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Moreover, the potential adverse consequences of having an arrest record reach beyond the field of law enforcement. One survey in the New York area showed that seventy-five percent of the employment agencies in that area will not accept for referral applicants with arrest records. In addition to difficulties with finding employment, if you have an arrest record, you are likely to find getting insurance, credit and even a place to live extremely difficult.

All of this can happen to you without your having broken any law, much less having been convicted in a court of law. It seems to me that this sort of deprivation of rights, liberties and opportunities without trial is the very sort of abuse which our Constitution's due process guarantees were designed to prevent. The principle which is basic to our system of justice that a man is innocent until tried and proven guilty seems to me to require stringent controls on the dissemination of information which can wreak such harm on the lives of citizens.

I have long been in favor of legislation which would restrict the dissemination, by the FBI's computerized National Crime Information Center, of arrest records unaccompanied by some indication of the disposition of that arrest. In addition, it seems to me that even this information should be available only to those criminal justice agencies which can demonstrate that they need such arrest and disposition records in order to carry out their law enforcement duties. Other organizations, businesses and the like should have no access to this kind of information which can be so damaging to the lives and liberties of innocent citizens.

#### CONCLUSION

Mr. ERVIN. I am not for a moment suggesting that those who collect, computerize, and ever more widely distribute information on individuals, even damaging information such as arrest records, are acting out of ill-will or a desire to infringe the rights and interfere with the liberties of American citizens. I am certain that these officials feel that they are merely doing their jobs, which to them involve collecting the most possible information and making the widest possible use of it. The trouble is, human ingenuity is such that we can always think up reasons for needing to collect just one more bit of information. Once that information is collected, some reason can always be found for sharing it with others.

When I think about these ever-expanding computerized information systems, I am reminded of Justice Brandeis' warning that—

"The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

It seems to me to be high time for those of us who care deeply about individual liberties to call a halt to this burgeoning information collection and dissemination, unless and until the consequences of such collection and dissemination on individual lives and liberties are taken fully into account. Otherwise, the ostensible need for this piece of information and that bit of data will gradually encroach on our privacy and individuality until our control over information about ourselves is forever consigned to computers.

Discussions such as we are having this evening about the impact computerized

information systems can have on individual rights to privacy and justice under law represent an essential bulwark against such infringements of human freedom. Our consciousness of and concern about the potential dangers to our cherished liberties is the best, and in the last analysis, perhaps the only protection for our liberties. As the great jurist, Learned Hand once wrote:

"Liberty lies in the hearts of men and women; When it dies there, no constitution, no law, no court can save it. . . . While it lies there, it needs no constitution, no law, no court to save it."

#### UNREASONABLE DEMANDS BY UNIONS

Mr. FANNIN. Mr. President, unreasonable demands by unions for wages and restrictive work rules have been a major factor in the inflationary spiral. This has been especially clear in the construction industry.

It was inevitable that with the soaring cost of union labor, there would be a reaction that would be detrimental to the unions and the workers in these unions.

Contractors have been turning more and more to nonunion labor. And we have seen an alarming increase in violence growing out of labor disputes.

Mr. President, the Wall Street Journal on Monday ran an editorial commenting on the situation in the construction industry. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 31, 1973]

#### ASSERTING THE PUBLIC INTEREST

Peace reportedly has returned to Kalkaska, a Michigan village that for months has been beset by violence directed against an engineering company and its nonunion workers. Under terms of a court-ordered settlement, the company agreed that future hiring for construction of a \$20 million natural gas processing plant will be done through a state Agency that will give preference to area residents without regard to union membership.

The company is a member of the Associated Builders and Contractors (ABC), a growing group of nonunion contractors. Since there will be no union contract at Kalkaska, this amounts to an important victory for nonunion labor in the nation's most heavily unionized state. It is a victory achieved at a high cost in terms of personal injury and destruction of company property.

Nevertheless, the settlement underscores the growing trend toward nonunion labor in the nation's largest industry. The some 6,000 member employers of ABC, with some 250,000 employes, have won billions of dollars worth of contracts in recent years. Its members' proportion of construction business now is said to be close to one-third of all industrial construction in the U.S. It is increasing because, for the most part, members of construction unions are not giving a fair day's work for a fair day's pay, as some concerned craft union officials have even admitted publicly.

Even organized labor's strongest sympathizers have difficulty defending the arrangement whereby a labor foreman for lower

Manhattan's World Trade Center last year received \$94,000, including \$76,000 in overtime. Elsewhere, other labor foremen ("master mechanics") are highly paid, as are their assistants, even though their contribution to any given construction project often is marginal at best.

Construction companies could probably live with occasional abuses of this sort, if only for the sake of labor peace. What fewer and fewer of the companies can abide is generally exorbitant wage rates coupled with low productivity. A survey last year by Engineering News-Record estimated that as much as 40% of every construction payroll dollar is wasted by outright malingering (i.e., extended coffee breaks), tacit restrictions on output (e.g., cement finishers and bricklayers), limitations on labor saving devices, and work rules that require paying unionists (often at overtime rates) for nothing more strenuous than flipping a switch on in the morning and flipping it off at night.

Instead of working to eliminate these abuses, however, the craft union reaction to the nonunion challenge has often been similar to that which kept Kalkaska in turmoil. Several months ago ABC fled some 3,000 pages with the National Labor Relations Board alleging coercion, intimidation and terror directed at its members by AFL-CIO building trade unionists. Violence was so widespread in the Philadelphia area, where nonunion labor was hired to build a suburban hotel and shopping plaza after the unions rejected an offer to use 60% union work force, that even longtime union supporters became disenchanted.

Harper's associate editor John Fischer, one such longtime supporter, recently was moved to write: "For years the building trades have been getting away with such outrages, and worse, because they know they can intimidate most employers, and because their political clout makes public officials slow to intervene." He saluted contractor Leon Altomose "for his courage in defying the tyranny of the building trades unions," adding that "the best hope of breaking their stranglehold on all of us lies with Mr. Altomose and his fellow contractors who in recent months have been turning increasingly to nonunion labor."

For a long time it looked as though that stranglehold never would be broken, or that there would be no limit to union demands. But now the ABC promises to restore some measure of competition to a privileged and pampered industry, and from the standpoint of asserting the public interest the challenge could hardly come at a better time.

#### A LAND USE CONTROVERSY ALONG THE LOWER ST. CROIX RIVER

Mr. MONDALE. Mr. President, a land use controversy of national importance has developed along the Lower St. Croix River. Last October the Lower St. Croix became one of only nine river segments designated by Congress for "instant" Federal protection under the National Wild and Scenic Rivers Act. Unfortunately, however, full protection for the recreational and scenic character of this federally designated river has not been immediately forthcoming under the National Wild and Scenic Rivers Act. The act necessarily provides for the development of a master plan that can take a year or more before effective mechanisms are instituted to safeguard designated rivers.

Recognizing the danger of last-minute development which could ruin the natural values of the Lower St. Croix, the Minnesota-Wisconsin Boundary Area Commission and dozens of local communities along the river this spring endorsed a voluntary moratorium on construction on the bluffs of the riverway. Yet one developer and one community are moving ahead with a project that threatens to destroy a 5-year cooperative Federal-State and local effort to protect the Lower St. Croix.

The project is a \$75 million luxury housing complex to be built in the city of Hudson, Wis., by Calder Corp. Plans for the project envision initial construction of 16 terraced apartments that would be built into the river bluff along with two 14-story "mid-rise" housing units and townhouses set back from the slope.

For a number of months Federal, State, and local officials have attempted to persuade city and company officials to delay action on the Calder project until the Lower St. Croix River preservation program becomes fully effective. At a minimum we have urged them to modify features of the project plans which are in direct conflict with the goals of protecting the natural integrity of the river corridor. Nevertheless, appeals to delay or adjust the project plans have failed to bring about the elimination of the terraced apartments, potentially the most destructive aspect of the company's plans. Instead the company and some city officials have been pressing forward toward construction.

Several weeks ago, representatives of my office, the Governors of Minnesota and Wisconsin, the Minnesota-Wisconsin Boundary Area Commission, and the Sierra Club met with officers of the company and officials of the city to discuss the project and to examine the proposed site for the terraced units. This meeting confirmed the views of State officials that urgent action was required to protect the Lower St. Croix.

Subsequently, Minnesota Attorney General Warren Spannaus filed suit in U.S. District Court to prevent construction of the project until the Lower St. Croix master plan becomes effective. Gov. Wendell R. Anderson of Minnesota announced his intention to use a newly approved Subdivided Land Sales Disclosure Act to prevent the sale of the project's housing units in the State of Minnesota if they are built contrary to the intent and provisions of the National Wild and Scenic Rivers Act. Governor Anderson also appealed to Interior Secretary Rogers C. B. Morton to join in the Minnesota lawsuit and to use all means at his disposal to help protect the river. At the same time, Wisconsin Gov. Patrick J. Lucey has directed officials of State agencies in Wisconsin to notify him of any requests for State permits or certification of housing and other developments along the Lower St. Croix River; and an environmental impact statement will be ordered not only for

Calder, but for all projects that threaten the riverway.

While the environmental and legal grounds for stopping the project are strong, so far neither the company nor city officials have backed off. Now, new information has come to light regarding potential conflicts of interest on the part of several individuals employed by the city of Hudson. It was recently disclosed by the St. Paul Dispatch that the firm retained by the city of Hudson for engineering and architectural work is also the project architect for Calder Corp. and that the city planner is employed by the same firm of Hirsch, Stevens, and Samuelson. In addition, the Dispatch revealed that the city attorney drafted the articles of incorporation for Cardel Corp., the Wisconsin landholding firm owned by the Calder Corp.

Individuals involved in these and other instances of a doubling up of company and city jobs apparently do not see themselves in a conflict of interest. But consider a press report on a discussion with one official of the city:

Alderman Ed Younger, the council's public works committee chairman, said he doesn't feel there will be any conflict on the Calder job because the city engineer (Hirsch, Stevens & Samuelson) won't design Mont Croix streets and other utilities; rather the project engineer (Hirsch, Stevens & Samuelson) will do that. But he said the plans will all be checked by the city engineer (Hirsch, Stevens & Samuelson) to ensure they comply with local ordinances.

Despite the apparent lack of concern on the part of some city officials, many others, who do care about the fate of the St. Croix River and who believe that its nationally acclaimed values deserve full protection, are deeply concerned by the problem.

Last year, when the Lower St. Croix River Act was before the Congress, many witnesses testified of the inability of local communities acting separately to provide adequate protection and of the imminent danger if the Federal Government did not act quickly to safeguard this important natural waterway. Fortunately, with the leadership of the chairman and members of the Senate Interior Committee, that bill was passed in record time.

Certainly, the intent of the Congress in passing that measure and in adopting the 1968 Wild and Scenic Rivers Act was to preclude the kind of development which continues to jeopardize the Lower St. Croix. That is why the struggle taking place on the banks of the river is of major concern to the Congress, and that is why the future of other rivers like it across the Nation is dependent upon our success in assuring that the will of the Congress is obeyed.

The National Wild and Scenic Rivers Act states:

It is hereby declared to be the policy of the United States that certain selected rivers of the nation, which, with their immediate environments possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values shall be preserved in free flowing condition, and that they and their immediate

environments shall be protected for the benefit and enjoyment of present and future generations.

The short-sighted actions of a few individuals must not be allowed to jeopardize one of America's most magnificent natural rivers. When the master plan for the Lower St. Croix is submitted to the Congress, I am hopeful that it will be considered with full knowledge of its implications for the future of this important environmental asset.

And in view of the national significance of the impending threat to the Lower St. Croix River, I am hopeful that Interior Secretary Rogers Morton will use the full resources at his disposal to assist Governor Anderson, Governor Lucey, and the many communities along the St. Croix in the urgent effort to assure its preservation.

Mr. President, that my colleagues in the Senate may have an opportunity to review in greater detail the circumstances surrounding this controversy, I ask unanimous consent that an article from the St. Paul Dispatch and an editorial from the Minneapolis Star be printed in the RECORD.

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

[From the St. Paul Dispatch, July 26, 1973]

RIVERBANK HOUSING STIRS HORNET'S NEST  
ST. CROIX PROJECT PLANS GO AHEAD AMID  
CONTROVERSY

(By Don Boxmeyer and Robert Whereatt)

The planned construction of a \$75-million luxury housing development on the steep walls of the St. Croix River Valley in Hudson, Wis., has aroused widespread opposition and jeopardized inclusion of the lower St. Croix in the federal Wild and Scenic Rivers system.

The attorney general of neighboring Minnesota has filed a lawsuit to stop the project. A U.S. senator from Minnesota has vowed to halt the project. And the governors of the two states are opposed to portions of it.

The Hudson City Council, however, has persisted. It rejected a suggested building moratorium along the river banks, even though most other St. Croix valley communities embraced the voluntary construction stoppage.

For almost three years, Hudson's city fathers have slowly pushed and approved the plans of the Calder Corporation of St. Paul for Mont Croix, encouraged by the prospect of lower property taxes and a general boost in the local economy.

But in the process, questions have been raised about the propriety of some activities by city officials and others. Specifically:

The city council retains for city work a Hudson engineering and architectural firm which is also the project architect for the Calder Corporation's Mont Croix;

The city planner is an employee of that engineering firm, Hirsch, Stevens & Samuelson;

The part-time city attorney once did some legal work for the Calder Corp.;

The city attorney's legal secretary has served as legal agent for Calder's Wisconsin land-holding corporation, Cardel Corp.

Mont Croix is to spread along approximately a quarter-mile of river front on a large tract of vacant land overlooking the St. Croix, about a mile south of the Hudson Bridge. Two 14-story "mid-rise" luxury housing units will be set back from the steep

slope on flat grassland. Those structures and planned townhouses of the envisioned 1,500-unit Mont Croix are relatively noncontroversial.

But Calder wants to build 16 \$95,000 terraced condominiums into the river bluff, a move which Minnesota Atty. Gen. Warren Spannaus has legally challenged in U.S. District Court. Spannaus contends development of the pristine bluff will disqualify the lower St. Croix for membership in the coveted federal wild and scenic rivers system.

But for Hudson, Mont Croix—the largest single development in city history—means the municipal tax base would more than double. That could substantially hike the city's tax revenue. It could even reduce property taxes.

"The long-term effects can only be beneficial to the city of Hudson," said Mayor Howard Wilcox.

Others, less enthusiastic than Wilcox about Mont Croix see the immediate local gain for Hudson as a long-range loss to the entire lower St. Croix River Valley. It amounts to a confrontation between the environment and the economy.

The St. Croix River from Taylors Falls to Prescott is under study now by Minnesota, Wisconsin and federal officials. A master plan on land and water use is to result from the study, after which—as early as September—the river would be ready for inclusion in the National Wild and Scenic Rivers System.

Peter Siperin, an assistant Minnesota solicitor general in the attorney general's office, fears that the Mont Croix development could knock out the lower St. Croix as part of the system, largely because it would set a precedent for further uncontrolled development.

Spannaus' suit to halt the beginning of construction apparently has the full support of Sen. Walter Mondale, D-Minn., who said in a recent telegram to Calder officials: "I will support whatever legal action may be necessary to prevent implementation of (your) plans."

Similarly, Minnesota Gov. Wendell Anderson and Wisconsin Gov. Patrick Lucey implored the Hudson council last May to delay its action in approving the first phase plans of Mont Croix until the river study and master plan were completed. The council rejected the plea, approved the plans.

Only Monday, Gov. Anderson took another step. He ordered the Minnesota securities commissioner to use a 1973 law and prohibit the sale in Minnesota of Mont Croix units. Such a prohibition would severely reduce the potential market for selling the housing.

Hudson Mayor Wilcox stoutly supports the city council's actions that have allowed Mont Croix plans to proceed, and he defends the council's rejection of the construction moratorium which, at least temporarily, would have halted construction.

Mont Croix, said Wilcox, was not the reason for rejecting the moratorium. "Had we approved the moratorium as it was presented to us, it would have prohibited construction up to Third Street in Hudson."

Not so, says James Harrison, executive director of the Minnesota-Wisconsin Boundary Area Commission, an interstate agency that oversees the river boundary of the two states. The proposed moratorium, adopted by most Lower St. Croix River communities, could have been modified to meet local circumstances, said Harrison.

In Harrison's opinion, the Hudson council turned thumbs down on the moratorium only because a majority didn't want Mont Croix stopped. "They can use any other reason, but it's specious," he said.

The Boundary Area Commission is not opposed to the entire development, according

to Harrison, just the step-like terraced apartments on the bluff. The apartments will destroy the natural characteristics of that portion of the river, he said.

Atty. Gen. Spannaus' lawsuit is more inclusive. It contends the entire project will "imperil final designation of the Lower St. Croix as part of the (Wild and Scenic Rivers) system."

Members of the Hudson City Council, at the very heart of the controversy, are now faced with a complication of another sort.

Gov. Anderson, in ordering the securities commissioner to prohibit the sale of Mont Croix units in Minnesota, also asked for an investigation of possible conflict of interest. Questions have arisen.

Can the engineering firm of Hirsch, Stevens & Samuelson serve both Hudson as city engineering consultants and the developer as project architect?

Mayor Wilcox, a technical editor for 3M Co., says yes, that the integrity of the firm which has served his city for a dozen years—it is the only engineering firm in Hudson—is unmatched and not to be "impugned."

But others on the council are not so sure they will be able to get objective technical advice from an expert which serves two masters. For example, Calder project architect Hirsch, Stevens & Samuelson will design the streets, curbs, gutters and sewer connections for Mont Croix. And as city engineering consultant, Hirsch, Stevens & Samuelson may be called in by the City Council to review those plans.

Alderman John Dicke, one of the two new councilmen who opposed adoption of the project's specific implementation plans in May, said the question of a possible conflict of interest has been raised from time to time.

"We will constantly be faced with trying to determine whether the recommendation is ours (the city's) or theirs (Calder's)," Dicke said.

"But I asked Burt Stevens (a principal of the firm) how he felt about serving both sides and he said he had no trouble sleeping nights," Dicke recalled.

Stevens, in fact, told the Dispatch that the double service is a "definite advantage" to the city because the firm will have intimate knowledge of the Calder plans.

"I can't conceive of a point at which our position as project architects would conflict with our city consulting job," Stevens said.

Similarly, Alfred A. Albert, the vice president of the development firm, denies any conflicts of interest exist. "Nobody we're doing business with at Hirsch does business with Hudson. Jim Hirsch, the architect of the project, can't see a conflict. . . . If I were on the council, I would want the city engineer on the project," Albert said.

Albert said a member of Hirsch, Stevens & Samuelson, acting as city engineer, even recommended a more expensive sewer system than what Calder proposed. The council approved the more expensive one.

Alderman Joann Persico feels there is a "definite conflict" that bothers many of her constituents; however, "There are certain things, certain people in this town you don't question."

Alderman Ed Younger, the council's public works committee chairman, said he doesn't feel there will be any conflict on the Calder job because the city engineer (Hirsch, Stevens & Samuelson) won't design Mont Croix streets and other utilities; rather, the project engineer (Hirsch, Stevens & Samuelson) will do that. But, he said, the plans will all be checked by the city engineer (Hirsch, Stevens & Samuelson) to insure they comply with local ordinances.

Harrison of the Boundary Area Commission said the engineering firm is entirely

"reputable." "But can you really work for both people (the city and developer) and be truly objective? I think not."

Mayor Wilcox sees no problem or conflict. First, he points out, Hirsch, Stevens & Samuelson became the Mont Croix project engineer only within the past year, after several City Council decisions had been made.

"In the future," said the mayor, "if the council feels dissatisfied with the reports of our city engineer, I am confident they will seek other engineering opinions."

In the meantime, the city council may have to work around Hirsch, Stevens & Samuelson not only on the Mont Croix development, but also on the construction of a new Hudson Senior High School, sources said.

They are architects for that project. Dicke and Mrs. Persico predict complications because the council will need technical advice on street and sewer plans.

The "doubling up" of jobs extends further.

The part-time city planner, Charles Huntley, is an employe of Hirsch, Stevens & Samuelson.

It is to the city planning commission that subjects such as the building moratorium are sent. The planning commission, with the help of its professional planner, then recommended to the City Council.

The planning commission recommended last March that the building moratorium requests be turned down.

C. A. Richards, Hudson's part-time city attorney, said in an interview that he sees no conflict of interest in his role as the city's legal counsel and private lawyer.

Richards, in January, 1971, drafted the articles of incorporation for the Cardel Corporation, the Wisconsin land-holding firm owned by the Calder Corporation.

Richards said in an interview that the legal work was a one-time occurrence and, in fact, that he was never paid for his labors. He has not represented Calder or Cardel since, he said.

Richards' office until recently, however, was used as the Wisconsin mailing address for the Calder and Cardel corporations.

The lawyers legal secretary, Jacqueline Olson, is listed as the registered agent for Cardel upon whom legal papers can be served.

Last month, the name of the legal agent for Cardel Corporation was changed in the office of the Wisconsin secretary of state. By last week, however, the change had not been recorded in the St. Croix County register of deeds' office, an action necessary to make the change valid, according to authorities.

Because of that, the Minnesota attorney general's office directed that the complaint filed against Calder and Cardel be served on Mrs. Olson as the registered legal agent in Wisconsin for the two corporations.

As the controversy swirls, the plans for the luxury development go on. The project area has been surveyed. Stakes with yellow cloth strips dot the river bank and bluff demarcating the development.

The Hudson City Council has given its permission for construction of three model townhouses. And shovels are ready to dig.

[From the Minneapolis Star, July 31, 1973]

#### PRESSURE ON THE ST. CROIX

"It is hereby declared to be the policy of the United States that certain selected rivers of the nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geographic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in freeflowing condition, and that they and their immediate environment of present and future generations."

So says the Wild and Scenic Rivers Act passed in 1968. Last fall President Nixon signed into law the Lower St. Croix River Act, which added the lower 53 miles of the river from Taylors Falls to the Mississippi to the National Wild and Scenic River system.

As many observers of the St. Croix have noted, it's something of a miracle that such a resource, located so close to a densely populated metropolitan area, should retain such fine qualities. Obviously, however, the pressure to develop that resource into something else is tremendous.

The immediate case in point is a proposed \$75 million luxury housing development in Hudson, Wis. Without any detailed financial information about the project, we would guess its chances of being a success are good. We can imagine quite a few people wanting housing in that environment. And it is no surprise that Hudson officials, who see the Twin Cities metropolis sprawling out towards them in unplanned and unchecked fashion, might prefer a solid, orderly project of this type. The fact the project might ultimately double the city's tax base can't be overlooked either.

But a state-federal team now is drawing up a master plan for the valley as required by law. And the state of Minnesota, contending at least part of the proposed project would be inconsistent with the tentative master plan, is seeking to block the development. We approve of the Minnesota effort and hope the forthcoming master plan will indeed protect the valley "for the benefit and enjoyment of present and future generations."

#### FOOD ON OUR TABLES REQUIRES FUEL ON OUR FARMS

Mr. HUMPHREY. Mr. President, an excellent article dealing with the relationship between food and fuel appears in the current issue of *The Farmer*. The author notes the principal uses of fuel on our farms today and outlines some of the consequences if it is not available.

The point is made that we will start this harvest season short of fuel, unless a mandatory allocations program is instituted.

The writer points out that the fuel shortage faced by our farmers has been developing and obvious to many people for a couple of months, yet the administration has failed, to date, to take the needed steps to assure the availability of fuels for priority purposes, like the production of our food.

I ask unanimous consent that *The Farmer* editorial, entitled "Food on Table \* \* \* Fuel in Tank" be printed in the RECORD.

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

##### FOOD ON TABLE . . . FUEL IN TANK

It's hard to figure why an administration that appears so concerned about an abundance of food for consumer is so slow to assure an adequate supply of fuel to producers and processors of that food.

Maybe pre-occupation with Watergate usurped this concern, as it has many normal functions of government. Maybe the big gas and oil lobbies want to bring independent and co-op suppliers, who have taken most of the brunt of the shortage, completely to their knees.

Whatever the reason, it wasn't for lack of sufficient warning. Secretary Buttz knew in June that only 26% of the reported farm needs were being met through the voluntary ASCS reporting system (*The Farmer*, page 6, July 7). An Indiana extension engineer warned on June 5, after the government-called fuel and transportation meeting in Des Moines of May 31, that "whereas we ran short of crop-drying fuel in late November and December last year, we'll start short this year unless mandatory allocations are set up to provide the fuel needed."

Groups like the Minnesota turkey growers were in Washington by early July, pointing out that poultis won't be started until growers get priorities for fuel to heat brooders. Manufacturers and distributors were telling policy officials by early July that crop dryers wouldn't be built unless farmers were promised fuel to operate them.

Drying and heating fuel is particularly vulnerable. L-P gas makes up only a small percent of total U.S. energy usage—about 3% or 4%. Of that, half goes for petro-chemicals, with production usually close to sources of supply, giving those users both a location and a large-purchase advantage.

That leaves crop drying, milk processing, poult and chick brooding, and similar farm uses on the short end. Producers and processors must not only compete with domestic heating and cooking for the remaining 50% of supply, but they face a demand which varies according to severity of fall and winter weather.

Importance of that demand, however, is vital, just as are adequate supplies of tractor and combine fuels for harvesting and fall plowing. As Kandiyohi County, Minn., farmer Evan Bosch said at the recent St. Paul crisis conference (page 16), "If consumers want food on their tables, farmers must have fuel in their tanks."

Either that or pray for a long, warm, dry fall. And *The Farmer's* weatherman, Oscar Moldenhauer, doesn't hold much promise of that. He predicts a wet one and an early, hard winter. Weather should be favorable from mid-September to mid-October. But it will then turn cloudy, with at least normal moisture and a cold snap by late October.

#### NOMINATION OF RUSSELL E. TRAIN

Mr. MCGEE. Mr. President, in today's edition of the *Washington Star-News*, there appeared an excellent and convincing editorial on the nomination of Russell E. Train as the new chief for the Environmental Protection Agency.

I have known Russell Train for many years and have found him to be one of the really statesman-like leaders in the field of responsible conservation. I have found him to be extremely capable and an asset to our Government in meeting its responsibilities on a wide range of environmental and conservation matters.

I am in full agreement with the editorial that—

All available evidence suggests that President Nixon made an excellent choice the other day in selecting a new chief for the Environmental Protection Agency—Russell Train.

I ask unanimous consent that the editorial be printed in the RECORD.

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

#### GOOD CHOICE FOR EPA

All available evidence suggests that President Nixon made an excellent choice the other day in selecting a new chief for the Environmental Protection Agency. It's true that Russell E. Train has no experience in administration on the large scale he now must grapple with, but neither does anyone else we know of who holds high credentials as an environmental leader. And these Train certainly has, along with a good deal of talent and persuasive ability.

The latter has been exercised lately in his strong contention—voiced to businessmen and others—that environmentalism is getting an unfair rap as a creator of economic and energy problems. Such claims are vastly exaggerated, he argues, with some rather impressive documentation.

His leadership of the Council on Environmental Quality, since its formation in 1970, has produced highly valuable results, in studies, recommendations and legislation. But his most striking achievements have been in mobilizing international action to curb ocean pollution, and protect endangered species of animal, marine and plant life all over the world. Progress in these areas has been truly remarkable in the past year, and Train was in the forefront as this country's representative at international conferences.

As head of the private Conservation Foundation, he was defending the environmental ideal for several years before entering government. Now comes his supreme test, for the EPA faces a severe dilemma in applying some difficult provisions of the Clean Air Act. Modifications in the law are proposed, and there will be pressures for more flexibility in other fields of pollution control as the pinch becomes more painful here and there. Train will occupy the position at which environmentalism and economics collide, as they surely will in some major instances. The question is, how much will he bend? To the very minimum that's required, we hope.

That seems to be the message, too, in his statement that the EPA will continue to operate with the same independence assumed under its able first administrator, William D. Ruckelshaus. And Train emphasizes that the burden of proof will be on those who want to ease the environmental restrictions fixed by law. These are encouraging assurances, and we hope he proves equal to the pressures of politics, and divergent interests, that surely will converge with increasing momentum upon his agency.

#### FALSIFICATION—A WAY OF LIFE IN THE AIR WAR

Mr. HUGHES. Mr. President, nearly a year and a half ago, the investigation into unauthorized bombing and falsification of reports to conceal it began with the removal of Gen. John D. Lavelle from command of the 7th Air Force in Southeast Asia.

After efforts were made to also conceal the reasons for General Lavelle's removal, the Air Force acknowledged that its inspector general had confirmed false reporting in connection with three air strike missions into North Vietnam. It was on these grounds, we were later told, that General Lavelle was relieved of his command.

The Committee on Armed Services conducted extensive hearings into the unauthorized bombing, with particular emphasis on determining how a field