

December 9, 1974

CONGRESSIONAL RECORD — SENATE

S 20749

heard about 31 points and we have heard about 10 points. Initially, I heard it was a 10-point program. Then it became 31 points. I have not seen any change in the verbiage in the meantime.

As for the 10 points, most of them had been talked about before; there was little that was new. The extension of unemployment compensation benefits is one proposal that I believe we will hope to enact before we conclude this session.

Mr. HUGH SCOTT. I am sure the Senator will have our help on that.

Mr. ROBERT C. BYRD. And I hope we will have the help of the Senator on other things.

I thank the distinguished minority leader. I hope we do not take too many mornings talking about the Kansas City Miniconvention.

Mr. HUGH SCOTT. I believe the least said about that the better.

Mr. ROBERT C. BYRD. The able Senator was the one who started talking about it. I did not.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to extend beyond 11 a.m., with statements therein limited to 5 minutes.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO MAKE A CLERICAL CORRECTION IN S. 3394, FOREIGN ASSISTANCE ACT OF 1974

Mr. ROBERT C. BYRD. Mr. President, during the consideration of S. 3394, the Foreign Assistance Act of 1974, Senator HUMPHREY introduced an unprinted amendment entitled "Policy With Respect to Countries Most Seriously Affected by Food Shortages," which subsequently became section 49 of the bill which passed on December 4, 1974.

However, in the confusion of the final minutes of debate, an earlier version of this measure was mistakenly introduced. We had earlier agreed to change the first figure in the first section of 49(a) (5) from \$250 million to \$350 million.

I have a unanimous consent request, Mr. President, if my distinguished counterpart will look at it, which would correct this error.

It was an error that was inadvertently made because of the transferring of figures from one copy of a proposed amendment to another.

I would like to ask unanimous consent, if the minority leader would approve—

The PRESIDENT pro tempore. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I withhold my request for the time being. Mr. President, I yield the floor.

(Later in the day the following proceedings occurred:)

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared with the distinguished minority leader and the distinguished assistant Republican leader.

As in legislative session, I ask unanimous consent that the Secretary of the

Senate be authorized in the engrossment of S. 3394, a bill to amend the Foreign Assistance Act of 1961, and for other purposes, to make a clerical correction from "250,000,000" to "350,000,000" in section 49, relative to "Policy With Respect to Countries Most Seriously Affected by Food Shortages." This error was inadvertently made because of transferring figures from one copy of a proposed amendment to another.

I make this request on behalf of Mr. HUMPHREY and Mr. CASE.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOMESTIC ENERGY SUFFICIENCY

Mr. BARTLETT. Mr. President, the Washington Post in a Thursday, December 5, 1974, editorial entitled "The Economy and the Polls," criticized President Ford for not adopting the current conventional wisdom of a tax on gasoline, and instead for following the wishes of 81 percent of the people. Perhaps the people do not want any more taxes and perhaps they want energy sufficiency rather than just assurances of continued shortages.

I strongly believe, because of the huge trade imbalance caused by excessive imports of high cost oil, our Nation, as well as others, is on a collision course with economic collapse. We must reduce high cost foreign imports.

Our present energy policy, or lack of one, pushed by Congress and partially acquiesced in by the administration, is primarily guided by partially controlled prices on oil and full price controls on natural gas. Thus, price controls, the foundation of our energy program, artificially increase the demand for gasoline, other petroleum products, and natural gas.

On the other hand, the rationale in favor of a tax on gasoline is to decrease demand, which of course it would accomplish. Thus, we find ourselves in the Catch-22 imbroglio of a tax to dampen demand and concurrently continue price controls to increase demand. And the greatest irony, neither does one thing to increase the domestic supply of oil and gas. A great amount of time, money and energy will have been expended in a tug-of-war which will do nothing except prolong the energy crisis.

When our domestic production of crude oil and natural gas continues to decline, it is time to go all out to obtain additional supplies. Going all out demands that price controls, which increase demand and reduce supplies, be replaced by free market prices which will do the opposite—decrease demand and increase supplies.

In my opinion, the people desire an energy program which will guarantee domestic sufficiency and they are willing to pay for it as long as they have confidence in the program and are assured that energy company profits are primarily used to develop additional and alternate sources of energy as well as expand research and development.

It is estimated that the additional price of gasoline in a free market would

be only 5 cents per gallon—far less than a 10-cent tax.

Certainly the price of gasoline has gone up rapidly, but looking at the long pull, it compares favorably with the price of other commodities. In 1941, a Ford two-door sedan was approximately \$750 and regular gasoline was 19 cents a gallon. Today, regular gasoline at 53 cents is less than three times as much, but a Ford LTD two-door is priced at \$5,400, an increase of over seven times.

Anything less than an all-out free market effort for domestic energy sufficiency is, at least, shortsighted.

It is not in the best interests of this Nation to continue having a "do nothing" Congress in regard to energy. The Congress must assure the people of more than shortages, allocations, rationing, and long lines. The people want energy sufficiency, and they deserve it.

Mr. President, I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. —)

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I transmit herewith the Seventh Annual Report of the Department of Transportation, as required by section 11 of Public Law 89-670. This report discusses the work of the Department during fiscal year 1973.

GERALD R. FORD.

THE WHITE HOUSE, December 9, 1974.

APPROVAL OF BILLS AND JOINT RESOLUTION

A message from the President of the United States stated that on December 5, 1974, he had approved and signed the following bills:

S. 1064. An act to improve judicial machinery by amending title 28, United States Code, to broaden and clarify the grounds for judicial disqualification; and

S. 2299. An act to provide authority to expedite proceedings for consideration and approval of projects drawing upon more than one Federal assistance program to simplify requirements for operation of those projects, and for other purposes.

The message also stated that on December 6, 1974, he had approved and signed the following bill and joint resolution:

S. 3802. An act to provide available nuclear information to committees and Members of Congress; and

S.J. Res. 248. A joint resolution assuring compensation for damages caused by nuclear incidents involving the nuclear reactor of a U.S. warship.

S 20750

CONGRESSIONAL RECORD — SENATE

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EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on Thursday, December 5, 1974, he presented to the President of the United States the following enrolled bills:

S. 433. An act to amend the Public Health Service Act to assure that the public is provided with safe drinking water, and for other purposes; and

S. 3637. An act to modify section 204 of the Flood Control Act of 1965 (79 Stat. 1085).

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:40 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

S. 1353. An act to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials; and

H.R. 8352. An act to establish the Cascade Head Scenic-Research Area in the State of Oregon, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

At 2:33 p.m., a message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 7730) to authorize the Secretary of the Interior to purchase property located within the San Carlos mineral strip.

The message also announced that the House further disagrees to the amendment of the Senate to the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes, and agrees to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. PATMAN, Mr. ASHLEY, Mr. REES, Mr. MITCHELL of Maryland, Mr. ST GERMAIN, Mr. HANNA, Mr. KOCH, Mr. YOUNG of Georgia, Mr. MOAKLEY, Mr. WIDNALL, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. JOHNSON of Pennsylvania, Mr. MCKINNEY, and Mr. FRENZEL were appointed managers of the conference on the part of the House.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED CLOSURE OF FRANKFORD ARSENAL, PHILADELPHIA, PA.

A letter from the Assistant Secretary of the Army—installations and logistics—report-

ing, pursuant to law, on the facts and the justification for the proposed closure of Frankford Arsenal, Philadelphia, Pa. (with accompanying papers). Referred to the Committee on Armed Services.

DEPARTMENT OF THE ARMY CONTRACT AWARDS

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, the Department of the Army contract report for the period November 15 to February 15, 1975 (with an accompanying report). Referred to the Committee on Armed Services.

REAPPORTIONMENT OF DEPARTMENT OF TRANSPORTATION APPROPRIATION FOR OPERATING EXPENSES

A letter from the Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Transportation for "operating expenses" for the fiscal year 1975, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation. Referred to the Committee on Appropriations.

PROPOSED LEGISLATION AFFECTING THE SEPARATION OF POWERS

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the act entitled "To increase deposit insurance from \$20,000 to \$40,000, to provide full insurance for public unit deposits of \$100,000 per account, to establish a National Commission on Electronic Fund Transfers, and for other purposes (with accompanying papers). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS, JULY-SEPTEMBER 1974

A letter from the Assistant Secretary of Defense (installations and logistics), transmitting, pursuant to law, the report of Department of Defense procurement from small and other business firms for July-September 1974 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON ACTIONS TAKEN BY THE EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report on the actions taken by the Export-Import Bank of the United States during the quarter ended September 30, 1974 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

THE NATIONAL POWER SURVEY ENERGY SYSTEMS RESEARCH TASK FORCE REPORT

A letter from the Chairman, Federal Power Commission, transmitting for the information of the Senate, a publication entitled "The National Power Survey Energy Systems Research Task Force Report," (with an accompanying publication). Referred to the Committee on Commerce.

REPORT OF THE MIGRATORY BIRD CONSERVATION COMMISSION

A letter from the Chairman, Migratory Bird Conservation Commission, transmitting, pursuant to law, a report of the Migratory Bird Conservation Commission for the fiscal year ended June 30, 1974 (with an accompanying report). Referred to the Committee on Commerce.

FINAL REPORT OF THE INTERNATIONAL EXPOSITION ON THE ENVIRONMENT—EXPO '74

A letter from the U.S. Commissioner General for Expo '74, transmitting, pursuant to law, the final report on the International Exposition on the Environment—Expo '74 (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORT ON EXTENT AND DISPOSITION OF U.S. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

A letter from the Acting Secretary, Department of State, transmitting, pursuant to law, a report on the extent and disposition of U.S. contributions to international organizations (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORT OF THE U.S. INFORMATION AGENCY

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, the 41st semiannual report of the U.S. Information Agency (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements pertaining to insurance operations of the Federal Housing Administration, fiscal year 1973, Department of Housing and Urban Development (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on effectiveness of independent and comprehensive audits of the Inter-American Development Bank, Department of the Treasury (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the accountability of the Treasurer of the United States, fiscal years 1972 and 1973, Department of the Treasury (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on low-income groups not helped by Agency for International Development's housing investment guaranty program (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on grants to improve bus transit systems—progress and problems, Urban Mass Transportation Administration, Department of Transportation (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report—greater benefits can be derived from improved HUD audits of program participants, Department of Housing and Urban Development (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on increased use of computer-output-microfilm by Federal agencies could result in savings (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office for November 1974 (with an accompanying document). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, reporting, pursuant to law, on claims originating as a result of newspaper advertising payable from the applicable appropriations of the Departments of the Army and Agriculture. Referred to the Committee on the Judiciary.

interest earned on bonds issued by investor-owned utilities; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 16204

By Mr. ALEXANDER:

Page 13, insert between line 3 and line 4 the following new paragraph:

"The boundaries of a health service area shall be established so that, in the planning and development of health services to be offered within the health service area, any economic or geographic barrier to the receipt of such services in nonmetropolitan areas is taken into account. The boundaries of health service areas shall be established so as to recognize the difference in health planning and health services development needs of nonmetropolitan and metropolitan areas."

H.R. 17234

By Mr. RANGEL:

Page 19, after line 9, insert the following new section.

CONTROL OF TURKISH OPIUM

SEC. 23. Section 620 or the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(Z) All assistance under this Act and all sales and guarantees of such sales under the Foreign Military Sales Act shall be suspended on the date of enactment of this subsection. The provisions of this subsection shall cease to apply when the President certifies to the Congress that the Government of Turkey is implementing effective controls to prevent opium grown in Turkey from illegally reaching the United States, either directly or indirectly."

Renumber sections 23 through 34 as sections 24 through 35, respectively.

H.R. 17234

By Mr. BIAGGI:

Page 20, line 3, strike out "\$15,000,000" and insert "\$40,000,000" in lieu thereof.

Page 20, after line 3, insert the following:

(b) Of the funds appropriated to carry out section 639 of the Foreign Assistance Act of 1961, during fiscal year 1975 not less than \$25,000,000 shall be made available to Cyprus for the purposes of such section 639.

Page 20, line 9, strike out "(b)" and insert "(c)" in lieu thereof.

H.R. 17234

By Mr. FRASER:

Page 24, after line 10, insert the following new section:

REDUCTION OF MILITARY AID TO SOUTH KOREA

SEC. 29. Notwithstanding any other provision of this Act, the aggregate amount obligated or expended for South Korea in fiscal year 1975 for (1) military assistance and security supporting assistance under Part II of the Foreign Assistance Act of 1961, (2) excess defense articles under such Act of 1961, and (3) credit sales and guaranties of such sales under the Foreign Military Sales Act shall not exceed the total amount obligated or expended for such purposes for South Korea in fiscal year 1974; provided, however, that such aggregate amount shall be reduced to seventy percent of the total obligated or expended for such purposes for South Korea in fiscal year 1974 until the President submits a report to the Congress after the date of enactment of this Act stating that the Government of South Korea is making substantial progress toward its observance of internationally recognized standards of human rights.

H.R. 17234

By Mr. FRASER:

Page 30, after line 12, add the following new section:

REDUCTION IN CERTAIN MILITARY ASSISTANCE

SEC. 35. Notwithstanding any other provision of this Act, the aggregate authorizations contained in this Act for Chapter 2 of Part II of the Foreign Assistance Act of 1961 and for Section 31 of the Foreign Military Sales Act shall be reduced by a sum equal to 10% of the total amount authorized by this Act for all purposes. However, in computing said total amount, any amount contained in this Act which has been previously authorized for fiscal year 1975 in any other Act shall be excluded. The reduction required by this provision shall not reduce any amount specifically authorized by this Act for Israel.

H.R. 17234

By Mr. ALEXANDER:

Page 30, after line 12, insert the following new section:

COUNTRIES DELINQUENT IN LOAN OR CREDIT REPAYMENTS TO THE UNITED STATES

SEC. 35. It is the sense of the Congress that any country receiving assistance under the Foreign Assistance Act of 1961 which is in default, at least 90 days prior to the date of this Act, of any payment of principal or interest due on any loan or credit received from the United States should promptly pay all such principal and interest. It is further the sense of the Congress that the President should enter negotiations with each such country to help effectuate the payment of such principal and interest, or to effectuate the transfer by such country to the United States of goods, services, concessions, or actions beneficial to the United States, in lieu of the payment of such principal and interest.

H.R. 17488

By Mr. CHARLES WILSON of Texas:

Page 27, line 9, strike out "3,000 Barrel-A-Day Exemption" and insert in lieu thereof "Exemptions".

Page 27, line 13, strike out "barrels," and all that follows down through line 19 and insert in lieu thereof the following: "barrels and with respect to so much of his average daily production of domestic natural gas as does not exceed 18,000,000 cubic feet, the percentage referred to in section 613(a) shall be 22 percent."

Page 27, in line 20, insert "or natural gas (not including regulated natural gas, or natural gas sold under a fixed contract, with respect to which subsection (f) applies), as the case may be," after "crude oil".

Page 27, lines 19 and 20, insert "or natural gas" after "crude oil".

Page 28, line 1, strike out "Barrels within".

Page 28, in line 11, after the period insert the following new sentence: "If the taxpayer's average daily production of natural gas exceeds 18,000,000 cubic feet, the production to which paragraph (1) applies shall be determined by taking from the production of each property a number of cubic feet of natural gas which bears the same proportion to the total production of the taxpayer for such year from such property as 18,000,000 cubic feet bears to the aggregate number of cubic feet representing the average daily production of domestic natural gas of the taxpayer for such year."

Page 28, in line 19, strike out "If," and all that follows down through line 5 on page 29 and insert in lieu thereof the following:

"(1) If 50 percent or more of the beneficial interest in two or more corporations, partnerships, trusts, estates, or other entities is owned by the same or related persons (taking into account only persons who own at least 5 percent of such beneficial interest), the 3,000 barrel per day exemptions provided by this subsection shall be allocated among

all such entities in proportion to the respective production of domestic crude oil or natural gas, as the case may be, during the period in question by such entities.

"(1) If more than 50 percent in value of the outstanding stock of a corporation (excluding stockholders owning less than 5 percent in value of the outstanding stock), or more than 50 percent of the beneficial interests in an estate or trust (excluding owners of less than 5 percent of the beneficial interests), is owned by persons who own domestic oil-producing or domestic gas-producing properties, then under regulations prescribed by the Secretary or his delegate, such corporation, estate, or trust shall be entitled to the 3,000 barrel per day and the 18,000,000 cubic feet per day exemptions provided by this subsection only to the extent that one or more of the shareholders, or owners of beneficial interests, as the case may be, elects to have all or a portion of its exemption allocated to such corporation, estate, or trust; provided that the total exemption of the corporation, estate, or trust resulting from such allocation shall not exceed 3,000 barrels of oil per day or 18,000,000 cubic feet of natural gas per day."

Page 29, beginning in line 8, strike out "3,000 barrel per day exemption" and insert in lieu thereof "exemptions".

Page 29, line 11, insert "or natural gas, as the case may be," after "crude oil".

Page 30, after line 6, insert the following:

"(5) LIMITATION.—

"(A) GENERAL RULE.—So much of the deduction allowed for depletion under section 611 as is computed under this subsection shall not exceed for any taxable year an amount equal to the sum of the taxpayer's qualified investment and qualified investment carryback for the taxable year.

"(B) QUALIFIED INVESTMENT DEFINED.—For purposes of this paragraph, the 'qualified investment' has the meaning provided by section 498(e) (as in effect on the date after the date of the enactment of the Oil and Gas Energy Tax Act of 1974) except that the term 'taxable period' wherever it appears in section 498(e).

"(C) QUALIFIED INVESTMENT CARRYBACK DEFINED.—For purposes of this paragraph, the amount, if any, by which the amount of the taxpayer's qualified investment for a taxable year exceeds so much of the deduction for depletion under section 611 as is computed under this subsection (without regard to this subparagraph or subparagraph (A)) shall be a qualified investment carryback for the preceding taxable year.

"(6) PRODUCER MUST BE INDEPENDENT.—This subsection shall not apply in the case of any taxpayer who, directly or indirectly, sells oil or natural gas—

"(A) through retail outlets operated by the taxpayer or a related person, or

"(B) to any party—

"(i) obligated under an agreement or contract with the taxpayer to use a trademark, trade name, or service mark or name owned by such taxpayer or a related person, in marketing or disturbing oil or natural gas or any product ultimately derived therefrom, or

"(ii) given authority, pursuant to an agreement or contract with the taxpayer or a related person, to occupy premises owned, leased, or in any way controlled by the taxpayer or a related person.

"(C) For purposes of this paragraph a person shall be considered a related person to the taxpayer if such person has a significant ownership interest in the taxpayer, or if the taxpayer has a significant ownership interest in such person, or if a third person has a significant ownership interest in both the taxpayer and such person. A "significant ownership interest" shall mean 5 percent or

more in value of the outstanding stock of a corporation, 5 percent or more interest in the profits or capital of a partnership, and 5 percent or more of the beneficial interests in an estate or trust.

“(7) SPECIAL RULE FOR SALE OR DISPOSITION OF PROPERTY.—

“(A) TRANSFEROR.—In the case of any taxpayer who has, in any prior taxable year, sold or otherwise disposed of any oil or gas depletion property, after December 1, 1974, for purposes of this subsection, the 3,000 barrel amount, or the 18,000,000 cubic feet amount, whichever is applicable, shall be reduced by such amount as the taxpayer may designate at the time of such sale or other disposition. Such designation shall be made in such manner as may be provided under regulations prescribed by the Secretary or his delegate. No such designation shall be made in an amount greater than the taxpayer's average daily production from such property for such prior taxable year. In any case in which no designation has been made by the taxpayer, the taxpayer shall be deemed to have designated an amount which bears the same ratio to 3,000, or to 18,000,000, as the case may be, as the taxpayer's average daily production from the property transferred for such prior taxable year bears to the taxpayer's average daily production from all such property for such year.

“(B) ACQUISITION BY TRANSFEROR OF OTHER PROPERTY.—The reduction provided by subparagraph (A) shall be decreased (but not below 0) by the sum of—

“(i) the taxpayer's average daily production from producing property (other than property to which subparagraph (A) applied and property acquired from a taxpayer described in paragraph (b)) acquired by the taxpayer after the sale or other disposition of property to which subparagraph (A) applied, and

“(ii) the amount designated under subparagraph (A) with respect to any oil and gas depletion property acquired by the taxpayer after a sale or other disposition of other property to which subparagraph (A) applied.

“(C) TRANSFEREE.—In the case of any taxpayer who acquires any oil or gas depletion property from another person, no part of the production from such property shall be taken into account by the taxpayer under this subsection for the taxable year in which such property is acquired, and in any succeeding taxable year the amount of such production taken into account shall not exceed the amount designated (or deemed designated) with respect to such property in accordance with subparagraph (A).

“(D) RELATED PARTIES.—This paragraph

shall not apply in the case of the sale or other disposition of any property between taxpayers with respect to whom the rules of subparagraph (A), (B), or (C) of paragraph (4) apply immediately following such sale or other disposition.

“(E) TRANSFERS OF INTERESTS IN BUSINESSES UNDER COMMON CONTROL.—If there is any sale or other disposition of an interest in a business described in subparagraph (A) or (B) of paragraph (4) of this subsection, then under regulations prescribed by the Secretary of his delegate, such sale or other disposition shall not result in an increase in the aggregate exemptions allowed under this subsection with respect to oil or gas depletion properties held on the date of such transfer by such business the interest in which is transferred or by the transferor of such interest.

“(F) OIL OR GAS DEPLETION PROPERTY DEFINED.—For purposes of this paragraph, the term ‘oil or gas depletion property’ means any property interest (including an interest in a partnership, trust or estate) with respect to the income from which a deduction for depletion is allowable under section 611 (b) (1) for domestic crude oil or domestic natural gas but only if the underlying mineral property is capable of producing oil or gas in commercial quantities at the date of transfer of such property.”

ing the salary structure of physicians, dentists, and hospital directors in the VA's Department of Medicine and Surgery which is long overdue. This bill will provide the legislative vehicle for early hearings on the urgent situation which, for some time, has confronted the Department of Medicine and Surgery in recruitment and retention of top-level key personnel in VA hospitals and clinics throughout the Nation.

Mr. Speaker, on March 31, 1974, President Nixon made a nationwide radio broadcast on veterans' affairs. In commenting on the status of the Veterans' Administration hospital system, the President stated:

While there are continuing improvements in the quality of medical care in our veterans hospitals, we must also continue our efforts to ensure that all patients receive full treatment and that the most efficient use is made of their excellent facilities. We should spend whatever money is necessary so that the quality of care in these hospitals will be second to none. To investigate the quality of that care, I have directed a thorough investigation of the conditions of our veterans hospitals and clinics, including a personal tour of some of those facilities. A report is to be made within 60 days.

As a result of the Presidential directive, a survey was conducted under the direction of the Chief Medical Director in 32 hospitals and one clinic during the period from April 17 to May 23, 1974. The facilities surveyed were as follows:

Atlanta, Ga.; Augusta, Ga.; Biloxi, Miss.; Brooklyn, N.Y.; Canandaigua, N.Y.; Chicago, Illinois (Research); Dallas, Tex.; Downey, Ill.; Fargo, N. Dak.; Fayetteville, N.C.; Ft. Wayne, Ind.; Gainesville, Fla.; Indianapolis, Ind.; Kansas City, Mo.; Lincoln, Neb.; Livermore, Calif.; and Lyons, N.J.

Manchester, N.H.; Marion, Ind.; Martinez, Calif.; Miami, Fla.; Minneapolis, Minn.; Muskogee, Okla.; Oklahoma, City, Okla.; Omaha, Neb.; Perry Point, Md.; Philadelphia, Pa.; Providence, R.I.; Richmond, Va.; San Francisco, Calif.; Temple, Tex.; Topeka, Kans.; and Waco, Tex.

The foregoing survey represented an onsite inspection and review of the problem areas of approximately 20 percent of the major Veterans' Administration health facilities. Each multidisciplinary survey team was composed of skilled professionals and experienced medical program administrators. Each team was chaired by a person selected for his or her high academic and professional credentials, and who was without an employee relationship to the VA. Each team was supplemented, as appropriate to the facility to be visited with selected specialists in the fields of psychiatry, spinal cord injury, and other specialties. Selected administrative personnel were also added to each team to review building management, medical administration, engineering, and other related functions.

Mr. Speaker, the bill which has been introduced is cosponsored by several other distinguished colleagues on the Veterans' Affairs Committee, including Mr. SATTERFIELD, chairman of the Hospitals Subcommittee, Mr. HAMMERSCHMIDT, ranking minority member of the committee, Mr. ROBERTS, and Mr. TEAGUE.

While some of these recommendations may be open to question, it is my feeling

that these questions should be resolved or revised as the result of hearings by the Veterans' Affairs Subcommittee on Hospitals. I am hopeful that prompt hearings can commence on the Chief Medical Director's report and this legislation so that Congress can act at the earliest possible time on this important subject.

Mr. Speaker, the information and findings contained in the Chief Medical Director's report to the President closely coincide and confirm the contentions which my predecessor, the distinguished gentleman from Texas (Mr. TEAGUE) had been making to the executive branch of the Government for many years.

For instance, in a letter to President Nixon on November 18, 1969, the chairman stated:

The Veterans' Administration is being compelled to attempt to operate a first-class medical care program for America's sick and disabled veterans on a second-class budget and with inadequate and arbitrary personnel limitations.

In the same communication, Mr. Speaker, the chairman told President Nixon:

I respectfully urge you to instruct those in your administration who are responsible for recommending funding and personnel ceiling policies for our veterans' programs to give a much higher priority to the programs of the Veterans' Administration in the future. With the added demands of the Vietnam war, if these matters are not given immediate attention, I feel that the quality of our veterans' program will rapidly deteriorate to a completely unacceptable level.

Mr. Speaker, I think that it is significant to point out that when the Administrator of Veterans' Affairs sent the 1974 VA budget to the White House it contained a request for increased medical care employment totalling 5,500 additional medical positions at a cost of \$123 million to augment and increase staffing in VA hospital bed sections to the ratio of 1.65 staff to patients, surgical bed sections to a level of 2.06 staff to patients and psychiatric bed sections at a 1.0 staff to patients. The Office of Management and Budget did not approve these levels and the overall 1974 budget request for Veterans' Administration medical care which was made to the Congress was reduced by over \$173 million by the Office of Management and Budget.

In fiscal year 1973, Mr. Speaker, Congress appropriated \$2,606,153,000 to fund the VA medical program. This amount was \$54,580,000 over the President's budget request. These additional funds were to provide 3,725 additional medical staff positions for VA hospitals. However, the Office of Management and Budget would not agree to increase the personnel ceiling for the Veterans' Administration to hire these additional personnel to maintain the level of care sought by the Congress.

Nevertheless, Mr. Speaker, over the past 5 years Congress has added several hundred million dollars to the VA medical care appropriation in an effort to keep up with the cost of spiraling inflation and increased workloads despite the fact that the former Administrator of

Veterans' Affairs repeatedly denied that additional resources were needed to give proper medical care to America's veterans.

Mr. Speaker, the report of the Chief Medical Director unequivocally refutes the representations which had been made by the former Administrator of Veterans' Affairs concerning the adequacy of the VA medical program, and it is my hope that with this factual report now available from the Veterans' Administration that we can proceed to correct the many deficiencies which the House Veterans' Affairs Committee has long maintained existed in the VA hospital system.

Mr. Speaker, in closing, I want to commend Dr. Chase and his staff and the other independent consultants for the forthright manner in which this study was conducted. This report is indeed a valuable landmark document which our committee and the Congress will most carefully consider.

ELIMINATION OF RESTRICTION PLACED ON GI EDUCATION ENTITLEMENT

(Mr. DORN asked and was given permission to extend his remarks at this point in the Record.)

Mr. DORN. Mr. Speaker, today I am introducing legislation to correct what I consider to be an inequity in the GI education bill we passed over the President's veto last week.

The bill I have introduced would provide that any veteran who served 18 months or longer would be entitled to 45 months of eligibility without restrictions. As we all know, the GI education bill passed last week provides 45 months of eligibility only for those veterans in pursuit of a standard undergraduate degree. A veteran would not have the additional 9 months available to him for study leading toward an advanced degree. I do not think this is right. My philosophy has always been that veterans should receive equal benefits for equal service.

I can fully understand that many veterans who have to work part time cannot take more than 12 credit hours per semester. Accordingly, it takes the veteran longer than 36 months to get his undergraduate degree; however, I do not think it is fair to those veterans who take 15 to 18 hours per semester, and in so doing can complete their undergraduate work in 36 months, to be prohibited from using the additional 9 months toward an advanced degree.

I would like to point out that when this came up in conference with the Senate, to my knowledge, not one of the House conferees wanted any restriction imposed. We had to accept it in order to get a bill this year.

I urge the Congress to act on this matter early next session as I think it will receive overwhelming support by this body.

A REVIEW OF OUR FOREIGN POLICY IN CHILE

(Mr. DELLUMS asked and was given permission to extend his remarks at this

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. SIKES' remarks will appear hereafter in the Extensions of Remarks.]

A LIVING BODY AND A DYING MIND

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, recently I received a picture of an 8-year-old boy, Steve, who suffers from a perceptual learning problem and is as a result experiencing difficulty in school.

According to his mother, Mrs. Joyce Weidemann, of Detroit, Steve is already a distraction to his classmates and may soon be a discipline problem.

This is so, Mr. Speaker, because his school is unable to hire the specially trained teachers and learning materials which would help develop Steve's young mind. And it is a good mind—tests at Detroit's Children's Hospital, Wayne State University, and the Detroit Board of Education, indicate that Steve has an IQ in the normal range.

But he cannot read because of his learning difficulty, possibly dyslexia.

Mr. Speaker, legislation of which I am glad to be the principal House sponsor, H.R. 70, would enable the Federal Government to increase substantially its assistance to States for the education of handicapped youngsters such as Steve Weidemann.

Because this legislation might, in Mrs. Weidemann's moving phrase, "help keep Steve's mind from dying," I urge my colleagues to support it when it is reported for a vote on the House floor, hopefully early next year.

The text of Mrs. Weidemann's letter follows:

THIS IS MY SON AND ACCORDING TO THE LAW HE IS BEING ABUSED

My son has perceptual learning disability but a normal I.Q. (he has been tested at Children's Hospital, Wayne State and Detroit Board of Education). If he was the least bit retarded, he would be put into a special class immediately. But there are no classes for his disability, and no sign of one for a long time to come. How tragic that I must say he would almost be better off a little retarded; he would be getting help now and maybe he wouldn't be smart enough to know that he isn't keeping up with his peers, even though he tires as hard as he can. Perceptual disability involves reading and writing—reading is almost what school consists of. How long before he just quits trying? The intelligence is there going to waste. It is like letting a mind starve or die!

There is now a Mandatory Education Act stating that my son and others like him are entitled by law to an education. The people who are responsible, whose job it is to form classes for these children are pussy-footing around, while these starving minds remain in agony. They are not upholding the law, yet they are allowed to remain in their "Ivory Towers", hold a position of prestige, and collect a nice pay check to which I contribute yet! If I starved or abused my child like this, my neighbors, friends, all mankind, including my own

family would chastise me. They would see to it that I got psychiatric help and possibly put behind bars with other mentally deranged people. This has to be grueliness at its greatest—what use is a person, even to himself, if he grows but his mind doesn't? Why are they allowed to continue to abuse not just one, but many?

To the people out there who feel this isn't their fight because they're not involved, not touched, think again. If my child and others like him are allowed to remain in regular classrooms, it is not only grossly unfair to him, it is unfair to me, to his teachers, and all his fellow classmates (maybe your child). If my child cannot perform as the others do, what do you think he'll be doing while the rest of the class is reading and writing? At age eight can he be expected to sit still hours on end? No!! He is distracting everyone else and robbing them of their education too. He's thought of as a troublemaker. Dooming him with another complex, now to his peers he is not only dumb, he is also bad.

Someone out there with the power to help, please listen! This isn't a matter of life or death, it's a matter of life or a living death. A living body and a dying mind. If a child has cancer of some rare disease, people come rushing to help. Is there someone out there who is willing to help keep these minds alive and growing? Someone who feels minds are worth saving?

These are teachers already trained to develop these minds to their full potential. And there are little minds out there just dying for the food only these teachers can provide. Please, someone help keep my son's mind from dying.

STEVE'S MOM.

SELECT COMMITTEE ON FOOD PRICES

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GUDE. Mr. Speaker, it is my privilege today to join in sponsoring a resolution to establish a Select Committee on Food Prices, introduced by my colleague from Pennsylvania (Mr. COUGHLIN). This resolution is similar to one introduced early in the 93d Congress (H. Res. 320) which I also had the privilege of cosponsoring. I regret that the earlier proposal has made no progress and that it has become necessary to remind the House of the serious problems of food prices which have continued to rise despite drops in prices at the farm level. The hard-pressed consumer, faced with a constantly eroding food budget, is demanding answers as to why this is happening and positive action to correct the situation. At this point the Congress is not providing either.

My own investigation of the food price situation, ongoing for several years now, has been confined largely to the Washington, D.C., metropolitan area, where, as I indicated in testimony last March before the Senate Consumer Subcommittee, statistics show the situation has been as bad if not worse than anywhere else in the country.

My own survey comparing prices in the Baltimore suburbs and Montgomery County showed prices here approximately 3-percent greater than in Baltimore—the same percentage indicated in Bureau of Labor Statistics data for the two cities at the time of my survey. Significantly, in

testimony before a Senate subcommittee investigating the food industry, a Federal Trade Commission economist, Dr. Russell Parker, used the same figure in reference to Washington, stating that area retailers could make a 3-percent reduction in prices and still earn substantial profits.

In his testimony Dr. Parker commented on the oligopolistic market structure in Washington where four firms control more than 70 percent of the market. Despite this testimony and despite published evidence by the FTC on the lack of competition in the Washington area, the FTC continues to refuse to take any substantive action. In a letter to me, the Commission Secretary stated:

There was a general consensus that the Commission had reason to believe that together Safeway and Giant possess an oligopoly position in retail food sales in the Washington area.

Yet no action has been forthcoming.

One approach I have pursued directly with the District of Columbia government is that of opening up the industry here to greater competition by stimulating the entry of new food chains. I have written the Mayor and the Chairman and Vice Chairman of the City Council proposing that the District make government-owned land available at low cost to potential new food chain entrants in order to improve the competitive structure of the market here and to provide needed supermarket services to District residents. Such a move, by making the market for the whole area more competitive, will help to lower prices in the suburbs as well as in the District. I am hopeful that the District government will act promptly to make this proposal a reality that would benefit all consumers in the Washington area.

Such a proposal, however, may not be appropriate for other areas of the country where rising prices are due to a different mix of factors. For this reason I would welcome the establishment of a Select Committee on Food Prices to look into all the different factors surrounding food price increases throughout the country, and I urge its prompt approval by the Rules Committee.

STATEMENT ON STUDY CONDUCTED BY THE CHIEF MEDICAL DIRECTOR OF THE VETERANS' ADMINISTRATION ON THE VA HOSPITAL SYSTEM

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DORN. Mr. Speaker, I am today joining Mr. SATTERFIELD, chairman of the Hospitals Subcommittee, and others of my colleagues in introducing a most urgent legislative proposal. This bill contains provisions which closely parallel one important recommendation prepared by Dr. John D. Chase, the Chief Medical Director of the Veterans' Administration, which assesses the quality of care and the adequacy of equipment and facilities in the Veterans' Administration hospital system. This legislation represents an important first step in revamp-

point in the Record and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, I have recently received a letter from Warren B. Wilson, of Oakland, Calif., an attorney from my district. I would like to share it with those concerned about the repressive political conditions which exist in Chile at the present time. We have unwittingly become accomplices in the destruction of Chilean democracy. Mr. Wilson's account of his experiences during a recent trip to Chile as a representative of the Fair Trial Committee for Chilean Political Prisoners will force us to realize, once again, that the people there are affected daily by the junta's violent and oppressive measures.

The events in Chile must not be viewed as an isolated aberration. For whatever purposes, our Government involved itself in provoking the bloodiest coup in Latin American history. The knowledge that U.S. tax dollars paid for the unconstitutional overthrow of the Allende government and presently support the grotesque jails which hold numerous political prisoners is repulsive to all of us, I am sure. However, our sympathy and indignation are of little use to the people in Chile. The urgent need for action on our part is apparent. How much longer can we expect the American people to tolerate the spending of U.S. money for such abhorrent purposes? How much longer can we ourselves rationalize the same?

We must question our foreign policy and our options. I am convinced the love for justice, and the hope for a better world are shared by a majority in this country and that these ideals should be of the utmost consideration in shaping our foreign policy. I hope that the following articles will jolt the conscience of Congress and serve to remind us that suffering and injustice still exist in Chile. The articles follow:

OSORNO, CHILE, NOVEMBER 1, 1974

Today Greg and I, accompanied by Padre Artiagra (S.J.) visited the prison in Osorno. Our prime objective had been to see Jaime DelCampo, to whom we carried a package from his mother, Eleana Lira, in Santiago. Thanks to the helpful assistance of the Padre, the breadth and purpose of our presence here was expanded by the number of men we saw and the full opportunity we were given to move fully throughout the prison.

Across the street from a large cemetery looms a three story, austere looking building, the Colegio San Mateo, a catholic college. It was memorial day in Osorno, and as Greg and I walked toward the colegio to meet Padre Artiagra, the streets were full of people carrying large baskets of spring flowers of all colors, and bundles of them in their arms as they walked toward the cemetery. The prison was just behind and to the left of the cemetery, so Padre Artiagra suggested that the shortest route was through the cemetery and we could see the abundant floral tribute to loved ones gone before.

Unlike cemeteries I have seen in the States, there was no grass or lawn, but the tombs and grave stones were densely placed together, with scarcely walking space between them. This intensified the density of color of the flowers placed in vases and scattered on the tombstones. Little boys ran about with water pails and straw brooms offering to clean the tombstones for a few

escudos. Strangely, none of the faces of the people seemed sad as they busied themselves, cleaning the stones and placing flowers. It almost appeared as a festive spring occasion.

So we threaded our way through the cemetery, reading headstones along the way, and arrived at the prison. The entrance had recently been painted and was not as unpleasant in appearance as I had expected but as soon as the uniformed soldiers opened the door and allowed us to enter, we felt the cold, damp, classic interior and odor of an old prison structure. Padre Artiagra spoke to the guards with friendly ease, and gave the list to the guard of the eleven men we had decided to see, including Jaime. He then turned to us and asked whether we wanted to see them individually or in groups. We suggested one or two at a time, but as we were taken into a broad hallway with benches along the walls, several men came over to us, wearing casual winter clothes and wool sweaters, and appeared anxious to talk. Several guards stood nearby, but gave us complete freedom of movement and we were soon encircled by these men, one of whom was introduced as Jaime.

Because Jaime had a reputation as a Deputy Commissioner in Isorno, and we knew him to be a communist and ideologically left, I was surprised to find him the least communicative of the group. And when we gave him the package he only expressed mild interest in the warm sweaters and blanket inside. Perhaps he was low in spirit as we found his wife to be later, when we talked to her. He had previously expressed optimism to his brother, Patrick, in San Francisco, in a letter to him, and to his mother, in Santiago, that he would soon be allowed to go to a foreign country, perhaps Rumania or France. But now he told us that this hope was primarily based on a recent speech of General Pinochet, announcing the possible exile of about 700 prisoners, which has since been regarded a little more than improbable rhetoric.

As the group gathered around us the prime spokesman, perhaps not surprisingly, was a young lawyer named Luis Silva, who began to tell us about his case, and Greg, periodically, translated for me. But, fortunately, by now I had begun to understand most of what was being said, partly because of the legal references, and because I was beginning to grasp the language better. Periodically, several of the other men interjected their own comments, and it became apparent that we should talk to them individually, even though the group was surrounding us, if we hoped to cover each case and have any clarity in the end.

So we proceeded to question them, one by one, and learned that they all had resided in the general vicinity of Osorno, and no evidence of any paramilitary activity had been discovered there—not even a weapons cache. Yet most of them had been charged with the broadly applied allegation of paramilitary activity.

First, there was Luis Silva, an attorney, and former professor of law at the University of Chile, Socialist, 27 years of age, author, lecturer, outstanding academic background, married, two-year old son, sentenced to 15 years for vague and unproved charges of aiding paramilitary groups.

Then Arturo Palma Torres, 31 years of age, educator, professor for five years at the University of Chile in Public Administration, Personnel and Social Statistics. Married, wife a teacher, two children, Sandra—11 years and Jorge—7 years. Member of PTR (Revolutionary Workers Front). Held six months before trial, charged with violence and enticement to violence, sentenced to five years. Says Australian Embassy is willing to accept him as an immigrant.

Then I talked to the young physician standing beside me, handsomely, in a crew

neck wool sweater, who had helped treat Jaime during his period of serious illness, Vincent Gonzales Ibarra, only 28 years of age, married to a dietician, two sons, Alejandro—2 years and Kavirr—8 mos. No political affiliation, charged with aiding paramilitary groups, freed three times and re-arrested, and finally sentenced to 3 years.

I then turned to a tall, arresting man standing just behind the group, who took my writing pad, commandingly in hand, and wrote his name, Nicholas Vega Angel, 36 years old, professor of Philosophy, former director of the University of Chile at Osorno, married to a German woman, Heidemarie Rohl, professor of English and German. Nicholas said he spoke fluent German. He had just been sentenced to 15 years for aiding paramilitary groups. He said he had a letter from the German ambassador authorizing his admission to West Germany. Later we met with and talked to his attractive wife, Heidemarie, who inspired us with her great buoyancy of spirit and presence, and seemed to find new hope that perhaps in some way our influence might help to release Nicholas.

And finally a tall, Irish looking young man, Cezar Negron-Schwerter, also reached for my pad to supply his name and background, as Greg began questioning him. Greg looked at him and said: "You don't look like a guerrillero." He smiled and said he was the former director of the Banco Osorno y la Union, and said his wife was a professor in Public Administration at the University of Chile, and he had three small children. He said he had been arrested on the 22nd of September, 1973, was a former member of the Socialist Party, and was apparently being held as a hostage because no charges had been made against him.

By this time it had become painful and terribly upsetting to look at this handsome group of young men around us, obviously the flower of Chilean leadership, helplessly deteriorating in the depressingly bleak, damp cell blocks, realizing that there was no genuine legal process available to them.

Then Padre Artiagra suggested that we walk through the prison, looking at the living conditions there and talk to some of the men along the way. The cell blocks we passed along the way resembled the depressing looking ones I had seen at "Graystone" in Alameda County, which had been condemned by a Federal judge, as substandard. Then we came to a small, open area, crowded with men, but it was a lift to get out into the fresh air and feel the sunshine. We walked through the yard towards a small workshop, noticing little cubicles with small butane burners cooking pots of stew, in native style, and we noticed meshed stringbags containing bread, hanging along the walls. Apparently the men eat informally, in small groups rather than in a dining hall.

The workshop had a dirt floor, was small, very primitive, and overcrowded with men working on individual craft items, and using crude hand tools and scrap pieces of wood. Some of their work was quite good. By then we were surrounded by importuning faces and stopped at a bench where a young man was shaping a piece of wood into a figure. He was introduced as Juan Bassay, and we were told that he had been given a life sentence for alleged paramilitary activity, even though no arms or weapons had ever been found on him or in his home. He had reportedly been seized shortly before September 11, 1973, because his father, an elderly man who was also arrested and held briefly, was head of the Socialist Party in Osorno, and it was believed that his son, Juan, had a cache of arms in the hills that he intended to use as a paramilitary base. He had reportedly been brutally tortured to reveal information he was incapable of revealing. Juan seemed withdrawn and, unlike the others, totally indifferent to our presence, as Vincent

December 9, 1974

Gonzales told us the unpleasant details of the torture to which he had been subjected.

By now the men surrounding us each began trying to tell us his story, and I reached for Greg's arm, urging him to leave, recognizing that, having no authority or legal basis for intervening on their behalf, we were creating an impression of unfulfillable hope and expectancy that left me sick inside, and painfully vulnerable to emotions I could not handle. So we moved aggressively through the crowd and back to the cold hallway at the prison entrance and I thanked the guards and took the lead as we left the prison and again began to thread our way back through the endless tombs and gravestones, still filled with colorful flowers and people busily grooming these monuments to their deceased families. As I moved hurriedly away from the almost festive gathering at the cemetery, the juxtaposition of it and the prison filled my mind with eerie, surrealistic confused images.

(The author, Warren Wilson, a San Francisco Bay Area lawyer, and a member of the Fair Trial Committee for Chilean Prisoners, just returned from a trip to Chile. "Greg" in the commentary is Gregory Skillman, an interpreter who accompanied him.)

A LETTER TO CONCERNED PERSONS

The Fair Trial Committee for Chilean Prisoners has sent observers to Chile from time to time to gain first hand knowledge of sociopolitical conditions there since the violent Coup of September 11, 1973, in which President Salvador Allende was assassinated and a military Junta led by General Pinochet assumed power. The latest group to travel there was led by Warren Wilson, a San Francisco Bay Area lawyer and included his wife, Elizabeth, his son, Derek, his legal assistant, Joanne Casey, translator, Gregory Skillman and his wife, Mardel. Both Elizabeth and Mardel are teachers. This group will hereafter be characterized by the reference "we".

Due to the work of previous observers, we had the names of individuals and of organizations to contact upon arrival. These contacts facilitated our work immensely. Without them it would have been difficult to see beyond the seemingly prosperous, contented ambience of downtown Santiago and explore the reality, on the intimate level we did, behind this friendly facade.

We met with members of the *Comite de Cooperacion para la Paz*. This committee, a united effort of the churches of Chile, along with the *Comite para Ayudar a los Refugios*, supported by the Lutheran church, constitute the only open, organized force for the defense of the victims of the Junta's violations of human rights. In fact, the Catholic church recently distributed a pamphlet in which each of the United Nations' list of Human Rights was backed by an appropriate Biblical quotation. The churches are too widely accepted by moderate and conservative social factions for the military to attack them; although the Lutheran bishop of Santiago is under constant pressure.

The *Comite para la Paz* maintains files on all persons reported to them as arrested, and eventually these appear in their records as "detenidos" (detained, held without charges), although some remain forever in the "disappeared" category. Some of those arrested have been detained for over a year without charges. The *Comite* staff of twenty-six overworked defense lawyers aids many of those persons whom the government brings to trial. During the trial the status of the prisoner is "procesado" and more likely afterwards becomes "condenado", condemned. The sentences of these prisoners are extremely harsh, fifteen to twenty-five years or life for many. In comparison, a murder conviction in Chilean civil courts seldom

draws more than a five year sentence. A common charge is engaging in paramilitary activity or violations of arms control laws, although upon inquiry into the cases, few, if any, of the convictions are corroborated by evidence. Therefore these punishments are essentially being imposed for political activities and thoughts.

Under military law in the state of war, the prosecutor prepares his written case against the prisoner. Upon its completion, the prosecutor gives the defense counsel the name of the prisoner being tried and the nature of the charges. The defense attorney has forty-eight hours in which to prepare a written defense. There is no opportunity to cross examine or present witnesses, no oral arguments and no rebuttals of the written arguments of prosecution or defense. One of the *Comite*'s lawyers told us that in many cases his only defense has been testimony as to the good character of his client. The defense must be very tactful and careful not to offend the military judges.

Even ridiculous charges must be taken seriously. There is no appeal of decisions made by military court operating under state of war conditions.

Under the Chilean constitution, the "state of war", as well as "state of seige", must be voted by Congress. The Junta has declared an end to the state of war, but has substituted the state of seige to which the provisions of military justice in time of war have been applied. Terminology has changed but conditions remain the same. The military is in complete control and exercises its arbitrary police power continually. There is no due process, no habeas corpus and there is widespread torture. We talked to several people who had been physically tortured and many who had been subject to various psychological tortures.

We talked at length of the legal and political situation with Jose Zalaquet, who is the administrator of the legal assistance provided by the *Comite para la Paz*. We had expressed a desire to help prisoners gain asylum in other countries, but Mr. Zalaquet felt that we would only be relieving the Junta of a problem and not effecting any long term solutions. Asylum for "condenados", especially those serving long terms, was a worthwhile goal, he thought, because there remain no other options for them. But helping a few "detenidos" out of the country does nothing for the rest of the "detenidos" and does not pressure the Junta to modify its actions. Mr. Zalaquet stressed, and like opinions were communicated to us repeatedly by others, that pressure from the United States government was the only way to change the behavior of the Junta.

Mr. Zalaquet told us, and his words were echoed by Dr. Samuel Nalagach, administrator of the *Comite para Ayudar a los Refugios*, that the United States government must pressure the military to return to a legal system. Even though the *Comite para Refugios* aids those condemned to exile and who flee to embassies as well as their families, Mr. Nalagach feels the best aid we could give Chileans is the pressure on the Junta. He feels that facilitating the exile of prisoners would be counterproductive, in that it would remove from the country people who might constitute a force for political change.

Mr. Nalagach believes that Chileans are a legalistic people; even the Junta does its best to dictate and justify its activities with legal terminology. The military is sensitive to the charge of illegal behavior, although they are well entrenched and determined to mold Chile to their image. The head of the Junta, General Pinochet, says they will remain in power thirty years, until a new generation arises with their mentality. They say they are eradicating the "virus of politics".

In addition to talking to members of both *Comites* and enlisting their aid and advice

for our work there, we made contact with many people affected directly by the Junta's violence. We spoke with family members who have loved ones in jail; a woman whose husband has been detained without charges for over a year and has been tortured; a woman who was arrested with her husband and whose husband is still in jail; a woman whose fiancé has been condemned for twenty years because he was the leader of a student political group. We talked with people formerly imprisoned: a public health doctor who had been imprisoned and tortured for allegedly establishing a clandestine hospital; a man who had been arrested, held and released four times.

We talked to an eminent jurist who spoke publicly in Chile about the destruction of the legal system and the Junta's violation of human rights. He is now being prosecuted for these statements.

We also spoke with some condemned prisoners (it is next to impossible to see detainees). The women in our group visited the *Casa Correccional de Mujeres*, a women's prison in Santiago, while Mr. Wilson and his translator travelled to Osorno to talk with prisoners there. Having had direct contact with these people whose lives have been ripped apart by the Junta, it will never again be possible for us to feel distant from them. They will never again be simply names on a piece of paper.

One of our concerns is the grave economic hardship falling upon the families of the prisoners because, with the former wage earner in jail, there is often no income. Other family members find it difficult to find employment because of the stigma of being related to a prisoner.

The passage of over a year since the Coup has not softened the Junta. The curfew is still in effect. In the middle of the night, solitary cars, or perhaps a military truck, speed by. Occasional shots ring out. The DINA (an FBI with powers of arrest, imprisonment, and torture) is so secret that no one knows the exact location of its headquarters and it operates somewhat autonomously from the military. Chile is still under the gun.

We feel we must alert the United States citizens and their representatives to the continuing massive political repression in Chile. We feel somewhat responsible for the situation there now, because our government's acknowledged actions against Allende's Popular Unity government contributed to its overthrow. This interference was manifested by votes of the United States in the World Bank and International Monetary Fund against economic support for Chile, by its cutoff of economic aid and increase of military aid, by its direct intervention via the CIA and monetary support of striking Chilean truckdrivers, who crippled the distribution system.

We believe that the American people, once aware of the massive violations of human rights in Chile, will demonstrate their dissatisfaction with the U.S. policy that supports the Junta. The generals must realize that American public opinion can influence U.S. aid to Chile.

At the very least, our government should pressure the Junta to moderate its harsh treatment of the Chilean people. All aid to Chile, particularly to the armed forces, should be terminated until the legal system, political freedoms, and fundamental human rights are restored.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. O'NEILL), for Thursday, December 5, through Tuesday, December 10, 1974, on account of illness.