

U. S. Congress

UNITED STATES



OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 91<sup>st</sup> CONGRESS  
SECOND SESSION

VOLUME 116—PART 10

APRIL 23, 1970, TO MAY 4, 1970

(PAGES 12657 TO 14096)

7. An immediate stop to the release of false information relative to the prisoners of war, collectively or any individual prisoner.

Be it further resolved:

That: Omaha Post No. 1—The American Legion embark on a campaign including but not limited to special programs and rallies, petition drives, public declarations and other feasible means to pursue both the letter and the spirit of this resolution.

That: Central to the campaign and as a banner-head for all activities and a mast-head for all publications, the term "The Forgotten Americans" be used and emphasized.

Finally, Be It Further Resolved:

That: A copy of this resolution be provided for the Department of Nebraska Executive Committee at the earliest moment and with the suggestion that adoption plus endorsement to the National Executive Committee may be in order.

Submitted for action by the Executive Committee, Omaha Post No. 1—The American Legion—February 17, 1970.

For the Commander's Special Committee:  
H. JAMES GROVE,  
Past Commander.

**CANADIAN OIL QUOTAS THREATEN SURVIVAL OF MIDWEST REFINERIES**

Mr. MONDALE. Mr. President, the President's recent order restricting imports of Canadian oil has serious consequences for consumers throughout the upper Midwest. But for consumers in Minnesota, especially, there is a grave risk of shortages of product and forcing of independent refiners out of business.

As a bipartisan group of 25 Senators advised the President in a letter of March 25, these new controls "will result in increased costs and, in some cases, fuel shortages and curtailed operations." The Northwest Petroleum Association, representing some 1,700 independent oil distributors in Minnesota and North Dakota, has strongly protested President Nixon's order and has pointed out that, for some of their members, denial of sufficient Canadian crude oil "will become a matter of actual survival and not economic choice."

Mr. President, I ask unanimous consent that the position paper and resolution of the association be printed in the RECORD.

There being no objection, the position paper and resolution were ordered to be printed in the RECORD, as follows:

**POSITION PAPER**

The Northwest Petroleum Association, with offices at 512 Nicollet Mall, Minneapolis, Minnesota, and representing some 1,700 independent oil distributors in Minnesota and North Dakota, has today voted to go on record as strongly opposing President Nixon's order and regulation strangling this geographical area because of the inconsiderate and unacceptable restriction on imports of Canadian crude oil. The four small refineries in Minnesota depend greatly on Canadian crude—one exclusively. In fact, their construction, expansion and commitments were made in reliance on Canadian crude oil. If they are denied this source it will become a matter of actual survival and not economic choice.

These refineries have contracts with major companies in this area to supply finished products and they also supply small independent distributors. Curtailment of these Canadian imports will mean a shutting off of

products to small distributors who are reliant on them for product supply.

We believe that any such restrictive order should give clear recognition to the deficit of domestic crude oil in this region of the country. To say that this order is taken for national security reasons is completely opposite to the beliefs of this association; indeed, should national security be threatened, these small refineries would be needed more than ever before.

This order should, if truly needed for national security reasons, be re-evaluated and judged by accessibility of domestic crude in sufficient amounts, the volumes needed for the area in view of weather, geographical location, population and agricultural needs with the end goal of maintaining healthy competition and fair prices to the consuming public. Anything else is profane.

**RESOLUTION OF THE BOARD OF DIRECTORS, NORTHWEST PETROLEUM ASSOCIATION, APRIL 7, 1970**

Whereas, President Nixon's order or regulation restricting the importation of Canadian oil, is in complete disregard for geographical access to domestic crude in the area, and in complete disregard for the independent refiners of this area who are solely dependent on Canadian crude for their operations; and,

Whereas, major refiners have access to Alaskan and foreign crude oil from all over the world, and this order singles out, in a crude-deficit area, the non-integrated single refinery independents, and forces a reduction in their operations and thus blocks them from any share of market growth; and,

Whereas, rather than create equity, this order creates inequity in that it favors the big and harms the small; and because of contractual obligations with the integrated companies, this substantial cutback in refinery throughout will eliminate the sources of supply for the smaller independent distributors and create a significant reduction in competition, depriving small marketers from access to products; and

Whereas, this order or regulation is being foisted under the guise of national security, and this Association does not agree that such a threat exists, and

Whereas, the end effects of this order could well create a short supply situation in this area, as well as stunting the growth of small independent refiners upon whom small distributors rely for supply,

Now, therefore, be it resolved that the Board of Directors of the Northwest Petroleum Association gathered in annual session this 7th day of April, in the year 1970, do hereby deplore the inequities and probable hardships caused by the regulations covering Canadian crude oil imports and restrictions of imports into this area, and urge an immediate revocation of such order.

Be it further resolved, that copies of this resolution and position paper be sent to President Nixon, Senators Mondale and McCarthy, the Secretary of the Interior, the Imports Control Board, the Commission on Economic Development, all Chambers of Commerce in Minnesota, the N.O.J.C. and all persons and organizations known to be sympathetic to these beliefs.

Be it further resolved, that the National Oil Jobbers Council be urged to lend its support in this matter.

**CHIEF JUSTICE BURGER COMMENTS ON OUR CORRECTIONAL SYSTEM**

Mr. HATFIELD. Mr. President, I read with interest the recent article by Chief Justice Warren Burger, "No Man Is An Island." It appeared in the April 1970 American Bar Association Journal.

The article reflects Justice Burger's deep concern with judicial administration and our correctional institutions. In Oregon, Project Newgate, at the Oregon State Penitentiary, has been a real help in training men in prison to take useful roles in society after their parole.

Because of the wide interest in our correctional system, I ask unanimous consent that the article be printed in the RECORD.

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

**NO MAN IS AN ISLAND  
(By Warren E. Burger)**

(NOTE.—Our system of criminal justice has placed heavy emphasis on the criminal trial and has neglected to give as much attention to the correctional system. Yet, what happens after a convicted person goes to prison is as much a part of the administration of criminal justice as the adjudicatory steps. The harvest of our neglect in the field of corrections is excessive recidivism and a crime rate that is a national scandal. It is time, with the American Bar Association leading the way, to face this problem.)

As we proceeded with the American Bar Association's Criminal Justice Project, of which I had the honor to succeed Judge J. Edward Lumbard as chairman, it became more and more clear that all the improvements in the traditional area of criminal justice would mean little if we did not recognize that a system of criminal justice must be seen as more than litigation within the framework of the adversary system.

Many people tend to think of the administration of justice in terms of the criminal trial alone, because this is the part of the process that occurs in the local community. But, more than that, it is charged with the human element; it is exciting, colorful and dramatic. This is why the movies and TV have given so much time to criminal trials.

But the actual trial is not the whole of the administration of criminal justice. We ought to view it as a system—a total process that begins with an arrest, proceeds through a trial and is followed by a judgment and a sentence to a term of confinement in a prison or other institution. The administration of criminal justice in any civilized country must embrace the idea of rehabilitation and training of the guilty person as well as the protection of society. In recent years, we have been trying to change our thinking in order to de-emphasize punishment and emphasize education and correction.

Our system of trials to determine guilt is the most complicated, the most refined and perhaps the most expensive in the world. We now supply a lawyer for any person who is without means, and it is the lawyer's duty to exercise all of his skill to make use of the many protective devices available to the defendant.

But at best this is not working very well, and at worst it tends to become a spectator sport. In some of these multiple trial and multiple appeal cases, the accused continues his warfare with society for eight, nine, ten years and more. In one case more than seventy jurors and alternates were involved in five trials; a dozen trial judges heard an array of motions and presided over these trials; more than thirty different lawyers participated either as court-appointed counsel or prosecutors; in all, more than fifty appellate judges reviewed the case on appeals. Once I tried to calculate the cost of all this for one criminal act and ultimate conviction. The best estimates could not be very accurate, but they added up to a quarter of a million dollars. The tragic aspect was the waste and futility, since every