Queen Louise Home for Children in St. Croix, Virgin Islands, on the occasion of their 75th year of service to abused, abandoned, and neglected children of ages 0-12.

The Queen Louise Home for Children was established in 1906 by the State Church of Denmark to lower the high mortality rate among the very young. In 1917, when the United States purchased the Virgin Islands, the home became owned and operated by what is now the Lutheran Social Services.

As the only residential child care facility in the U.S. Virgin Islands, the program aims to provide temporary care for neglected children of all races and religions while permanent plans are processed. In reality, many children spend years in the home and are raised by a series of substitute parents. The goal of "QUEL" is to fulfill each child's physical, emotional, educational and spiritual needs—a difficult task in crowded facilities.

Although the department of social welfare covers about 70 percent of existing child care costs, and the Lutheran Church of America is a yearly contributor along with the United Way, most of the maintenance, improvements and some salaries must be met through donations.

I wish to offer sincere commendations to the men and women of the Lutheran Church, both in the Virgin Islands and the mainland, and to the many contributors who have made a facility and child care program such as the Queen Louise Home for Children

possible and successful for the past 75 years.

In particular, I would like to commend Julie and Bruce Swanson, the current co-executive directors of the Lutheran Social Services of the Virgin Islands who have, by their dedication and commitment to the children of Queen Louise, exemplified true parenthood. ●

DECEMBER 8 ATTACK ON GUAM

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1981

● Mr. WON PAT. Mr. Speaker, yesterday the Nation remembered the attack on Pearl Harbor in 1941 which unified this Nation and led us into war with Japan. While there is no question that the Pearl Harbor attack was a devastating one for the U.S. military, I want to call attention to the fact that the forces of the Imperial Japanese Navy were also busy attacking another key American installation—Guam—on that fateful day.

I well remember the sight of Japanese planes swooping low over Guam's Apra Harbor and in a scene which duplicated that taking place 3,500 miles away in Hawaii, began bombing U.S. military installations and related facilities. That attack came with surprise and horror to all of us living on the island that day.

Because Guam was on the other side of the international date line, it was already December 8 on Guam when the enemy began its offensive against military forces on Guam. Three days later, under constant bombing and shelling, thousands of crack Imperial troops swarmed ashore and quickly moved toward the capital of Agana. The battle did not take long for Guam. Washington had not seen fit to take the Japanese threat seriously and failed to reinforce the small garrison of marines and sailors on Guam.

Some of the heaviest fighting took place when elements of the Guam Insular Guard—a local U.S. military reserve unit—struck back at those who invaded our island. These brave men took their toll but could hardly stand up to the seasoned troops who came in overwhelming numbers. A number of civilians were also killed by the enemy in senseless killings on that horrible day. Within a few hours after they had landed, Japanese forces tore down the American flag and raised the Rising Sun over Guam. We were not able to see the Stars and Stripes for 4 years.

What followed was years of terrible occupation for the people of Guam. Not once did we ever waiver in our belief that the United States would

return and drive the enemy from our island and they did in 1944.

While events in Pearl Harbor overshadowed the brutal attack on Guam and its occupation a few days later, it is important to remember that the opening days of the war engulfed other Americans. We in Guam are proud to have done our share in the defense of America and in later efforts to bring the Imperial forces to its knees in defeat. Today, Guamanians continue to work hard for the defense of this Nation. Our military has over 5,000 Guamanians in its ranks, many of them having compiled proud records of service in times of peace and war.

Guam also continues to serve as a bastion of American military might in the Western Pacific. But I am worried that history will repeat itself unless we maintain our guard. Once again, I see so-called experts ignoring signs in the Pacific which point to a direct threat to this Nation. The Soviet fleet is rapidly building up in the Pacific while we cut ours. Despite my strong objections and those of many of my colleagues on the House Armed Services Committee, the Pentagon has pulled out of Guam our Polaris submarines and junked several of them. We have virtually no major naval presence in the Western Pacific and instead have concentrated our forces where they can do little good in the Western Pacific. The worst thing we can do is to forget the lessons of Pearl Harbor and Guam. If we forget, others may remember much to our sadness. Thank you. ●

THE NEW POLICY FOR NUCLEAR POWER

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. UDALL. Mr. Speaker, I would like to call to our colleagues' attention two recent speeches by NRC Commissioner Victor Gilinsky whose remarks are particularly pertinent in light of recent revelations of substantial failures in industry and NRC programs intended to assure safe construction of nuclear power plants. These failures serve to intensify the public concern about nuclear safety that is manifest in a recent NBC News/Associated Press poll indicating that some 56 percent of Americans now believe that additional nuclear plants should not be built. Dr. Gilinsky's speeches provide a succinct assessment of the status and likely future direction of the nuclear technology. He stresses the importance of concentrating on insuring the safety of the current generation of light water reactors rather than devoting our limited technological and eco-

nomic resources to breeder development and nuclear fuel reprocessing. He makes clear that a sine qua non of nuclear expansion beyond current projects is safe operation of the current generation of light water reactors. Expending our energies on Clinch River, reprocessing, and expediting the nuclear licensing process will inevitably detract from the effort to achieve the level of safety that is necessary if nuclear development is to proceed. Commissioner Gilinsky's October 30 speech follows; his November 5 speech will appear in tomorrow's RECORD.

REMARKS OF VICTOR GILINSKY BEFORE THE WORLD NUCLEAR FUEL MARKET'S INTERNATIONAL CONFERENCE ON NUCLEAR ENERGY

THE NEW POLICY FOR NUCLEAR POWER

I have been asked to talk about the prospects for nuclear power in the United States, particularly as they are affected by the political and regulatory outlook.

On the face of it, today's political climate for nuclear power can hardly be better. The Administration came in one strong pronuclear platform. At the time, the head of the Atomic Industrial Forum described his reaction to the election as somewhere between "euphoria and ecstasy". The Administration has now recorded its sentiments in an October 8 Presidential statement on the future of nuclear power. In that statement the nuclear industry received the endorsement it had sought in vain from the previous Administration.

In presenting the Administration's policy, the Secretary of Energy made these major points:

The President has directed the Department of Energy to coordinate the Federal Government's efforts to streamline the nuclear licensing process. (The Secretary expressed his intention to insure a speed-up in the approval of the next 33 plants in line—those scheduled for completion in the next two years.)

The President also directed DOE to proceed with the Clinch River Breeder Reactor.

He has lifted the ban imposed by previous administrations on commercial reprocessing.

The President has instructed the Department of Energy to proceed swiftly to store and dispose of high level nuclear wastes.

The new policy, according to Secretary Edwards, "will allow native American creativity, which has made us the world's leader in technology, to flower again."

My own view is that there is little behind the rhetoric. It is difficult to see how the Administration package will do much to reverse the current decline of nuclear power. Some useful adjustments can be made in the regulatory setup. But it is an illusion to think these can be the source of a revival of nuclear power. The only stage at which any licensing holdup is likely to occur is at the beginning, when utilities seek construction permits for new plants. But "streamlining" these initial licensing procedures will be no more than an academic exercise if there are no new plants. Despite the ritual pronouncements of utility executives, orders for new plants are held back less by the regulators than by the Invisible Hand of Adam Smith.

And despite vocal complaints, no plant ready to go into operation is being held up by NRC hearings. It turns out that plants thought to have been held up by licensing

procedures were stalled instead by equipment or other safety problems.

Decisions to abandon new plant construction are not governed by the delays associated with the regulatory process, and every utility company knows this. These decisions have been impelled, rather, by the interaction of energy supply and demand. Construction problems, in some cases new safety requirements, and financing difficulties have driven up costs. At the same time the need for these plants has been diminishing steadily over the past four years. Electrical demand growth was down to 1.7 percent last year. Eleven plants have been cancelled since the election last November.

Where we are and where we're going

In view of these changes, most nuclear power projections, official and unofficial, are outdated. I have reexamined the estimates plant-by-plant to see how many might be completed. If we count plants to which there is now a firm and reasonable commitment we arrive at an installed nuclear capacity of about 115-120,000 megawatts sometime in the 1990's when all those projects are completed. And, as you know, there are no new construction permit applications now on the horizon.

Let me give you a more detailed breakdown: As of now 72 plants are licensed for commercial operation. They represent a total electric generating capacity of about 55,000 megawatts. This total includes two plants which have not yet reached full power, and TMI-1, which is not in operation. Diablo Canyon 1 is licensed for low power but is on hold until its recently discovered seismic design problems are resolved.

In addition, there are 77 large plants (roughly 1000 megawatts each) in various stages of completion, some almost finished, others hardly begun. This number does not include 12 plants which were under construction and which have been cancelled since 1975.

On the basis of the way things look now, I expect that at least another twenty of the 77 plants under construction will also be cancelled. In addition not more than one or two of the ten plants under construction permit review have much of a chance to see the light of day (for economic reasons, let me add). What this adds up to is that of the plants in the review and construction pipeline no more than 50-odd plants (about 60,000 megawatts) now look as if they are headed for completion and operation.

Now, I am not saying that things could not improve for nuclear power, or that more plants might not be built. The economy might pick up, electrical demand may start to climb, steps to increase efficiency may be less effective than projected, and (who knows?) someone may produce an electric car that catches on. But it is difficult to see how these things can happen in the period of time a businessman in this industry has to consider. The fact is that the projections I am citing could as well be too high as too low. This could happen, for example, if electrical demand growth is further depressed by higher electricity prices. And what lies beyond this decade is difficult to predict.

Administration statement

One of the unfortunate characteristics of nuclear power planning has been that almost everyone involved tries to nail down the distant future at the expense of protecting what's on hand today. I am afraid this characteristic afflicts the Administration's policy on nuclear power, which seems to say

that if the regulators will start being more efficient, and if the breeder is demonstrated, and if commercial reprocessing is allowed, the future of nuclear energy will be assured. Let's take a closer look at this proposition.

Streamlining Licensing

The Secretary of Energy said the President had designated him coordinator of the Federal Government's efforts on streamlining commercial nuclear power plant licensing. This action overlooks several problems. First, the Department of Energy has very little institutional experience in this area. (I will pass over the fact that the DOE is also one of NRC's prospective licensees and thus has a potential conflict of interest in "coordinating" our activities.)

Second, as I have pointed out, the licensing process is not what is holding up plants, and repeated insistence that it only distracts attention from real problems. The plants now in the pipeline may be burdened at times by the regulators, but they are seriously plagued by a variety of construction delays and mistakes, labor problems, and management failings, to say nothing of a severe tightening in the money markets. Plants have had to delay operation to comply with NRC safety requirements, but this is another story entirely. If you disagree with that necessity, you are denying the need for safety at NRC's standard. That may be an arguable proposition, but it is not one many people will find persuasive after Three Mile Island.

Third, the policy statement does not acknowledge the root of the many difficulties being experienced by the nuclear industry. These can be traced to the time when the government handed an advanced 20th century technology over to utility organizations accustomed to operating 19th century technologies. Over seventy utilities with widely varying capabilities had active nuclear projects at one time. There are still over sixty. Many utilities bit off more than they could chew, or underestimated the inherent dangers and technical problems of nuclear power. Some did not have the managerial competence to handle large projects as sophisticated as nuclear plants. Some simply lost control, both of quality and cost, and have had to be brought up short by NRC or their bankers. Even some of those who have made a good job of it are now finding their construction plans upended by steadily diminishing electrical demand and the awareness in the money markets, brought on in part by Three Mile Island, of the vulnerabilities of these plants.

The Breeder

The commitment to the Clinch River Breeder Reactor is a distraction from these problems. Not only will it consume money in large quantities, but it will also eat up the government's bureaucratic energies to little effect in the period of time we must talk about. To use an economist's term, the opportunity cost is very high. My own feeling is that even though the breeder reactor is currently funded, it is not going to be built. The country is just not in a mood to fund projects that do not make sense economically. And this one doesn't make sense at this point because uranium is plentiful and the number of reactors expected to use it is diminishing.

Reprocessing

There is also a bit of flummery in the reprocessing decision. For while the Administration is supporting commercial reprocessing, it is also declining to pick up the check

for it. They can't help but know this means there will be no commercial reprocessing. Apparently that's the way Allied Chemical sees it, too. A few days after the Presidential statement, Allied announced plans to write off its half-share in the Barnwell commercial reprocessing plant, the only one that can possibly be expected to operate in this decade. Commenting on the government decision to permit reprocessing, an Allied official said "they are going to have to do more than that." The government, he said, would have to guarantee the market, or "no one is going to go into this business."

Barnwell lacks facility for the processing of waste fluids into solids which would be acceptable in a federal repository, a facility which is likely to cost as much as the reprocessing portion of the plant. "Private operation of the Barnwell plant", according to Allied's Chairman Edward Hennessy, "is not feasible or commercially practicable." This view is likely to hold true, despite some talk abroad of injecting additional foreign money into the plant.

The Company has said it may in fact dismantle the plant if that is necessary to qualify for applicable tax credit. And let's face it, no one is going to build another commercial plant in the foreseeable future. So much for commercial reprocessing.

Swift Action on Waste Disposal?

Unfortunately that is not the end of it because the Administration has entangled reprocessing with nuclear waste disposal planning. The picture that emerges from recent testimony before the Congress is that the Administration views reprocessing as the "key" to dealing with the back-end of the fuel cycle. When asked by Senator Hart whether reprocessing was an integral part of the waste management system, DOE Assistant Secretary Brewer replied "yes, I believe it is and should be." A careful distinction is made between spent fuel and high level wastes resulting from the operation of a reprocessing plant. Only the high level waste is headed for the underground repository. It is clear the Administration does not want to dispose of spent fuel. "It is our hope", said Mr. Brewer, "we will not dispose of much spent fuel, that we will reprocess the spent fuel and recover its fuel values and convert the waste into solid form for disposal."

The Administration has presented us with a conundrum: DOE says reprocessing of spent fuel is an essential step for the disposal of the nuclear wastes it contains. At the same time the Office of Management and Budget declines to provide a subsidy for private reprocessing, without which the private sector says reprocessing is "not feasible or commercially practicable." In view of this, how in the world can DOE proceed swiftly to store and dispose of high level waste, as directed by the President?

Whatever the explanation for this internal contradiction, the new reprocessing policy is bound to undermine the waste disposal program. This will increase uncertainty about waste disposal and further undermine public confidence in nuclear power, the very opposite of what the Administration says it wants.

Moreover, the Administration does not seem to want to provide spent fuel storage, even though it is pretty cheap insurance against miscalculation in high level waste disposal planning, perhaps because to do so would relieve the pressure to reprocess. "The position of the Administration", according to Mr. Brewer, "is, storage of spent fuel is a private sector responsibility."

Which is what happens when you take ideology too seriously and forget about reality.

What would help?

There is not in fact a great deal the government can reasonably do to beef up the commercial nuclear program. Nevertheless, there are a few modest, practical steps that the government can take to help protect the country's existing investment in nuclear power plants, both operating and under construction—and spent fuel storage is one of them.

Spent Fuel

The government can and should ensure that the spent fuel from nuclear power plants will have a place to go when the utilities run out of on-site storage. It is all very well to insist that this could be taken care of by the private market, but in fact only the government is likely to organize off-site storage. It is unclear at this point just how much will be needed, and it may be that utilities will be able to build more onsite capacity. Nevertheless, for modest cost, at least part of which would be defrayed by utilities, the government can insure that there will be some reserve capacity at the back-end of the fuel cycle. It may well be needed, either because reactors run out of storage capacity, or because a waste repository is delayed. A bill introduced in the Senate, the National Nuclear Waste Policy Act of 1981, contains this provision.

Insurance

My second point concerns insurance. As we all discovered after the accident at Three Mile Island, nuclear power plants are badly underinsured. That plant was covered to about \$300 million, typical for the industry. The damage was more like a billion. And some of the plants coming along now are worth a lot more than a billion.

These facts have not escaped the notice of Wall Street, and if the industry wants to regain the confidence of the money merchants it will have to get itself adequately insured. There has been talk of a billion-dollar private insurance pool, but it has not materialized so far. Congressman Ertel has introduced a bill to provide for government organization of an insurance scheme. Similar bills have been introduced in the Senate by Senators Heinz and Specter.

A government scheme would contain a provision for retrospective insurance, collecting from the member utilities after an accident if the amount of damage and cleanup cost exceeds what is available in private insurance coverage. Although the utilities have welcomed the idea of federal assistance in a scheme to pay for the TMI-2 cleanup, they are oddly cool to government involvement in non-TMI programs to insure against future accidents.

TMI Cleanup

The third item missing from the President's package is any federal plan for cleaning up Three Mile Island. I don't mean federal money necessarily, but a larger role in putting together a definite assignment of responsibilities. In the meantime, there isn't any question that the continued uncertainty about the future of the cleanup and the TMI waste is not good for nuclear power. Yet DOE has still not even agreed to accept all the damaged fuel.

Protecting the investment

All in all, the Administration has left nuclear power pretty much where it was before the election. Except for one thing.

The decision to tie together reprocessing and waste disposal planning complicates and delays the solution to the problem of radioactive wastes. The emphasis on reprocessing is a throwback to a time when dozens of plutonium-fueled breeders were thought to be around the corner. That is now just a fantasy. It would have been better had the Administration simply accepted that our earlier expectations were too grandiose, that 120,000 megawatts of assured light water reactors by the 1990's would be pretty useful to have, and if it had taken the few reasonable steps needed to protect that investment.

Finally, let me stress that nothing is more important to protecting that investment of public and private monies in nuclear reactors than assuring their safety. Nothing would be more destructive of support both on Main Street and on Wall Street than another accident. Yet there is no hint in the Administration's statement that the smooth, safe operation of nuclear plants is going to take a lot of improvement in industry performance. Instead, there is more than a hint that the federal safety regulators don't know what they are doing. That's not going to help on Main Street and on Wall Street, either. ●

ADDRESS BY PERMANENT REPRESENTATIVE TO NATO ON
"STRATEGY FOR THE WEST"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DERWINSKI. Mr. Speaker, Ambassador W. Tapley Bennett, Jr., our Permanent Representative to NATO, is one of the greatest diplomats of our time. He recently addressed the Hanns-Seidel-Stiftung Conference in Munich, where he gave an impressive and strong speech on the subject of "Strategy for the West in the 1980's."

On the eve of Secretary Haig's departure for Brussels to meet with other NATO countries, I believe Ambassador Bennett's remarks are especially timely. They follow, for the Members' attention:

STRATEGY FOR THE WEST IN THE 1980'S

I am very pleased, as always, at the opportunity to speak in Munich. I have found here, in my frequent meetings and discussions in recent years, a large measure of understanding and support for the common political and security objectives which have guided the Atlantic Alliance for three decades. And I have personally always enjoyed the warm hospitality of your city.

The topic which you have asked me to address, the United States and European Strategic Approach to the Situation Outside NATO, is perhaps the single most important security issue facing us all today. It is even more important, in terms of the immediate potential threat to Western societies, than the hotly-debated questions of LRTNF modernization and arms control. Indeed, there, is no question in my mind that all of the members of NATO will find themselves increasingly concerned, directly or indirectly, with the challenge to Western security and interests arising in regions of the world geo-

graphically far removed from the peace and comfort of this delightful city.

Unfortunately, we have been relatively late in awakening to this problem. It is now 8 years since the first oil shock; 3 years since the fall of the Shah; 2 years since the Soviet invasion of Afghanistan; 1 year since the outbreak of the Iran-Iraq war; 1 month since the assassination of that great peacemaker, Anwar Sadat; and there is still insufficient attention given in public discussion to the real danger posed by the vulnerability of the Western world—including Japan as well as Western Europe and the United States—to a potential cut-off of the supply of oil from the Persian Gulf.

Everyone recognizes that there is a problem, but there has been a tendency to view the issue as somehow isolated from the more familiar security concerns of the NATO alliance. Consequently, there has been a tendency on the part of some observers to see the problems more in terms of economic relations and Third World politics—which are, of course, important aspects of the issue—and to downplay the direct military and security aspects.

In my remarks today, I would like to discuss what the United States is seeking to do to meet the security challenge in this region outside of the NATO area; our view of the overall Western interests which are involved; and the way in which the issue reflects upon the NATO alliance itself. In doing so, I would also like to deal with two major and interrelated misunderstandings which affect public discussion in Europe, and weaken our ability to meet challenges both within and without the NATO area.

NATO'S DETERRENT STRATEGY

The first of these misunderstandings relates to NATO's plans and capabilities for deterring conflict in Europe, which have been the target of large but seriously misguided public demonstrations in recent weeks. The second misunderstanding relates to the widespread assumption that the security of Europe can be separated from the defense of Western interests in other areas.

It is, perhaps, understandable that many people today do not understand NATO plans for the deterrence of conflict in Europe. NATO has been so successful in maintaining peace and stability in Europe over 30 years that most of the people who are demonstrating have never experienced as adults any international situation other than the security provided by the alliance. They take it for granted, and do not ask how or why it works.

How many of the new generation remember that the Atlantic Alliance created the framework within which the devastated Europe of 1945 grew into the prosperous society of today? How many understand the enduring role played by the alliance in reintegrating the Federal Republic into the Western world, and ensuring the balance on a continent otherwise open to the political and military domination of one power, the Soviet Union? How many appreciate that the strength and unity of that alliance has made it possible for the West collectively, and the Federal Republic individually, to negotiate with the Soviet Union on East-West issues and arms control, including Berlin, CSCE, MBFR, and, beginning later this month, the LRTNF talks in Geneva?

From the public record, and from my own private discussions, it would appear that very few of the new generation have any of these memories and insights. Young people tend to overlook the fact that they inherited the peace—they did not sacrifice their

health or their lives to make the peace. That was an older generation. And the peace is protected by hard work and thoughtful policies, not by slogans in the streets and casual disregard for the vital interests of one's country.

Indeed, because alliance deterrence has worked so well, many have even lost sight of the threat itself. Because the alliance has remained united, and warded off potential political pressure against its members, many appear to assume that its unity, and the political and security benefits it conveys, is a fixed fact of life, that it could not be lost through irresponsible positions or actions, or through the wedge-driving efforts of the Soviet Union. One has sympathy for the anguish of the aspirations of the young—we were all young once and I, too, have marched for peace in my student days—but, as is painfully evident in the discussions over nuclear matters, very few bother to concern themselves with the serious business of alliance deterrence strategy.

Last month, I participated in the semi-annual meeting of the NATO nuclear planning group in Gleneagles, Scotland. At that meeting, alliance defense ministers clearly reaffirmed the alliance deterrence strategy that an adequate defense position is the best insurance for peace. NATO protects the peace today, as it has for over 30 years.

NATO's strategy is based on having adequate forces at all levels—to convince a potential aggressor that the risks involved in precipitating aggression would be out of all proportion to the conceivable gains he might hope to gain.

This strategy, which was developed during the 1960's in the course of intensive alliance discussions, reflects solid historical realities. The history of this century shows clearly that aggressors are tempted to exploit situations of weakness; who needs better proof of this than Soviet actions in Hungary, Czechoslovakia, and the whole Eastern tier of states, Afghanistan—and now Poland? Powers like the Soviet Union are less inclined to adventurism when it is obvious that the potential opponent has the military capability to meet them, and the will to employ that capability if necessary. Historically, aggressors pick victims which are weak, disarmed, and isolated, not those with close and reliable alliance ties.

NATO's strategy of deterrence is not, as Soviet propaganda alleges, a formula for fighting a nuclear war in Europe. The presence of nuclear weapons in Europe—and it is well to remember that they have been stationed on the continent to keep the peace since the 1950's—serves to ensure linkage between the conventional forces of the alliance and the U.S. strategic forces. This linkage guarantees that the Soviet Union can never hope to attack Europe alone, nor can it hope to exert political pressure on Europe alone, separate from the United States. This is the reason that successive European statesmen have called for the maintenance and modernization of nuclear forces in Europe to preserve this linkage—this linkage for peace.

This NATO strategy is also the only firm basis for arms control negotiations with the Soviet Union in the area of theater nuclear forces. It was only after the NATO double decision of December 1979, that the Soviet Union agreed to open negotiations, now scheduled to begin in Geneva this month. The Soviets have had a large nuclear missile force targeted on Europe for years; they began adding to and modernizing it with the deployment of the SS-20 in the late 1970's.

There are now some 250 SS-20's deployed, with three warheads each, a total of 750 warheads. Together with the older systems, the Soviets now have deployed well over 1,000 Soviet LRTNF missile warheads. I note that Mr. Brezhnev in his interview with Der Spiegel, published just yesterday in Moscow, admitted to a total of 975 "Euro-strategic Missiles." NATO has none. Somehow, the demonstrators never seem to mention this comparison. It was not until the Soviets understood that NATO was serious about correcting this imbalance that they accepted the NATO offer of arms control negotiations. At the very least, the demonstrators are weakening the Western position for the arms control negotiations the demonstrators profess to want.

I am confident that these basic truths about the NATO strategy will be better understood in the future. My Government is working on this, and I know that others in the alliance are also active. More, however, needs to be done to reach the new generation and those in the older generation who should know better.

THE GLOBAL NATURE OF SECURITY

The second misunderstanding, which tries to separate the security of Europe from the security of Western interests elsewhere, is closely related to the first. The peace and prosperity which have been achieved in Europe in the past 36 years thanks largely to NATO are unparalleled in world history. Never before has such a large group of people lived in peace, enjoyed such democratic freedom, and reaped the benefits of such productive societies. The situation is particularly unusual in light of past European history, in which wars every decade were almost a matter of course. And it is in sharp contrast with the situation in most of the rest of the world, where there have been major and minor international conflicts every year since 1945; where democratic liberties and economic well-being are very scarce commodities indeed.

In these circumstances, it is perhaps natural that some people prefer to look at Europe as a secure and comfortable island. Natural, but very misleading. In spiritual terms no man is an island; the same applies to security. It is not possible to have a security policy for NATO, but to ignore this requirement for all other areas. Indeed, from the U.S. point of view, all security policy must be seen in a global context. It is not so different for our European friends and allies.

In the assessment of the United States, the most likely threats to Western security in the next decade are likely to come in the area of the Persian Gulf. Western dependence on the assured flow of oil from the Gulf is the single most vulnerable aspect of our highly-industrialized societies. Europe and Japan are more dependent on oil from the Middle East than is the United States. It would be folly to ignore this fact. Today, the ability of the Soviet Union to exploit that vulnerability has grown. Soviet aircraft in Afghanistan are less than 1 hour's flying time from the Straits of Hormuz. Soviet divisions in Afghanistan and in the neighboring regions of the Soviet Union, are far closer to the region than corresponding Western forces. And the internal situation in the region may offer the Soviets enticements for intervention, which would be disastrous to Western interests. The continued turmoil in Iran, the war between Iran and Iraq, the insane ambitions of Colonel Khomeini, all could offer opportunities for the Soviets.

What can the West do in this situation? Some have suggested that we need new consultative mechanisms, or that we need to extend the operational boundaries of NATO. I disagree with both of these propositions. Our existing structures are fully adequate for consultation and coordination if they are used properly. And what is required to meet the challenge outside NATO is not an extension of the NATO treaty area, but an enhanced effort by individual Western nations, singly and in collaboration.

A PROGRAM OF ACTION

One thing we can do, of course, is to try to reduce our dependence on Persian Gulf oil. There has, in fact, been a decline in oil consumption, due in part to greater efficiency in our energy use, in part to a shift to other energy sources, and in part to the generally slow world economic conditions. However, we remain far too dependent and too vulnerable.

We must, therefore, take resolute action to help ensure the continued viability of the Western lifeline in this area.

To do this, we must: Provide economic and security assistance to friendly states in the region; increase the Western presence in peacetime; and develop the ability to project significant military force to the area in a crisis.

The United States is working on all of these levels. We have allocated the major portion of our economic and military assistance to countries in the Southwest Asian region, including both those NATO allies on the southern flank and Near Eastern countries. We have increased our peacetime presence in the area, including particularly our naval presence in the Indian Ocean. We have engaged in joint exercises with the states in the area, and intend to increase this activity. We have begun the arduous process of building a capacity to deploy sizable military forces over the very long distances between the United States and Southwest Asia.

For that purpose, we have earmarked units in the United States and have established a separate command structure. We have pre-positioned equipment, particularly on ships, for use by U.S. forces coming to the area in time of crisis. The concept is very similar to the deployment of extra sets of U.S. military equipment in Germany for use by the U.S. divisions which would reinforce Europe in a crisis. I have visited the annual Reformer exercises in Germany, and witnessed U.S. troops who had arrived by air removing their equipment from warehouses and moving out into the field for maneuvers. The concept works in Europe, and it can work in Southwest Asia.

We believe that, with our efforts to develop a Rapid Deployment Force, and the efforts of those other allies who maintain forces in the area—there are, for example, important French and United Kingdom naval units in the Indian Ocean—together also with the efforts of friendly regional powers, we will present a credible defensive capability to deter Soviet adventurism. We do not plan major ground force peacetime deployments in the region such as have been established in the Federal Republic under NATO, and which have contributed so importantly to maintaining the peace in Europe. The local situation is, of course, different in Southwest Asia, and the Soviets are not directly bordering the region—as they are in the GDR and Czechoslovakia—but rather would have to cross difficult and

possibly hostile terrain to reach crucial areas.

These U.S. efforts, and those of others, however, have clear implications for the alliance defense effort in Europe. Although the Reagan administration is making significant increases in defense expenditures, U.S. resources are not infinite. U.S. divisions which may have to be assigned to a crisis in Southwest Asia would no longer be available to reinforce Central Europe. U.S. naval forces serving in the Indian Ocean would not be available for the protection of maritime convoys in the North Atlantic, or for controlling the Mediterranean. U.S. aircraft which are used to transport forces to Southwest Asia would not be available to fly troops to Central Europe. Further, if the United States is to project significant forces to Southwest Asia in a period of crisis, it will have to depend on cooperation of several European allies for transit facilities.

If the alliance is to continue to present a credible conventional defense in Europe, at the same time that new challenges in Southwest Asia are being met, we must find ways of replacing these U.S. combat capabilities in the European theater.

We cannot accept a system which complacently counts everything twice. That is fine in peacetime, but could leave all of us out in the cold in wartime. We have, therefore, agreed in the alliance that we will consult on the force implications of the out-of-area problem, and that alliance members will take steps to meet any resulting gaps. This is a complex matter, particularly when it is difficult for members of the alliance to find funds for the present level of defense effort. But there is no other satisfactory course. We do not have the option of saying that, because of financial difficulties, we chose not to be prepared. The historical record of nations which made such ill-considered choices is not a happy one. Security is not deferrable, unless we are prepared through lack of security to put all our other values and social accomplishments at risk.

Some people have argued that the out-of-area problem is exaggerated, and that the members of the alliance should not deal with it because the NATO treaty area is circumscribed. They have contended that the problems of oil supply could be solved by political means, making unnecessary direct or indirect Western involvement in the security of the area.

Unfortunately, it is difficult to build a strategy on this basis. There is no question that the political problems of the region are severe and deep-rooted. The United States has been in the forefront of efforts to achieve a just and durable peace between Israel and the Arabs. We know from our own experience the difficulties involved and the genuine possibilities which exist. The Reagan administration is continuing to push forward with the effort which became known as the Camp David process.

However, it is not clear that even a complete resolution of the outstanding political problems of the region would ensure the safety of Western oil supplies, which would still remain vulnerable to Soviet direct attack or indirect subversive activity. Therefore, we believe that what is required is a composite program, of political, economic, and military efforts, which will enhance the strength and security of our friends in the area, deter Soviet Adventurism, and preserve the basis for an enduring relationship between the West and the region.

This is a broad and varied program. There are actual and potential roles in it for all

members of the alliance, suited to the particular capacities and policies of individual nations—acting individually and jointly rather than an alliance which, after all, has fixed boundaries for its activities. What is important is that we press forward promptly with action, to ensure that our friends are not left exposed and without assistance, that our own vital interests are protected and that the dangerous politics of violence and threat do not come to dominate this crucial area of the world.

CONCLUSION

Certainly the West has the strength to do this, and to maintain a fully effective defense and deterrence posture in Europe at the same time. Contrary to the professional pessimists, I believe that the economic, political, and spiritual strength of the West continues to outstrip by far that of the Soviet Union and its unwilling satellites.

I would much prefer to be a Western leader, facing all of our admitted problems, but with the flexibility and dynamism afforded by democratic political structures, than a Soviet leader, facing much larger problems, and caught within the rigid framework of an archaic dictatorship. The Soviet leadership has no solutions to offer the heroic resistance fighters of Afghanistan—only tanks and helicopter gun ships. They have no solutions to offer the oppressed and restless peoples of Eastern Europe—only tired ideological formulas and none-too-subtle threats. They have no solutions to offer their own population either: Soviet military expenditures, which already consume 12-13 percent of Soviet national product, twice the U.S. level and four times the West European level, are expected to absorb even more in coming years, as the massive military buildup continues unabated. Let us all thank God that we don't live beyond the Elbe.

Today, more than ever, the peoples of the world look to the Western nations for the ideas and energy which will ensure the maintenance of peace and the expansion of opportunities for the future. Together, as free democratic peoples, we can meet those expectations. We remain the "city on the hill"—the beacon of light and freedom for all mankind.●

WAS THE McCARTY DECISION ON MILITARY RETIRED PAY RETROACTIVE?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mrs. SCHROEDER. Mr. Speaker, on June 26, 1981, Supreme Court ruled in the *McCarty* against *McCarty* case, that military retirement pay is not marital property subject to State community property laws and, therefore, could not be divided by a court upon divorce.

Since then many constituents who are military former spouses have called congressional offices to find out what effect the *McCarty* decision would have on their receipt of payments from a military retiree—either as alimony and child support or as a property settlement.

To assist Members and their staffs who are dealing with constituent inquiries from divorced military spouses, I am inserting in the RECORD two items.

First, the NOW legal defense and education fund has published a brochure entitled "After *McCarty* against *McCarty*: A Guide to Your Rights as a Military Wife," which contains answers to the most frequently asked questions about the decision.

In view of the turmoil that the *McCarty* decision created in States, the NOW legal defense and education fund is also publishing a "Technical Assistance Memo for Lawyers About the Consequences of *McCarty* against *McCarty*." Because the Supreme Court did not indicate what retroactive application its decision would have, there has been massive confusion about what the decision means for existing property settlements. The technical assistance package was prepared to help attorneys who are representing clients caught in this confusion.

Second, I have attached an article in the September issue of the *Spokeswoman* by Judith Avner on the consequences of the *McCarty* decision.

AFTER McCARTY AGAINST McCARTY: A GUIDE TO YOUR RIGHTS AS A MILITARY WIFE

BACKGROUND

McCarty against *McCarty* began in California when Richard *McCarty*, a doctor serving as a colonel in the Army, filed for divorce against his wife of nearly 20 years, Patricia. Colonel *McCarty*, who had served 18 of the 20 years required for retirement with pay, claimed that all rights to his military retired pay were his separate property and could not be shared by Ms. *McCarty* after the divorce.

On June 26, 1981, the United States Supreme Court agreed with Col. *McCarty*, and decided that the military retirement benefits could not be divided by state courts as part of marital property settlements. This ruling reversed the California state courts, which had ordered Richard to pay a portion of his military retired pay to Patricia.

Since that date, confusion has reigned with regard to the status of property settlements rendered prior to the *McCarty* decision. Large numbers of military retirees have taken it upon themselves to discontinue not only property payments, but alimony and child support payments as well.

This brochure has been prepared by the NOW Legal Defense and Education Fund (NOW LDEF) to help divorced spouses of military members' understand the impact of the *McCarty* decision upon their rights to share in their former partners' military retired pay and possible courses of action available if court-ordered payments are discontinued. NOW LDEF also has developed and made available a Technical Assistance Package for lawyers, exploring the legal issues raised by *McCarty*.

¹ Almost all military retirees are men, and almost all former military spouses are women who have been homemakers. This brochure, therefore, assumes it is the husbands who have received benefits that have been divided with their ex-wives.

This pamphlet should not be used as a substitute for consultation with an attorney.

Q. The *McCarty* decision was about a case from California I was divorced in a different state. Does this case affect me?

A. Yes. When the U.S. Supreme Court decides a case, it affects everybody, no matter where they live. Before *McCarty* the majority of states allowed their courts to divide the marital property (including military retired pay) "equally" or "equitably" between the two parties. After *McCarty*, no state can include military retired pay in the property to be divided.

Q. If most of the States allowed courts to divide military retired pay between the former spouses, why did the Supreme Court change the law?

A. According to the United States Constitution, when any valid federal statute directly conflicts with a state law, the federal law is superior and must be followed. In this case, six of the nine Justices on the Supreme Court were convinced that Congress, in adopting the federal law governing the military retirement system, intended that retired pay would be the separate personal property of the retiree, and not shared marital property. Thus, federal law overruled state marital property rules.

Q. This seems unfair to former spouses who devoted many years of their lives raising a family and helping their partners build military careers. Can anything be done to change this new rule?

A. Yes. Many organizations joined NOW LDEF in arguing that fairness demands recognition of the contributions women make both to their families and to their spouses' careers and, thereby, to the acquisition of the military retired pay. Often, this retirement benefit is the major marital asset. Not permitting some portion of the retired pay to be awarded to the divorced spouse seriously jeopardizes the economic security of many women. But for now, *McCarty* is the law of the land. Unless the Supreme Court changes its mind in some future case, the *McCarty* decision can be overridden only if Congress enacts new legislation which clearly indicates that military retired pay may be divided as marital property.

Q. My case was completed long before this new decision. Will *McCarty* apply to me?

A. The Supreme Court did not say how far its decision in *McCarty* reached retroactively. Certainly the decision will apply to Patricia *McCarty* and to any future property settlements involving military retired pay. Probably, the change will apply also to cases that were pending in state courts or on appeal when *McCarty* was decided. It is not clear if the change will apply to property settlements that were final before the *McCarty* decision. These questions involve complex constitutional and legal issues that may be decided only after several years of litigation and appeals—and possibly another Supreme Court case.

Q. Can my former spouse just stop making payments?

A. No. Your former spouse does not have the right to stop making payments without first getting a court order. Ordinarily there must be a hearing at which you will be able to present your side of the story before anything can be changed. By taking matters into his own hands, your ex-spouse is probably in contempt of court. If payments are discontinued, you should see an attorney promptly to protect your rights.

Q. But what happens if I do go to court to force my former spouse to continue pay-

ments? Won't the judge apply the new *McCarty* rule and allow the payments to be discontinued?

A. Not necessarily. Once a final judgment has been reached in a case, usually it is not affected by later changes in the law. Even when the Supreme Court has overruled one of its own earlier decisions, the new rule may not be applied to cases already decided. Especially when property rights have already been established and people have relied on those rights in structuring their lives, courts carefully examine the basic fairness of giving retroactive effect to a change in the law. In many cases, the courts may conclude it is unfair to withdraw property payments—particularly if other sources of income, such as alimony, are no longer available.

Q. Can my former spouse stop alimony and child support payments?

A. No. *McCarty* applies only to property settlements from military retired pay. The Court recognized that Congress had passed legislation specifically permitting all federal benefits, including military retired pay, to be subject to legal process in order to enforce child support or alimony obligations. Even after *McCarty*, state courts are allowed to order that alimony or child support payments be made out of military retired pay.

If your former spouse discontinues payment of alimony or child support without a court order authorizing such action, he or she may be in contempt of court. You should see an attorney immediately to enforce your right to payment.

Since it is not always easy to determine whether you are receiving alimony or property payments, it is most prudent to consult an attorney familiar with laws in your own state so your rights are protected.

Q. I can't afford to hire an attorney, what can I do?

A. A variety of options is available to those who cannot afford legal services. You may be eligible for assistance from your local Legal Aid Society or legal services office (listed in your telephone book under "Attorneys"). Your state or local bar association or women's center may be able to put you in touch with an attorney who is willing to accept certain cases at a reduced fee or no charge. Some states allow the judge to order your former spouse to pay your attorney fees if you must go to court to enforce a property settlement.

Whatever you do, don't give up without exploring all avenues of possible assistance. Your rights are too valuable to abandon without a struggle.

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NOW LDEF is a non-profit organization working on precedent-setting projects and litigation designed to guarantee constitutional rights to free women and men from the limitations of sex discrimination. The organization's existence depends upon the contributions of individuals, foundations and corporations interested in achieving this goal. Your contribution is invited.

[From the Spokeswomen, September 1981]

THE AFTERMATH OF *McCARTY* AGAINST *McCARTY*

(By Judith Avner)

On June 26, 1981, the United States Supreme Court in *McCarty* against *McCarty* ruled that military retirement pay is not marital property subject to state communi-

ty property laws and, therefore, these retirement benefits cannot be divided by a court upon divorce.

The Supreme Court reversed California court decisions which had awarded nearly one-half of her former husband's retirement benefits earned during his 18½ year marriage to Patricia *McCarty*. The retirement benefit is often the major marital asset acquired by military families.

In the future former military spouses will have no property claim to any portion of the military retirement pay. This is so regardless of their contribution to the acquisition of that asset.

But what happens for the thousands of former military wives to whom a portion of the retirement benefits has already been granted in a property award? Because the Court did not indicate whether the *McCarty* decision was to apply retroactively, the air is rife with confusion regarding what the decision means for existing marital property settlements.

As a result, former wives of military personnel are currently living in a state of limbo—fearful that their payments will stop, leaving many in difficult financial straits. Many former military wives have received calls and letters from their former husbands threatening to cut off all payments and some have, indeed, halted the payments.

While the *McCarty* decision is clear in its application only to property claims, threats to stop all alimony and child support payments have also been reported. The emotional strain is escalating as lawyers attempt to assess fully the *McCarty* decision and its aftermath.

Clearly the Supreme Court limited its decision to the issue before it—the divisibility of military retirement benefits. Thus *McCarty* does not reach alimony or child support awards. The Supreme Court specifically acknowledged that Congress had enacted legislation which provides that all federal benefits, including military retired pay, are subject to legal procedures (such as garnishment) to enforce child support or alimony obligations.

These obligations continue to exist, and the responsibility to pay child support or alimony is not abrogated by *McCarty*. Any unilateral decision on the part of the retiree to stop meeting those obligations raises the risk of being held in contempt of court.

But it is not clear how the *McCarty* decision will affect existing property settlements. The legal principles on the retroactive effect of *McCarty* will have to be developed through subsequent litigation.

There are, however, some guideposts which can be considered for insight on how lower courts might interpret the decision.

The often threatened "self help" method—the retired spouse simply stopping payments currently being made pursuant to a court order—could be improper.

In fact, since payments are being made under the authority of a valid court order, a former service member might risk being held in contempt of court if he unilaterally stops the payments. Instead, it could be argued, a court order must be obtained that authorizes the cessation of payments.

Although the procedure differs from state to state, ordinarily this cannot be accomplished unless there is a court hearing at which a judge first decides whether the court has the power to change the original property award and then, if the court has this power, inquires into the equities of altering the original order to stop the pay-

ment of retirement benefits to the nonmilitary spouse.

However, there are no standardized guidelines that all courts will follow regarding the conduct of this type of hearing. Each case will have to be assessed on its own merits since each is unique.

Further, the situation presented to the court could be quite complex since property and support rights may have been determined many years ago, and both spouses relied upon this determination in restructuring their lives after the divorce.

Alimony may not have been awarded and may now be inappropriate, a house may have been sole, new property may have been acquired or similar events or transactions may have occurred as part of or after the original property settlement.

Since it is practically impossible to turn the hands of the clock back to the original divorce date, a court may call *McCarty* retroactive and may conclude that the equities in a particular situation dictate the continuation of the original order, *McCarty* notwithstanding. Any trial court decision is, of course, subject to appeal and the questions may not be ultimately resolved for several years. This too will have to be developed through litigation. ●

A TRIBUTE TO ABE POLLIN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. HOYER. Mr. Speaker, 8 years ago, Abe Pollin presented to the citizens of the metropolitan area, the Capital Centre, a sports-entertainment arena that has become the pride of Prince Georges County, Md.

Located in Largo, Md., just at the rim of the beltway, the Capital Centre is the product of a unique partnership between the private sector and the Government. Built with \$20 million in private funds, the arena stands on land rented from the Maryland National Capital Park and Planning Commission. In 33 years, the ownership of the Centre will revert to the county at no cost.

This was the first time in our county's history that this type of venture was accomplished, and it has proven to be an advantageous one for the county. Taxes on this real estate have funneled \$2.9 million into our coffers. In addition, ticket admission taxes and income taxes increase the direct cash payment to the county by \$13.3 million. This ranks the facility among the top 20 sources of tax revenues in the county.

But the benefits from the Capital Centre are not limited solely to its role as a tax resource. Not only does the Centre boost county revenues, it also proves to be the pivotal point for \$60 million in direct expenditures, within Prince Georges, related to Capital Centre events, creating more than 700 jobs for county residents and provid-

ing to the metropolitan area a unique recreational facility.

The man responsible for this success is Abe Pollin. Ten years ago Pollin was owner of the Baltimore Bullets and he dreamed of creating a home for his team that would provide it with a broad base of support and at the same time, a center in the Washington area for sports activities. Pollin tackled the task of building the Centre with the same intensity he brought to so many things.

Born in Philadelphia to the son of a Russian immigrant, Abe Pollin worked for his father in the family construction business. Several years after his graduation from George Washington University, he left the family business to form his own construction company. His offices and apartment buildings won countless awards for design and construction.

Pollin's interests soon took him into the sports field, and in 1964 he became one of three people to buy the Baltimore Bullets. Within 4 years he was the sole owner. This ownership paved the road to the Capital Centre. With the Bullets and the new National Hockey League expansion franchise, the Washington Capitals, he opened the Capital Centre on December 2, 1973.

Abe Pollin has proven himself to be a man of true generosity and community spirit. In addition to pledging his full-time energies as chairman of the Capital Centre's board and president of the Washington Bullets, Pollin serves as a member of the board of trustees of the George Washington University, member of the boards of directors of the Metropolitan Washington Board of Trade and as general chairman of the Metropolitan Washington Summer Jobs for Youth program.

The Capital Centre is the product of Pollin's continual mark of excellence. It has been the stage for more than 1,900 events during the past 8 years, playing host to more than 20 million guests. Recently we were honored to host the President and other dignitaries at the 1981 Inaugural Gala celebration.

Abe Pollin and his Capital Centre have both contributed greatly to the residents of Prince Georges County and to the Washington Metropolitan area. In recognition of the eighth anniversary of the Capital Center and the 58th birthday of Mr. Pollin, I offer this tribute.●

ABUSES IN LEGAL SERVICES CORPORATION

HON. ALBERT LEE SMITH, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. SMITH of Alabama. Mr. Speaker, recently I offered the first installment of an excellent monograph on the Legal Services Corporation. I wish to offer another portion of this work to enlighten my colleagues and the American people as to the many abuses of the Legal Services Corporation.

MISSIONARIES FOR LIBERALISM: UNCLE SAM'S ESTABLISHED CHURCH (By Michael E. Hammond)

Section 1007(b) of the Legal Services Act states:

No funds made available by the Corporation . . . may be used—

(7) to initiate the formation, or act as an organizer, of any association, federation, or similar entity, except that this paragraph shall not be construed to prohibit the provision of legal assistance to eligible clients.

Since the creation of the Corporation, proponents of the politicized Legal Services Program have attempted to limit the scope of the words "initiate the formation" and "act as an organizer," contained in the section 1007(b)(7) limitation. The House Education and Labor Committee's report attempted to draw a distinction between "prepar(ing) papers of incorporation" and performing comparable technical services, which it viewed as lawful, and acting as an impetus to organizing efforts, which even the House committee had to admit is unlawful.

One thing should be clear to even the most ardent proponents of expansive LSC powers: A Washington-based effort to assist in forming a national coalition of special interest groups does not pass muster under the 1007(b)(7) standard.

In the December 1979, issue of "Clearinghouse Review", Alan Houseman's Research Institute on Legal Assistance solicited members for a "national coalition, Citizens for Tax Justice (CTJ)"—a federation consisting of "the national public interest organizations," NAACP, National Consumer Federation of America, the National Council of Senior Citizens, Mass Fair Share, Texas-ACORN, the Ohio Public Interest Campaign, the AFL-CIO, the International Association of Machinists (IAM), and the American Federation of State, County, and Municipal Employees (AFSCME).

Readers interested in membership were given the address and telephone number of the executive director of CTJ.

The article went on to recommend that "those [LSC-funded] programs active in tax reform activities, but not interested in joining the coalition may want to consider contacting the coalition for technical assistance and information about coalition members who may be active in their local area." It also solicited suggestions and ideas about "other actions the legal services and client community could take in conjunction with the CTJ."

In a strikingly similar case involving the same recipient, Houseman, in his December, 1980, lobbying strategy memorandum, advocated the same sort of coalition building. Stated Houseman:

"First, we are attempting to unite and join together in this struggle. We have formed a coalition with PAG [Project Advisory Group], the National Clients Counsel (sic) (NCC), NLADA [National Legal Aid and Defender Association], the National Organization of Legal Services Workers (NOLSW) and the Minority Caucus. It will be expanding to include others from within the legal services community, such as National Association of Indian Legal Services (NAILS), migrant farm workers (sic) group, women's caucus, Organization (sic) Legal Services Backup Centers (OLSBUC), state support and others. It will also expand to include organizations who are allies and supporters of legal services."

In another instance, "The Beacon Hill Update" bragged that "(t)he four prominent prison reform groups—Family and Friends of Prisoners (F&F), the American Friends Service Committee Prison Project (AFSC), the Mass. Correctional Legal Services (MCLS), and the Self-Development Group (SDG)—are working towards building a coalition to strengthen their hand in opposition to [Massachusetts Governor Ed] King's] administration policy [relating to prison construction]."

If these efforts at organizing coalitions for political purposes are not in violation of section 1007(b)(7), it is hard to understand what is.

The Office of Management and Budget, in an opinion dated May, 1981, found widespread violations by the Corporation and its recipients of Federal laws prohibiting lobbying. Acting Comptroller General Milton J. Soclar held that:

"In summary, through the use of recipient organizations and their contacts at the State and local level, LSC had developed an extensive lobbying campaign to support reauthorization legislation for the corporation and related appropriation measures being considered by the Congress. This activity violates the anti-lobbying statutory and appropriation restrictions described above."

The anti-lobbying provisions referred to are 18 U.S.C. Section 1913, sections 1006 and 1007 of the Legal Services Act, and appropriations restrictions on lobbying and propaganda.

Unlawful lobbying activities by the Corporation and its recipients take a wide variety of forms. Some ostensibly arise out of client representation. However, in such cases, when the lobbying occurs without the client's knowledge or consent, it suggests that the client was simply a device for the recipient to engage in a predetermined mode of policy advocacy.

In addition, however, there is a day-to-day mechanism where issues targeted by backup centers on a national level are systematically lobbied by legal services recipient organizations.

The method by which issues are selected varies from case to case. In at least one case, a backup center has polled its mailing list for recommendations.

After a decision is made to lobby on behalf of a given issue, the backup center phones local legal services offices. The local contact can be a state lobbying coordinator, as in the case of Marshall Cohen of Pine Tree Legal Services in Maine. In other states, there may be no designated contact, and the national backup center simply phones each Legal Services office within the state.

Contacts made through this system occur regularly. They involve issues which are seemingly unrelated to the Legal Services

Corporation's authorizations or appropriations. They may be made in response to a poll or other Washington-based decision-making process, rather than the needs of a particular client. Nothing would appear to be more clearly in violation of all four major Legal Services lobbying restrictions.

It is against this backdrop that the Corporation, in 1980, launched a massive illegal lobbying effort to secure its reauthorization and, after the election of Ronald Reagan to the Presidency, to achieve the defeat of the Reagan economic package.

The lobby strategy memorandum by Houseman represents perhaps the most self-evidently illegal manifestation of this strategy. In it, Houseman lays down an eight-point plan for "waging battle" on behalf of not only reauthorizing legislation satisfactory to the Corporation, but also retention of other Federal agencies which President Reagan seeks to replace with block grants. Because it deals with problems other than the Corporation's own authorization and because it represents a Washington-generated effort, this comprehensive lobbying plan is not protected by the two biggest loopholes in LSC's lobbying prohibitions—the client representation loophole and the loophole dealing with lobbying on behalf of Legal Services funding.

Key passages include:

In the short run, a strong local political base will be critical if we are to successfully obtain support from Congress for the continuation of an aggressive legal services program.

We are strengthening our base of support nationally by developing closer ties and better relationships with Civil Rights, labor, elderly, consumer and many other organizations and individuals.

We will be increasing the Washington lobbying efforts of the Corporation and our organizations. NLADA, for example, has hired a full-time experienced lobbyist to work on legal services and other matters. The new entity being formed will substantially expand our lobbying capacity.

There is ample evidence that the Houseman plan to defeat the Reagan budget is being vigorously pursued by a wide variety of funding recipients.

Beginning around the first week in March, 1981, hundreds of local newspapers began featuring curiously similar interviews with the heads of the local Legal Services programs, in many cases resulting from press releases emanating from those programs.

With a similarity of themes which makes coincidence unlikely, these articles bear titles such as "Legal aid lawyer says cuts would hurt rural poor worst," "Cuts Would End Legal Aid to Rural Poor, Director Warns," "President Reagan's Legal Aid Cuts Will Hurt North Dakotan's (sic) According to State Office News Release," "Local legal aid staff fears budget cuts will hurt clients," "Legal Services says cutbacks will hurt poor," and "Free legal aid may be taken from area poor."

In each article, the director of the local Legal Services program laments the closing of his office which, he claims, will inexorably result from having to seek funds from block grant money which the Reagan administration would make available to the states. Many directors go on to paint a picture of frustrated poor people taking to the streets in a rebirth of the urban rioting of the 1960's.

Among the statements typically made in defense of Legal Services is a remark by Oakland attorney John Burris, who said:

"[Reagan's Legal Services proposal is] totally insane, exhibiting a callous insensitivity to the needs and aspirations of the poor." Former National Bar Association president Robert L. Harris went on to add that "[black America must rise up and confront the Administration on this proposed madness."

In implementing the Houseman plan on the Washington level, the Food Research and Action Center and the LSC-funded Native American Rights Fund both joined a coalition of feminist groups signing a petition in protest of the President's budget cut proposals.

In April 1981, and on numerous other occasions, Corporation President Dan Bradley had stood with other Legal Services representatives in the reception room of the Senate chamber, accosting Senators to encourage them to bust the President's budget resolution.

According to Budget Committee Chairman Pete Domenici (R-N.M.), the budget of the Legal Services Corporation was not at issue in connection with this legislation, meaning that there was no section 1006 or 1007 justification which would render the lobbying activities lawful.

To staff this elaborate network of illegal lobbying activities, the Corporation and its recipients hire on the basis of political and legislative acumen, and actively fight for the retention of a politicized staff.

In May 1977, the National Consumer Law Center bragged that it "has traditionally devoted a significant amount of its resources to legislative activity at the state and federal level, although its resources and willingness to be of assistance may not be generally known." It went on to admonish that "... the willingness of Legal Services attorneys to contact (and have others contact) members of Congress can be crucial."

Similarly, the Luzerne County Legal Services Association advertised in Clearinghouse Review for a "law reform specialist," and the Contra Costa Legal Services Foundation boasted to would be recruits of its "tradition of strong community involvement and aggressive participation in local political, social and economic battles on behalf of its client communities."

Clearinghouse Review, which received \$840,000 from LSC in fiscal year 1981, serves as a bulletin board for liberal legislative causes, alerting readers to Congressional status of liberal agenda items such as "intervenor funding" legislation and the Domestic Violence Prevention and Services Act, as well as harpooning conservative legislation such as the Family Protection Act.●

TRIBUTE TO AN OUTSTANDING EDUCATOR

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. SHELBY. Mr. Speaker, I would like to honor an outstanding educator in the Seventh Congressional District, Dr. Charles L. Payne, president of Bessemer State Technical College.

Dr. Payne has been named president-elect of the Southern Association of Colleges and Schools by 4,000 delegates attending the regional agency's annual meeting recently in New Orleans. Dr. Payne will automatically

become president of the association for 1982. Former chairman of the Commission on Occupational Education Institutions, Payne is the second vocational educator to become president of the southern association in its 85-year history.

The Southern Association of Colleges and Schools is a voluntary, nongovernmental, institution-based organization serving public, private, and proprietary institutions at all levels in 11 Sun Belt States. The agency's chief purpose is accrediting, which annually involves thousands of educators who volunteer as professionals to serve on visiting committees in the processes of peer evaluation and accreditation.

Dr. Payne's qualifications are certainly outstanding in the educational field. To mention a few, he is past vice chairman of the Commission on Occupational Education Institutions; served as chairman of the occupational commission in 1979 and 1980; member of the executive committee, Southern Association of Colleges and Schools; president, Alabama Technical College President's Association; member, executive committee, Alabama Commission of Higher Education; and president, Southern Area Test Center for National Occupational Competency Exam.

Dr. Payne's involvement with others has not been limited to just his career in education. He is a past member of the board of directors of the Bessemer Chamber of Commerce, Bessemer Rotary Club, Bessemer Carraway Medical Center, and Bessemer YMCA. He is a member of Bessemer Lodge 458 F.A.M.—32d degree Scottish Rite, a deacon in the Bessemer First Presbyterian Church, and was named as an outstanding young man by the Jaycees in 1972 and 1973.

It is truly an honor for me to recognize the achievements of Dr. Charles Payne. I am proud to have such an outstanding educator in my district. I know the Southern Association of Colleges and Schools is very fortunate to have him as their new president.●

MYRTLE BEACH SUN NEWS GROWS FAST

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. NAPIER. Mr. Speaker, America has long been a worldwide example of freedom. One of the cornerstones of that freedom has been the ability to speak and write one's opinions without hindrance, as is so aptly stated in the first amendment.

South Carolina's newspapers, long before the Constitution was written, openly carried the banner of the free press. It is comforting to know, while national trends indicate sluggishness

in print readership, our own Myrtle Beach Sun News, which has printed daily editions for only 8 years, is steadily experiencing growth.

I call my colleagues' attention to this editorial which was printed in the Sun News' big sister the Columbia State.

[From the Columbia State, Nov. 11, 1981]
"SUN NEWS" SHINES

A signal honor earned by The State's sister publication, The Sun News at Myrtle Beach, reflects not only the hard work of its staff but the vibrant economy of South Carolina's Grand Strand.

The Sun News, which went daily in 1973 with a circulation of about 7,000 and added a Sunday publication in May 1977 with 10,547 circulation, is the fastest growing Sunday publication in the nation, according to a trade report for the six-month period ending Sept. 30.

The Sun News Sunday issue had a 15 percent growth rate compared to 13.5 percent for the second-place Leesburg, Fla., Commercial. The top five newspapers are all published in resort areas.

In the six months, the Sun News had 17,818 average circulation daily and 19,825 on Sunday. The daily has grown with the community and the county. Horry County jumped in population from 69,992 in 1970 to 101,419 in 1980, while Myrtle Beach increased from 9,035 to 18,758.

We congratulate The Sun News, as well as its dynamic area, which is so blessed with sun, sand and sea. ●

UNITED STATES DEEPLY CONCERNED ABOUT LIBYA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. WHITEHURST. Mr. Speaker, the article by James Cook, which appeared in the December 21, 1981, issue of *Forbes*, deserves the consideration of all of us who are deeply concerned about Libya and its implications for the United States, and I am pleased to take this opportunity to share it with my colleagues at this point in the RECORD.

I believe it is time that we gave serious thought to taking firm and appropriate action, and the ideas outlined in this article offer some valuable suggestions.

[From *Forbes*, Dec. 21, 1981]
YOU CAN TAKE YOUR OIL . . .
(By James Cook)

Ever since Muammar Qaddafi took over Libya in a bloodless coup back in 1969, he has tried to mix the unmixable pieties of Islamic fundamentalism with radical political and economic innovation. Essentially a tribal chieftain, he sees himself as a world figure—the natural leader of the Pan Islamic and Pan Arab movements, and the Arab world's only true revolutionary.

Oil and geography have given Libya an importance all out of proportion to its modest 2.5 million population. It stands athwart the central Mediterranean, with a potential for choking off naval traffic be-

tween Gibraltar and Suez and threatening the entire southern tier of NATO. At Potsdam in 1945 Stalin demanded the region as reparations for the damage Italian divisions did in Russia during the war. And though he never got it, his heirs succeeded in using Qaddafi to cause trouble throughout the Free World.

Libyan money has gone to support IRA terrorists in Ireland, virtual civil war in Turkey, internal unrest in Egypt. Qaddafi has subsidized Malta's Dom Mintoff and so cost NATO a key naval base in the Mediterranean. He has plotted to assassinate U.S. ambassadors in several countries. Most recently, he has attempted to establish Libyan domination of neighboring Chad and, of course, Qaddafi has fanatically opposed U.S. attempts to make peace between Israel and the Arab countries.

Who finances all this? In large part, American motorists do. Libya is one of the world's top ten producers of oil, producing 1.8 million barrels a day last year and generating over \$20 billion in revenues. Ironically, the U.S. is the prime support of the Libyan oil industry—both as producer and as consumer. Last year U.S. oil companies accounted for over 60 percent of Libya's production through minority ownership in Libyan subsidiaries, and U.S. consumers took 40 percent of Libya's output. Says Libyan expert G. Henry M. Schuler, "Qaddafi can take positions all around the world that are harmful to the U.S. because he has these funds we provide him with."

All this may be changing. Probably nobody outside the government has had a greater influence in reshaping the U.S.'s evolving policy toward Libya than Schuler, a onetime foreign service officer, oil executive and energy consultant who now heads an energy consulting group within the accounting firm of Deloitte Haskins & Sells. Schuler was working in Libya for W. R. Grace when Qaddafi came to power, and he has been writing, talking and lobbying ever since to get people to pay attention to the Libyan problem. He seems finally to be making some headway. State Department officials concede many of the ideas in a paper Schuler is publishing in the *Johns Hopkins SAIS Review* are getting serious consideration.

Schuler is appalled at the loose talk of trying to overthrow Qaddafi through some covert action or through backing an invasion by Egypt—if nothing else, he says, there are too many Americans in Libya. He is doubtful about the largely ineffective arms embargo the U.S. has in force at the moment, but he also thinks that it's time to abandon the decade-long policy of trying to come to an accommodation with Qaddafi.

If not force, what? A U.S. boycott of Libyan oil, Schuler says, would be an obvious response to Libyan aggression in the Mediterranean. He is not sure a boycott would work. It would require the cooperation of most oil consuming countries and, Schuler argues, would probably be viewed by the world as an act of economic aggression—even by Saudi Arabia, which broke off relations with Libya 14 months ago. Such a move might also touch off an Iranian-style hostage crisis involving the 2,000-odd Americans still in the country.

So, why do it? "We should choose our time," Schuler responds. "Qaddafi chooses his time, and always has. We can, too, and win." Schuler thinks it may be possible to provoke Qaddafi to embargo U.S. exports—to cut off his nose, as the Arab proverb has it, so that his blood may fall on his enemy.

The State Department, alarmed by the hostage threat, warned U.S. companies to withdraw their personnel from Libya last summer and has done so repeatedly ever since, but the companies have not withdrawn. Schuler thinks the State Department should force the companies to get their personnel out. "Getting the people out," Schuler says, "has to be the first step toward any sensible policy."

Last month Exxon led the way—preparing to call home its 375 employees and dependents in Libya and in effect walk away from its Libyan investment. So far the other U.S. Libyan producers—Occidental, Mobil, Conoco-Marathon-Amerada Hess and W. R. Grace—have shown little inclination to follow. With their Libyan investments largely depreciated by now, most continue to make good money, when times are good.

Schuler's strategy calls for pulling out the potential hostages, then irritating Qaddafi into a rash act. He expects Qaddafi will seize the companies' assets and then probably embargo shipments of oil to the U.S. "The results will be on Qaddafi's head, not ours." Qaddafi has never been more vulnerable. The world is awash in oil. If Qaddafi should decide to boycott the U.S., there's plenty of excess capacity in Nigeria, a friendly and financially strapped country, which produces a comparable crude at 50 cents to \$1.50 a barrel less.

With production already off from 1.7 million barrels a day a year ago to under 700,000 currently, Libya's oil revenues are running under half of 1980's \$20-odd billion. The Chad adventure cost well over \$2 billion. So, unless Qaddafi is prepared to live off his monetary reserves, the cash flow squeeze should be immediate.

Schuler does not suggest that such measures are intended to topple Qaddafi but to demonstrate U.S. determination to put policy above profits. Doesn't an embargo risk our throwing the Libyans into the arms of the Russians? Schuler argues they're already there: 3,000 to 4,000 Soviet military advisers roam the country. The arsenals are bulging with \$15 billion in Russian arms, paid for with U.S. oil dollars. Qaddafi has lengthened the airstrip at Kufra to three miles so it can handle the Backfire, the Russians' first-line attack bomber. He has installed a dozen SS12 Scaleboard missiles capable of reaching into the southern tier of NATO.

State department officers concede that Schuler's views have been given a more than respectful hearing in the department's highest planning councils. If the Administration is not prepared to pick up the Libyan ball and run with it, the Democrats very likely will. Senators Hart and Kennedy have repeatedly called for an oil embargo, and even brought the Senate last October to within four votes of approving one. As a political issue, Libya has considerable popular appeal. That was clear when almost universal domestic applause greeted the U.S. Navy's downing of those two Libyan SU-22s in August. While few nations would have the decency to openly support anti-Qaddafi moves, most would be pleased to see Qaddafi made to pay for his manifold crimes. ●

AMERICAN AGRICULTURE—
SCAPEGOAT FOR FEDERAL
SPENDING CUTS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. ROTH. Mr. Speaker, I am appalled at the action taken by the conferees to the 1981 farm bill—action which will bury the small dairy farmer under purported efforts to balance the Federal budget.

Under the conference report compromise, if production is not cut back sharply and immediately by dairy farmers, prices for their commodities will fall to record lows of under 70 percent of parity through 1985. In the meantime, Mr. Speaker, countless small operations which are barely keeping pace with inflation and high interest rates may go under. And I am talking about the average dairy farm with 40 cows.

There are 7,200 dairy farms in the eighth district of Wisconsin. I shudder to think of what this farm bill will do to the economy of northeast Wisconsin, already experiencing a heavy burden of recession.

I guarantee that if we continue to pursue this calamitous policy, we will see the decline of American agriculture—our Nation's foremost resource.

This bill is particularly objectionable because peanut and tobacco subsidies have been left virtually intact and a new sugar subsidy has been created. Cuts in the farm bill have, to my mind, been made selectively and with scant regard for fairness.

Mr. Speaker, the dairy farmer is having the rug pulled out from under him. I cannot and will not stand idly by while one of the most efficient and industrious sectors of American agriculture is made the scapegoat for Federal spending cuts.

I urge all of my colleagues to defeat the conference report to the farm bill, and demand legislation that is equitable for all commodities.●

TRIBUTE TO MR. WILLIAM
OTTER

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. RITTER. Mr. Speaker, today I would like to pay tribute to an outstanding individual from my district in the Lehigh Valley of Pennsylvania.

Mr. William W. Otter, Sr., of Allentown, Pa., was recently honored by the Lehigh County Volunteer Fireman's Association for 50 years of volunteer fire service. In addition, Mr. Otter was awarded a Department of Community

Affairs citation by Pennsylvania State Representative Donald Snyder.

At the age of 72, Mr. Otter is an active member of the Lehigh County Fireman's Association, and presently serves as its chaplain, a trustee, and as chairman of its legislative committee. He also serves as chaplain for the Tri-Clover Fire Company, director and chaplain of the State Legislative Federation, and chaplain for the Eastern Intercounty Federation.

Community service and acts of voluntarism are an integral part of Mr. Otter's way of life. Through the years, he has served as a Scoutmaster, Explorer Leader, and a member of the Scout Council of the Boy Scouts of America. As past president of the Allentown Y.M.C.A. Mora Club and chairman of the Committee for the Aged, he has provided exemplary service to our senior citizens. As a member of the Fraternal Order of Police, he has served as its financial secretary, treasurer, trustee, and chaplain. He was instrumental in organizing the Pennsylvania Association of Retired Police Officers. He is active in charitable organizations such as muscular dystrophy research, burn centers, crippled children's hospitals, and orphans' homes.

Alexis DeTocqueville once said, "The health of a democratic society may be measured by the quality of functions performed by private citizens." Certainly the "health" of the Lehigh Valley has greatly benefited from the kindness and unselfish determination Mr. William Otter has bestowed upon our community.

Mr. Otter, we in the Lehigh Valley thank you for your fine efforts and accomplishments on behalf of our community. I am proud to represent someone so dedicated in making our world a better place to live.●

TRIBUTE TO WILLIAM HAYDEN
BLACKWELL

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. NAPIER. Mr. Speaker, South Carolina and the Sixth Congressional District recently lost an outstanding citizen. William Hayden Blackwell, an attorney in Florence, S.C., died at age 65. He left a vast list of contributions to his fellow man. I ask your attention to this article, which was printed in the Florence Morning News. It is a brief description of Mr. Blackwell's accomplishments.

To his widow and family, I wish to extend my heartfelt sympathy, and to my colleagues, I wish to call attention to the life of Bill Blackwell as one which was exemplary. May his life's work be a shining example to all of us.

The article follows:

FLORENCE ATTORNEY DIES AT 65

Mr. Blackwell was a partner in the law firm of Wright, Scott, Blackwell and Powers and was a practicing attorney for 32 years, specializing in contract, insurance, corporation, real estate, wills, trusts and estates.

He retired as a lieutenant colonel in the U.S. Air Force Reserve and served on active duty as an air combat intelligence officer in the 86th Fighter Group in North Africa and Europe during World War II.

Born in Pacolet, he was a son of the late William Joseph and Eva Genoble Blackwell. He received his undergraduate degree from Wofford College and his law degree from the University of South Carolina.

Blackwell was the Florence Young Man of the Year in 1950 and president of the Florence Chamber of Commerce in 1952. President of the Florence Kiwanis Club in 1958, he was a member of the Judicial Council of South Carolina, the American Bar Association, and member and past president of the Florence County Bar Association. He was also a past chairman of the Central United Methodist Church Board of Stewards, past president of the Friends of Francis Marion College, past chairman of the Francis Marion College Foundation and chairman of the Board of Directors of Security Savings and Loan Association.

Blackwell was a member of the Advisory Board of Directors at Peoples Bank of South Carolina and a member of the board of directors of both the Florence Museum and Bruce Hospital.

On Dec. 21, 1978 Blackwell received the Distinguished Service Award from Francis Marion College.

Surviving are his wife, Mrs. Helene Carpenter Blackwell of Florence; two daughters, Mrs. Daniel E. (Anne) Ervin of Charleston and Miss Hayden Blackwell of Mt. Pleasant; two sisters, Mrs. W. Judson Sloan of Lyman and Mrs. Rod Berry of Pacolet.●

CURB HANDGUN VIOLENCE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. GOODLING. Mr. Speaker, 1 year ago, yesterday, John Lennon became the victim of handgun violence. Since that time, over 7,500 people have been killed by handguns. The President of the United States just narrowly missed becoming a statistic himself. And yet, no remedial action has been taken to limit such occurrences in the future.

Mr. Speaker, I am not speaking of action which would restrict the use of such weapons by law-abiding citizens, but steps which would curb the criminal misuse of these weapons.

One general point of agreement on this subject is the imposition of mandatory sentences upon those individuals who use a firearm in the commission of a crime. The final report of the Attorney General's Task Force on Violent Crime supports the concept of this legislation. And still the Congress

has not seen fit to pass such a measure.

Mr. Speaker, on the occasion of the 1-year anniversary of the death of John Lennon, I call upon my colleagues to insist that appropriate action be taken in the near future to discourage such unnecessary acts of violence. ●

POW LETTER

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DORNAN of California. Mr. Speaker, as chairman of the House Task Force on American Prisoners and Missing in Southeast Asia, I would like to bring to my colleagues' attention a symbolic letter from a prisoner of war, which I received from the Veterans of Foreign Wars.

Right now, on the other side of the world, an American fighting man, caged like an animal, begins or ends his day wondering why his fellow countrymen have forsaken him. As this holiday season approaches, I implore each and every one of you to reflect on this heart-rending plea, and extend your prayers to these brave men who are spending yet another holiday season in some barbaric prison camp in Laos, Cambodia, and Vietnam. The letter follows:

A PRISON CAMP,

Southeast Asia, December 1981.

DEAR FELLOW AMERICANS: Another year has past and I am still being held against my will by my communist captors. This will be the eighth Christmas for some of us and up to seventeen for the rest.

I can close my eyes and picture the preparations that have been done for the Holiday Season. Gifts have been carefully selected and gaily wrapped; the tree has been trimmed with lights, tinsel, colored ornaments, with a shining star on top; the stockings have been hung on the mantel and a fire is softly dancing in the fireplace. A huge turkey with all its trimmings has been purchased, pumpkin pies and goodies galore have been baked, and nuts and fruit are in bowls around the rooms. Families and friends are wishing each other a joyous holiday while church bells ring out the music of Christmas.

When I open my eyes, I face the reality that I am still a forgotten Prisoner-of-War. No tree with all its glitter—only a cold cell, so dark and damp; no turkey with all its trimmings—just a small bowl of rice with seaweed broth and a bit of weak tea; no dancing fire—only a threadbare blanket to wrap my shivering body in. I silently sing songs of Christmas to myself and pray to God to help me endure the loneliness that engulfs me.

If only I could receive a picture from home. My children are no longer the toddlers I last saw. They have grown so much I can not picture what they must look like now. My lovely wife—how I long to hold her close and tell her that I love her. And my dear parents—the two wonderful people that taught me love, respect, and faith. How

my dear family must suffer, not knowing if I am really dead as the Government declared, or if I am still alive and rotting away in this forgotten land. Oh, please God, take care of them for me and let them know in some way that I am still alive and love them very much.

Fellow Americans, I fought for you, so please fight for my release from this cell, so I may return to the Country and family I love so much. As you send out your Christmas cards this year, send one to the President and all elected Officials, urging them to take immediate action to bring us home. Our condition is deteriorating rapidly. Will we ever spend another Christmas with our loved ones? Our fate is in your hands!

STILL KEEPING THE FAITH,
A prisoner-of-War. ●

INTERNATIONAL YEAR OF DISABLED PERSONS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. WINN. Mr. Speaker, 1981, as you know, was designated as the International Year of Disabled Persons. This has generated a tremendous outpouring of concern and interest on the part of disabled and nondisabled citizens this year. Not only have attitudes changed, but people working together have made progress toward the following long-term goals:

First. Expanded educational opportunity;

Second. Improved access to housing, buildings, and transportation;

Third. Expanded employment opportunity;

Fourth. Expanded participation in recreational, social, and cultural activities;

Fifth. Expanded and strengthened rehabilitation programs and facilities;

Sixth. Purposeful application of biomedical research aimed at conquering major disabling conditions;

Seventh. Reduction in the incidence of disability by expanded accident and disease prevention;

Eighth. Expanded application of technology to minimize the effects of disability; and

Ninth. Expanded international exchange of information and experience to benefit all disabled persons.

Recently, I was pleased to introduce legislation which designates 1982 as the National Year of Disabled Persons. This would contribute to the momentum that has been building during the year. It is important, I believe, to assure the continuity of a movement which owes its strength to self-help and private sector initiatives. It is particularly important to take note of this in light of increasing budgetary restraints when people are being called upon to do more for themselves.

Interest and commitment remain high among the many groups involved in the promotion of the International

Year of Disabled Persons throughout the United States. While the IYDP will end officially on December 31, all indications point to a desire on the part of these individuals to maintain and enhance the theme of partnership and community-based, grassroots efforts that have dominated 1981 in improving the lives of 35 million Americans with disabilities.

Mr. Speaker, I am also pleased to share the following speech given by Alan Reich, adviser to the U.S. delegation to the United Nations and president of the U.S. Council for the International Year of Disabled Persons, before the General Assembly of the United Nations recently. I have worked very closely with Alan over the past year, and would like to commend him for his leadership and steadfast attentiveness to the needs of disabled persons all over the world:

PREPARED STATEMENT BY ALAN A. REICH, ADVISER TO THE U.S. DELEGATION TO THE UNITED NATIONS AND PRESIDENT OF THE U.S. COUNCIL FOR THE INTERNATIONAL YEAR OF DISABLED PERSONS, IN THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DECEMBER 7, 1981

Mr. President, the United Nations, by proclaiming 1981 the International Year of Disabled Persons, has aroused the hopes and aspirations of fully a billion people comprising the world's "disability family." This family is made up of one-half billion persons who are disabled themselves plus at least an equal number of family members who also live with the limitations and challenges of our disabilities. Thanks to the vision and leadership of the member nations, the Secretary General and the secretariat, and the agencies of the United Nations system, the disability family now can look more optimistically to the future, the response to the challenge of the IYDP has been gratifying. But having accepted the challenge, and the responsibility, we now must intensify our efforts, for the serious problems of disability do not end with the IYDP.

By promoting its five-point IYDP program, the United Nations has stimulated commitment and purposeful action by governments, U.N. agencies, non-governmental organizations and concerned individuals throughout the world. While their responses have varied, reflecting differing social structures, stages of development, and levels of resources, several significant common themes have emerged. They include an outpouring of compassion, a recognition that disabled persons are an important resource, and the active involvement of disabled persons themselves.

Mr. President, I am pleased to have the opportunity to comment on the United States and worldwide responses to the IYDP challenge and on the implications for the future. In the United States the IYDP initiative has led to significant programs and results. As President Reagan stated in his IYDP proclamation on February 6, 1981, "all of us stand to gain when those who are disabled share in America's opportunities." At the Government level, 42 agencies have undertaken IYDP activities aimed at bringing Americans with disabilities more fully into the mainstream. Their efforts have included reviewing hiring practices, streamlin-

ing legislation as it relates to disability, and carrying out special information programs. Of equal importance, the Government has encouraged the private sector in the United States to take advantage of the IYDP opportunity.

The private sector—comprised of disability, business, religious, labor, youth, women's professional, and other organizations—has responded with vigor and enthusiasm. The concept of partnership—between the disabled and nondisabled; between government and the private sector; and between organizations at the National, State and local levels—has been a dominant theme. The IYDP mission in the United States, adopted jointly by the Government and the private sector, has been to increase public understanding of the needs and potential contribution of disabled persons and to accelerate progress toward long-term goals.

The corporate and disability communities together formed the U.S. council, funded by nongovernmental sources. Its purpose has been to carry the IYDP challenge of the United Nations to the towns and cities of America, where our 35 million citizens with physical or mental disabilities go about their lives. In more than 1,850 communities, partnership committees of disabled and nondisabled persons have been formed. They have identified needs, set goals, and undertaken programs to meet their own goals. The Governors of all 50 States, more than 330 national organizations, and 270 leading corporations have joined in this partnership program. Demonstrating tremendous corporate social responsibility, America's corporations have provided resources and enlightened leadership. They have realized that bringing disabled persons into the economic mainstream is in their own best interest. To cite one example of this corporate commitment, Xerox Corp. last month donated \$3,000,000 worth of sophisticated reading machines for the blind to 100 university libraries.

In American communities, people from all walks of life have advanced the United Nations IYDP theme of "full participation of disabled persons." They have made public buildings and facilities more accessible, developed special transportation systems, modified churches and parks to accommodate disabled persons, facilitated voting by disabled individuals, passed new ordinances on housing for disabled persons, held job fairs to bring together employers and disabled job seekers, and they have carried out locally devised awareness programs. A common theme throughout America has been encouraging self-reliance and self-help initiatives.

In the United States, the observance has been marked by strong and enthusiastic involvement of disabled persons themselves. They have been stimulated by the IYDP to assume greater leadership in shaping their own destinies. Through a nationwide advertising and media campaign aimed at changing attitudes, the public has gained a greater appreciation of the contribution of disabled persons. The result is that future efforts will be based less on charity and more on recognition that disabled persons are important contributors to society. The significance of the year in the United States was expressed by one seriously disabled person, "never again do I need to take a back seat or to stay at home; I now feel I can participate like anyone else. I am grateful that the IYDP helped to open opportunity for me. The IYDP has given me dignity."

None of us anticipated, Mr. President, that the IYDP would be an end. The serious problems of the disability family go on. The IYDP has given impetus to new beginnings. It has accelerated progress. Attitudinal barriers are coming down. At a recent conference in Washington of IYDP representatives appointed by the Governors of all 50 States and of community representatives from throughout the country, the participants urged unanimously that the IYDP momentum be continued. This initiative is of the healthiest kind. It is based on the feelings of people, most of them disabled, at the grassroots level—in the towns and cities of America. It is based on the voluntary spirit of citizens. The response to date to the unanimous resolution at this conference has been twofold:

First, it is my great privilege to announce today, Mr. President, an important initiative to follow through on the IYDP. In January, a new nongovernmental organization—the National Office on Disability—will be opened in Washington, D.C. Its purpose will be to encourage and support the continuation of the momentum of the International Year of Disabled Persons in the United States. Launching of this organization is made possible by a generous contribution of a leading American corporation.

Secondly, a resolution has been introduced in the U.S. Congress to designate 1982 the National Year of Disabled Persons. The United States is following the leadership of other nations, in Africa and in South America, which first developed plans for designating 1982 their National Years of Disabled Persons. This designation will help further full participation of disabled persons at the National, State, and local levels. From these efforts, we, and you, can take heart.

Americans are not unmindful of the fact, Mr. President, that the problems of disability are compounded in the developing nations. The greater seriousness of disability among those in poverty and in less fortunate circumstances is apparent to us in our own country. We are, therefore, greatly pleased by the initiatives of the United Nations and its agencies which have taken advantage of the IYDP to launch long-term programs. The World Health Organization, for example, is now including the problems of disability within its long-term program of "health for all by the year 2000." This initiative offers promise for concerted efforts, among others, to prevent and eventually eliminate certain disabling conditions affecting more than 5 million newborn children in the world annually.

We are inspired by the new efforts of UNICEF to insure that disabled children have a better chance at life. There is hope for many in UNESCO's new programs to reduce the burden of dependency through greater educational opportunity for disabled children. The International Labor Office's expanded efforts to provide technical rehabilitation assistance will have a radiating impact in years to come; there now is greater recognition that organized labor has a real stake in reducing disability. The United Nations development program has brought about realization in many countries of the importance of including disabled persons in the development process. These few examples of the United Nations agencies' actions are encouraging to us all.

The efforts of the IYDP secretariat in Vienna, under the direction of Assistant Secretary-General Mrs. Leticia Shahani, to promote the ongoing work of the national

committees formed in 127 nations, will continue to pay dividends. Despite limited resources, the secretariat has played a key role in expanding worldwide concern for disabled persons.

Among the 800 international nongovernmental organizations affiliated with the United Nations there has been enthusiastic response to the IYDP challenge. To cite an example again, Rotary International, which has 10,000 clubs in 150 countries has undertaken many IYDP activities. They include a project of the Rotary Club of Randolph, Mass., U.S.A., which provided a specially-equipped bus for disabled youth to attend camp, and they include a project of the Rotary Club of Raniginj, India, which sponsored a polio immunization campaign for 2,400 children. Most importantly Rotary and many other nongovernmental organizations have made long-term plans to continue their commitment after 1981.

Mr. President, by proclaiming this year, the United Nations has done much to improve the human condition. This is a central role of the United Nations. But, we would not do justice to this U.N. initiative if we did not also recognize another important contribution of the IYDP. By focusing worldwide attention on this human concern, the United Nations has opened an important area of transnational communication across political boundaries on a common problem affecting all people. This communication will continue. It will further international cooperation and improve the climate for resolving other differences peaceably. The interactions among the 127 national committees, the worldwide consideration of the world draft plan of action growing out of the IYDP, and the ongoing communication in the area of disability among nongovernmental organizations will contribute to the climate of peace and cooperation among nations. I am reminded of the words inscribed here in the General Assembly building, "Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed." The IYDP is an idea born in the minds of men which is helping to build the human foundations of the structure of peace.

These two results of the IYDP—new commitment to improve the human condition and opening a new area of transnational communication—are marvelous testimony to the moral force of the United Nations. The Voluntary response throughout the world to the IYDP challenge and opportunity demonstrate the United Nations' tremendous capacity to stimulate purposeful action and commitment. With limited funds, the United Nations has fostered programs with far-reaching implications in all countries. The success of the IYDP is not in what was done, but in what was started. By focusing attention, the United Nations has created opportunity—the continuing opportunity—for us all to attack the serious problems of disability on an ongoing basis.

And, Mr. President, let us no longer question the value of international year observances. The IYDP has demonstrated it can, through them, unleash tremendous human and organizational potential. As we look ahead to another signal year—the bimillennium—the continuing response to the IYDP can be a beacon of hope.

Speaking on behalf of the world's disability family, Mr. President, I applaud the IYDP initiative. We commend and thank Secretary General Waldheim, and we commend and thank the distinguished member nation representatives. As my predecessor

this morning, the distinguished delegate from the Philippines, Mrs. Marcos, stated, "human problems demand human solutions." I urge you and the other leaders of our United Nations to continue and intensify the quest for human solutions to the staggering human problems of disability. By challenging the world and by taking on this responsibility, you have become champions of the disabled. We need you as partners. We need your vision and your leadership. We need your continuing concern, compassion, and commitment.

You are giving us opportunity. You are inspiring hope. Please keep up the momentum. Together we can make our planet more livable.

Thank you, Mr. President. ●

ANNUAL NATIONAL POW/MIA DAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DYSON. Mr. Speaker, today I introduced a joint resolution to designate April 9 as the "Annual National POW/MIA Day." This bill authorizes and requests the President to issue a proclamation each year calling upon the people of the United States to commemorate the day with appropriate ceremonies and activities.

POW's and MIA's are perhaps the most deserving heroes America has today. Soldiers held captive by enemy forces in World War I, World War II, the Korean war, and the Vietnam war often suffered brutality and hardships far surpassing even the worst cruelty endured by the Americans held hostage in Iran. Their minds and bodies were often ravaged by inhumane treatment and neglect at the hands of their Japanese, German, North Korean, or Vietnamese captors. They lived with constant physical abuse and the worst form of mental torture; that of living at the total mercy of an enemy and depending on his goodwill for their lives. As most POW's can attest, that good will was often in short supply.

The men who served their country in the frontlines of battle or in dangerous enemy territory were the first to be killed or taken captive. "POW" or "MIA" immediately denotes men of a special quality—those with the bravery and determination to take the greatest risks and pay the highest prices for their beliefs.

The ordeal of the POW's and MIA's certainly did not end with the wars that they fought in. The aftereffects of starvation, disease, and torture linger today in the bodies and minds of so many of our POW's. Skin, respiratory, heart, and systematic diseases are abnormally frequent for them. For Americans held hostage by the Japanese, Koreans, and Vietnamese, anxiety neurosis and maladjustment are common problems. The suffering of

these men continues today, so we cannot allow ourselves to forget their great sacrifices.

And perhaps for many men, the sacrifice and daily trauma of incarceration continues today at the hands of their captors, for there are over 2,000 soldiers labeled "Missing in Action" in Vietnam. The Vietnamese Government has been largely uncooperative in our attempts to account for these men. Perhaps they are still alive, left behind in Vietnam. The war may never end for some of our MIA's.

But the trauma of these missing soldiers is most strongly felt by their families and friends at home. Their families may never know what happened to the boys or husbands or fathers they loved. These unresolved questions are troubling, and deserve renewed investigation.

Mr. Speaker, we must never forget the sacrifice that our men in uniform have made to keep this country and the free world safe for democracy. We must always remember the dedication of American POW's who bravely faced the enemy, and who endured the worst possible circumstances. We shall remember the men who gave their lives and those who remain unaccounted for.

I trust that my colleagues will help me insure that on April 9, 1982, and every year to come, the American people will honor the many men who have given so much to their country by sacrificing a significant part of their lives upon the altar of freedom. ●

PUBLIC LAW 94-142: HANDICAPPED CHILDREN'S EDUCATIONAL MAGNA CHARTA

HON. ARLEN ERDAHL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. ERDAHL. Mr. Speaker, Recently, it has been alleged that Public Law 94-142 represents education's "Three Mile Island." Any Federal statute that has voluntarily been implemented by 49 States and which increased the access to educational opportunities for 4 million children does not warrant a metaphorical comparison with a nuclear reactor accident.

Since 1975, when the Education of All Handicapped Children Act—Public Law 94-142—was enacted, we have witnessed a tremendous growth in educational programs for all handicapped children in all States. Local school districts and States have been willing to embrace the intent of Public Law 94-142—the provision of a free appropriate public education for each handicapped child—in spite of the fact that Federal dollars for assisting with this intent have never exceeded 12 percent of the excess cost of educating handi-

capped children. Public Law 94-142 has impacted on all school districts and it has benefited approximately 4 million handicapped children.

Public Law 94-142 does not tell States and local school districts how to educate handicapped children. Rather it affirms a handicapped child's right to an education at public expense and outlines processes which should facilitate the provision of such an education: communication between parents and school officials, attention to a child's individual education needs, and opportunities for due process in cases of disagreement. These processes are characteristics associated with effective school systems. Thus Public Law 94-142 reinforces a good educational practice.

We are all well aware of the shrinking dollars available for education. Where and how these dollars are used should be determined by State and local officials; however, this is not incompatible with retention of a national mandate. The repeal or weakening of Public Law 94-142 or the reduction of Federal appropriations will not relieve States of the responsibility for educating handicapped children nor will it eliminate the rights of handicapped children. The responsibility for educating handicapped children at public expense was written into law in 39 States prior to Public Law 94-142 and is now found in every State. Moreover, if Federal funds for assisting in the education of handicapped children are significantly curtailed or stopped altogether, the immediate effect will be an increased fiscal burden for State and local governments. The long-term effect will be reduced services to school-age handicapped children. The result of this reduction in services may be increased dependence in adulthood.

After several years of experience with Public Law 94-142, we should recognize and commend State and local efforts on behalf of America's handicapped children. It is time that we review the regulations for Public Law 94-142—published in final form in August 1977—and consider modifications in the regulations which will increase administrative flexibility for States but which will also reaffirm the right of a handicapped child to a free appropriate public education. The Education Department is conducting a thorough review of the regulations for Public Law 94-142 and has sought input from diverse groups concerning possible areas of regulation reform. This is responsible action. It acknowledges the benefits achieved through Public Law 94-142 and the need for adjustments in regulatory requirements. Such activity reflects a continued commitment to the original intent of the act. Public Law 94-142 has been and should continue to be an example of an effective local, State, and Feder-

al partnership, a partnership which may need to be realigned, but certainly not eliminated.●

HONORING MR. FRANK E. KLACKLE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. SAWYER. Mr. Speaker, I have the privilege today to honor Mr. Frank E. Klackle, who will be retiring from the Michigan Cooperative Extension Service on December 31, 1981.

Mr. Klackle's unwavering dedication to the area of agriculture and his significant contributions to the fruit industry deserve high recognition. He has constantly received distinguishing honors from the Michigan State University Horticulture Society and the International Dwarf Tree Association; Federal land bank; and was awarded the Fruit Man of the Year with the Pomester Club.

Mr. Klackle has displayed both his knowledge and leadership capabilities in the many facets of agriculture. He has served as township supervisor and became chairman of the Kent County Board of Commissioners in 1960. Mr. Klackle joined the Michigan Extension Service in 1961 and later became district horticulture agent for the west central district of Michigan. A member of the Kent County Farm Bureau for 33 years, Frank is held in the highest esteem by his professional colleagues in the fruit industry of Michigan.

I thank Frank Klackle for his outstanding service and wish him the very best in his retirement.●

ARMY REFUSES TO REENLIST A 31-YEAR-OLD HERO

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. MURPHY. Mr. Speaker, recently a constituent approached me with a problem he was having with the military. Now, I am sure all of my colleagues here have had similar experiences. But this was not the standard military casework. The Army refuses to let this person reenlist. I should add that my constituent served 9 years in the U.S. Army before his honorable discharge. He rose to the rank of staff sergeant while in the service. This man had volunteered for three tours of duty in Vietnam. He proudly served his country for 29 months in Vietnam. He was awarded the Bronze Star, the Air Medal, a Meritorious Service Medal and numerous good conduct and campaign ribbons. He is only 31 years old and in excellent physical

condition. But the Army refuses to let him reenlist because he was one of the air traffic controllers that was recently dismissed.

I have a copy of the memorandum from the Assistant Secretary of Defense, dated November 5, 1981. That states:

Effective immediately, individuals who have been dismissed from Federal employment because of their participation in a strike against the Government of the United States or the Government of the District of Columbia will not be enlisted or appointed as members of the Armed Forces.

In all of my life I have never seen such a ridiculous and asinine action. How in the name of commonsense—not to mention fair play—can the Defense Department justify this action? What possible rationale can there be for this? Does the Defense Department consider these people somehow unfit for service?

I assume from reading the Defense Department memo that if this person had been dismissed from his job for any other reason other than going on strike, that the military would have accepted him.

Is this the way the administration chooses to honor veterans—especially Vietnam veterans?

When his country needed him in time of war, he answered the call and then bravely volunteered three times to go to war for this Nation. Now, once again, he wishes to serve his country in the armed services. But the Defense Department insists on following a vindictive policy.

I am curious as to what they will be doing in the case of military reservists. If a fired air traffic controller is currently serving a tour of duty in the reserves, will they be prevented from reenlisting when their tour is up? To be consistent, the Defense Department would have to discharge them now. But with this latest action, I wonder if the Department knows how to establish and follow a fair and consistent policy.

The bureaucrats in the Defense Department who thought up this ridiculous rule should be dismissed. Of course, they could always enlist and serve their country in the armed services.

In addition to basic unfairness of this policy, I am appalled by how petty it is. There has been no great rush by fired controllers to enlist. Probably only a handful out of the thousands who were dismissed are seeking to enlist or reenlist. Why does the Reagan administration go to such extreme and petty lengths? These men and women have already been fired and they cannot be employed as civilian Government workers.

The administration may be attempting to further punish those air traffic controllers who went on strike but in the end they are only bringing shame

and disgrace on themselves by pursuing this petty policy and doing a great dishonor to our Vietnam veterans.●

BOOK ON MANAGING THE CONSULTANT

HON. JAMES K. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. JAMES K. COYNE. Mr. Speaker, I would like to bring to the attention of my colleagues a recently released book written by one of my constituents entitled "Managing the Consultant—A Corporate Guide," which aims to provide guidance for both the public and the private sector in the effective utilization of consultants. Mr. John McGonagle, vice president of Helicon Inc., a management consulting firm in Doylestown, Pa., and author of "Managing the Consultant," points out that—

Business and the Federal Government waste millions of dollars each year on consultants. For example, even today Cabinet Departments are asking for studies duplicating those already done by Congressional Committees and government auditors.

As Government officials, we realize the need for program evaluations, target studies, and other projects to provide us with a sufficient amount of precise information on which to base public policy decisions. But we must obtain this information without wasting the taxpayers' dollars. It is our responsibility to be effective vehicles for necessary governmental change, and at the same time remain within budget restraints. Mr. McGonagle's book will enable us to gain the needed expertise so that we can successfully meet the challenge to become more cost effective.

I recommend McGonagle's book for anyone in a management or decision-making position, whether it be in the public sector or private.

"Managing the Consultant—A Corporate Guide" was released November 13, 1981, by Chilton Book Co.●

FOREIGN LANGUAGE SKILL IMPORTANT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. GONZALEZ. Mr. Speaker, on August 4, I introduced H.R. 4389, to establish the National Commission for Utilization and Expansion of Language Resources, and today I would like to speak in support of my legislation. H.R. 4389 addresses the problems facing America in an ever-shrinking and increasingly interdependent

world; a world in which the United States is closely linked with other nations. In this world we find ourselves more in need of adequate means of communication to compete in areas of trade and as an important tool in the area of national security. The necessity of a multilingual nation becomes increasingly clear. Yet, we fail to utilize our language resources to the fullest in these areas.

We can ill afford the luxury of monolingualism and yet it persists. A recent study showed that one of every eight manufacturing jobs is dependent on exports and 1 of every 3 acres is planted for agricultural export. In addition, the U.S. share of the world export market has suffered a 20-percent decrease in recent years. An example was cited by Japan's minister for external economic affairs during a recent visit to the United States. He suggested that American businesses were excluded from consideration for a \$90 million contract from Nippon Telephone & Telegraph because they were unwilling or unable to provide documentation in Japanese.

The inability to communicate in other languages has cost and will continue to cost a great deal of money in missed investment opportunities, poor marketing strategies, inappropriate mistakes in economic planning, and forecasting. This situation applies to the American businessman who is unfamiliar with foreign customs and languages, unaware of foreign market opportunities, and ill equipped to deal with the bureaucratic requirements of licensing insurance, financing, and shipping arrangements.

Foreign language proficiency is also important to the United States with regard to national security. The need for foreign language competence in our military command, intelligence operations, logistics, survival skills, and community relations is vital. Further, foreign language and international studies are more than simply tools of communication. They are a source of cultural insight and understanding. This can be of great help in obtaining intelligence information and interpreting world events.

In spite of the importance of these skills, foreign language skills in the United States are rapidly disappearing. We, as a nation, are suffering from a language deficiency. Foreign language enrollments have declined at all levels of education. Less than 1 percent of U.S. college students now study the languages spoken by three-fourths of the world's population, and only 3 percent of students pursue foreign language beyond the second year of study. These facts are especially alarming as we face a language crisis in trade and security.

In addition, we fail to take advantage of the language resources that we have at our fingertips. There are cur-

rently 28 million people in the United States that speak a foreign language yet they waste away as an untapped resource.

It is necessary to get the United States back on the right track, to first recognize the importance foreign language skills play in trade and national security, and then to take the necessary steps to implement foreign language education and utilize our vast language resources. H.R. 4389 is an important step in the direction of this recognition of utilization of these skills and I urge my colleagues to support this measure.●

THE FLAT EARTH COMMISSION

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. REUSS. Mr. Speaker, I commend to my colleagues the editorial in this morning's Washington Post on the U.S. Gold Commission. As one who has been privileged to serve with the Gold Commission, I can attest that the editorial aptly conveys the flavor of its proceedings. The editorial follows:

THE FLAT EARTH COMMISSION

The U.S. Gold Commission, a national embarrassment, will meet again this week to continue its wandering debate over the desirability of returning to the gold standard. The idea is, of course, absurd. The Reagan administration needs to consider the damage that this strange proceeding is doing to the country's reputation abroad, where the folkways of American politics are not well understood. It's as though a Cabinet-level committee were meeting every few weeks to consider whether the world may not be flat after all, and to explore the possible implications of a finding of flatness.

This strange endeavor originated in the struggle last year to get through Congress a badly needed increase of the American quota in the International Monetary Fund. Sen. Jesse Helms of North Carolina offered a floor amendment establishing the gold commission; the bill's hard-pressed managers accepted it in the hope of encouraging a little more support, or at least a little less hostility, from the part of the political spectrum that Sen. Helms so ably represents. The Republican platform's veiled reference to a gold standard gave the commission a new meaning after Mr. Reagan's election.

Most Americans understand that a gold standard is entertained seriously by only the smallest minorities of American businessmen, bankers, economists and politicians. But the sight of this roomful of eminent people, sitting around a table headed by the secretary of the Treasury to discuss the subject with at least a semblance of serious purpose, is enough to stir those recurring fears in financial circles abroad that the Americans are losing their marbles.

The proposal is to tie the value of the American dollar to a metal that fluctuates wildly in price, that has industrial uses strongly affecting its value and that is mainly produced by two countries—the Soviet Union and South Africa—that are no

particular friends of this one. It is remarkable that the same people who won't trust the Russians across the street on any issue of weapons control, or trade, or natural gas deliveries to Western Europe, nevertheless are ready to assure you that, on gold, the Russians can be relied upon to be responsible.

The world has had a lot of experience with gold-based currency, and for good reason has abandoned it. A gold standard is a primitive device, promising the very opposite of the monetary stability that its sponsors advertise.●

NEW YORKERS RECEIVE PUBLIC SERVICE AWARD

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. RICHMOND. Mr. Speaker, it gives me the greatest of pleasure to advise my colleagues that yesterday, two outstanding New Yorkers—my dear friend, Mrs. Phyllis R. Farley and Dr. Ruth Watson Lubic—received a Rockefeller Public Service Award for providing innovative models for health care delivery.

Mrs. Farley was recognized with Dr. Lubic for her role in helping to found the childbearing center at the Maternity Center Association (MCA) in New York City. The MCA Childbearing Center provides comprehensive prenatal, delivery, and postpartum services using certified nurse midwives, in association with obstetricians and a local hospital. The MCA Center was the first facility of its kind in this country and now there are over 100 similar centers in 27 States.

The services of MCA's Childbearing Center are not only of the highest quality, they have also proven to be extremely cost effective. A Blue Cross/Blue Shield audit has found that care at the MCA Childbearing Center averages one-third the cost of in-hospital deliveries. In addition, the MCA Center has documented savings to the Medicaid program of \$855 to over \$1,800 per normal birth. This should make nurse-midwifery services highly attractive to those seeking to provide quality health care at reduced costs.

Through the efforts of Phyllis Farley, Dr. Lubic, and many others, the services of certified nurse-midwives are becoming recognized as important components of the health care system. Certified nurse-midwives are highly qualified professionals, who have received nursing degrees, practiced nursing, and been trained in nurse-midwifery programs.

Congress acknowledged the importance of nurse-midwifery services when, as part of the 1980 Omnibus Reconciliation Act, Medicaid coverage was extended to these services. The Department of Health and Human

Services is currently preparing regulations to implement this provision, and I am hopeful that work on these regulations will be completed in the very near future.

In spite of the progress that has been made in recognizing the role of the nurse-midwife, barriers still exist which prevent many consumers from obtaining nurse-midwifery services. Our colleague, the gentlewoman from Maryland (Ms. MILULSKI) has introduced two bills, H.R. 4636 and H.R. 4637, which would take important steps to correct this situation. H.R. 4636 would allow certified nurse-midwives to receive reimbursement under Federal Government health plans, and H.R. 4637 would allow nurse-midwives to receive medicare reimbursement for services to disabled women and for routine gynecological care delivered to elderly women. As a cosponsor of these bills, I urge our colleagues on the Post Office and Civil Service Subcommittee on Compensation and Employee Benefits; the Energy and Commerce Subcommittee on Health and the Environment; and the Ways and Means Subcommittee on Health to proceed quickly with the consideration of this legislation.

In addition, I urge my colleagues to cosponsor House Joint Resolution 316, sponsored by the gentleman from Ohio (Mr. BROWN), which would designate the week of April 19, 1982, as National Nurse-Midwifery Week. House approval of this resolution would provide an opportunity to focus attention on the nurse-midwifery profession and, perhaps, serve as a catalyst in overcoming some of the obstacles still facing nursing-midwives.

Again, I commend Mrs. Phyllis Farley, Dr. Lubic, and all of the dedicated individuals whose fine work is responsible for the success of the MCA Childbearing Center and I urge my colleagues to support legislative efforts that will firmly establish the nurse-midwifery profession.●

F. D. R.'s WATERGATE: PEARL HARBOR—PART III

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. McDONALD. Mr. Speaker, today in part III, Mr. Percy L. Greaves, Jr., concludes his expository on Pearl Harbor as it originally appeared in the February 1976 issue of Reason magazine. As I have pointed out in introducing parts I and II of this article, the full cost of Pearl Harbor that we still pay for today, may never be known. I do, however, wholeheartedly agree with the observation made by Mr. Greaves in concluding this article that the war that

began at Pearl Harbor was: " * * * a war that sunk free enterprise even deeper than the New Deal had. Europe was made safe for socialism and Asia for Communism."

It is indeed notable and conclusive that those who covered up that day of deliberate provoked infamy were richly rewarded. It is a disgrace to this Nation what happened at Pearl Harbor, but it should be remembered that those living today who participated in this treasonous coverup have to live in the knowledge of their souls, that 100,000 Americans gave their last full measure of devotion, their lives; as well, there is the other 100,000 who suffered the wounds of battle, some to be crippled for the rest of their lives.

I fully realize that Mr. Greaves, along with historians like John T. Flynn deserve much credit for their service of exposure, but indeed, in just memory of those who served and gave their lives, the matter of Pearl Harbor should be more fully investigated and let all the chips fall where they may. The concluding section of Mr. Greaves' "F. D. R.'s Watergate: Pearl Harbor" follows:

THE WARNINGS MULTIPLY

All sorts of important messages then began flowing in. Some dealt with the destruction of codes. Another indicated the war would be against the United States and Britain, but not against Russia. Everyone in Washington privy to the coded messages was on the alert for the Japanese answer to the U.S. ultimatum of the 26th. A special phone was put in so that it could be phoned immediately to the Secretary of State. On the morning of December 6, a message was picked up, decoded and translated. It read:

1. The Government has deliberated deeply on the American proposal of the 26th of November and as a result we have drawn up a memorandum for the United States contained in my separate message No. 902 (in English).

2. This separate message is a very long one. I will send it in 14 parts and I imagine you will receive it tomorrow. * * * The situation is extremely delicate, and when you receive it I want you to please keep it secret for the time being.

3. Concerning the time of presenting this memorandum to the United States, I will wire you in a separate message. However, I want you in the meantime to put it in nicely drafted form and make every preparation to present it to the Americans just as soon as you receive instructions.

This "Pilot Message" was distributed to those entitled to see it shortly after noon. It is not exactly an invitation for responsible officers to disappear on normal weekend relaxations, as the public was later told they did.

Another message instructed the Japanese Washington Ambassadors:

Be absolutely sure not to use a typist or any other person. Be most extremely cautious in preserving secrecy.

The first 13 parts of the 14-part message came in Saturday afternoon, December 6. The Navy men went right to work on them. By the middle of the afternoon Army decoders were called back to help. These parts being in English did not need to be translated. Copies were ready for distribution before 9 p.m.

F. D. R.: "THIS MEANS WAR"

Top Naval officers were having a party that night. So a special young Navy lieutenant was detailed to the White House to deliver these messages to the President in a locked pouch immediately upon their arrival. When he did so he found the President waiting for him with Harry Hopkins.

At the time of the Congressional hearings this officer, then Comdr. Robert Schulz, was in the middle of the Pacific. He was flown back and was the only Navy witness the administration was unable to approach privately before his testimony. He testified in part:

The President read the papers which took perhaps ten minutes than he handed them to Mr. Hopkins. . . . Mr. Hopkins then read the papers and handed them back to the President. The President then turned toward Mr. Hopkins and said in substance—"This means war." Mr. Hopkins agreed, and they discussed then for perhaps 5 minutes the situation of the Japanese forces. . . .

The President mentioned a message he had sent to the Japanese Emperor concerning the presence of Japanese troops in Indochina, in effect requesting their withdrawal.

Mr. Hopkins then expressed a view that since war was undoubtedly going to come at the convenience of the Japanese, it was too bad that we could not strike the first blow and prevent any sort of surprise. The President nodded and then said, in effect, "No, we can't do that. We are a democracy and a peaceful people." Then he raised his voice and this much I remember definitely. He said, "But we have a good record. . . ."

During this discussion there was no mention of Pearl Harbor. The only geographic name I recall was Indochina. . . .

Then the President said that he believed he would talk to Admiral Stark. He started to get Admiral Stark on the telephone . . . but I believe the White House operator told the President that Admiral Stark could be reached at the National Theater . . . the President went on to state, in substance, that he would reach the Admiral later, that he did not want to cause public alarm by having the Admiral paged or otherwise when in the theater, where, I believe, the fact that he had a box reserved was mentioned and that if he left suddenly he would surely have been seen because of the position which he held and undue alarm might be caused and the President did not wish that to happen because he could get him within perhaps another half hour in any case. His words were in effect that he would reach the Admiral later. . . . The matter of it being another hour is my own observation based on the fact that the theater was eventually going to close that evening.

Later, when testifying, Admiral Stark could not remember that upon arrival home that night he had excused himself from the theater party, gone upstairs to return the President's call. After his original testimony he had to be reminded of this by a member of the theater party.

THE DAY OF INFAMY

Early on the morning of December 7, the 14th part came in as well as the message telling them to deliver it at 1 p.m. Washington time, which was dawn at Pearl Harbor. Other messages thanked the Ambassadors for the job they had done and bid them goodbye.

The inside story of December 7 was recorded in the Stimson diary:

Today is the day that the Japanese are going to bring their answer to Hull and everything in MAGIC indicated that they had been keeping the time back until now in order to accomplish something hanging in the air. Knox and I arranged a conference with Hull at 10:30 and we talked the whole matter over. Hull is very certain that the Japs are planning some devilry and we are all wondering where the blow will strike. We three stayed together in conference until lunch time, going over the plans for what should be said or done. . . . Hull was to see the Japanese envoys at one o'clock but they were delayed. . . . I returned to Woodley to lunch and just about 2 o'clock, while I was sitting at lunch, the President called me upon the telephone and in a rather excited voice asked me, "Have you heard the news?" I said, "Well, I have heard the telegrams which have been coming in about the Japanese advances in the Gulf of Siam." He said, "Oh, no, I don't mean that. They have attacked Hawaii. They are now bombing Hawaii." Well, that was an excitement indeed. The messages which we have been getting through Saturday and this morning are messages . . . showing that large Japanese forces are moving up into Gulf of Siam. . . . The British were very much excited about it and our efforts this morning in drawing our papers were to see whether or not we should all act together. The British will have to fight if they attack the Kra Peninsula. We three all thought that we must fight if the British fought. But now the Japs have solved the whole thing by attacking us directly in Hawaii.

As soon as I could finish my lunch, I returned to the office and began a long conference which lasted until 6 o'clock. The news coming in from Hawaii is very bad. They seem to have sprung a complete surprise upon our fleet and have caught the battleships inside the harbor and bombed them severely with losses. They have also hit our airfields there and destroyed a great many of our planes, evidently before they got off the ground. It has been staggering to see our people there, who have been warned long ago and were standing on the alert, should have been so caught by surprise. . . .

When the news first came that Japan had attacked us my first feeling was of relief that the indecision was over and that a crisis had come in a way which would unite all our people. This continued to be my dominant feeling in spite of the news of catastrophes which quickly developed. For I feel that this country united has practically nothing to fear; while the apathy and diversion stirred up by unpatriotic men have been hitherto very discouraging.

PUBLIC VS. PRIVATE ACCOUNTS

The public was told that President Roosevelt was surprised while busy with his stamp collection that Sunday morning. The public was also led to believe that George Marshall was out horseback riding that fateful morning. Actually, a June 8, 1942, memorandum of his duty officer states:

"He arrived at the office at about 10:00 o'clock or shortly thereafter." A Naval officer also testified that Admiral Stark talked with him over the telephone about 9 o'clock and that shortly thereafter he joined a conference in Admiral Stark's office. After this conference, General Marshall returned to his office shortly before noon and sent a message to MacArthur in the Philippines with similar ones to Short in Hawaii as well as the commanding officers at the Panama Canal and on the west coast. The message read:

Japanese are presenting at 1 PM Eastern Standard time today what amounts to an ultimatum. Also they are under orders to destroy their code machine immediately. Just what significance the hour set may have we do not know but be alert accordingly. Inform Naval authorities of this communication.—Marshall

After Marshall refused the Navy's offer of its more powerful transmitter, the message to Short was sent to the Presidio in San Francisco. The Presidio was not able to raise Fort Shafter in Hawaii, so the message was sent downtown to RCA for transmission to Honolulu. A messenger was taking it to Fort Shafter when the attack came. It was not delivered until several hours after the attack.

Immediately after war was declared on December 8, Secretary of Navy Knox flew out to Pearl Harbor for the first official investigation. On his return to Washington, he handed his report to President Roosevelt on December 14. It said in part:

Neither Short nor Kimmel, at the time of the attack, had any knowledge of the plain intimations of some surprise move, made clear in Washington, through the interception of Japanese instructions to Nomura, in which a surprise move of some kind was clearly indicated by the insistence upon the precise time of Nomura's reply to Hull, at one o'clock on Sunday. . . .

Neither the Army nor the Navy Commander expected an attack would be made by the Japanese while negotiations were still proceeding in Washington. Both felt that if any surprise attack was attempted, it would be made in the Far East. . . .

Of course, the best means of defense against air attack consists of fighter planes. Lack of an adequate number of this type of aircraft available to the Army for the defense of the Island, is due to the diversion of this type before the outbreak of the war to the British, the Chinese, the Dutch and the Russians. The next best weapon against air attack is adequate and well-disposed anti-aircraft artillery. There is a dangerous shortage of guns of this type on the Island. This is through no fault of the Army Commander who has pressed consistently for these guns.

LESSONS TO BE LEARNED

The United States was now in the war, a war that sunk free enterprise even deeper than the New Deal had. Europe was made safe for socialism and Asia for communism. National unity required a suspension of any meaningful investigation. Meanwhile, papers were destroyed, witnesses died, key messages disappeared, a carefully selected Roberts Commission (including Frank R. McCoy) exonerated those in Washington while making scapegoats of the innocent Hawaiian commanders. Those who helped in the "coverup" went on to higher places, while those who told the truth remained unpromoted for the rest of their careers, even though Congress granted one of them \$100,000 for his work in breaking the Japanese codes.

Perhaps one of the greatest anomalies of the Watergate-Pearl Harbor parallel is the roles played by Gerhard A. Gesell. As a bright young man, he was a devoted member of the New Deal bureaucracy. He was later rewarded with a coveted position with Dean Acheson's law firm. He took a leave from this firm to serve as Chief Assistant Counsel for the Joint Congressional Committee on the Investigation of the Pearl Harbor Attack. The original Chief Counsel was the elderly William D. Mitchell, but it

was Gesell who was the administration's workhorse. The original whitewash plan was to limit the hearings to four weeks and prevent any serious investigation into areas the Democratic administration thought should be kept secret.

These plans were foiled. Mr. Gesell resigned and the hearings were extended to about six months. Mr. Gesell was one of three members of the "coverup" team to be rewarded with a Federal judgeship. More recently in the Watergate affair, the same Gerhard Gesell has been on the other side of the fence. This time, as a Federal judge, he helped in the exposure of a miscreant Republican President, whereas before he had been a leader in attempting to suppress the perfidies of the Democratic President and his administration responsible for Pearl Harbor.

That we know any of the truth of Pearl Harbor is due largely to the courage and sagacity of the late John T. Flynn. His allegation that the administration was reading Japanese messages made necessary the Congressional investigation, which the administration rigged for a whitewash. The minority members, however, were able to spread many enlightening facts on the record. Unfortunately, the 45 official volumes are a maze that few will read and still fewer will be able to comprehend. Additional information has since been revealed in memoirs and official records. As with Watergate, there was a great disparity between what Americans were told and the realities behind the closed doors of officialdom. The full unbiased Pearl Harbor story remains to be written.

If our nation is to be revived, we must move rapidly in the direction of a free market society. We must also reduce the power of future presidents to suppress the truth of their antisocial actions. A politically managed economy is not a free society. ●

GOOSE LAKE BASIN COMPACT

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. SMITH of Oregon. Mr. Speaker, today, I am introducing a bill to consent to the Goose Lake Basin Compact between the States of California and Oregon.

The major purposes of this compact are to facilitate the orderly use, conservation, and control of the water resources of Goose Lake basin; and to provide for intergovernmental cooperation which would remove any present and future controversies. This can be accomplished by providing for continued development of the water resources of Goose Lake basin by the States of California and Oregon and by prohibiting the export of water from Goose Lake basin without consent of the legislatures of California and Oregon.

The Oregon-California Goose Lake Interstate Compact was ratified by the State legislatures over 15 years ago but it still needs the consent of the Congress if its provisions are to take effect. Similar legislation was intro-

duced in the past but was never acted upon. I think it is most important that Congress act on this piece of legislation. With the increasing demands for water to be diverted from existing basins in the West to locations that lack water, it is imperative that this compact be consented to by Congress.●

**VOLUNTEER DEVELOPMENT
CORPS FOREIGN AID DOLLARS
WELL SPENT**

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. COELHO. Mr. Speaker, this Nation unquestionably has a responsibility to the people of less developed countries. No one will shrink from our responsibility to aid the victims of disaster—the victims of flood, drought, hurricane, earthquake, or pestilence. Beyond that we have a responsibility to do what we can to offer the technical assistance they need to improve their agriculture, develop commercial institutions, raise their incomes, and improve their health and housing.

Some of us, however, have been less than satisfied that our annual appropriations for foreign assistance are achieving these desired results. Therefore, I am very pleased to cite one organization, Volunteer Development Corps, which is doing the kind of work that should form a larger part of what we are doing overseas.

VDC is a grantee of the Agency for International Development. VDC is a small, private organization that U.S. cooperatives organized 11 years ago to provide short-term, technical assistance to cooperatives in developing countries at their request.

Several VDC volunteers have reported to me on their work overseas including:

Dr. Karl Falk, chairman of the board of First Federal Savings & Loan Association of Fresno, Calif., former president of Fresno State College, professor of economics there for 29 years, and chairman of the board of Cooperative Housing Foundation;

James E. Like, former controller of Lindsay Olive Growers and now a director of that cooperative, who has handled VDC projects in Liberia and Somalia and is now in Thailand; and

Pete Faria, a Tulare, Calif., dairyman, who returned to his native Brazil last year to recommend improved production practices so that low-income, co-op members could expand milk production.

The principal ingredient in VDC's success, I'm convinced, is the volunteered services of experienced, highly qualified men and women. Each is selected for particular skills that match the specific request VDC receives.

Another reason VDC seems to succeed is that nothing happens until a group of persons overseas or a government agency there asks VDC for help. No one else decides that they should receive help—not their government, not the U.S. Government, not someone trying to be helpful. They alone can initiate a VDC project.

To provide this volunteer, technical assistance, some funds are necessary to get the volunteers overseas and back and to sustain them while they're there. That's what AID and U.S. taxpayers provide, and I want to see that some of the money we propose to provide under this bill is used to fully finance VDC, to enable it to continue to expand its work around the world.

AID and VDC recently chose Dr. Stanley Krause to evaluate VDC's work on the spot. Dr. Krause retired from AID's Africa Bureau in 1980 after 28 years with AID and the Department of Agriculture. In his report, he says:

VDC's work is important.

Few AID programs could match such a favorable review.

VDC's work is highly cost effective.

Virtually all alternative forms of technical assistance have substantially higher costs.

VDC's volunteer's conduct of projects has been excellent.

The central core of VDC's program—the actual field execution of individual projects—has been superior.

VDC's work is aimed at "the poor majority."

Cooperative participants and eventual beneficiaries . . . fall comfortably within the worldwide definition of the poor majority.

Four national organizations of U.S. cooperatives provide leadership for VDC. These are Agricultural Cooperative Development International, American Institute of Cooperation, National Rural Elective Cooperative Association, and National Council of Farmer Cooperatives, and I commend them for their work.

I like this emphasis on technical assistance as the basis of foreign assistance. I like the use volunteered U.S. skills and experience. I like the emphasis on self-help. And I want to see that this organization and others like it are fully funded and have an opportunity to expand their work.●

**GROWING SUPPORT FOR THE
NONDISCRIMINATION IN
INSURANCE ACT**

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DINGELL. Mr. Speaker, I want to report that there is growing support for enactment of my bill H.R. 100, to eliminate discrimination on the basis

of race, color, religion, sex, or national origin in insurance and annuities. In the House, over 100 Members are now cosponsoring this legislation. In the Senate, 23 Senators are cosponsoring S. 888, title V of which contains the full exact text of H.R. 100. Many organizations have already announced their support for this legislation, including the Leadership Conference on Civil Rights, American Association of University Professors, AFL-CIO, National Women's Political Caucus, NAACP, American Association of University Women, American Civil Liberties Union, Women's Equity Action League, Mexican-American Legal Defense Fund, National Organization for Women, Women USA, and many other groups.

Several of the trade associations, representing much of the insurance industry, have opposed H.R. 100 because it would ban the industry's widespread practices of sex discrimination in insurance and annuities. Yet the representatives of these trade associations acknowledge that they no longer dispute the principle that discrimination on the basis of race, color, religion, or national origin is improper and unjust and should not be countenanced.

But there are many others involved in insurance and annuities who believe that sex discrimination also should be deemed improper and unjust. Thus, the vast majority—over 95 percent—of employees, both in government and in private industry, are covered in connection with their employment, by defined-benefit annuity pensions plans which provide periodic benefits in single life annuities and/or by group life insurance plans which provide equal insurance benefits, without sex differentiation either as to the benefits or as to the employees' contributions to the plans. Also, the National Association of Insurance Commissioners has urged the adoption of legislation and regulations to eliminate some forms of sex discrimination in insurance. Some States are attacking sex discrimination in an entire category of insurance. Thus, Hawaii, Massachusetts, Michigan, and North Carolina recently adopted State laws forbidding sex discrimination in auto insurance, and in four other States—Florida, Louisiana, New Jersey and Pennsylvania—the State Insurance Departments adopted regulations or orders to do the same. In Florida, the State appellate court held that such regulation was beyond the State Insurance Department's delegated authority, and in the other three States the regulations are now in abeyance until pending court suits are completed. In addition, there have been many court decisions in suits brought by employee beneficiaries holding that sex discrimination in insurance and annuities, as to benefits as well as to employee contribu-

tions, violates title VII of the 1964 Civil Rights Act and/or the Constitution.

An excellent analysis of the issues, which should be very helpful to Members of Congress and the general public, written by Diana Steele, Esq., who participated in several of these cases, was recently published by the Women's Rights Project of the American Civil Liberties Union. I request that this article be printed in the RECORD immediately after my remarks today.

There is also new thinking becoming evident within the insurance industry itself. For example, the Teachers Insurance and Annuity Association and College Retirement Equities Fund (TIAA-CREF), which administers the annuity and insurance programs for over 3,300 colleges, universities, and other institutions, recently announced, after extensive litigation, its willingness to inaugurate new gender-neutral rate schedules. Over 20 State Insurance Departments approved those schedules, and even the New York State Insurance Department, which first approved and then disapproved the new schedules, recently approved gender-neutral rate schedules limited to future contracts.

An even more significant expression of support for the legislation contained in H.R. 100 and title V of S. 888 was recently announced by the chairman of the Consumers United Insurance Co., Mr. Robert Freeman, in his November 14 speech at the national convention of the National Council of Negro Women. I request that the text of his speech, and his letter of November 16 to me, also be printed in the RECORD following my remarks today.

The insurance industry's present widespread discrimination practices adversely affect millions of people in our country. I believe that as more and more Members of Congress and the public study the issues and the effects of those practices, there will be increased recognition that there is urgent need to enact the legislation. This bill, which would simply prohibit discrimination on the basis of race, color, religion, sex, or national origin, will apply the same national policy to insurance and annuities that the Congress and most State legislatures have already applied to employment, public accommodations, housing, credit, government benefits and government regulation, transportation, recreation, voting, education, athletics and virtually all other areas of life. My bill leaves enforcement of that policy primarily to the States and only secondarily to the State and Federal courts, and will not set up a Federal agency to administer the law. Its enactment will make unnecessary the extensive litigation which, under other statutes such as title VII and the Equal Pay Act, is now facing the insurance industry.

In short, H.R. 100 is a bill whose enactment will benefit millions of people, will not harm the insurance industry, and should be enacted.

GENDER DISCRIMINATION IN INSURANCE
(By Diana A. Steele, Women's Rights Project, ACLU)

Gender discrimination in the issuance of insurance policies is widespread. It results primarily from the nature of insurance itself, which depends on classifying risks, and from the convenience of using gender as a risk classification device. It results secondarily from the insurance industry's archaic and stereotypical view of women as dependents for whom protection from the economic hardship of death, old age or disability is unnecessary. Contrary to popular belief, gender classification in insurance is neither necessary nor fair.

It bears emphasis that women today need insurance protection. They work for the same reason men do—economic necessity. The stereotypical image of the family of four with a father/breadwinner and mother/homemaker no longer conforms to reality if it ever did. Over fifty percent of women living with their husbands and children under eighteen are in the paid labor force. This figure rises to over fifty-nine percent of women raising families alone. The economic devastation caused by death, old age or disability is just as real for women and their families as it is for men and their families.

In spite of this clear economic need, women today are severely hampered in their ability to protect themselves and their families from adversity. In the context of pensions and annuities, women either pay more than similarly situated men to get a policy with the same coverage, or pay the same but receive smaller periodic annuity payments. This practice is defended on the ground that statistics demonstrate that women, as a group, live an average of six to nine years longer than men, as a group. Yet in the area of life insurance, where consistency would mandate that premiums be calculated on a male mortality table that is set back six to nine years, premiums frequently are calculated with only a three year set back. Moreover, in an employment setting, it is not unusual for pensions to be calculated on sex-based tables, to the detriment of women, and for life insurance to be calculated on unisex tables, again to the detriment of women.

The insurance industry justifies its choice of gender as a classification on the grounds that, having done so, they can show that women, as a class, live longer than men as a class. This justification, however, fails to withstand thoughtful analysis.

The statement that a person has a certain life expectancy or risk of disability depends entirely on a prior decision about how to classify that person. Thus, if an individual is classified as an American male, he will have a life expectancy that differs from his life expectancy if he is classified as an American male resident of an urban community. This expectancy will also be different from his expectancy if he is classified as a black American male resident of an urban community. Thus, the same person could have three different life expectancies, each one statistically valid and no one expectancy more true than the other. If the data are correct and the calculation accurate, each life expectancy will be true for the group it describes.

Classification by race will show that whites live longer than blacks. Yet the insurance industry stopped using race as a classification characteristic for life insurance. Although justified for many years as actuarially sound and therefore not discriminatory, it came to be considered against public policy and is currently prohibited by legislation in many states.

Classification by religion will show that the mortality rates for Mormons are substantially lower than those of the general population and that by age 65 Jewish mortality rates are higher than those for the total population at age 65. Yet, insurance companies do not use religion as a classification characteristic.

The inequity of the gender classification becomes obvious when one considers who is bearing the brunt of this "average" longevity or morbidity. Of a random group of 1,000 men and 1,000 women at age 65 at a single point in time, 84% will match in death ages. This means that the remaining 8% of the women will live longer and the remaining 8% of the men will live shorter than the 84% group. Yet the entire male group will pay less for annuities and the entire female group will pay more. The converse is true with life insurance. Because a few women live longer, they all reap the benefit. Because a few men die early, they are all penalized.

That any actuarial classification may be analyzed in this manner and claimed to be "unfair" may be true. Several factors, however, distinguish classifications of gender and race from others such as age or deleterious behavior. First, behavioral classifications, such as smoker/nonsmoker or obese/moderate weight, are more clearly related to mortality and morbidity than is sex or race. Furthermore, such classifications encourage desirable behavior. In contrast, sex and race are immutable and there is substantial doubt concerning the existence of a causal relationship between gender or race and longevity. Second, age affects everyone. Anyone who wants a larger pension need only wait and retire at a later age. Sex, in contrast, divides the population almost evenly with virtually no cross-over.

Use of sex-based actuarial tables by the insurance industry also runs counter to important social considerations already embodied in federal legislation prohibiting discrimination on the basis of a sex in employment. Title VII of the Civil Rights Act of 1964 mandates that each person be evaluated as an individual rather than in terms of prediction made on the basis of sex-defined group. In April 1978, the Supreme Court held that an employer which required greater contributions to its pension plan from women than from similarly situated men but which paid identical periodic payments upon retirement, violated Title VII. *City of Los Angeles v. Manhart*, 435 U.S. 702 (1978). The Court accepted as true that women, as a class, live longer than men, as a class, but reasoned that the individual was protected by Title VII from being discriminated against on the basis of sex. The Manhart Court expressed approval of an entirely gender-neutral system of contributions and benefits. It reasoned that such a system would pay retirees with long lives more than those with short lives. Although such a system might result in women, as a class, receiving more benefits than men, as a class, it would nonetheless be discriminating precisely on the basis of longevity rather than imprecisely on the basis of sex.

Following *Manhart*, there has been a growing consensus among courts, federal agencies and commentators, that both contributions and benefits must be equal in an employer sponsored pension plan. In fact, all courts which have confronted the issue have held that an employer cannot, consistent with Title VII, take equal contributions and provide unequal periodic benefits upon retirement.

The post-*Manhart* judicial decisions demonstrate as important trend favoring the elimination of gender-based actuarial tables. At the same time, they reveal the inadequacy of litigation under Title VII as a solution to the problem. Title VII applies to employers. It does not apply to insurance companies unless they are found to be the agents of employers or employers themselves.

Title VII litigation will only pressure insurance companies indirectly by increasing employer demand for gender-neutral policies. Insurance companies will be free to market policies based on sex-segregated tables to individuals and to employers willing or forced to pay different prices to equalize female and male annuities and life insurance benefits. This may even create incentive for employers further to discriminate against women because of the increased cost of their fringe benefits.

Legislation such as H.R. 100, introduced last term by Rep. Dingell of Michigan, would do directly, completely and uniformly what Title VII can only do indirectly and partially. This bill prohibits all types of discrimination in insurance on the basis of race, sex, religion and national-origin. Regarding discrimination on the basis of sex, it requires, among other things, that men and women be charged the same premiums for the same benefits. It requires insurance companies to use unisex actuarial tables—that is, actuarial tables that sexually integrate. Thus, sex no longer could be used by the insurance industry as a risk classification device. In light of the current judicial consensus that unisex tables are required in employer-sponsored pension plans, the extension of this requirement by H.R. 100 would fill an important gap in civil rights laws.

By setting a uniform federal standard of nondiscrimination H.R. 100 also will eliminate the competitive pressure for insurance companies to maintain sex-based actuarial tables. In the absence of federal legislation, one company's adoption of unisex tables, or one state's requirement of such tables, would drive insureds to insurance companies not covered by such action. Congressional enactment will totally eliminate this problem.

In sum, gender discrimination is rampant in the insurance industry. It has resulted primarily from the fundamental sex classification upon which virtually all insurance rates are based and secondarily from the industry's stereotypical view of women. The only way to end this practice is uniformly to prohibit it through federal insurance legislation.

CONSUMERS UNITED INSURANCE CO.,
Washington, D.C. November 16, 1981.

HON. JOHN D. DINGELL,
Member of Congress,
Rayburn Building,
Washington, D.C.

DEAR MR. DINGELL: As President of Consumers United Insurance Company, I am writing to express my appreciation to you for your leadership and support in drafting and introducing H.R. 100, the Nondiscrim-

ination in Insurance Act. I urge you to make enactment of H.R. 100 in this Congress a top priority, and ask that you schedule additional hearings on the bill at an early date.

I believe your bill will accomplish the important goal of eliminating sex discrimination in insurance and annuities, and will bring tangible economic benefits to millions of Americans. The arguments one hears against the adoption of such legislation are familiar ones to all of those who remember earlier efforts to eliminate racial discrimination in insurance. Actuarial statistics were cited then to justify charging black Americans more than whites. We believed then, and we believe now, that it is improper for any company to determine that Americans be singled out for higher insurance rates or lower coverage solely on the basis of race, and we take the same view with respect to discrimination based on sex.

Operating an insurance company on a basis of fair treatment to all citizens is no detriment to business, success, and the adoption of nondiscriminatory rates will not impose any substantial burden on the insurance industry. In fact, we at Consumers United are taking vigorous steps at this time to eliminate sex discrimination from our own rate schedules in advance of the enactment of your bill.

Because I feel strongly about this issue, I have written this week to every member of the House and Senate urging support for your bill. In addition, on Saturday, November 14, I addressed the national convention of the National Council of Negro Women in Washington, D.C. and asked for their support in the fight to eliminate sex discrimination in insurance. I have enclosed a copy of my remarks to the NCNW for your information and use.

Thank you again for your leadership on this important issue.

Sincerely,

ROBERT FREEMAN.

"ELIMINATING SEX DISCRIMINATION IN INSURANCE"—REMARKS OF ROBERT FREEMAN, PRESIDENT, CONSUMERS UNITED INSURANCE CO.

Throughout our history, black women have offered leadership, strength, and inspiration to us. You have spoken with the voice of moral authority on matters of concern to the black community, and indeed to all Americans. Since 1935, the National Council of Negro Women has been there whenever the need was there—improving conditions in our neighborhoods, fostering tolerance and understanding between various segments of our society, and adding enrichment to the lives of our youth and inspiring them to dream new dreams.

Today, as economic conditions threaten to undo the progress that so many have made, and as important programs of social support are in danger of drastic reduction, Americans look once again to voluntary associations like the National Council of Negro Women to provide a voice of leadership and strength. Once again, you are called upon to provide focus and guidance to those who seek solutions to the problems which beset our community as a result of an economy in recession—an economy which provides a few with an embarrassment of riches, and provides many with the pain of deprivation. I urge you to stay involved in the fight for economic equity in our country.

One aspect of that fight that I know a little something about is the fight to see to it that all Americans are treated fairly in their dealings with insurance companies.

In the past it was quite common for both life and health insurance companies to discriminate against Americans in the rates they were charged based on membership in a racial, ethnic, or religious minority. You and I remember the days, and they weren't that long ago, when blacks automatically had to pay more for insurance than whites, when they could get coverage at all. Today, while such racial discrimination is not overtly practiced in the sale of insurance, discrimination on the basis of gender is still standard within the insurance industry.

Earlier this week, I wrote to every member of the House of Representatives and to every Senator to urge that legislation be adopted to outlaw sex discrimination in insurance and annuities. Two bills are presently pending in Congress to accomplish that goal: Congressman John Dingell's bill, HR 100, the Nondiscrimination in Insurance Act, and Senator David Durenberger's bill, S. 888, the Economic Equity Act. So far, over 100 members of congress have co-sponsored this legislation, an important step in establishing fair treatment for every American in the sale and operation of insurance and annuities.

The arguments now being made against the bills to prohibit sex discrimination in insurance are similar to those you previously heard when we were trying to get racial discrimination in insurance banned. In those days, actuarial statistics were cited to justify charging black Americans more than whites. We believed then, and we believe now, that it is improper for any company to determine the Americans be singled out for higher insurance rates or lower coverage solely on the basis of race. We take the same view of discrimination on the basis of sex. No American should be arbitrarily assigned a discriminatory rate due to factors unrelated to the risk which he or she individually presents to the underwriting company. Clearly, race or sex is such an arbitrary discrimination. That is why I hope you will speak with your elected representatives and tell them that you believe that sex discrimination in insurance should be eliminated.●

EL SALVADOR—ONE YEAR
LATER

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. RATCHFORD. Mr. Speaker, in connection with my continuing concern for the policies of this country, as expressed by our State Department toward El Salvador, I submit the following article from the December 2, 1981, Hartford Courant:

DEATH IN EL SALVADOR: SEEKING JUSTICE FOR
A SISTER'S MURDER
(By Pat Williams)

Mike Donovan is a tall, slender man of 30, with neatly cropped blond hair, wire-rimmed glasses and a quiet, sometimes boyish look about him when he smiles. When he talks about his murdered sister, Jean, he adopts a mild tone and a measured, almost detached manner. After living day and night for a year with the facts of his sister's violent death, he distances himself from the subject as a way of coping.

A resident of Danbury, Donovan is an accountant in Springfield, Mass. His sister Jean, two years younger than he, also was an accountant. They grew up in Westport, attended public schools there.

After college and graduate school, Jean Donovan joined an accounting firm in Cleveland. In her spare time, she volunteered with a Catholic social service agency that worked with the poor and elderly in Cleveland's inner city.

In 1978, deciding she wanted to do something "more substantial" for people, she sought and accepted an offer by the Roman Catholic diocese of Cleveland to go to its mission in El Salvador and run an orphanage there.

She was assigned to a town called La Libertad in the southwestern region of El Salvador where, with fellow missionaries, she immersed herself in work—putting in 14- and 16-hour days feeding, clothing, sheltering and educating the children displaced by that nation's violent civil war.

Willingly, she did the grunt work at the mission. When plans were hatched for improving a clinic or expanding a school, someone else would quarterback the idea through meetings and approvals of the archbishop's office. Jean would be happy accomplishing the more prosaic aspects of the job, "... out in a field somewhere unloading a truck."

She was not political. "She was very upset by the violence she saw around her," Mike Donovan says, "but when she talked about it, she didn't talk in terms of the 10,000 people killed last year, she talked about this girl in the church choir who was murdered, or that child who lost its parents."

Jean Donovan and Dorothy Kazel, an Ursuline nun also from the diocese of Cleveland, were known to their fellow missionaries as the "Rescue Squad" because they were always ready with their van to give someone a lift or make a delivery. They were on such a trip a year ago today, picking up Maryknoll missionaries Ita Ford and Maura Clarke who were returning from a religious conference in Nicaragua. Donovan and Kazel met Ford and Clarke at 7 p.m. at the airport to drive to La Libertad.

They never made it. Somewhere along the way, their van was stopped, two of the women were apparently raped, and all four were shot dead. Their van was burned and left by the side of the road. Their bodies were dumped some distance away in a cow pasture.

The following morning, a passing milkman discovered the grizzly scene. A short time later, a group of government soldiers and a few civilians arrived with a burial permit issued by a judge and covered the bodies in a trench.

The deaths were not reported to American or church officials at that time. In fact, it was not until the following morning, Dec. 4, that a local Catholic priest called church authorities to report that villagers had seen soldiers burying four women who looked like foreigners. It was then that a group of church workers and U.S. Ambassador Robert White went to the scene, exhumed the bodies and identified them as the missing women.

Because the route the women had traveled was under the tight control of Salvadoran security forces, and because these forces were known for their extremism and violence, it did not take long for U.S. officials and local Catholic authorities to theorize that the soldiers themselves had been involved in the crime. Subsequent ballistic

tests by the FBI linked two army soldiers to the murders.

Under pressure from the U.S. government and public, the government of President José Napoleon Duarte initiated an investigation into the murders. In April, six army officers were placed under "barracks" arrest in connection with the crime. Since then, the investigation has gone nowhere.

After the arrests, Ambassador White (whose outspokenness got him fired by the Reagan administration) was quoted as saying that he is convinced the soldiers will not be punished for fear they will reveal who else was involved.

"I seriously doubt," White said, "that there are only six guardsmen involved. . . . If there were, there wouldn't have been enough incentive for the cover-up to have taken place. An arrest of six enlisted men to allay public opinion is a very simple thing to accomplish. It has to be followed up by trial and exposure of those involved."

Mike Donovan wonders if there will ever be a trial. Last month, the Salvadoran judge in charge of the official investigation said the inquiry was at a "dead end." In spite of existing FBI evidence, in spite of numerous, still-unquestioned local witnesses, in spite of official reports of intercepted radio transmissions between military units that might indicate a murder conspiracy, the judge said, "There is nothing more I can do."

People in a position to know, like Robert White or Connecticut Sen. Christopher J. Dodd, who recently returned from El Salvador, say that justice simply won't be had in this case. According to a Dodd aide, there have been approximately 25,000 murders of non-combatants in El Salvador since the junta took over in 1979 and not a single case has ever come to trial. Even if two eyewitnesses to the crime are found, as required by Salvadoran law, no judge in the country would be likely to hear the case. Any judge who did, under present circumstances, would be a dead man after the first day of the trial.

Mike Donovan was told in October by Dean Hinton, current ambassador to El Salvador, that the U.S. Embassy in San Salvador can't employ a Salvadoran lawyer to explain local law in the case because any lawyer entering the embassy for that purpose would jeopardize his own life.

Donovan can't help but be bitter. "I attempt as far as possible to be rational. But they—the Salvadoran forces—killed my sister and the U.S. government doesn't care. I believe that the death of those four women . . . is an inconvenience to our government. It interferes with an already-decided policy of supporting the Duarte government."

"There has been a cover-up of the investigation by the Salvadoran government," Donovan contends, "and at a minimum, our government has acquiesced; and at a maximum, our government has participated."

Much of Mike Donovan's life these days focuses on obtaining some measure of justice in his sister's murder. Today, he will attend a memorial service at Maryknoll headquarters in New York. Thursday, he will speak at a memorial service at Immaculate Conception church in Waterbury.

"I was at work," Donovan said, "when I first heard that Jean had been murdered. We already knew the night before that they (the missionaries) were missing. Father Paul Schindler, the priest in charge of the Cleveland diocesan mission, called my father from El Salvador to tell him they'd found Jean's body. I didn't really react to it 'till a

few days after I heard. . . . I'm still angry. But the sense of rage passes with time, I guess."●

NATIONAL LAWYERS GUILD:
PART II—ORGANIZATIONAL
SUPPORT FOR TERRORISM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. McDONALD. Mr. Speaker, I have been discussing aspects of the support given to terrorist groups by the National Lawyers Guild, an organization of revolutionary lawyers, law students, and revolutionary activists founded as a Communist Party front and still operating under the control of a coalition of members, veterans, and supporters of the Communist Party, U.S.A., and younger Castroites.

I have pointed out some instances, taken from among scores of potential examples, of the involvements of members of the NLG in terrorist groups and in illegal activities in support of terrorism.

Today I would like to examine some of the support that the NLG provides as an organization through its resolutions passed at its national conventions, and through projects the NLG has officially sponsored.

In cooperation with activists from the Weather Underground Organization (WUO) and other revolutionary Marxist-Leninist groups, the NLG has been involved in radicalizing prison inmates and organizing them to form terrorist shock troops since the late 1960's. This activity is an outgrowth of NLG and Students for a Democratic Society collaboration in defense committees for members of the Black Panther Party (BPP).

NLG CONVENTION, 1971

In 1973, a staff study by the House Committee on Internal Security reported on the NLG's 1971 national convention in Boulder, Colo., and its attitude toward the prison organizing movement:

The NLG took a particular interest in prison work subsequent to the 1971 convention noting that it was critical to support prisoner militancy as lawyers have relatively free access to jails and penitentiaries. There was a difference of opinion in the NLG, however, as to whether their prison work should be merely supportive or given top priority. At the Guild's National Executive Board meeting in February 1972, one faction took the position that the prisoner is the "revolutionary vanguard" who will "lead us in the streets." The currently prevailing view in the NLG was expressed on a 1973 resolution citing prisons as an exaggerated reflection of the "capitalist" system so that any prison-related work by the NLG would be making a contribution to the revolutionary movement in general.

PRISON TASK FORCE

In July 1975, Guild Notes, the NLG's official publication, published materials by the NLG Prison Task Force that advocated revolutionary armed struggle—terrorism—in the prisons, and detailed how, by using the NLG's logo, publications supporting terrorism were carried into the prisons.

Some NLG members thought that the publication of the Midnight Special, a newsletter for prisoners initiated by the NLG's New York City chapter in 1971 and the Prison Justice Committee, at the time of a takeover and riot by militant inmates in the New York City prisons, had become so inflammatory as to be an embarrassment and liability to the National Lawyers Guild. The Prison Justice Committee was a support group for radicalized, violence-oriented prisoners formed by revolutionaries who supported the Weather Underground and the Cleaver faction of the Black Panther Party which formed the Black Liberation Army (BLA).

The Midnight Special served as an interprison communications service by published messages from militant inmates and providing inflammatory accounts of prison strikes and disturbances. To legitimize the use of the NLG logo to get the publication into prisons past censors, the newsletter occasionally sprinkled some legal notes for jailhouse lawyers on its pages.

With a circulation of 4,500, the impact of the Midnight Special on prison discipline was considerable. Some of the NLG members were upset by the open advocacy of terrorism in a publication organizationally sponsored by the National Lawyers Guild. These NLG members never objected to the NLG's secret support of terrorism and nonpublic activities to encourage prisoners to violence, but the highly inflammatory rhetoric of the Midnight Special posed a potential embarrassment to their influence among liberals.

The NLG's San Francisco Bay Area Prison Task Force, which included a number of Weather Underground and Black Panther supporters, defended the Midnight Special in a position paper that commenced by quoting George Jackson, "The ultimate expression of law is not order—it is prison." Jackson, a Black Panther Party leader, was killed during an August 1971 jailbreak attempt at San Quentin. NLG attorney Steve Bingham, a member of the Prison Law Association and the NLG's San Francisco Bay area chapter, was indicted on charges of smuggling the pistol used by Jackson and his coconspirators to kill three guards and two prisoners. He remains a fugitive.

The NLG prison group provided the following analysis defending the role of the Midnight Special:

The analysis presented here finds its basis in the view that the fundamental struggle in the world today is against American imperialism. We understand imperialism as a two-headed system with one aim—the subjugation and control of the majority of the people of the world for the benefit of a few. Prisons are the ultimate weapon of domestic social control, and the place where imperialism most clearly reveals itself as a unified world-wide system of oppression. * * *

Because many prisoners are people who have resisted subjugation, they are potentially a strong revolutionary force. * * * They know that they will only regain their freedom and their dignity in a different changed society, and they have very little left to lose in this one.

The MS is a major tool in the fight against the isolation which is the basic destructive tool of the prison system. * * * Only lawyers and legal workers have relatively free access to prisoners. * * *

Those who feel that the Guild should sever ties with the MS argue that it is essentially a political organ and that it expresses a particular political life, i.e., armed struggle, which has no place within a broad-based legal organization like the Guild. In the context of prisons, however, the dichotomy between legal questions and political questions loses much of its meaning. * * *

A strictly legalistic prison project divorced from the politics and daily lives of prisoners would be useless. The MS is the only existing extensive communication link between prisoners and with the outside; it has historical ties with the Guild, depends on the Guild logo for access to prisons and provides a basis for Guild members to do prison work.

Like other Guild publications, the MS actively solicits material from members of the Guild. * * * The Special's greatest value, both to the Guild and to prisoners, lies in the fact that it is a paper which prisoners write and through which they can communicate and develop their own politics. The significance of the Special is greatly enhanced because under the Guild logo it gets inside prisons where all other political papers are banned.

Because the MS is a voice of the prison movement, it carries articles and poems that speak in the voices of prisoners. Some of these voices express the politics of armed struggle. * * * Many prisoners, continually subject to armed aggression by the state, believe that change can only be brought about through warfare and that conditions demand that the struggle be armed. * * *

Members of the Guild who insist that the politics of armed struggle have no place in a Guild publication ignore this organization's history and self-definition. The Guild is not merely a legal organization—it is not the ACLU or the ABA; we hold ourselves out as a progressive legal group. Further, this view ignores the reality that armed struggle has existed in the past, continues in the present and will increase in the future. Many people within the Guild consider the strategy of armed struggle to be an integral part of any revolutionary struggle. The Guild itself has not only defended but actively supported the armed actions at Attica and Wounded Knee and has in some sense joined these struggles. Preventing people from having a forum to discuss and develop these politics will cripple people's ability to distinguish adventurist actions from a valid revolutionary strategy of armed struggle.

It should be pointed out that the Guild calls itself a broad-based political organiza-

tion, which means that it does not put forth only one line or censor differing views. The Guild must make room for those who believe in revolution and armed struggle. * * *

The fact that armed struggle politics are discussed in a paper bearing the Guild logo may in the future bring some pressure from the government on the Guild as an organization. * * * The Guild has come under attack from the government before as a result of taking principled political stands and should expect such attacks again and be prepared to resist them aggressively. * * *

At a meeting of the NLG National Executive Board (NEB) in Columbus, Ohio, August 15-18, 1975, there was lengthy discussion of the prison terrorism issue. The NLG's decisionmaking body, the NEB, passed the resolution of the prison task force and made the Midnight Special a publication of the National Prison Task Force of the Guild, which should be printed in the name of the NLG.

The NLG's decisionmaking body also agreed not to impose any censorship on the contents of the publication.

The resolution said:

Since prisoners are the political base of The Midnight Special, it must have editorial integrity. The Prison Task Force rejects the notion of complete editorial control of The Midnight Special by the NEB.

It is noted that those working on this NLG prison newsletter were members of the terrorist Weather Underground Organization (WUO). The editor of the Midnight Special was Russell Neufeld, who had been arrested in Vermont in February 1970, for illegally buying a carbine while under indictment in Cook County, Ill., for assault, mob action, and aiding and abetting the escape of a prisoner during the Weatherman "days of rage" riots in October 1969. On June 1, 1970, Neufeld and eight other WUO members pled guilty to charges of battery and mob action, and were placed on 2 to 5 years probation. A Federal grand jury in Detroit indicted Neufeld and 12 other WUO leaders on bomb conspiracy charges on July 23, 1970.

Neufeld went to work in the NLG's New York City offices. At the same time, he was an active and leading member of the WUO's overt arm, the Prairie Fire Organizing Committee (PFOC), serving as a member of the PFOC National Committee. This Congressman made internal PFOC documents available to his colleagues in the CONGRESSIONAL RECORD (Oct. 1, 1976), regarding factional disputes which included a statement by Neufeld.

Neufeld not only worked on the Midnight Special, he also wrote for the NLG's official national publication, Guild Notes, contributing articles on the status of Federal cases against the fugitive WUO leaders (November 1973). Neufeld provided an interview to the National Observer (Jan. 5, 1974), in which he said, "I support

what the Weather Underground has done—the bombings.”

In testimony before the Senate Internal Security Subcommittee in 1976, William Kintner stated that another individual editing the NLG's Midnight Special prison newsletter was Judith A. Clark. Clark, who had gone underground with the WUO leadership Flint, Mich., war council in December 1969, was arrested a year later in New York. In March 1971, Clark pleaded guilty to charges of felonious mob action and was sentenced to 180 days plus 3 years' probation. Judy Clark was among the group of NLG lawyers, legal workers, and supporters subpoenaed by a grand jury investigating how weapons and explosives got into possession of three Black Liberation Army (BLA) terrorists—Herman Bell, Anthony Bottom, and Albert Washington—who were in court for sentencing after conviction of the ambush murders of New York City police officers Waverly Jones and Joseph Piagentini in May 1971. The New York Times reported that the three BLA murderers had been in contact with no one except their lawyers and court and correction officials. Those subpoenaed were Naomi Burns, Judy Clark, Ron Hill, Yuri Kochiyama, Bart Lubow (a legal worker who had been associated with the NLG South East Asia military law project in the Philippines in 1972), Ellen Sokolow Molinari, Curtis Mullins, Martha Pitts, NLG lawyer Martin Stolar, Sundiata Balagoon, Evelyn Williams, and NLG lawyer Elliot Wilk, a legal services lawyer formerly involved in the defense of Attica prison riot defendants.

The efforts of the so-called prison movement in organizing prisoners as the vanguard for revolutionary terrorism was in part successful. A number of U.S. terrorist organizations including the Black Liberation Army (BLA), Venceremos Organization (VO), Symbionese Liberation Army (SLA), and George Jackson Brigade (GJB) were formed by ex-convicts and escaped prisoners in association with radical activists.

THE GRAND JURY PROJECT

The Grand Jury Project was initiated by the New York Women's Union, a group of militant feminists associated with the WUO, in February 1975, following the issuance of subpoenas by Federal grand juries investigating the underground which harbored revolutionary terrorist fugitives Kathy Power and Susan Saxe, wanted for the murder of a Boston police officer during a bank robbery; and the murders of four people by the Puerto Rican terrorist FALN in the January 1975 bombing of the Fraunces Tavern.

The Grand Jury Project organization included several women lawyers active in the NLG as well as movement activists—legal workers. The purpose of the Grand Jury Project has been,

and clearly remains, to coordinate policies of total noncooperation with any grand jury investigating revolutionary terrorist activities, and provide encouragement to those subpoenaed once they are jailed for contempt of the grand jury.

The Grand Jury Project has been officially cosponsored by the National Lawyers Guild since 1976. In 1976, staff members included Ellen Grusse, Judy Peluso, and Terri Turgeon, activists subpoenaed in connection with the harboring of Susan Saxe and Kathy Powers; Janet Gallagher, Judy Green-span, Julie Schwartzberg, and NLG lawyers Carlin Meyer and Rhonda Copelon. In December 1976, Philadelphia NLG lawyer Linda Backiel, who with NLG Philadelphia member Holly Maguigan had defended Jay Weiner and Philip Shinnick, both Sports for the People activists who preferred to spend 8 months in prison for grand jury contempt rather than answer questions about the harboring of fugitive Symbionese Liberation Army terrorists Bill and Emily Harris and Patty Hearst.

In the spring of 1977, the Project joined the Campaign to Stop Government Spying (CSGS), which was organized by Morton Halperin, director of the Center for National Security Studies (CNSS), to coordinate grassroots lobbying efforts against police intelligence units, and congressional lobbying to abolish FBI internal security investigations and to abolish the CIA.

This NLG-sponsored project has published in its newsletter, Quash, a number of articles by convicted bank robber and terrorist Susan Saxe. The Grand Jury Project takes the position that the police, FBI, and legal system exist only as instruments of repression. An open letter from Grusse and Turgeon after they left the project staff in 1977 demanded the movement denounce and expose radicals who criticized their position of total noncooperation with the legal system as informants and demanded “that all political communities be warned of their existence * * * and the threat they pose to our movement.” The open letter made clear that if there was any threat, it was posed by the NLG's Grand Jury Project activists.

The Grand Jury Project has worked intimately with the NLG/WUO lawyers of Chicago's People's Law Office in distributing support for members of the National Liberation Movement (MLN), which has been described in testimony by a convicted FALN terrorist as the FALN's political arm. At the NLG's 1977 national convention in Chicago the GJP sponsored a workshop on grand jury resistance tactics moderated by staff lawyer Linda Backiel and with panelists including Holly Maguigan and Mara Siegel of the People's Law Office and Chicago PFOC. The Grand Jury Project and People's

Law Office cosponsored a resolution passed unanimously by the NLG plenary calling for the immediate release of all jailed for contempt of grand juries investigating the FALN.

The Grand Jury Project revealed additional ties to the Weather Underground Organization and related terrorist groups with its publication of materials by the jailed president of the Republic of New Africa (RNA), Richard Henry who used the name Imari Abubakari Obadele I, an organization strongly supported by the WUO's PFOC and its New York spin-offs, the May 19th Communist Organization (M-19 CO) and the John Brown Anti-Klan Committee (JBAKC). Along with messages from a WUO support group for the FALN, the New York Committee Against Grand Jury Repression of Box 268, 161 East Houston Street, New York, N.Y. 10012 (signed by “chairperson” Peggy Powell), Quash printed a guest column by Vicki Gabriner, a WUO member arrested during the 1969 “days of rage” riots, convicted of passport fraud (overturned on appeal in 1978), member of the Venceremos Brigade's second contingent and a leader of the Boston PFOC chapter. The GJP described Gabriner as a lesbian-feminist who is appealing Federal felony convictions arising from her anti-Vietnam war activities with Weatherman-SDS in 1969-70. (Quash, November-December 1977).

The Grand Jury Project staff and associates participate in the NLG national conventions and in the interim meetings of the NLG's National Executive Board (NEB) and continue to receive NLG cosponsorship, with funding channeled through the San Francisco-based Capp Street Foundation set up by the NLG to fund its projects.

The content of the project's publication, Quash, concentrates on coverage of grand juries investigating terrorist crimes, and on publicizing resistance activities. One example was the publication of an account of an October 1977 kangaroo court against the FBI which featured as its moderator Ahmed Obafemi of the violence-oriented Republic of New Africa (RNA), which wants to form an all-black separate country with United Nations sanction from the five Deep South States of the United States; Terry Turgeon; Vincent Alba, New York Committee to Free the Puerto Rican Nationalist Prisoners; Jimmy Durham of the violence-prone American Indian Movement (AIM); and Afeni Shakur, a former New York Panther 21 defendant, whose comrades, Joanne D. Chesimard (Assata Shakur), Clark Squires (Sundiata Scoli), and James Costan (Zayd Malik Shakur) were involved in a shootout with New Jersey State Troopers on May 2, 1973. Costan, former minister of information of the

Black Panther Party in New York and brother of one of the Panther 21, was killed as was one trooper. Squires and Chesimard were captured, convicted of first degree murder and sentenced to life imprisonment. Chesimard escaped in 1978.

But according to the Quash report, Chesimard and Squires were activists imprisoned as a result of Cointelpro activity aimed at the black movement.

A year later, Quash published a call for assistance by the National Task Force for Cointelpro Litigation and Research, P.O. Box 65, Bronx, N.Y. 10473, of which Afeni Shakur is a leader, asking for intelligence materials, documents and other materials to aid them in uncovering domestic war crimes—particularly against revolutionary black nationalists which are listed as including the BPP and RNA.

On the same page, the NLG's Grand Jury Project newsletter reprinted a leaflet announcing the filing of a lawsuit against the U.S. Government, the FBI, and present and former officials by Judy Clark, Dana Bieberman, and others associated with the Weather Underground for \$100 million in damages. The leaflet, from the Committee for the Suit against Government Misconduct, Box 254, Peter Stuyvesant Station, New York, NY 10009, stated:

We, the plaintiffs, were part of the anti-war, student and new left movements * * *. Within the broader mass movements, we struggled to build anti-imperialist consciousness and practice. We fought to draw the connections between the Vietnamese liberation struggle and the movements of Black and other Third World people in this country. After the high tide of mass activity was over, we continued to do political work in support of political prisoners, in the movement of solidarity with Puerto Rican independence, in the anti-imperialist women's movement; in community struggles for health care, day care and tenant rights.

* * * national liberation movements engaged in heightened levels of struggle, exemplified by the American Indian Movement's reclaiming of Wounded Knee, the emergence of the F.A.L.N. (Fuerzas Armadas de Liberacion Nacional) as an armed, clandestine wing of the Puerto Rican independence movement inside the U.S. and the particular heightening of resistance and armed self-defense by Black people as represented by the Black Liberation Army."

The newsletter noted that checks for contributions to the lawsuit "should be made payable to Susan Tipograph, Esq." Tipograph is not only a member of the NLG, but is also prominent in the WUO's PFOC/May 19th Communist Organization. Following her visit to convicted FALN bomber William Morales, he obtained a bolt cutter, cut through a window grillwork of the prison ward of Bellevue Hospital, dropped to the ground and escaped. Tipograph and Morales' common law wife, Dylcia Pagan, were subpoenaed by a grand jury; but they were dropped. Pagan was convicted with nine FALN codefendants in Chicago in 1980 of robbery and attempting to

overthrow the Government by force and violence. Tipograph presently represents Judy Clark and RNA member Cynthia Boston.

In 1979, the board of directors of the Grand Jury Project included Martin Stolar, currently representing Kathy Boudin's roommate; Jay Weiner, who went to prison rather than answer questions from a Federal grand jury in Pennsylvania about Symbionese Liberation Army fugitives Bill and Emily Harris and Patricia Hearst; NLG member, Kristen Booth Glen, who represented Susan Saxe; several NLG lawyers with the Center for Constitutional Rights including Marti Copleman, Jose "Abi" Lugo, and Doris Petersen; and Saxe grand jury resister, Jill Raymond.

Among the Project's services are printing of instructions in Spanish and English on how to resist FBI and grand jury investigations.

NLG NATIONAL CONVENTION, 1977

Proterrorist activities remained part of the official NLG program at the 1977 national convention in Seattle, attended by some 500 NLG delegates and 200 observers and activists. Events during the convention were reported in detail by the Information Digest (Sept. 2, 1977), an authoritative newsletter published by John Rees that reports on U.S. political and social movements, including terrorist organizations and their support infrastructures. In part, the article stated:

The Seattle convention was the first to be addressed by representatives of the Cuban Government and of the terrorist Palestine Liberation Organization (PLO). The Cuban delegation included Dr. Enrique Marlmon Roca, a Cuban Supreme Court Justice; and two functionaries of the Federation of Cuban Women, Ana Maria Navarro Arrue and Maria Yolanda.

Hassan Rahman, a PLO representative at the UN, praised the NLG for its support of "national liberation movements and just causes around the world." Said the PLO spokesman, "Our struggle is not for the liberation of the Palestinian people alone, but for the Jewish people as well from Zionism." NLG Detroit activist Abdeen Jabara's suit against the U.S. for having been overheard on a number of national security wiretaps was a subject of conversation at the NLG meeting.

The Information Digest report continued with a report on the NLG workshops in support of such Soviet-controlled terrorist groups as the African National Congress (ANC) of South Africa and South West Africa People's Organization (SWAPO):

The highly popular international workshop included discussion of the NLG's support for the Havana and Moscow supported Puerto Rican independence movement led by the Castroite Puerto Rican Socialist Party (PSP); increasing support for such African terrorist movements as the South West Africa People's Organization (SWAPO) and the South African Communist Party-controlled African National Congress (ANC). Examples of NLG "solidarity work" for the Soviet-backed southern African rev-

olutionaries included sponsorship of a speaking tour last winter by a leading white member of ANC in exile, Albie Sachs; supporting a 1976 treaty signed by some 30 countries which classifies apartheid as a "crime against humanity" and specifies, said members of the NLG's International Committee, that any individual in any country who has committed an act of racial discrimination is subject to prosecution in any country who has signed the treaty.

Another solidarity action by NLG internationalists was a visit to South Africa by Marty Garbus of the New York chapter to observe the trial of a man accused of being an organizer for an underground white revolutionary apparatus called Okhela ("spark" in Zulu); and of a dozen men accused of membership in the South African Communist Party, the ANC and in their jointly controlled terrorist cadre, Spear of the Nation. Garbus observed the trials ostensibly as a representative of the International League for Human Rights.

The white South African revolutionary was Breyten Breytenbach, who entered using a false passport and was arrested. Breytenbach confessed he had been recruited into a network variously called Solidarite and Aid and Friendship that not only engaged in agitational activities in support of revolutionary terrorists throughout Western Europe and the Middle East, but also in utilizing amateur revolutionaries to provide safe houses, funds, false papers, and courier services for a wide range of Soviet and Cuban supported revolutionary terrorist movements. The network, run by Henri Curiel, an Egyptian Communist resident in France who was identified as in close contact with the Soviet KGB, has been described as hovering on the blurred dividing line between left-wing politics, support for the Third World, and espionage and terrorism.

The Information Digest report on the NLG's 1977 convention noted the following involvement of staff of the NLG Puerto Rico Project and International Committee with terrorism:

During the convention, reports were presented on various continuing NLG projects such as the Puerto Rico Project in San Juan whose staff includes Mike Withey, formerly of the Seattle NLG chapter who ran into grand jury subpoenas early in 1976 during an investigation of the terrorist, prison movement-related George Jackson Brigade and the escape from custody of one of the terrorists who had been captured after a bank robbery and shootout; the Grand Jury Project; the Immigration Project; the Legal Services Task Force on the work of NLG members employed by this federally-funded program; the Housing Task Force; the National Office and the International Committee.

International Committee reports included information from the 1977 NLG delegation to Cuba whose members included NLG president Bill Goodman; Paul Harris, San Francisco; Susan Gzesh, Ann Arbor; and Franklin Siegel of the National Office; on the 1977 NLG observer team at the trial of leaders of the Baader-Meinhof gang (Red Army Faction) in West Germany (a 1975 effort to send a Center for Constitutional Rights team of Peter Weiss, Ramsey Clark,

William Schapp and Marge Ratner was rejected by the West German authorities] with the NLG's 1977 team being Bill Schaap and Ellen Ray; Marty Garbus' trip to South Africa; and the 1977 NLG delegation to the Middle East in support of the PLO which was led by John Quigley.

NLG 1979 CONVENTION

The National Lawyers Guild involvement with support for terrorism and revolutionary violence continued during its national convention in San Francisco in February 1979. The following account is taken from the Information Digest (May 4, 1979):

The National Lawyers Guild (NLG), a coalition of Old Left Communist Party, U.S.A. (CPUSA) members and supporters, Castroites, Maoists and other New Left activists, held its 37th national convention in San Francisco, February 15-19, 1979.

The NLG convention reaffirmed the NLG's commitment to continue serving as the key U.S. support group for foreign and domestic Marxist-Leninist, revolutionary and terrorist movements. During the plenaries, caucuses, workshops, task force and committee meetings, support was expressed—and in some cases practical measures planned—to aid revolutionaries and terrorists from the Middle East, Iran, West Germany, Nicaragua and other countries as well as such violence-oriented U.S. groups as the American Indian Movement (AIM), the Black Panther Party (BPP), Puerto Rican Socialist Party (PSP), Fuerzas Armadas de Liberación Nacional (FALN), United League of North Mississippi and the Weather Underground Organization (WUO).

NLG involvement with the WUO and its overt arm, the Prairie Fire Organizing Committee (PFOC) [plus its New York City splinter faction with which it has become reconciled, the May 19 Communist Organization (M-19CO)], was evident in a "champagne reception" held to generate support for the PFOC's efforts to build a national support coalition for the terrorist FALN and related Chicano "armed struggle" groups.

The reception was to honor Steven Guerra of the Movimiento de Liberación Nacional (MLN) and former coordinator of the National Committee against Grand Jury Abuse; and Myrna Salgado, National Committee to Free Puerto Rican Prisoners of War. Sponsors of the 2/16/79 event were Chicago People's Law Office and PFOC activists Dennis Cunningham and Mike Deutsch; Mara Siegel; and the Centro Legal de la Raza, Oakland. The affairs took place at the law office of Stuart Hanlon at 294 Page Street, San Francisco, to which all NLG convention goers were invited.

Persons were present from the PFOC and the John Brown Book Club which distributes the PFOC's theoretical journal, Breakthrough; the October 30th Committee in Solidarity with Puerto Rico which operates from 1005 Market Street, #207, San Francisco, CA [415/285-9473]; the Committee in Solidarity with Puerto Rican Independence (CISPRI), P.O. Box 343, Brooklyn, NY 11217 [212/499-2767]; and a Chicago coalition of the NCFPRPOW, PFOC, and a small, extremist Trotskyist splinter group headed by Noel Ignatin, the Sojourner Truth Organization (STO). This coalition, tentatively termed the Interim Committee in Solidarity with the Puerto Rican Revolutionary Independence Struggle, was centered in the Westtown Community Law

Office, 2403 W. North Avenue, Chicago, IL 60622 [312/278-6706].

Literature was available in support of FALN member William Morales, arrested after the premature detonation of a bomb in his apartment in New York last year, by the MLN and Juan Antonio Corretjer's Puerto Rican Socialist League [Liga Socialista Puertorriqueña (LSP)]. PFOC members present criticized the five members of the WUO's Revolutionary Committee (WUO-RC)—Clayton Van Lydegraf, Judy Bissell, Leslie Mullin, Marc Perry and Michael Justesen—arrested and charged in Los Angeles with planning to bomb the office of a California state senator. Particularly harsh in criticizing Van Lydegraf, long a leader of the PFOC and WUO, PFOC members from the Bay Area and Chicago said he was no longer involved with the organization and that they were supporting his defense only because it was a means for gaining discovery against FBI counter-intelligence programs.

The reception's principal purpose was to urge NLG activists to become involved in organizing a national movement to "support the armed clandestine independence movement" by pressing for the release of Morales; two Puerto Ricans who participated in the armed takeover of the Chilean consulate in San Juan, PR, on July 3, 1978, Nydia Ester Cuevas and Pablo Marcano Garcia; and of course the four remaining Nationalist Party terrorists serving sentences for the attempted assassination of President Truman and shooting Congressmen in the 1950s.

RESOLUTIONS

Among the resolutions passed at the NLG national convention and National Executive Committee (NEC) meeting on 2/19/79 of the national officers, regional vice-presidents (RVPs), the representative of the National Finance Committee (NFC) and the full-time members of the NLG National Office (NO) staff included:

Expansion of the Police Crimes Task Force to the National Committee on Government Repression and Police Crimes. Defining "police crimes" as "surveillance, infiltration, disruption and harassment of political groups," the committee will set up a brief bank and clearinghouse within the NLG for use against federal and local intelligence agencies including the Law Enforcement Intelligence Unit (LEIU); and will coordinate NLG work with the Center for National Security Studies (CNSS), Campaign for Political Rights (formerly the Campaign to Stop Government Spying), the American Friends Service Committee (AFSC) Program on Government Surveillance and Political Rights (co-chaired by the NLG's Margaret Van Houten, a veteran of Counter-Spy), and the American Civil Liberties Union (ACLU).

A resolution in support of Iranian revolutionaries calling for NLG support of Iranian militants faced with deportation and the sending of "a message of solidarity to the Iranian people by way of Radio Iran." The "whereases" gave a clear indication of the NLG's continuing support for revolutionary armed struggle and loathing of the U.S. government, stating in part:

"Whereas the heroic struggles of the Iranian people have succeeded in crushing the Shah's U.S.-backed regime; Whereas a large segment of the Iranian people have taken up arms to defend the achievements of their revolution; Whereas the revolution in Iran today is a major defeat for U.S. imperialist policy throughout the world * * *"

NATIONAL LAWYERS GUILD 1980

Active in support of revolutionary and radical groups and causes since its formation in 1937, the National Lawyers Guild (NLG) held its 38th national convention at Boston University, August 6-11, 1980. This year's convention theme was "The Struggle Against Racism," and the proceedings attracted some 725 NLG members and supporters.

Formed with the assistance of the Comintern and operating under the unquestioned control of the Communist Party, U.S.A. (CPUSA) for its first three decades, the NLG is controlled by a core of veteran members and supporters of the Moscow-line CPUSA fully backed by generally younger NLG members who look to Havana or Hanoi for their political direction. Additionally, various Trotskyist, Maoist and new left parties have members within the NLG.

The Boston convention was relatively low key after previous heated debates over the National Lawyers Guild's support for the Palestine Liberation Organization (PLO) and the efforts of the NLG's Maoist minority in running alternative candidates for national office and in raising the position in international issues of the People's Republic of China.

It was noted that the present NLG activists, generally in their late twenties and thirties, appear frozen in the rhetoric, dress, and lifestyle of a decade ago. Workshops and seminars were replete with references to Fascist police, racist pigs, imperialism, and militarism. Jeans, boots, and slogan T-shirts were the standard dress, with one enterprising capitalist having sold scores of one T-shirt reading "Guild by Association—The National Lawyers Guild."

FRIDAY, AUGUST 9 EVENTS

Activities opened with a breakfast meeting by NLG lawyers involved in litigation against Cuban terrorism, by which they meant against anti-Castro Cuban exiles. The meeting was principally of lawyers active in the International Committee and the Cuba Subcommittee.

For the rank-and-file NLG activist, the morning was devoted to interminable debates over proposed reworkings of parts of the NLG constitution and by the opening plenary. Following discussions of the constitutional revision and other minimally interesting items, the candidates for national office were presented and answered general questions about what they had to offer, political direction, views on the world situation, and so forth.

Afternoon workshops included:

Freedom fighters and the armed clandestine movement for the independence of Puerto Rico—featured Puerto Rican Nationalist Party terrorist Oscar Collazo and members of the

People's Law Office in Chicago who act as the lawyers for the 11 arrested members of the terrorist Fuerzas Armadas de Liberacion Nacional (FALN).

With NLG members Dennis Cunningham and Mara Siegel leading, the history of armed struggle by Puerto Rican revolutionaries through the emergence in November 1974 of the FALN and the development last year of coordinated actions by several armed groups was outlined.

A draft resolution in support of the jailed FALN terrorists, termed "Puerto Rican Prisoners of War Held in U.S. Prisons," was submitted signed by Michael Deutsch, Dennis Cunningham, Mara Siegel, Ed Voci, Brian Glick, and others. In revised and abbreviated form, the resolution received additional signatures from Kingsley Clarke and Jose Antonio Lugo of the Center for Constitutional Rights (CCR) and was accepted by the NLG. The resolution stated that since the U.N. Special Committee on Decolonization, the U.N. General Assembly and the Conference of Non-Aligned Nations, and all progressive people around the world have recognized Puerto Rico as an oppressed, colonized nation entitled to self-determination and independence, and that under principles of international law, persons captured while struggling against colonial oppression are entitled to treatment as prisoners of war and release from detention or imprisonment, a status claimed by the FALN, the NLG will demand that the U.S. Government release the FALN terrorists, send letters to various U.N. agencies and officials supporting the FALN claims to POW status, and campaign for the release of Haydee Torres from isolation at Alderson Federal Prison in West Virginia.

It is noted that while the NLG Boston convention was in progress, the Chicago Sun-Times (Aug. 10, 1980) revealed that among the documents captured by police and FBI agents in an April 8, 1980, raid on an FALN safehouse in Milwaukee were the Chicago Police Department intelligence files on the FALN.

The documents included a detailed listing of potential FALN targets in the Chicago area, a compilation of dates and anniversaries most likely to be commemorated by the FALN terrorists with bombings, and files on FALN support groups and on known FALN members such as Oscar Lopez Rivera and William Morales.

In January 1979, Federal District Judge Alfred Kirkland, now retired, signed an order giving lawyers for plaintiffs in the various suits alleging invasion of privacy brought by the Alliance to End Repression (AER), American Civil Liberties Union (ACLU), Chicago Lawyers Committee for Civil Rights Under Law, and other groups access to the current Chicago

intelligence files. On February 1, 1979, the documents found in the FALN hideout were brought to the law offices of Jonathan C. Moore, 343 South Dearborn, suite 1607, Chicago, Ill. 60604, where they were to be inspected, but not copied.

Partners in the firm include Michael Deutsch, Jeffrey Haas, Dennis Cunningham, and Peter J. Schmiedel. When reporters tried to call Moore, Schmiedel said he was in Boston at the National Lawyers Guild Convention. Schmiedel also confirmed that he and Deutsch visited the FALN prisoners held in Cook County Jail and had provided them with guidelines for legal procedure to use in acting as their own lawyers. Deutsch also filed a petition with the United Nations seeking to have the FALN prisoners declared POW's.

It will be recalled that several members of the People's Law Office active in the NLG figure prominently in the declassified FBI report on the foreign contacts of the Weather Underground Organization (WUO) and that Cunningham, Deutsch, and Haas were formerly active with the WUO's overt arm, the Prairie Fire Organizing Committee (PFOC).

In its international work, the NLG reconfirmed its support to revolutionary terrorist organizations. An observer representing the Popular Front for the Liberation of Palestine (PFLP) was present distributing PFLP literature and encouraging NLG activists to take out subscriptions to its journal. The PFLP activity took place in association with distribution of literature from the Association of Arab-American University Graduates (AAUG), co-founded by Detroit NLG activist Abdeen Jabara, a leader of the International Committee's Mideast Subcommittee. ●

DANGERS OF ALASKAN GAS WAIVER PACKAGE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. ROYBAL. Mr. Speaker, earlier today I voted against House Joint Resolution 341, providing for a waiver of law pursuant to the Alaska Natural Gas Transportation Act. My reason for doing so is very simple: It makes absolutely no economic sense to the American consumer.

Under the prebilling provisions of the waivers, the American public is being asked to assume the risk that all major segments of the pipeline will be completed in a timely and cost-efficient manner. If this project is not completed, 60 percent of the users of natural gas will be saddled with a \$37 billion debt to be paid over a 20-year

period. This will add as much as \$72 a year to the average bill of an American natural gas consumer without a drop of gas being received in return.

Even if the project is completed on time, there is no guarantee that the natural gas will be marketable at a competitive price in its initial 10 to 15 years. The Energy Committee's own staff report indicates that financing of the project may well cause the price of gas to soar so high that its users may find it cheaper to convert to oil. This will not only result in an increase in oil use and oil imports, but also increase the share of the cost to the consumers who are unable to switch to other types of energy.

The only clear winners from the waivers are the oil companies, which stand to receive a 50-percent rate of return on their investment; the pipeline companies, which stand to receive a 25-percent rate of return; and the State of Alaska, since it will receive \$20 billion as its share of the royalties with no share of the risk whatever.

It has been suggested that approval of this package will insure the construction of the pipeline, thus providing jobs for unemployed Americans. The committee's own staff analysis suggests otherwise. There is no doubt that domestic industries would be used for the construction of that portion of the pipeline in the lower 48 States. However, that represents only 15 percent of the total project. The use of 54-inch pipe for the Canadian portion of the pipeline guarantees that no American steel manufacturer will be used, since no American firm manufactures pipe of this size. The remaining portion of the pipeline in Alaska will use 48-inch pipe. Only one plant in the United States makes that size of pipe and out of 12 companies worldwide that were studied by the sponsors of the project, the American plant was ranked at the bottom of the list.

Let me be clear about one thing, Mr. Speaker: I do not consider this a vote on the merits of the Alaskan pipeline. This is a vote on a particular set of waivers which we had to accept or reject without amendments.

It is my opinion that a set of waivers can be drafted which will encourage the construction of the pipeline without imposing such a one-sided economic risk on the American consumers of natural gas. For example, we could place a limitation on consumer liability to that of the project sponsors and in the case of the Alaskan portion, to that of the Alaska equity commitment. Thus, the liability of the American consumer would be limited to the risk that will be taken by those who will benefit the most. If they are not willing to take a risk, the consumer should have no liability. Second, a buy America provision could be included, thus insuring that despite the merits

of the economic risk, at least the project will provide employment for some Americans. Third, since under the waivers, the processing plant will be included in the cost to consumers, consumers could at least be given credit for the natural gas liquids produced at the plant.

Finally, Mr. Speaker, I am against House Joint Resolution 341 because the experts say it is untenable. Chase Manhattan, Citibank, Morgan Guarantee, and Bank of America, which together probably constitute the best and shrewdest financial analysts in the world, have indicated that even if we approve this waiver package, they are not sure financing will be available. In other words, the Nation's—and probably the world's—major financial institutions are saying that this project may be so uneconomical that even with a guaranteed consumer payback, they may be unwilling to lend the money for it. I submit, Mr. Speaker, that if it makes no economic sense for the banks, it makes even less economic sense to the average American consumer, and my vote reflects this.●

HAPPY BIRTHDAY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. CONTE. Mr. Speaker, our day here would not be complete unless we took a moment to wish our colleague, our Speaker, and our very dear friend from Massachusetts a happy birthday.

This has been an arduous year. A year filled with many important and many difficult decisions for all of us. But through it all—even while disagreeing on certain issues—we knew we had an honest, just, and capable leader at the helm.

Mr. Speaker, I am deeply proud to count myself among your many friends in this House and I know they all join me in wishing you all the joys that life can hold on this, your birthday. May the year ahead bring you all the blessings you so richly deserve.●

LANHAM TRADEMARK ACT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. PATTERSON. Mr. Speaker, I am today introducing legislation to amend the Lanham Trademark Act of July 5, 1946.

Section 45 of the Lanham Trademark Act (15 U.S.C. 1127) currently states that it is the intent of the act "to protect registered marks used in (intrastate) commerce from interfer-

ence by State, or territorial legislation."

Notwithstanding this provision of the law, several States acting through real estate commissions have issued regulations which materially interfere with the use of franchise trademarks registered with the U.S. Patent Office. Specifically, these regulations have attempted to prohibit the use of real estate signs on which a national franchise logo is printed in typeface larger than the name of the franchisee. Court challenges to this State interference with a federally granted trademark have been met with mixed success. At the present time the lack of uniformity in the case law has created an unsettled economic environment which is why I am introducing this legislation today.

At the heart of this matter is the ability of the franchisee to compete freely and fairly under the trademark licensed by the franchisor. Franchising as a method of distribution has generally resulted in competitive innovation in the marketplace and plays an increasingly important role in the U.S. economy. For example, the U.S. Department of Commerce estimates that today one-third of all retail sales are made through franchised outlets. The success of franchising in our economy is due, in part, to the ability of a franchisee to use a franchisor's trademark. Local interference with a national trademark undercuts a franchise system's competitive effectiveness and is contrary to the spirit of the Lanham Trademark Act.

In the real estate industry, franchising allows participating brokers to retain their independence through ownership of their own local business while providing competitive techniques which permits franchisees to compete effectively with larger, well-established firms and national conglomerates; offers a viable alternative to the almost irresistible trend toward consolidation and concentration of the industry; gives the smaller broker access to advertising media and large-scale purchasing power, otherwise only available to much larger corporations; offers affiliated brokers the opportunity to participate in a nationwide referral system and to use sophisticated sales and management tools; fosters new entrants into the industry by giving them good will of the name that is otherwise unavailable; and improves quality of service to consumers by establishing and upgrading standards of performance.

The new trend of franchising in real estate has proven to be too successful to some competitors who have vested interests in the older established order. Real estate commissions throughout the country are generally composed of nonfranchised brokers—they regulate their own competition. A number of these real estate commis-

sions have attempted to issue regulations aimed at blunting the competitive effectiveness of franchised brokers. Many of these regulations require changes in the signs used by franchised brokers; for example, several States have adopted a regulation that requires a franchisee to display his own name in print as large as and as bold as the print used for the franchisor's name—commonly called a 50-50 ratio rule. Different States have adopted different ratio rules, making it unduly expensive and difficult, if not impossible, to maintain a consistent standard and identity on a nationwide basis. Ratio rules interfere with the use of federally registered trademarks in interstate commerce. These regulations purport to protect the public from deception, but the public record is devoid of evidence that the public is being or has been harmed by the present sign configuration used by reputable real estate franchisors. Other States have considered and rejected the ratio rules as being anticompetitive, arbitrary, and onerous and have opted for more meaningful and workable rules. Because reputable franchise organizations require their franchisee to disclose the fact of the independent relationship in all advertising, business cards, documents, and so forth, these ratio rules are unnecessary.

Furthermore, these arbitrary ratio rules have not demonstrably elevated the public awareness, but rather have operated as a restraint of trade by stifling competition. The regulations have generally singled out franchised brokers as targets without affecting the status of other brokers who use various trade names to operate their businesses.

If changes for signs and other materials are required to be made for all franchised brokers, the expense will run in the tens of millions of dollars. Consumers and the taxpayers will ultimately pay the price for this abuse of regulatory power, through less competition from franchised brokers and the eventual passthrough of increased operating costs. This patchwork problem faced by the franchisees requires a Federal solution—a national policy.

The bill I am offering to amend, the Lanham Trademark Act, will clarify and specify the intent of Congress that State and local governments may not dictate the design of a registered trademark. I want to make clear that this legislation will in no way interfere with the power of a State or community to prohibit the display of advertising of any kind, or to limit the dimensions of signs, or their location, or to prohibit deceptive advertising, or unfair competition. It is directed only at unwarranted interference with the arrangement and design of a registered trademark.

Many years ago Congress recognized that trademarks foster full and fair competition. Because a healthy national economy relies on full competition, Congress determined that Federal regulation of such trademarks was necessary. The intent of the Lanham Trademark Act is being clearly frustrated by 50 separate State regulations that prevent the use of real estate franchise trademarks as registered. The proposed amendment to the Lanham Act makes it clear that the States may not regulate the use in commerce of registered trademarks in a manner different from that manner contemplated in the certificate of registration with federally registered trademarks.●

THE GHOST AMENDMENT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DORNAN of California. Mr. Speaker, an article appearing in the Los Angeles Times for December 8, 1981, indicated that our colleague, Hon. PETE McCLOSKEY, had told the steering committee of the "Women For" group in Los Angeles that he intended to offer an amendment to the foreign aid bill, H.R. 4559, which will cut off all foreign aid to any nation that refuses to sign the nuclear non-proliferation pact. He noted that this would have the effect of cutting off all U.S. aid to Israel, one of our most loyal friends and dependable allies.

I waited patiently all day to offer a counter amendment but Mr. McCLOSKEY never appeared to submit his amendment. In case he entertains thoughts about submitting his amendment this spring, I submit my perfecting amendment for my colleagues analysis:

Amendment offered by Mr. DORNAN of California to the amendment offered by Mr. McCLOSKEY of California. In the last line of the amendment, immediately before the period, insert the following: ", except that this section shall not apply with respect to any country (1) with which the United States has a mutual defense treaty, or (2) with which the United States has a long standing friendship or has mutual interests, as determined by the President".●

VOLUNTEER DEVELOPMENT CORPS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. VENTO. Mr. Speaker, often-times during our consideration of authorizing and appropriating legislation, the major attention is focused upon the big issues with big price tags

or of a controversial nature. While debate swirls around these issues, other, less expensive but vital programs go unnoticed. So it is with the foreign aid legislation which we are now considering.

Included in this essential legislation, is funding for the Volunteer Development Corps, a private, nonprofit organization providing short-term technical help to cooperatives and Government agencies in developing countries at their request. The VDC had provided invaluable assistance to countries throughout the world. From expanding milk production in Brazil to improving recordkeeping for a cooperative in Fiji, American volunteers have provided their skill and expertise to overseas cooperatives and other organizations.

The FDC fills a needed role and is a positive factor in our Nation's foreign policies. Congress must support this valuable program by providing adequate funding.●

A STEP TOWARD ENERGY INDEPENDENCE

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 1981

● Mr. EVANS of Delaware. Mr. Speaker, the House today took a major step toward achieving this Nation's long-sought-after goal of energy independence by passing House Joint Resolution 341. This measure will facilitate the construction of a natural gas pipeline from Alaska, through Canada, to the lower 48 States. This will enable us to tap the tremendous amount of gas we have discovered in Alaska. Estimates show that nearly 13 percent of our total natural gas reserves are located in Alaska.

Some consumers who will eventually draw gas from the pipeline—primarily in the West, Midwest, and upper Northeast—may be asked to pay higher prices for their gas in advance of the pipeline's construction. This is unfortunate, but it seems a small price to pay if it helps us lessen our dependence upon foreign oil from people such as Libya's Col. Mu'ammarr Qadhafi.

Some may also point to the fact that the measure we have passed today is inequitable, since not every section of the country will be asked to pay for the potentially higher gas prices which could result from the construction costs of the pipeline. In my own State of Delaware, for instance, 99 percent of our natural gas needs are provided by Transco, a Texas based company which draws its gas from the Southwest, Southeast, and Gulf of Mexico. Company officials say they will not be taking any gas from the Alaska pipeline nor be involved in its

construction; therefore, they have noted, the resolution passed today will not directly affect the prices most Delawareans pay for natural gas.

Is this unfair? I think not. It does not seem to me to be inconsistent with fairness that those consumers who will benefit most from the Alaska pipeline construction be asked to possibly help finance its construction. Nor do the claims of inequity take into account consideration of future circumstances which may result in higher prices for those consumers who will not be receiving Alaskan natural gas.

In the final analysis, we must all look to the greater good. Twice before, in times of severe energy crises, the Congress has marched up the hill voicing determination to decrease our dependence on foreign oil. Twice, we have marched right back down again. I applaud the Members of this House who have demonstrated their courage in finally taking a major step toward energy independence for all Americans.●

RADAR EXPANDS EROS MISSION

HON. CLINT ROBERTS

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. ROBERTS of South Dakota. Mr. Speaker, on November 12, 1981, the House of Representatives took a positive step toward further exploration of our Nation's energy resources and at the same time expanded the mission of the EROS Data Center, near Sioux Fall, S. Dak. In the Department of Interior appropriations bill we have provided for the funding of side-looking radar flights over portions of our country.

Side-looking radar is a technology that, when used in conjunction with other existing data, provides tremendous information about the geological makeup of our country. Test flights of side-looking radar have already been conducted and analyzed. These tests have shown radar's advantages for geological information-gathering purposes due to its technological ability to penetrate dense cloud and ground cover.

The appropriation of \$3 million for radar overflights will not only help provide the information for detecting oil, coal, and other mineral resource deposits, it will help in mapping our vast plains and mountains.

In addition to helping America reach energy and mineral independence, the House's appropriation for this program expands the role and mission of the EROS Data Center, the EROS Data Center presently houses and provides information to industry, government, and the public from NASA, Landsat, infrared and other high-

aerial photographic technology. Side-looking radar will produce another set of data that will need to be disseminated and stored at EROS.

The recent Space Shuttle launch furthers the use of this new technology. A form of side-looking radar was carried aboard the Shuttle and its use from that altitude was tested. Support of this type of technology is needed. Energy independence will involve many forms of exploration. Radar is an investment in America's future and independence. Preliminary results of the Shuttle tests are positive and to illustrate this I have included an article on the Space Shuttle findings found in the Washington Post, December 9, 1981. The article follows:

[From the Washington Post, Dec. 9, 1981]

SPACE SHUTTLE'S FINDINGS DELIGHTING
NASA SCIENTISTS

(By Thomas O'Toole)

As short as it was, the second flight of the space shuttle last month produced enough of the first radar "photographs" of Earth's surface to cover 10 million square kilometers, a region the size of the United States.

The abbreviated three-day flight of astronauts Joe Henry Engle and Richard Truly also generated infrared images of 80,000 kilometers of Earth's surface across four continents, discerning different types of soil and rocks for geologists.

It produced spectacular photographs of the tops of thunderclouds around the world, took the first measurements from space of fish schools in the Yellow Sea, the South China Sea and the Mediterranean, and was the first attempt from space to measure carbon monoxide pollution in the northern and southern hemispheres.

"We had planned to do these experiments over five days and we only got three," the National Aeronautics and Space Administration's Dr. Jim Taranik told a news conference yesterday. "In spite of that, we think this entire mission was nothing short of an outstanding success."

While it will be months before the results are known from the six experiments carried in the shuttle's cargo bay, the scientists who designed the experiments were delighted with the way they worked.

The only experiment that did not work was an attempt to see how fast sunflower seeds grew in weightlessness.

"And the only reason it didn't work was that the mission was too short," Dr. Allan Brown of the University of Pennsylvania said. "We really needed two more days to prove the results of our experiment."

The most successful experiment carried by the shuttle was clearly the shuttle imaging radar, whose six-foot-wide antenna was able to penetrate storms, the dark of night and even the cover of vegetation to return radar "photographs" of 10 million square kilometers of the United States, Africa, Asia, the Middle East, Europe and Mexico.

So sharp were the radar photos that the shallow slopes of the cliffs bordering the Corinthian Canal in Greece could be discerned from space. So sensitive was the radar that images it made of the Mediterranean Sea just off Sardinia showed patterns on the sea surface made by the winds.

"This was the longest radar strip of the Earth ever taken," said Dr. Charles Elachi of California's Jet Propulsion Laboratory, where the radar was developed for the Pen-

tagon to map rough terrain. "This is going to be a very useful tool for geologists in the future." ●

EFFECTIVE DATE OF H.R. 4420

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. RANGEL. Mr. Speaker, as chairman of the Ways and Means Oversight Subcommittee, I introduced H.R. 4420 which reflects the subcommittee's recommendations regarding small issue industrial development revenue bonds. This bill contains an effective date applying to bonds issued after December 31, 1981. I have been advised that the Ways and Means Committee will not be reviewing the subcommittee's recommendations or acting on H.R. 4420 before the end of this year. Accordingly, I wish to clarify, for the record, the meaning of the effective date of H.R. 4420.

The Oversight Subcommittee did not intend that its recommendations ever be enacted with a retroactive effective date. I, therefore, wish to announce my intention, in the event the Ways and Means Committee marks up or otherwise considers H.R. 4420, to offer an amendment making the effective date prospective. In the interim, I do not intend the pending status of H.R. 4420 to constrain bond counsel with respect to rendering opinions as to the tax-exempt status of bonds issued under section 103 of the Internal Revenue Code. I have conveyed this statement in a letter to Ways and Means Committee Chairman ROSTENKOWSKI in order to avoid any future questions about this issue. ●

ALARMING TRENDS IN WORLD
MILITARY SPENDING

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mrs. SCHNEIDER. Mr. Speaker, all Members of the House recently received a copy of Ruth Leger Sivard's "World Military and Social Expenditures, 1981." I urge all our colleagues to take the time to read and carefully study the contents of this alarming booklet. Since World War II, the growth of military spending as opposed to social outlays has steadily increased. Ms. Sivard's research into the effects of this trend are invaluable in setting national priorities and must be seriously considered. I would like to reiterate her major conclusions for the benefit of all Members:

The world arms build-up has reached a new level of danger. Warning signals come from the political arena as well as from the

military. One sign is a growing militarization of political authority. In the Third World, the governments of over 50 countries are dominated by the armed forces.

The obsession with weapons and with military solutions to global problems has pushed arms budgets to \$550 billion a year. About \$100 billion of this outlay goes to the growing stockpile of nuclear weapons, which already contains over one million times the explosive force of the Hiroshima bomb.

History's most expensive arms race contrasts with the steady deterioration of the civilian economy. Both military superpowers, tied up in an intense arms competition, have lost status in the commercial market, as well as within their own military alliances.

Public reaction takes two forms. In the developing world, there is increasing polarization and more violence, as military-political power resists social change. In Europe and America, the nuclear threat has become a major target of public concern. Protests are peaceful, but joined by a growing and more diversified public.

Civilian productivity lags but military productivity is up smartly. The World War II submarine could sink only passing ships; now a single sub can destroy 160 cities as far away as 4,000 miles.

World military expenditures equal the annual income of the poorest half of the world's population.

Subsidized dining by top military and civilian officials in the Pentagon costs the U.S. taxpayer \$14 per meal. The school lunch program for poor children gets by on \$1.20 per meal.

Non-OPEC developing countries, with a per capita income which still averaged below \$670 in 1979, bought \$64 billion of foreign arms from 1970 to 1979.

The world spends 2,300 times more for military activities than for international peacekeeping.

Of the thousands of foreign troops trained by the U.S. and U.S.S.R., over three-fourths came from countries which are now under military rule.

The richest fifth of the world population lives 22 years longer, on average than the poorest fifth.

The U.S. and U.S.S.R., first in military power, rank respectively 7 and 23 among 141 nations in economic-social standing.

In comparison with its military expenditures, the U.S.S.R. has the poorest record among developed countries in providing foreign economic assistance.

The annual budget for U.S. military bands is larger than the federal budget for all civilian art programs—music, dance, painting, drama, etc.

A nuclear war which could snuff out 800 million lives in a few hours could be launched on the decision of a single individual. ●

SURVIVAL LESSONS FROM
SWITZERLAND

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. GINGRICH. Mr. Speaker, when we think about Switzerland our minds first turn to thoughts of gold, chocolate, and cuckoo clocks. But that coun-

try bears a closer and more serious look, especially with regard to how it intends to defend itself.

The article from the November issue of the London Economist, which follows below, shows how serious the Swiss are about national survival.

For example, Switzerland protects all of its citizens from the effects of nuclear war thru a program of shelters. It has a system of universal military training which produces enormous strategic reserves ready and able to be led by a well-trained cadre of 1,500 professional soldiers. Training is constant for the reservists and does not stop until age 50.

Yet Switzerland devotes 1.9 percent of its GNP to defense. And few countries have as good a reputation for respect of civil liberties as Switzerland.

Of course Switzerland's defense needs and ours are as divergent as you could get. I do not suggest that we imitate them in every detail.

However, there are practical lessons we can take from the Swiss on how to survive. The article in the Economist provides a starting point for our speculation.

SWITZERLAND IS READY FOR WAR

(From Our Geneva Correspondent)

Neutrality and pacifism do not always go hand in hand. Switzerland has been a neutral country since the Congress of Vienna in 1815 but, in many ways, it has become one of the most military-minded countries in Europe. Few countries devote so much human effort to defence.

A tenth of its population can be mobilised within 48 hours, and every Swiss male has to undergo regular military training each year until the age of 50. Although the Swiss like to preserve the sabbath calm by forbidding the use of power lawnmowers on Sundays, rifle shots crackle out from ranges behind villages and towns throughout each weekend. Switzerland is also one of the few countries which provides enough nuclear shelters to protect all its citizens. Since the early 1960's, all public buildings and all private houses in urban areas have been legally obliged to install shelters.

Switzerland's mountain fighters were once the terror of Europe, but ever since the battle of Marignano in 1515 the country has concentrated on defence. Though its military budget is relatively small (around 1.9% of gdp, against 3.4% in Sweden), this does not include the real manpower costs of its part-time army and air force. Every year, 400,000 men do an average of 30 days of military service at minimal pay (four Swiss francs, around two dollars, a day for an ordinary soldier); most of the cost is borne by employers.

The country's policy of "armed neutrality" is no joke. During the second world war its soldiers were prepared to fight a guerrilla campaign against a German invasion from mountain redoubts. Although Hitler's army obviously could have invaded and defeated Switzerland, the Germans' estimate of the cost of occupying the country deterred them from marching in. Today, the Swiss strategy has changed. The army no longer plans to harass an invader from the mountains, but to fight at the borders, on the ground that most of the nation's population and wealth are in the lowlands. But

the aim is the same: not so much to defeat an invasion as to make it a costly and bloody affair for the invader.

Switzerland's standing army is tiny; it has only 1,500 professional soldiers, almost all of whom are NCOs or officer-instructors. There are a handful of brigadiers and colonels, but no generals. The title of general is granted—by act of parliament—only to the country's supreme commander in time of war. For the rest, Switzerland depends on its part-time militiamen.

Every Swiss man has to do four months of training at the age of 20, followed by eight annual three-week refresher courses. After that, the courses become less frequent, but there are shooting excises and kit inspections every year for those under 50. The officer corps depends on the same system, although officers have to put in more time, and this discourages some candidates: a colonel, for example, has to spend 2,000 days of his life (5½ years) in uniform. Men who are physically unfit for military service are trained in civilian defence instead. But conscientious objectors do not get a soft option: about 350 of them, judged to be dodgers, are tried by court martial each year and sent to prison.

EVERY BOY A SOLDIER

Part of the success of the Swiss part-time army lies in the way in which civilian and military life is interwoven. A popular song hardly exaggerates when it proclaims: "In our cantons, every boy is born a soldier". Military service is as much a part of ordinary life as going to school and stretches over a longer period of a man's life. Every child sees his father and his teachers go off to the army regularly.

The equipment used by the army and air force does not include the most sophisticated arms available, even from Switzerland's own arms industry. There is a tendency to rely on old-fashioned ideas. Much time, for example, is devoted to training carrier pigeons (this is not silly: pigeons are radar-proof and their wavelengths cannot be jammed); and every weekend soldiers can be seen keeping fit by riding heavy, black military bicycles or by climbing mountains.

In the past two years, Switzerland has been cutting public spending; but the defence budget has remained unscathed. The events in Afghanistan and Poland have helped to underpin the need for defence spending, but there are other reasons why the budget has not been cut. The army has an almost mystic status and remains one of the most important national institutions in a multilingual country where the federal government is deliberately kept weak.●

A TRIBUTE TO BISHOP JAMES L. EURE, D.D.

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. DYSON. Mr. Speaker, I would like to call to the attention of my colleagues a religious leader of exceptional dedication and inspiration, Bishop James L. Eure, D.D. Sunday in Salisbury, Md., he celebrated the 50th anniversary of his service with the United Church of God in Christ.

Bishop Eure is responsible for building, almost singlehandedly, the entire

Eastern Shore congregation of the Church of God in Christ. In 1931 he arrived with little more than the dream of establishing a congregation there. With speed and effectiveness, he built and filled a tent structure on Katherine Street. He brought together a vibrant, committed congregation, and they soon built a wooden church. Unfortunately, it was destroyed by a fire, but in 1945 the church was rebuilt on Delaware Avenue in downtown Salisbury, where it proudly stands today.

James Eure did much more than establish a single church. He trained a great many ministers, and organized congregations in Snow Hill, Preston, Easton, St. Michaels, Tyaskin, Princess Anne, Pocomoke, and Federalsburg. Fittingly, he was appointed the district superintendent for the Eastern Shore churches in 1943, and was named bishop in 1964.

The unique energy and devotion of Bishop Eure should serve as an example for men and women. I am sure my colleagues join me in congratulating him, and in wishing him many more years of service to God and his church.●

HOUSE JOINT RESOLUTION 355

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 1981

● Mr. ST GERMAIN. Mr. Speaker, last month I introduced House Joint Resolution 355, requesting that serious discussions be undertaken with the Government of Canada, regarding the establishment of a regional strategic petroleum reserve by the United States and Canada.

Past and recent events in the Middle East heighten my concern for future dependable sources of petroleum from the Persian Gulf area, especially for purposes connected with the continued uninterrupted operation of key American defense industries.

In a very perceptive article, published in the December 6, 1981, issue of Parade, Tad Szulc has outlined the major limitations within some of our current energy supply policies, as well as targeted the reasons why we must not back away from our determination to provide a leak-proof energy safety net.

Mr. Szulc's commentary is deserving of broad readership. I commend it to the attention of my colleagues.

The article follows:

[From Parade, Dec. 6, 1981]

ARE WE PREPARED FOR ANOTHER OIL SHORTAGE?

(By Tad Szulc)

For the third time in less than a decade, Americans face rising uncertainties concern-

ing supplies and prices of imported oil—oil on which our economy, despite conservation efforts, is still greatly dependent. Nearly one-third of all the petroleum we consume comes from abroad.

What looms ahead for you, the American consumer, is still more expensive oil—gasoline as well as heating fuel—and pronounced shortages which could start occurring next summer as a result of the complex international game of petroleum politics and economics.

At the end of October, OPEC—the 13-member Organization of Petroleum Exporting Countries—had already increased the basic price of crude oil (and domestically produced oil automatically follows cartel prices), instantly adding three or four cents to the cost of a gallon of gasoline at the pump—and making inflation worse. It was the first such increase since 1980, but it was only the beginning: The shortages deliberately planned by foreign producers in order to protect their long-term revenues and safeguard their hold on the industrialized world are certain to induce further price rises.

In addition, there are political dangers capable of rendering the United States even more vulnerable. The Middle East, where nearly one-fourth of our imports originates, remains in turmoil, intensified by the October assassination of Egypt's President Anwar Sadat, and new regional wars and internal revolutions could well erupt—all of it a threat to the flow of oil to the U.S.

Yet, ignoring all the lessons of the recent past, the U.S. could be unprepared to deal with a serious disruption in oil imports. Our stored crude oil stocks are barely sufficient for a month's consumption, and—despite warnings from many quarters—neither the government nor the petroleum companies are building them up adequately. As of early November, the government no longer had legislative authority to allocate in an emergency whatever fuel the U.S. does have on hand—that authority having expired on Sept. 30, with the Reagan Administration unwilling to have it renewed.

The most immediate and crucial test in this latest emerging energy crisis is expected this week when the OPEC oil ministers meet in Abu Dhabi on the Persian Gulf to seek to heal, once and for all, the two-year policy split on prices. The price compromise and increase set at an emergency OPEC meeting in Geneva on Oct. 29 was only an interim agreement.

Having lost about \$100 billion in revenues during 1981 (down from a revenue peak in 1979 of nearly \$300 billion) and seeing the globe awash in unsold oil caused by an unanticipated sharp drop in consumption in the U.S. and Western Europe, OPEC finds that its survival is at stake. Sheik Ahmed Zaki Yamani, minister of oil for Saudi Arabia, the world's largest oil exporter, warned in late September that many OPEC members already stand on the "edge of bankruptcy" and that their dollar surpluses will vanish by mid-1986 if something is not done. Even the Saudis, with their huge oil reserves, could have their ambitious military and economic development plans set back if OPEC does not close ranks.

But whatever the outcome of the Abu Dhabi conference, this is a no-win situation for the U.S. Even if the OPEC meeting confirms the unified price of crude oil that was tentatively reached in Geneva in October, it will not be good news for Americans and other consumers, because it means higher costs in any event. Besides, it is far from

certain that a foolproof agreement is obtainable, given the bickering among OPEC members during and after the Geneva session over production volume, bonuses, surcharges, discounts and the like.

At Geneva, the unified-price accord seemed to suggest that prices were being brought down from their highest levels, such as Libya's \$41 per barrel this year, to the benchmark price of \$34 per barrel (1 barrel=42 gallons). But this was a political oil shell game. The truth is that when Saudi Arabia agreed to go up from \$32 to \$34 per barrel, the effect was to kick up the average price, inasmuch as the desert kingdom produces about one-half of all OPEC oil. It is also our largest single supplier, accounting for 17.5 percent of America's total imports.

Though OPEC ministers committed themselves to maintain the \$34 basic price until the end of 1982, we cannot be certain that the producers will live up to it if conditions change and shortages develop. Indeed, a unified price does not guarantee the U.S. immunity, within a year or less, from artificial shortages, if not major disruptions, in oil supplies. The reason is the "oil glut"—OPEC's basic problem—the fact that since 1980 its production capacity has vastly exceeded consumer demand. Two years ago, the OPEC countries produced and sold 31 million barrels of crude oil a day. Today, the figure has shrunk to some 20 million barrels. The only way to reduce the glut—and to make more money again—is to cut down production. And that means shortages.

Whether or not there is a firm price agreement at Abu Dhabi, it is already clear that OPEC has begun to slash production, and this is what really matters. The day after the Geneva price compromise, Saudi Arabia—the giant—"succumbed" to pressure from its fellow OPEC members, cutting its production to about 8 million barrels a day (down from a peak of around 10 million barrels earlier this year). Now other Arab and African producers are pushing the Saudis to reduce production to 7 million barrels a day—and they, too, may do some cutting of their own to force up the prices.

Saudi Arabia's decision to cut production while increasing its prices was a demonstration of economic and political power. On the one hand, the Saudis asserted their premier role in OPEC by imposing the price level that suited them. And they enhanced their political influence among fellow Arabs by rescuing them from financial disaster via production cuts. On the other hand, they signaled to the industrialized world, notably the U.S., that their wishes in military and other Middle Eastern affairs must be respected if adequate oil supplies are to be maintained.

The Saudis' timing was exquisite. Oil minister Yamani was able to delay the emergency Geneva meeting until the day after the U.S. Senate voted on the sale to Saudi Arabia of the five controversial AWACS (Airborne Warning and Control System) aircraft, agreeing to the unified price only after the vote had gone the Saudis' way. The implied threat was that if the Senate had acted negatively, Saudi Arabia might have permitted a breakdown in Geneva and chaos in the oil markets, highly damaging to the U.S. The "oil weapon," in other words, had not been renounced. As if ignoring the AWACS sale, Saudi Arabia announced a production cut certain to force up prices by mid-1982. And by that time, Sheik Yamani noted significantly, the "glut" would dissolve.

Venezuelan oil minister Humberto Calderón Berti, one of the most influential

players in OPEC, warns that political volatility in the world makes it necessary for the cartel to maintain its unity. "You Americans would be wrong to rejoice over a break-up of OPEC," Calderón told me recently as we sipped coffee at his office in Caracas. "If OPEC collapses, you will have anarchy, with every producer out for himself and no controls of any kind. You may have wild price oscillations and production cuts. It will damage you more than having to deal with OPEC."

Now 21 years old, OPEC is at a crossroads. Its 13 members—Saudi Arabia, Iran, Iraq, Venezuela, Kuwait, Libya, Algeria, Ecuador, Gabon, Indonesia, Nigeria, Qatar and the United Arab Emirates—hold varying levels of reserves; different political, economic and social objectives; different degrees of management sophistication. All of this makes it increasingly difficult for them to reach policy agreement.

Yet OPEC has grown into a formidable economic and political force. The 1973-74 oil embargo by Arab producers—triggered by the Arab-Israeli war—deprived the U.S. of 18 percent of its supplies, forcing drastic shortages here, greatly pushing up prices and showing Americans for the first time their vulnerability to foreign producers.

Between 1971 and 1979, prices soared from roughly \$2 to \$18 per barrel. The Iranian revolution in 1979 created panic in the market, and in that year alone, prices doubled. Thus, over a 10-year period, the price of petroleum rose at least eighteen-fold, running far ahead of world inflation.

At the end of 1979, however, OPEC made a mistake. According to Calderón Berti—in the first such open confession by a ranking OPEC official—at a closed meeting of the six-nation OPEC Strategy Committee at Dharan, Saudi Arabia, the oil ministers came up with a highly erroneous long-range forecast: The worldwide demand, they predicted, would remain constant or keep growing, and, consequently, oil producers could apply periodic price increases in the foreseeable future.

But the committee underestimated the energy conservation capabilities of the U.S. and Western Europe; miscalculating the extent of industrial conversion from oil to coal in Western countries; minimized the importance of petroleum production in the North Sea and Alaska (which, of course, are outside of OPEC); and failed to understand that interest rates, already rising in the U.S., would discourage oil companies from tying up too much money in building up crude oil stocks.

The bubble burst in 1981. Whereas U.S. imports in 1977 averaged a record 8.8 million barrels a day, they had fallen to 6.8 million barrels in 1980. In the first 10 months of this year, we imported only 5.7 million barrels a day—more than a 40 percent drop in four years. The rate of Western European imports fell even more.

By October 1981, an OPEC counteroffensive was in the making, culminating in the October Geneva meeting.

For Americans, there is cruel irony in this whole situation. Having triumphed in the battle of energy conservation, we may in the end be penalized, finding not only that oil prices have risen again, but also that we remain vulnerable to OPEC. The reason lies with both the U.S. government and the oil companies. In the first place, Washington has no diplomatic or other means to influence OPEC, notably Saudi Arabia, regarding prices and production levels. It could even be argued that our government's Middle

Eastern policy has become hostage to Saudi goodwill in strategic matters. As in the case of the AWACS planes, it was the Administration that sought to please the Saudis, not the other way around.

More to the point, the U.S. government has been told by one of its own agencies that it is unprepared for a disruption of oil flow from abroad. The danger of such a disruption—suggested by the Iranian revolution and the inner tensions in Saudi Arabia—assuredly exists. If Sadat could be assassinated by radicals or religious fanatics, the same peril would seem to exist for Saudi Arabia or the Persian Gulf kingdoms, where the rulers may be targets for discontented revolutionaries. A mysterious fire in the Saudi oil fields some years ago cost 1 million barrels a day in lost production. Also the Iranian air attack on Kuwaiti oil facilities in September could portend a new war in the Gulf—in addition to the 15-month-old Iran-Iraq war—and additional loss of production.

When Sadat was killed on Oct. 6, the international oil market became briefly frantic, with buyers placing urgent orders and immediate-delivery prices shooting up. The next day, the market calmed down when it became clear that the Egyptian regime had not been overthrown and no Iran-type revolution had erupted. But the key factor was that Egypt is not an oil exporter. As a Washington energy specialist remarked, "If [Saudi Arabia's] King Khalid or Crown Prince Fahd—the real power in Saudi Arabia—had been assassinated, you'd have the wildest imaginable panic in the oil markets." A war between Egypt and Libya, the latter an important oil producer, would also have serious consequences.

In an unusually harsh report to Congress on Sept. 29, 1981, the Comptroller General of the United States put it simply and clearly:

"The U.S. government is almost totally unprepared to deal with disruptions in oil imports. Oil import disruptions—such as the 1973 oil embargo and the 1979 Iranian shortfall—pose a significant threat to national security, and the lack of effective contingency planning and program development to date is serious and requires immediate attention."

According to the American Petroleum Institute, overall crude oil stocks held in storage by the industry in the U.S. stood at October's end at 363 million barrels (down 32 million barrels from a year ago). At our present rate of consumption, this is equivalent to 22 days of supplies. The Strategic Petroleum Reserve, for which oil is purchased by the government, had 200 million barrels, or less than 13 days of supplies. At best, then, Americans had crude oil for just over a month in case of a serious import disruption.

The oil companies are not building up crude stocks from imports because, at present high-interest rates, it is more profitable to invest funds elsewhere—crude oil stocks bring no profit.

In an emergency, the Department of Energy would presumably be in charge of handling and allocating existing supplies. However, President Reagan is committed to dismantling the department by late 1982, and no proposals were announced by mid-November to determine who would be in charge in an emergency. Meanwhile, oil experts are leaving the government for private industry jobs.

"A governmental program," the Comptroller General's report concluded, "has important psychological benefits, both domestically and internationally. Well-designed . . . programs will reassure the American public and help to avoid panic. They should be developed beforehand so that government . . .

will not have to enact measures in the confusion and political pressures generated by a disruption."

Others in government, however, stress self-reliance. Assistant Secretary of Energy William A. Vaughan wrote recently in response to a Congressional inquiry: "I cannot overemphasize the Administration's firm opposition to any legislative action which would interfere with the ability of the free market to respond to such emergency situations. Any additional legislation, such as standby price and allocation controls, would foster a false sense of security by creating the impression that government can and will somehow 'come to the rescue' of those who do not take prudent self-help measures."

There is a further irony in the oil situation. Because Americans have been using less oil, with a consequent drop in prices charged by OPEC, the oil companies—which handle all imports (except for the Strategic Petroleum Reserve)—are earning less. They therefore pay less in "windfall profits tax," which may prove damaging to the government's budgetary planning. When OPEC prices rise, most of the profit increase goes to the U.S. Treasury in taxes. Thus is created a situation in which, for budget reasons, the Administration has a vested interest in imported oil being more expensive. It has been calculated that for every dollar drop in OPEC prices, the U.S. government loses \$1.4 billion.

Meanwhile, the American oil consumer—squeezed between the OPEC crisis and the government's way of managing the energy problem—may soon again be feeling the pinch.●

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981

HON. G. V. (SONNY) MONTGOMERY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES
Wednesday, December 9, 1981

● Mr. MONTGOMERY. Mr. Chairman, earlier today an amendment offered by the distinguished gentleman from California (Mr. LUNGREN) to delete the provision in the bill as reported to separate the Peace Corps from the ACTION Agency failed to carry.

Although I voted for that amendment, I wish to make clear for the record that my vote for it and my opposition to the separation of the Peace Corps in no way indicates any view on my part that a veteran's issue was involved or that the proponents in either body of separation were motivated by the fact the current Director of the ACTION Agency is a Vietnam veteran.

During the debate in this Chamber, it was noted that the chief sponsor of separation legislation in the other body—a reference to my good friend, the distinguished Senator from California (Mr. CRANSTON)—had proposed separation because of the intelligence background of the current Director of the ACTION Agency, Tom Pauken, who received intelligence training in the Army and served as an Army intelligence officer in Vietnam. It is true

that Senator CRANSTON has repeatedly expressed his strong view that the effectiveness and well-being of Peace Corps volunteers and staff overseas require the complete separation of the Peace Corps from intelligence activities as well as from even the appearance of any connection with such activities. Thus, he has asserted repeatedly that in his view separation of the Peace Corps from the ACTION Agency is desirable in light of Mr. Pauken's intelligence background.

However, he has also made clear repeatedly, as did the Senate Foreign Relations Committee in its report on the separation legislation, which it approved on a 10-to-2 bipartisan vote, S. 1518, Senate Report No. 97-84, that this is only one factor and not the determinative one.

Moreover, it most certainly would not be fair or accurate to infer that the Senator from California (Mr. CRANSTON) in any way derogates Mr. Pauken's service in Vietnam or views the service and sacrifices of our Nation's Vietnam veterans as anything other than noble and patriotic.

As a member and now as chairman of the House Veterans' Affairs Committee, I know from my long and close working relationship with the Senator from California, first in his role as past chairman and currently as ranking minority member of the Senate committee, that he has the highest regard for Vietnam veterans and has worked for over 12 years and continues to work steadfastly to guarantee that we as a nation meet our obligations to them through effective programs. In my opinion, no past or current Member of either body of the Congress holds Vietnam veterans in higher esteem or has done more for them than ALAN CRANSTON. The outstanding and very lengthy public record of his accomplishments on their behalf were entered into the CONGRESSIONAL RECORD in the other body by the Senator from West Virginia (Mr. RANDOLPH) at page 31921 of the RECORD for November 9, 1979, and referred to by my predecessor as the chairman of the Committee on Veterans' Affairs, the esteemed gentleman from Texas (Mr. ROBERTS) on page 36203 of the RECORD for December 14, 1979. That record of accomplishment, which has grown very substantially in the intervening 2 years, and ALAN CRANSTON's effective advocacy to former President Carter that he appoint as VA Administrator the first Vietnam veteran to hold that post, speaks for itself in demonstrating that any suggestion to the contrary would be totally unfounded.●

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 the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, December 10, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 11

9:00 a.m.

Energy and Natural Resources

To continue hearings on S. 1867, to increase the acreage limitations and abolish the residency requirements of the Federal reclamation laws.

3110 Dirksen Building

9:30 a.m.

Finance

Energy and Agricultural Taxation Subcommittee, and Taxation and Debt Management Subcommittee

To hold joint hearings on S. 1449, eliminating certain aspects of the renewable energy tax credit offset rules for the development of State and local conservation and renewable energy programs.

2221 Dirksen Building

10:00 a.m.

Environmental and Public Works

Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

1202 Dirksen Building

Foreign Relations

To hold hearings on U.S. security cooperation with Israel.

4221 Dirksen Building

Judiciary

To resume hearings on S. 1030, revising certain provisions of the Gun Control Act (Public Law 90-618) relating to the licensing of manufacturers, dealers, and importers of firearms and ammunition, and prohibited activities concerning firearms.

2228 Dirksen Building

10:15 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings on S. 696, providing that certain State or Federal organizations operating as libraries which serve the public be treated as tax-exempt public charities, S. 1883, conforming the net operating loss carry-back and carryforward rules for the Federal National Mortgage Association to that available for other financial institutions, and S. 1757, clarifying the tax-exempt status of certain amateur sports organizations.

2221 Dirksen Building

EXTENSIONS OF REMARKS

12:00 Noon

Judiciary

To hold hearings on pending nominations.

2228 Dirksen Building

1:30 p.m.

Judiciary

Immigration and Refugee Policy Subcommittee

To hold hearings to examine nonimmigrant business visas, and the adjustment of status.

2228 Dirksen Building

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Peter McCoy, of California, to be Under Secretary of Commerce for Travel and Tourism.

235 Russell Building

DECEMBER 14

9:00 a.m.

Commerce, Science, and Transportation

To resume joint hearings with the House Committee on Energy and Commerce on the proposed purchase of Marathon Oil Company by Mobil Corporation.

2123 Rayburn Building

9:30 a.m.

Judiciary

Constitution Subcommittee

Business meeting, to mark up S. 1730, revising certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.

5110 Dirksen Building

10:00 a.m.

Foreign Relations

Western Hemisphere Affairs Subcommittee

To hold hearings on U.S. policy in Central America.

4221 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation and Government Processes Subcommittee

To hold hearings on management of certain Federal assets, focusing on the sale of surplus property for revenue raising.

3302 Dirksen Building

5:00 p.m.

Rules and Administration

Business meeting, to consider pending legislative and administrative business.

S-206, Capitol

DECEMBER 15

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

Foreign Relations

Western Hemisphere Affairs Subcommittee

To continue hearings on U.S. policy in Central America.

4221 Dirksen Building

Judiciary

Business meeting, to consider pending calendar business.

2228 Dirksen Building

11:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 234, encouraging the establishment of home health care programs and providing expanded coverage of home health

services under the Medicare and Medicaid programs.

4232 Dirksen Building

DECEMBER 16

9:30 a.m.

Judiciary

Constitution Subcommittee

To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.

2228 Dirksen Building

*Veterans Affairs

Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.

412 Russell Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Foreign Agriculture Policy Subcommittee

To resume hearings on U.S. agriculture trade policies, focusing on the status of trade with the European economic community.

324 Russell Building

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on training and testing programs for air traffic controllers.

235 Russell Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Select on Indian Affairs

Business meeting, to mark up S. 159, authorizing the exchange of certain land held by the Navajo Indian Tribe and the Bureau of Land Management, Department of the Interior; S. 1340, providing for the use and distribution of judgment funds awarded to the Clallam Tribe of Indians, Washington; S. 792, establishing a National Institute of Native American Culture and Arts Development; S. 1779, providing for the exchange of certain land held in trust by the United States for the Navajo Indian Tribe; and S. 1468, designating a portion of land in Harney County, Oreg., to be held in trust for the Burns Paiute Indian Tribe.

5302 Dirksen Building

2:00 p.m.

Judiciary

Constitution Subcommittee

Business meeting, to mark up S.J. Res. 110, S.J. Res. 17, S.J. Res. 18, and S.J. Res. 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.

2228 Dirksen Building

JANUARY 11, 1982

9:30 a.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To hold hearings on unemployment problems in the automobile industry, focusing on the need for job opportu-

nities and training assistance programs.

4232 Dirksen Building

JANUARY 12, 1982

9:30 a.m.

Labor and Human Resources
Employment and Productivity Subcommittee

To continue hearings on unemployment problems in the automobile industry, focusing on the need for job opportunities and training assistance programs.

4232 Dirksen Building

JANUARY 13, 1982

9:30 a.m.

Judiciary
Constitution Subcommittee

To hold hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

JANUARY 14, 1982

9:30 a.m.

Judiciary
Constitution Subcommittee

To continue hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

JANUARY 20, 1982

9:30 a.m.

Judiciary
Constitution Subcommittee

To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

JANUARY 26, 1982

9:30 a.m.

Labor and Human Resources
Labor Subcommittee

To resume hearings on S. 1541, amending the Employee Retirement Income Security Act (ERISA) by simplifying both reporting and disclosure requirements, and the process for employers to provide retirement income to em-

ployees, and providing incentives for employers to provide pension benefits to employees.

4232 Dirksen Building

JANUARY 27, 1982

10:00 a.m.

Labor and Human Resources
Investigations and General Oversight Subcommittee

To hold hearings on problems of drug abuse in the American school system.

4232 Dirksen Building

JANUARY 28, 1982

9:30 a.m.

Judiciary
Constitution Subcommittee

To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

Labor and Human Resources
Labor Subcommittee

To hold hearings on S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detecting and investigating criminal violations relating to ERISA.

4232 Dirksen Building

FEBRUARY 4, 1982

9:30 a.m.

Judiciary
Constitution Subcommittee

To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

FEBRUARY 10, 1982

9:30 a.m.

Labor and Human Resources
Labor Subcommittee

To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Re-

tirement Income Security Act (ERISA).

4232 Dirksen Building

FEBRUARY 11, 1982

9:30 a.m.

Judiciary
Constitution Subcommittee

To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

FEBRUARY 18, 1982

9:30 a.m.

Judiciary
Constitution Subcommittee

To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

FEBRUARY 23, 1982

11:00 a.m.

Veterans' Affairs

To hold hearings on legislative recommendations of the Disabled American Veterans.

Room to be announced

FEBRUARY 25, 1982

9:30 a.m.

Judiciary
Constitution Subcommittee

To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

CANCELLATIONS

DECEMBER 17, 1981

10:00 a.m.

Judiciary
Immigration and Refugee Policy Subcommittee

To hold hearings on the impact of immigration numbers and the interrelation of immigration policy and population policy.

5110 Dirksen Building