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The Oklahoma Publishing Company decided the state ought to have a television station and applied for a license. We expected the usual red tape would take several months, but the license came almost by return mail. We then had to build studios and a transmitter before anyone had a television set.

When the programs went on the air, people began buying receivers but too few in number to pay the expense of operation.

WKY was the first television broadcasting station in the state and it had to operate a considerable time before it paid expenses. A few years later, WKY was one of the first in the country producing programs in color.

In February, 1955, we purchased and operated a station in Montgomery, Alabama, which we sold in September, 1959.

In 1956 we purchased a television station in Tampa-St. Petersburg which we continue to operate. In 1962 we contracted for a station in Fort Worth which covers the Dallas-Fort Worth area and in 1964 we bought a station in Milwaukee. In 1966 we bought a station in Houston, Texas, all of which we are operating.

The recent decades of the 1950's and the 1960's were periods of very rapid and substantial growth for Oklahoma City and the state and likewise for The Oklahoma Publishing Company. This record is well known to you.

This story will have to be deplorably incomplete because it should contain the names and activities and accomplishments of hundreds of prominent citizens who fashioned and molded Oklahoma as it is today. Likewise, it is my great personal regret that I cannot list here the names and the invaluable services of hundreds of men and women who created what is The Oklahoma Publishing Company and its thriving subsidiaries. If I were to mention even a few of the able and devoted staff members whose work helped establish the reputation and career of this company, I would be doing a great injustice to the hundreds of others not included who were just as eager and helpful in building this company's foundation.

For that reason, I am mentioning only my son, Edward L. Gaylord, who for 15 years has been executive vice-president and who one day will take over my position.

At some other time and in some other way I hope to pay due credit to literally the thousands of employees who have built up this company in the past 68 years.

In its entire history, Opubco has fought under the banner of honesty in government, progress in education and culture, high standards of morality, generosity in philanthropy, betterment of social conditions and the steady improvement of economic conditions.

**"Actorum Memores simul affectamus  
Agenda"**

E. K. Gaylord: "In its entire history, Opubco has fought under the banner of honesty in government, progress in education and culture, high standards of morality, generosity in philanthropy, betterment of social conditions and the steady improvement of economic conditions."

**REMARKS OF SENATOR MONDALE  
ON BEHALF OF THE DEMOCRATIC  
LEADERSHIP OF CONGRESS IN RE-  
SPONSE TO PRESIDENT NIXON'S  
MESSAGE ON HUMAN RESOURCES**

Mr. MANSFIELD. Mr. President, last Friday, Senator WALTER F. MONDALE delivered an address on radio at the request of the Democratic leadership in response to the President's radio message on human resources.

The presentation by Senator MONDALE represents fairly and fully the questions

that must be faced by the Congress in determining where this Government shall place its emphasis in the matter of human resources.

I ask unanimous consent that this address be printed in the RECORD.

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

MARCH 2, 1973.

Mr. MONDALE. Good afternoon.

Last month President Nixon submitted his budget proposals. Last Saturday, in a nationwide radio address, he defended his proposals for human resources.

The Congressional Democrats have received equal time and I have been asked by the leadership of the Congress to present our response.

There are some things in the President's message which we all agree with, and are proud of. We have made important advances in social security, medicare, higher education, human rights, cancer research, reducing hunger and elsewhere.

All of these came about through cooperation between the President and the Democratic Congress.

But most were Democratic initiatives. And many . . . including the 20 percent Social Security increase . . . were initially opposed by the President.

We have often disagreed with the President's proposals; he has often disagreed with ours. But when there has been a will on both sides to work together, programs have been enacted that have benefitted all Americans.

This is as it should be.

But now the President is challenging both our shared commitments . . . and our tradition of cooperation and constitutional government. And he is doing it in a way that is causing confusion and uncertainty across the nation.

This past week, mayors and governors came to the Congress to tell us they don't know where to turn. They know they'll be getting less help next year, but they don't know how much less . . . and the White House won't tell them. Those in the Executive Branch who will talk don't know the answers. And those who know won't talk.

It's ironic that this Administration talks so much about returning power to the local level . . . when they concentrate so much power in a small group of anonymous Presidential aides. The most fundamental decisions affecting the American people are now often beyond the reach of State officials, local officials, and even the Congress.

The President's real message is not in his speech. It is in his budget. Where a government puts its money tells the truth about its commitments.

The President's budget calls for severe cutbacks in our existing investments in decent housing . . . employment . . . education . . . health . . . the poor and the aged . . . the family farmer

This budget would, among other things, eliminate 180,000 desperately needed jobs . . . end federal aid for low and moderate income housing . . . slash health research, aid to education, medicare benefits for the aged . . . and abolish practically every effort to strengthen rural America.

While nearly 100 programs to help people would be destroyed, the defense and foreign aid budgets would rise dramatically . . . and not a single tax loophole for the rich would be closed.

The President claims that our investment in human resources is increasing. But these increases are in the social security program, which is separate and self-supporting. They are not inflationary because they are fully funded by the payroll tax. And we have passed most of them over the President's objection.

Aside from social security, this budget is nothing less than a disaster for people

Can you imagine recommending that hospital charges for most older Americans under Medicare be doubled?

Can you imagine ending this nation's Community Mental Health Centers?

Can you imagine cutting job training programs by 29 percent in two years and abolishing public service employment?

Can you imagine reducing aid to our public schools?

That is what this budget does.

And the President has not just proposed cutbacks for Congress and the nation to consider, as Presidents have done in the past. In many cases he has simply gone ahead on his own . . . often in direct violation of the law. This has caused enormous confusion and uncertainty . . . and created one of the most serious constitutional crises in America's history.

He is impounding . . . without legal authority . . . half the funds for pollution control enacted by the Congress over his veto.

Without consulting Congress, he is destroying the poverty program which he asked the Congress to continue . . . and he signed into law . . . last fall.

By executive order he has ended virtually all of our housing and rural development programs.

We are not witnessing a policy of retreat. We are witnessing a retreat from our commitment to social and economic justice.

As one major newspaper said recently:

"This is a break with more than forty years of an essentially liberal momentum supported by the dominant elements in both parties, that has carried this nation forward to a more just and humane society within the framework of enlightened capitalism."

It is a call to abandon our national commitment to a better life for ordinary Americans . . . and especially the poor. It is telling us to ignore the difficult problems we've had the courage to face . . . and to forget our efforts to build a more decent America.

Yet this is the time . . . with the war ending . . . to return to our nation's fundamental pursuit of human justice.

It is a time, as John Kennedy said twelve years ago, for Americans to ask "not what your country can do for you—but what you can do for your country."

It is not a time, as we heard the President say last month, to ask "What can I do for myself."

As a prominent economist said:

"Instead of restoring self-reliance, President Nixon is putting self-interest on a pedestal. Instead of restoring confidence in government, he is inviting contempt for government in general and Congress in particular. Instead of focusing efforts on a higher quality of life, he is appealing to instincts of crass materialism. . . . But somehow a crusade to think small, think simple; and think selfish does not strike me as the best path to either personal salvation or national greatness."

And I agree.

The Administration asks us to forget our commitments to people . . . and to spend the money elsewhere. They propose an increase to \$10 billion for military and other foreign aid. They want \$8 billion for new Pentagon spending as the war ends. And we're told they may ask for \$7½ billion more for the two Vietnams.

Yet their budget contains no proposals to close loopholes through which the wealthy escape their fair share of the tax burden. It doesn't deal with cost overruns in military spending. It conceals subsidies for executive jets and business lunches.

One commentator said, "This is free enterprise for the ordinary citizen . . . and socialism for the rich."

If a farmer needs disaster relief, he's on his own. But if a major corporation loses money, we're expected to bail it out.

And who pays for all this? The ordinary taxpayer who has no loopholes.

We need to take a tough look at this budget. The American people cannot afford to repeat the deficits of recent years.

I agree that we must look for waste in "every nook and cranny of the bureaucracy." I agree we must "get rid of old programs that have outlived their time, or that have failed."

And I agree with the tests the President proposed last Saturday . . . to get more value out of every tax dollar . . . and to make our delivery system more efficient and less paternal. I don't know anyone in Congress who is opposed to reforming our programs, and making them more effective.

But every budget item must meet these tests. Waste, inefficiency and out-moded programs are not found only in agencies that deal with human needs.

Sure we've made mistakes. And some human programs have not worked. But getting rid of programs doesn't get rid of problems. And a program that doesn't work perfectly may be better than no program at all.

And sometimes we promise too much. But the answer to overpromising is to tone down the rhetoric. The answer to failure is to find new approaches which will work.

And even conceding these difficulties, with the help of thousands of dedicated public servants—who deserve our praise—these programs have accomplished an enormous amount for the people of this country.

In the last decade alone, 15 million people have been helped out of poverty;

In the last 20 years, the number of young people attending college has doubled.

And who can forget . . . the comfort Medicare has brought to millions of old people who used to suffer alone and uncared for . . . the hope and the jobs our expanded education programs have provided to thousands of Americans . . . and the opportunities for a fuller life now available to handicapped children and adults throughout this country. And this is not a full list by any means.

The issue is clear. We can continue our commitment to social and economic justice . . . or we can turn away. The President has made his recommendation. His budget comforts the comfortable. But when it comes to helping those in need, it says, "If at first we don't succeed quit."

We must do better than that.

Of course, there are limits to what we can afford. And as practically everyone in Congress agrees, we must establish a non-inflationary budget ceiling. But we will not forfeit Congressional responsibility to decide how funds are spent within the ceiling. We will not give any President absolute power over how your money is spent.

If we take a tough look at every proposed expenditure . . . we can easily save \$2-\$10 billion in military waste . . . foreign aid . . . tax giveaways . . . and inefficient social programs . . . Over \$3 billion could be raised by simply ending super depreciation breaks for big business. And we could responsibly cut Pentagon waste by \$5 billion . . . especially now that the war is ending.

I believe we should invest these hard-earned tax dollars wisely . . . in carefully designed programs meeting human needs.

We cannot do everything at once. But we can begin bringing health care within the reach of every American family . . . strengthening our rural and urban communities . . . improving housing opportunities.

And we can begin . . . mounting an effective campaign against crime . . . reducing pollution . . . cutting unemployment . . . improving education . . . and bringing dignity to the sick and the aged.

With these savings we could:

Find public service jobs for 300,000 unemployed Americans.

Double Head Start . . . bringing hope and opportunity to another 500,000 young children.

Prevent the proposed new hospital charges

for Medicare . . . and roll back monthly Medicare premiums.

Ease the financial crisis in public education . . . and relieve the growing pressure on the property tax.

Restore disaster aid and housing programs.

Turn the tide against crime by expanding police protection and improving our criminal justice system.

And protect our environment to the fullest extent of the law.

These are the kinds of investments we need. They stand the test of helping people. And that's what our government should be all about.

We can make them . . . or investments like them . . . and honor our national commitment to human justice.

Or we can accept the Administration's budget . . . and accept its decision to abandon that commitment, begun so many years ago.

This is an old debate for Americans. We've all been a part of it. Those who fought against Social Security and rural development in the 1930's . . . or against Medicare and aid to education in the 1960's . . . used the same argument we're hearing now. "These aren't national problems," they claimed. "We don't know how to solve them. And we cannot afford to try."

My answer is the answer Franklin Roosevelt gave to these same arguments 40 years ago:

"Government can err," FDR said. "Presidents can make mistakes, but [we are told that] divine justice weighs the sins of the coldblooded and the sins of the warmhearted on a different scale. Better the occasional faults of a government living in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference."

No matter how hard we try, we will make some mistakes. But with your help we can apply the power, the strength, the wisdom and the spirit of our great country to the solution of the problems of our people. Please give us your help.

#### OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. CURTIS. Mr. President, the Occupational Safety and Health Act of 1970 is continuing to haunt the Congress of the United States and will do so until some far-reaching changes are made in that law.

For Senators who may think that the storm of protest is over, and that no one is fighting any more for the changes which were successfully bottled up in the Labor Committees of the House and Senate last year, I have some unwanted news.

The first news to which I would call your attention is an article that appeared in the Wall Street Journal on February 20.

The article, by Michael Jett, was published under the headline, "New Job-Safety Rules Perplex the Owners of Small Businesses; 'Needless' Costs Cited." Above the main heading appears an overline which declares descriptively, "An Asinine Situation."

Second, I would point out that the Government of the United States has either dismissed the penalties or agreed to compromises, greatly reducing them in every instance to date where the constitutionality of the act has been challenged by accused persons, and the Government has done this in each instance, just short of allowing the constitutional issues to go to trial.

Government lawyers who would have to defend the Occupational Safety and Health Act do not want a court confrontation on the constitutional issues. They know they have got a bear by the tail if the issues ever get to court, and I will tell you why.

The Occupational Safety and Health Act delegates to administrative authorities in the Department of Labor the power to impose extremely high punitive fines for past violations without ever going to court. It goes beyond any law ever previously enacted by Congress in its wanton delegation of legislative and judicial powers to the executive branch.

The act allows no judicial body below the Federal Court of Appeals to take jurisdiction in a case. It provides no trial by jury for the accused.

Cases challenging the act's constitutionality have been refused by both the Federal Appeals Court and the U.S. Supreme Court on grounds that administrative remedies have not been exhausted. Yet there is no way that administrative review boards or commissions can rule on issues of constitutionality—they have no such powers and fortunately have not yet been bold enough to try to assume them.

In the face of this dilemma, the administrator-prosecutors of OSHA and their lawyers have slashed penalties and dismissed charges to avoid all confrontations in court. They have refused to go to court whenever an accused person has stood up to them.

Under these circumstances, Mr. President, I would hope that Congress will act soon to modify and correct the act. I intend to offer a bill to do so in the near future. My bill is in the drafting stage. I will make it available for cosponsors because I know of the great interest which has carried over from the thousands upon thousands of complaints received by Members of the Senate during the past 2 years.

In the meantime, I would advise anyone who gets socked with a steep fine by the Labor Department or any of its OSHA review examiners or commissions to fight to get the case into court. The constitutional issues need to be aired and acted upon. Until the administrator-prosecutors and their lawyers are willing to face those issues in court, or until the law is changed so they can face them, the penalties will continue to be reduced sharply or dropped. The law is faulty, and the fault is with Congress.

I respectfully request at this point that the Wall Street Journal article of February 20 be printed in the RECORD.

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

"AN ASININE SITUATION"—NEW JOB-SAFETY RULES PERPLEX THE OWNERS OF SMALL BUSINESSES, "NEEDLESS" COSTS CITED

(By Michael Jett)

Henry Weast of Dahinda, Ill., is quitting the heavy-excavation business. He says he can't afford it any more.

It isn't that the business wasn't profitable. It was a steady money maker, and in Mr. Weast's view, it might have continued that way for a long time. It might have, except for one thing—OSHA—more formally known as the Occupational Safety and Health Act of 1970.