

U.S. Congress

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 30

DECEMBER 4, 1970, TO DECEMBER 10, 1970

(PAGES 39929 TO 41104)

ported to the Senate by an overwhelming majority of the Committee on Foreign Relations, my mail on this subject has increased tremendously. I am also happy to note that the vast majority of people who are writing to me on this subject are very much in favor of U.S. ratification of this treaty as soon as possible.

For example, last week I received a letter of particular note from the "Emma Lazarus Federation of Jewish Women's Clubs." This organization, which urged me to vote for the ratification of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, is dedicated to the principle of ethnic, racial, and religious freedom.

Mr. President, I believe this letter is worthy of consideration by all Senators. I ask unanimous consent that the letter be printed in the RECORD.

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

EMMA LAZARUS FEDERATION
OF JEWISH WOMEN'S CLUBS,
New York, N.Y., December 1, 1970.

Honorable WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SIR: The Emma Lazarus Federation of Jewish Women's Clubs, a national organization dedicated to the principle of ethnic, racial and religious freedom, strongly urge you to vote for the United Nations Convention to punish the crimes of Genocide.

As Jewish women we especially feel that it is our obligation to call upon our nation to inscribe its name to this United Nations Convention. The memory of six million of our Jewish people and the millions of others who were victims of the Hitler holocaust demands that we join the rest of humanity in outlawing this most heinous of crimes.

Last year our Federation presented to the U.S. Foreign Relations Committee the signatures of 60,000 Americans requesting speedy ratification of the Genocide Convention by our Government.

After 20 years of delay this document is before the august body of the United States Senate for debate and vote. We hope you will vote for the ratification of this document and thus end the long delay in joining the 75 other nations of the world who have already signed this treaty to protect human rights.

Respectfully yours,
LEAH NELSON, President,
Emma Lazarus Federation of Jewish
Women's Clubs.

DEATH OF EDWARD KANE (E. K.) FERNANDEZ

Mr. FONG. Mr. President, it is with a sense of deep personal loss and great sadness that I pay final tribute to the memory of one of Hawaii's most colorful and outstanding businessmen—Edward Kane (E. K.) Fernandez, a humanitarian of great influence in the entertainment and business circles of Hawaii for over half a century. He would have been 87 on December 14.

E. K. Fernandez was as legendary a figure as modern Hawaii has produced. His career in the Aloha State was as colorful and inspiring as the life he made for himself in the land he loved so dearly.

"E. K." as he was affectionately called by his family admirers and associates, enjoyed a career which covered

Hawaii's transition from a monarchy to a territory to the 50th State. He was born on December 14, 1883, in Honolulu, the son of Abraham and Minerva Fernandez.

As an outstanding and dedicated showman, E. K. Fernandez brought laughter to millions of children and adults in many parts of the world. He rightly earned the title, "P. T. Barnum of the Pacific," by his record of "firsts," by his phenomenal volume of business, and by the multitude of people he entertained. He was a successful showman for 57 years, taking his circuses and carnivals to the Orient as well as the mainland.

As a farsighted and innovative showman, he brought the first movie projector to Hawaii, set up the first movie theater chain, and introduced the first merry-go-round and ferris wheel. For over half a century, he was the leader of show business in the Pacific area.

In 1913, E. K. Fernandez brought the first sound picture to Hawaii and 2 years later he staged his first big circus—a show with 20 performers and six animals. E. K. was quick to realize the potentials of vaudeville, and his first performing act was a skating bear which made the rounds of the plantations tied to a wagon.

In some ways, E. K. Fernandez was more strait-laced than P. T. Barnum, although the two abhorred indecency and fraud. E. K. once said:

I don't like liquor, I don't like anything dirty and I don't like anything crooked.

He was well-known as a devoted Mormon who was fair and generous with his circus workers and entertainers, and fair to his customers.

Mr. President, to me and to his countless numbers of friends and admirers, E. K. Fernandez will always live in our hearts as a humanitarian who had a big heart. He will be long remembered as the man who gave more generations of Hawaiians more fun, laughter, and good times than anyone in Hawaii's history.

Besides being looked upon and revered as an outstanding citizen, E. K. Fernandez was recognized as the Father of the Year in the entertainment field in 1963 and was honored that same year by the Showmen's League of America and the International Association of Fairs & Expositions. He was also awarded the title of Humanist by the Rosicrucian Order in 1962.

E. K. Fernandez is survived by his charming wife, Rose, whom he married in 1933. Other survivors include four children of his first marriage: a daughter, Mrs. Arthur Nobriga, and three sons, Edwin, Jr., Walter, and Dr. Leabert Fernandez. The two children from his second wife Rose include a son, Kane S. and a daughter, Mrs. M. Price Porter.

Mr. President, Hawaii and her people have lost a most active, civic-minded, and distinguished citizen and showman, E. K. Fernandez' passing is mourned by the host of friends he made during his lifetime of selfless and dedicated service to his community and State.

Mrs. Fong and I extend our heartfelt sympathy and sorrowful aloha to his beloved wife, Rose, and to his family in their bereavement.

THE THREAT OF PROTECTIONISM TO THE AMERICAN CONSUMER

Mr. MONDALE. Mr. President, in the last few years we have witnessed the emergence of the greatest interest group of them all—the American consumer.

For years—perhaps throughout most of history—the consumer has been systematically excluded from the exercise of his rightful power. Caveat emptor: Let the buyer beware. And the American consumer has suffered deteriorating services, shoddy quality, unsafe products, and the crass and often deceptive manipulation of his demand and, most of all, rising prices which made a mockery of competition.

When I say that the consumer is "coming of age," I refer to the great interest and the occasional success in recent years in passing product safety legislation, in advancing the notion of consumer class action suits, and in a growing mood of public anger coupled with a most encouraging willingness to put this anger to work through the political process.

But there is one matter now before the Congress which may have more significance—and potential danger—to the consumer than any legislation we have seen this Congress.

I refer, of course, to the trade bill as passed by the House and soon to be considered by the Senate.

The bill is violently and unequivocally anticonsumer.

Under the guise of protecting American jobs, it threatens to unleash a world trade war which could only, in the end, damage the American dollar, seriously retard the economic growth of the underdeveloped nations, and jeopardize the livelihood of millions of farmers and workers dependent upon exports.

But its most pernicious impact will be upon the consumer. And that means upon just about all of us.

Virginia Knauer, the President's Special Assistant for Consumer Affairs, called the bill as currently written "the most significant 'anti-consumer' legislation now in the Congress."

The highly respected Consumers Union states that—

Shoe and textile quotas would inevitably cause sharp price increases which would seriously affect every family's budget.

The American Retail Federation, representing nearly 800,000 retail stores through their State and national trade associations, estimates that shoe and clothing prices would rise by anywhere from 15 to 25 percent with the imposition of legislated quotas.

And Federal Reserve Board Governor, Andrew Brimmer, has estimated that quotas on shoes and textiles could cost the American consumer \$3.7 billion a year by 1975—\$1.8 billion extra for his clothes and \$1.9 billion for his shoes.

That is a billion dollars more than the Government is now spending on health—more than all our foreign aid programs—almost as much as we are now spending on all Federal assistance to communities and housing.

That is like a tax of over \$66 per family—and the most regressive possible kind of tax falling most heavily on the poorest families which buy most of the

low cost shoes and clothing. For sheer regressivity, in fact, this would be the most imaginative tax since the French kings put a tax on salt that ultimately cost the heads of most of the French aristocracy.

Let there be no mistake. No one that I have heard pointing out the potential disaster of this trade legislation is un-mindful of our troubled industries or unconcerned over today's unemployment. I think my own record will show that I place high employment and fair wages to the American worker above practically any other national goal or Federal responsibility.

But economic justice is hardly served by a measure which can only fan the fires of inflation, rob the weekly paycheck before it gets out of the envelope, and fall most heavily upon those least able to pay.

The quotas on textiles alone, for example, will roll back about \$400 million worth of imports at foreign unit prices. With the addition of transportation costs, import duties—which are already very high on many apparel items—and importer's markups, the wholesale price value of excluded merchandise would be from \$700 to \$800 million. This will deny about \$1.4 billion worth of merchandise to the American consumer. Much of this merchandise represents "discount" apparel, upon which our low-income consumers are greatly dependent.

To deny these goods to the American public means that the consumer will either have to do without or he will have to purchase comparable domestically priced goods at prices 20 to 40 percent higher.

The replacement of this \$1.4 billion worth of imports by domestic goods will add from \$500 to \$700 million to the consumer's apparel bill. The rollback of about \$200 million of shoes, denying some \$450 to \$500 million worth of retail merchandise to the consumer would add about \$450 to \$500 million to the consumer's shoe bill assuming the imported footwear were replaced by domestic goods.

On these two items alone, then, we have a conservative estimate of well over a billion dollars loss to the American consumer simply on the basis of replacing the lost imports.

But this is only the beginning of the inflationary impact of these quotas.

The shoes and textiles which are allowed in will tend now to be the higher-priced imports, denying the lowest-priced goods to those who may have no other means of affording a second pair of shoes or a new shirt or sweater.

The prices on the remaining imported goods will rise, since there will no longer be any need for vigorous price competition to get a larger share of the U.S. market.

Perhaps most important, the prices of domestic goods will surely rise with the removal of the competitive restraint of imports. That, in fact, is what our free market economic system is all about. The price tags reflect what the traffic will bear, limited only by the ability of the consumer to go without entirely or purchase another good at a lower price. An

increase of 5 to 10 percent in the prices of retail apparel, for example, would cost the consumer \$2.5 to \$5 billion in clothing bills alone.

Altogether, then, we can certainly look forward to price rises of \$3 to \$4 billion in the next few years just on shoes and apparel to pay for "relief" which our Tariff Commission has yet to find justified at any price.

But even this would only be part of the story. The oil industry also got a piece of the protectionist action in the current bill. This is not new protection; it is hard to see how the oil giants could reap any more anticompetitive benefits from import quotas than they already have. What the bill does, for some reason which I have yet to comprehend, is to lock in the current oil quotas system, removing the discretion the President now has for abandoning the quota system in favor of some other system, such as tariffs, for assuring our national interest in a continuing supply of domestic oil.

The President's own Task Force on Oil Imports last year recommended just such a switch—from a quota to a tariff system—primarily for the good of the American consumer. This task force estimated the cost to the consumer of the present quota system at \$5 billion a year—some \$29 to every man, woman, and child in my own State of Minnesota alone. Thus, the anticonsumer trade bill now before us would make absolutely certain that the consumer continued to foot this absolutely unnecessary and grossly unfair subsidy to our oil producers.

I have still mentioned only textiles, shoes, and oil. The floodgates of protectionism have not yet opened. But these quotas are a great crack in the dike, and no one thinks that protectionism can end with shoes and textiles alone receiving the goodies.

Dozens of other industries have been waiting in the wings with their cases—seeking, as always, to limit competition from abroad at the expense of the American consumer. Honey and mushrooms, ice skates and iron ore, wigs and watches, scissors and strawberries, tomatoes and toys: These are only a few industries which have been seeking the kind of protection which shoes and textiles managed to secure in the pending bill.

But dozens of other industries would at least qualify for the trigger mechanism of the pending bill—goods such as canned oysters, TV's, eggplants, nonelectric bells, antibiotics, crowbars, zirconium, caffeine, umbrellas, clothespins, automobiles, and brass instruments—plus 106 more were on such a list prepared by the U.S. Tariff Commission. This list contained between \$7 and \$8 billion worth of imported goods—at their foreign wholesale prices and probably double that on the American retail shelves.

Perhaps, many of these industries would never try for protection, and most would undoubtedly be unable to demonstrate the injury criteria. But they all do meet the one mathematical and, therefore, most visible, criterion for tariff adjustment. And it is almost in-

conceivable, given the protectionist's foot in the door through textiles and shoes, that the Tariff Commission and the President will be able to deny protection to other industries seeking tariffs and quotas and meeting the trigger mechanism formula for the growth of imports relative to domestic consumption.

We need trade legislation—better legislation than we now have to carry forward the spirit of the Kennedy round, but with greater assistance and sensitivity to problems of foreign dumping, declining industries, unemployment, and the protectionism of other countries.

But these ends can be accomplished responsibly. They can be met with legislation that does not threaten to set back the entire course of world trade and jeopardize the jobs of the millions of American workers dependent upon our \$40 billion worth of annual exports. And a responsible and fair trade policy can be achieved without sacrificing the American consumer to shortsighted special interest protectionism.

Consumers of America: If you are not a majority, then who is? Make yourselves heard. Inflation has cost you far too much already. A responsible trade policy needs your voice in Washington now. For \$3.7 billion, perhaps "consumer power" can truly come of age.

OIL PRICES

Mr. HANSEN. Mr. President, I ask unanimous consent that there be printed in the RECORD the text of the statement which the Senator from Texas (Mr. TOWER) presented to the President's Oil Policy Committee in connection with its review of oil prices.

There being no objection, Senator TOWER's statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR TOWER

I appreciate the opportunity to submit my views concerning the recently announced increases in the price of some crude oil produced in the United States.

I will assume that other interested persons will submit to you, during the course of your investigation, the ample statistical data which documents the decreased levels of operating profits of domestic oil exploration companies. I feel certain that this data will show that decreased profits in this industry are the result of the near static price level of crude oil over the past 15 or so years, while the costs of finding new reserves have greatly increased during this period. I believe that a substantial increase in the price of domestically produced crude oil is justified to restore this loss of profits.

But, there is an even more important justification for increasing the price of crude oil. Our national security is directly related to a strong, viable domestic oil exploration industry.

I will explain how an increase in the price of crude oil affects our national security by stating and then discussing the elemental concepts of this relationship.

(1) Domestic exploration for new reserves of crude oil is at a 15 year low. Drilling activity can be measured in several different ways: the number of drilling rigs in existence, the number of drilling rigs actually cutting holes, the dollars invested in drilling equipment, or the number of feet of holes drilled, to name some of the measures most often used.